

**2019 State of the Judiciary Address
To the General Assembly of Maryland
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Good morning. President Miller, Speaker Busch, Attorney General Frosh, Treasurer Kopp, Comptroller Franchot, Secretary Wobensmith, Senators, Delegates, and distinguished guests: It is an honor to stand before you today, in this historic chamber, to deliver the State of the Judiciary Address, the first since 2015 and the 22nd in the history of Maryland.

I would like to recognize my colleagues on the Court of Appeals. By seniority, they are: the Hon. Clayton Greene, Jr.; the Hon. Robert McDonald; the Hon. Shirley Watts; the Hon. Michele Hotten; and the Hon. Joseph Getty. The seventh seat on the court is vacant due to the recent retirement of the Hon. Sally Adkins.

I am also pleased to introduce the following leaders of the Judiciary: the Hon. Matthew Fader, Chief Judge of the Court of Special Appeals; the Hon. Laura Ripken, Chair of the Conference of Circuit Judges; the Hon. John Morrissey, Chief Judge of the District Court of Maryland; and Pamela Harris, State Court Administrator.

These outstanding public servants lead the more than 300 judges and 4,000 staff who dedicate themselves each day to ensuring that the Judiciary meets its mandate to serve the people of Maryland.

Ladies and gentlemen, the state of the Maryland Judiciary is fundamentally sound. And the rule of law, that bedrock upon which a constitutional democracy rests, is, in Maryland, robust.

In Governor Hogan's inaugural address, I was pleased to hear him repeat his father's wise words. Governor Hogan's father said, in part:

“For our system of justice and our system of government to survive, we must pledge our highest allegiance to the strength of the law ...”

Those words speak, not simply to the courage and good character of Governor Hogan’s father, but to the rule of law itself.

It has been said that the rule of law is but a construct, susceptible to erosion. It therefore requires—and it deserves—our attention and fierce defense. It is up to us—all of us—as vanguards, to ensure its preservation, so that, in turn, we ensure that our democracy endures.

This is the promise we must keep to the people of Maryland.

In 1838, a young Abraham Lincoln spoke directly to the importance of the rule of law and the abiding respect all of us, individually and collectively, must have for it. He urged:

“Let reverence for the laws ... be taught in schools, in seminaries, and in colleges; let it be written in Primers, spelling books, and in Almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice.”

Every day, the 4,300 public servants who are Maryland’s judicial branch of government work to fulfill the promise of equal justice. We strive, through good governance, to strengthen public trust and confidence in our Judiciary.

Our work can be seen in courthouses across the state: in the hallways where we use the latest technology to provide information to help courthouse users navigate the system; in our clerk’s offices where we process filings, answer questions, provide information, issue licenses, record deeds, and even perform marriages.

All this, and more, we do in service to the public with ever an eye toward maintaining trust and confidence in the operation of our Judiciary.

The rule of law lies at the very core of the Judiciary’s mandate and, day to day, it drives the work of our judges.

I first speak of the judges of our two appellate courts: the Court of Appeals, on which I serve with my colleagues; and the Court of Special Appeals, on which Chief Judge Fader and his colleagues serve. It is the written opinions of the judges of our appellate courts that not only resolve the cases before the courts, but also serve to bring greater clarity to the law, to the benefit of the bench, the bar, and the public alike.

But nowhere in our courthouses is reverence for the rule of law and its fair and equitable application more directly demonstrated than in the courtrooms of our District Court and Circuit Courts.

In every one of those courtrooms sits a judge whose solemn responsibility it is to balance the facts and circumstances of each case within the mandates of the law. In each case, to the best of their skill and judgment, our trial judges honor their oath to uphold the constitution and the laws of Maryland. Fairly and without partiality, they listen, they assess, they make rulings, and they decide.

Yes, they decide, without fear or favor, as they are charged to do, even when those decisions may be difficult or unpopular. In doing so they live their commitment to their sworn duty.

Let me share with you the magnitude of that commitment.

The two million cases that come before our trial courts each year represent two million decisions that may have a profound impact upon people's lives. Judges decide cases involving injury and loss, whether for businesses or individuals. Judges hear emotion-laden cases involving divorce, custody, visitation, child support, and domestic violence. Judges have the heavy responsibility, in some cases, to terminate a parent's right to his or her child. Judges carry the equally weighty responsibility, in some cases, to separate a juvenile from his or her family as the result of a delinquency finding, or sentence a criminal defendant, often a young adult, to serve years, if not the remainder of his or her life, in prison.

The gravity of these decisions is in no way lost on those who make them.

I salute our trial judges for the important work they do every day to uphold the rule of law.

Many of our successes since my last address result from our commitment to assisting those who are confronting a crisis: We help victims of violence find

safety and support; we address inequities; we ameliorate injustice; we help preserve families; and we protect the vulnerable. We present opportunities to rebuild shattered lives.

Some of the best work is done in our problem-solving courts.

Take, for example, Jeffrey, a veteran who served in the Persian Gulf War. On coming home, he returned to his childhood neighborhood, a setting with a powerful pull toward addictive behaviors. For a long time, Jeffrey's adjustment to civilian life was a struggle, a struggle he was not winning—one that brought him into the criminal justice system.

But with the help of a Veteran's Treatment Court, Jeffrey won his most difficult battle. He has achieved sobriety and employment. Jeffrey has gained a stable, law-abiding life. Maryland has regained an employed, law-abiding citizen.

We are all stronger because of Jeffrey.

I also share Erin's story. When Erin entered Drug Court, she had every intention of resuming a healthy lifestyle, so she could regain custody of her children. Erin nevertheless found herself in an endless cycle of broken promises, promises she had made to herself, to her family, and to the court. Her inability to comply with the Drug Court treatment program landed Erin back in jail.

