

Fifth Judicial Circuit

THE CIRCUIT COURT FOR HOWARD COUNTY
8360 COURT AVENUE
ELLICOTT CITY, MARYLAND 21043

LENORE R. GELFMAN
ADMINISTRATIVE JUDGE

TELEPHONE: (410) 313-2143
FACSIMILE: (410) 313-3192

February 21, 2017

Howard County Council
Honorable Jon Weinstein, Chair
Honorable Calvin Ball, Vice Chair
Honorable Jennifer Terrasa
Honorable Mary Kay Sigaty
Honorable Greg Fox
3430 Courthouse Drive
George Howard Building
Ellicott City, MD 21043

Dear Mr. Weinstein, Dr. Ball, Ms. Terassa, Ms. Sigaty and Mr. Fox:

Thank you for the opportunity to address you this evening. As Administrative Judge of the Circuit Court for Howard County, I am testifying in favor of CR27-2017. I reiterate concerns regarding the present Circuit Courthouse, and our continued need for a new facility. We need the Council's support and authorization for financial approval. On behalf of the Circuit Court, I am asking the Council to consider the support for the new Circuit Courthouse and approving CR27-2017. There are a number of individuals here this evening to offer support and testify in favor of CR27-2017.

Each of you has toured the Courthouse and observed how cramped we are for space as well as the deficiencies that exist in the present building. The recent Ellicott City tragedy has brought the community together; a testament to the cooperation among the Howard County Council, the County Executive's Office and the community at large. The new Courthouse project is an additional opportunity to continue the good partnership among the Council, County Executive and the community for the benefit of those we serve.

Reports state that Howard County is the fastest growing county in the State. New businesses locating here and increasing population result in not only new cases, but more complex cases, and cases of longer duration. In addition to the obvious criminal and civil cases including, divorces, adoptions and domestic violence cases, there are a number of reasons why the community comes to and needs the use

of the Courthouse; for example, land record transactions, increased activity for the Register of Wills, marriages, business licenses and business matters.

Security for all who work and come into the Courthouse is not at the highest appropriate level. These are genuine concerns as there are potential safety risks, and our present building is just inadequate. For example, there is a new juvenile policy adopted by the Maryland Judiciary, effective September 21, 2015, for the psychological and emotional welfare of children in custody by which all Courts are mandated to unshackle juveniles before appearance in Court. However, our Courthouse does not provide a safe and secure space in which to do that, which presents a significant dilemma. Additionally, we have multiple domestic violence cases daily, and we are not able to provide adequate secure space separating affected parties. This is also a security problem.

Again, I ask for your help in authorizing the funding for a new courthouse. For your convenience, I have reiterated the issues which I detailed in my previous letters to you.

Public Accessibility

With hundreds of visitors each day, the courthouse has difficulty with its accessibility. The parking lot is too small and cannot accommodate the number of jurors large cases require in addition to litigants, Clerk's Office visitors and visitors to the Register of Wills. The distance between the parking lot and the courthouse is extremely lengthy and elderly and disabled patrons have difficulty getting to the building.

The courthouse has one elevator for the public. It does not access all portions of the building and cannot accommodate a stretcher. If a person were hurt or ill, emergency personnel would need to carry them down the stairs.

The courtrooms lack wheelchair accessibility. Any witness or juror in a wheelchair cannot sit in their designated area due to poor courtroom design.

Several departments that should be located at the courthouse have been moved offsite because of lack of space. Howard County Land Records is located in Columbia, along with half of the Sheriff's Office. If extra Sheriff staff is needed at the courthouse, deputies must drive over from Columbia.

Security

The Sheriff's Office provides excellent security service, however, the courthouse has limitations that inhibits complete security. For example, the entry way is too small, provides inadequate visibility and has no area to provide secure cover in the event of an emergency. The courtrooms do not have layouts that allow for maneuverability within the space and cause concern for the safety of litigants, inmates, staff and Sheriff personnel. The secured hallway behind the courtrooms is shared by judges, inmates, jurors and staff. Finally, the area used to drop off inmates from the Division of Corrections and detention centers is external to the building and is not enclosed.

Jurors

The courthouse has inadequate space for jurors making the civic duty performed by our residents a lengthier, more burdensome process. After a struggle to find parking, the jurors make their way to the jury assembly room. This room has no amenities other than coffee and has insufficient space to seat a jury pool of seventy. In the past, jurors have had to sit on the steps of the jury assembly room due to insufficient space. At this time we must stagger jury selection in any complex case in order to call in jury panels in both the morning and afternoon in order to summon the correct amount of jurors.

Upon leaving the jury assembly room, jurors enter courtroom that do not have adequate physical capacity for jury panels to sit. For example, Courtroom 2 has a capacity of 55. Jurors are experiencing extended wait times for jury selection that can take in excess of a full day. Cases are taking longer to complete than they should and we are taking residents away from their daily responsibilities.

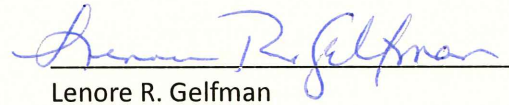
Additional Issues

This letter is only meant as a brief introduction to the issues we face with the courthouse. Other issues include:

- We do not have space to accommodate a 6th judge even though the State Judiciary has determined we need one to adequately serve the community;
- The Court does not have adequate, accessible parking;
- We don't have courtrooms that support modern technology (no Wi-Fi, no monitors for trial tables and jurors, minimal portable presentation equipment, etc.);
- We cannot fully support MDEC, the new case management system for electronic filing that is being implemented state-wide due to bench/witness/clerk area design;
- Only 4 of our courtrooms can hear criminal matters or criminal jury trials and only one additional courtroom can hear a civil jury trial;
- Courtrooms do not have areas that adequately address ADA concerns;
- Areas of the courthouse do not have permanent telephone or network cabling;
- There is no space for wheelchairs to easily access many portions of the building and no place for strollers;
- The building does not have Wi-Fi, with the exception of a small portion of the lobby and an extended signal to the jury assembly room;
- Court has inadequate space for settlement conferences;
- Our law library has been reduced to less than 25% of its original size to address security and accessibility options – we house the only law library in the County;
- Register of Wills clients must walk a long distance to reach office (walkway is steep and slippery);
- Departments are located off-site - Land Records and remaining Sheriff's Offices are off-site as well as Department of Social Services, State's Attorney Office, Office of the Public Defender. Efficiencies could be much improved by co-locating these units.
- Land Records is located in a facility with fewer security protections and insufficient screening of patrons.

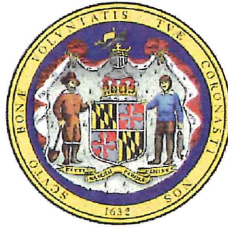
Thank you for your continued support of the Court and our needs. As always, please do not hesitate to call upon me should you need additional information.

Respectfully,



Lenore R. Gelfman

LRG/pr



BYRON E. MACFARLANE
REGISTER OF WILLS FOR HOWARD COUNTY
8360 COURT AVENUE
ELLCOTT CITY, MARYLAND 21043

410-313-2133
Toll Free Number: 1-888-848-0136

FAX 410-313-3409
www.registers.maryland.gov

February 21, 2017

Good evening Mr. Chairman and Members of the Council,

I am here tonight to support Council Resolution 27-2017.

As you all know, the office of the Register of Wills is an essential and vital service to people in Howard County who are dealing with the loss of a loved one. When a resident of Howard County passes away and they leave any probate assets behind, their family or friends will need to come see us. It is extremely important that this office is welcoming and comfortable and meets the needs of those grieving and in need of assistance. Over the past six years I have made the most of the space we have. We have archived hundreds of boxes of records, recycled and shredded hundreds more, and we've disposed of antiquated and excess equipment. These efforts have nearly doubled our usable workspace which means a more privacy for our guests and a more functional and healthier work environment for my employees. Despite these efforts, our space is still extremely limited. We have no room to grow. Even with better use of space and new semi-private workstations, I still have members of the public who would really prefer greater privacy as they discuss sensitive personal matters. Additionally, I do not have adequate space for a waiting area and have no private meeting or conference space for attorneys to meet with their clients or families to discuss matters among themselves. My office's storage space is detached from the main office suite and is shared with the Clerk's office. For my estate files and wills filed for safekeeping, it would be most appropriate for them to be stored within one secure, contained office suite.