After she was released from incarceration, Erin returned to Drug Court and she fully engaged. She regained her family, and obtained employment. It changed her life. She now works as a peer support specialist in the same health department that offered her the initial treatment that led to her success.

For Erin, her family, and the community, the promise of recovery has been kept.

Twenty years ago, success stories like Jeffrey's and Erin's were rare, and the problem-solving courts that produced them were novel concepts. Today, problem-solving courts are proven approaches to addressing criminal behavior, mental health concerns, recidivism, and addiction.

All of us in this room understand the devastation brought by the opioid epidemic here in Maryland. As our state combats this crisis, I am convinced that problem-solving courts will continue to play a critical role.

Any success we have in helping Marylanders who are struggling with addiction is a direct result of our ability to work with Governor Hogan and his administration, and you, the members of the General Assembly, and with our local partners. For that, I thank all of you.

We also have made great progress to broaden access to justice in civil matters.

The National Center for Access to Justice, in its most recent index, ranks Maryland fourth in the nation. Though we are proud of that accomplishment, we recognize that much work remains to be done.

Too many Maryland residents who cannot afford counsel must represent themselves in often complex civil legal matters involving housing, custody, employment, and consumer debt.

Maryland is fortunate to have lawyers—some of them are sitting in this chamber—who volunteer their time to provide legal services: in fact, 1.16 million hours, just last year. That's a great number, but, nevertheless, only about 20 percent of the need is met.

Until such time that representation is assured for all who need it, we continue to improve the services that inform and prepare self-represented litigants.

Since 2015, with your help, the Judiciary has funded four additional self-help centers, phone and online chat services, and educational videos that provide to your constituents legal advice and information about civil matters in the District and Circuit Courts. In addition to expanded interpreter services, online resources are now available in five languages in addition to English.

This effort is an accomplishment to be proud of – and we are. By way of example, in the first year we offered remote legal assistance—by phone, chat and email—attorneys helped over 13,000 unrepresented litigants.

A good number indeed, but one that we have greatly exceeded. Last fiscal year, self-help center attorneys assisted nearly 71,000 litigants by remote means and, I must add, 144,000 people overall.

My friends, we are one state; and we know that whether a jurisdiction is large or small, prosperous or struggling, those who seek access to justice must not be denied the services they need. The doors to justice must open wide to all in every

court in our great state and, once inside those doors, meaningful justice should be consistently available.

We also have focused resources and attention upon the needs of Maryland's children, young adults, and our elder population. We have made strides, especially in the areas of juvenile justice, human trafficking, and guardianship of vulnerable adults.

I am pleased to report we have eliminated the routine shackling of children in courtrooms.

I am equally pleased that we have partnered with the Department of Juvenile Services and the Department of Human Services to improve outcomes for children in the justice system. Together, with those departments, we are implementing the Crossover Youth Project with the goal of coordinating cases and services for children involved in both the delinquency and the child welfare systems.

We also have partnered with the Social Services Administration and the Department of Human Services in a project aimed at helping young people who are likely to age out of the child welfare system without appropriate support, with no place to go, and no place to call home. The project will explore ways to find and improve much-needed permanency for these young people.

Addressing human trafficking also demands our attention. Maryland's central presence along the East Coast makes it uniquely situated as a "hot spot" for human trafficking. Traffickers make use of our highways, especially Interstate 95, to connect victims to major cities and beyond.

The Judiciary is part of a statewide effort to protect those exploited. This challenging undertaking cannot be successful without the efforts of many, including all three branches of government partnering with organizations dedicated to addressing the scourge that is human trafficking.

We, as you, are committed to staying the course.

We are further committed to protecting the rights of vulnerable adults, a population that is increasing. We have made significant progress over the last two years by implementing best practices to prevent the neglect, abuse, and financial exploitation of some of our most defenseless residents.

The Court of Appeals recently adopted comprehensive guardianship rules that create a new court decision-making structure. The new process will ensure consistency and better outcomes statewide, allowing courts to evaluate whether guardianship is the most appropriate form of intervention, and if so, provide that the guardian is qualified, trained, and monitored.

The people who interact with the court system will always be our priority. To serve them, we pay close attention to processes to ensure swift, efficient, and proper outcomes. Not only are we applying better solutions to old and new challenges, we are using technology to improve our services.

During my first State of the Judiciary, I shared the news that we were just a few months into the statewide deployment of Maryland's Electronic Courts system—which we all know as MDEC. Today, 20 of Maryland's 24 jurisdictions—at all levels of court—are now on-board.

We are entering the final phase of this monumental project, one that will bring MDEC to the state's four largest jurisdictions by 2021. MDEC is allowing us to move to a single statewide platform that is available to users 24 hours a day, seven days a week.

Creating, enforcing, and interpreting the law in the future will surely require a new way of thinking, as we confront new issues.

None of us knows what the future will hold. What we do know is that for our democracy to endure, we must honor the promise that every one of us will be governed according to the rule of law.

In doing so, the future of our great state and its people is secure.

I leave you with this thought from Robert Kennedy:

“The glory of justice and the majesty of law are created not just by the Constitution –nor by the courts –nor by the officers of the law –nor by the lawyers, but by the men and women who constitute our society, who are the protectors of the law as they are themselves protected by the law.”

Together, you and I—every one of us in this chamber—we share the responsibility and the privilege of serving the people of Maryland. And we have the duty to do so with diligence and integrity, and with abiding respect for the rule of law.

Together we must, for, as John Lewis and others have asked: If not us, then who? If not now, then when?

Thank you for the opportunity to be with you this morning. I wish you a most productive session and I look forward to working with all of you.

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