You will hear more on the subject of safety from my courthouse colleagues, but this is a serious concern of mine. As you know, the Register of Wills office is adjacent to the hearing room for the Orphans' Court. Because the courtroom is itself inadequate, with no dedicated waiting area for members of the public, my office becomes a makeshift lobby. This is extremely disruptive to my staff and interferes with their ability to properly counsel family members who have come to us for help. In this relatively confined space, it is unacceptable to have grieving families disrupted by hostile litigants spilling out from the courtroom. This courtroom would more appropriately be configured just as the Circuit Court hearing rooms are configured, with ample space for members of the public, litigants, Sheriff's deputies, support staff, and judges, and direct access to a hallway and waiting space that does not interfere with my office's

operations. I want to further note that many of the individuals who come to my office have mobility issues of one kind or another. For those individuals, simply getting to the office from the parking lot, down a heavily-trafficked street, through a long basement entryway is anywhere from unpleasant to daunting. Members of the public should be able to park and access their courthouse easily and safely.

In closing, when our fellow Howard Countians are dealing with the loss of a loved one and must come to the Register of Wills for help, they deserve to receive that help in an environment that is welcoming, private, and safe. I have done everything possible to provide that in our current facility, but for the reasons I have cited, it is clearly time for a long-overdue upgrade. Just as Howard Countians deserve public schools, libraries, senior centers, and social services that are second to none, so too do they deserve a modern courthouse that serves their needs now and for many years to come.

I thank you for the opportunity to testify and urge your support for this initiative.

Sincerely,

A handwritten signature in blue ink, appearing to read "Byron E. Macfarlane". The signature is fluid and cursive, with the first name "Byron" being the most prominent.

Byron E. Macfarlane

Chairman Weinstein and members of the Howard County Council. My name is Wayne Robey. I live at 10300 Wetherburn Road, Woodstock, MD 21163. I have come before you to speak in favor of council resolution 27.

I am the Clerk of the Circuit Court for Howard County. As such the employees of my office come in contact with many citizens each business day. I would like to take just a moment to express how I feel a new courthouse facility would be of benefit to those daily customer interactions.

The land record/licensing division of the clerk's office was moved offsite to the Thomas Dorsey building due to a lack of space in the current courthouse. This has led to frequent frustration on behalf of our customers who come to the courthouse to record a deed, apply for a business license, or apply for a marriage license and have to be told that they need to travel to our other office.

Security is a concern at our land record division. We have had disruptive customers in the past who have tried to record fraudulent documents and when confronted by clerk's office employees can be formidable. It would be preferable to have our land record/licensing division back with our office at the courthouse so that screening with law enforcement personnel in security positions can take place.

The clerk's office at the courthouse is an open air office setting. People coming into the office seeking help with domestic violence issues have to sit in the common area and have no privacy to meet with the sheriff and complete the necessary paperwork to present to a judge. Customers needing to discuss sensitive issues are forced to lean over the counter and whisper to a clerk to get assistance. There are issues with not having the space for customers to view court records in a comfortable and private setting.

Having the sheriff's office as one unit in the courthouse would aid in the processing of warrants, courtroom coverage, and added security at the courthouse. Other agencies being housed in the courthouse building would help with the overall administration of cases in a timely matter.

I realize and respect the fact that the council have many demands for projects placed on their agenda, all of which are important to Howard County. However, I feel the people we serve need to have access to and confidence in the judicial system. A newer, more modern and technology friendly courthouse would give those we serve a safe, accessible and efficient courthouse in which they can have confidence.

Thank you.

ALLAN H. KITTLEMAN
County Executive



GARY L. GARDNER
Chief of Police

HOWARD COUNTY DEPARTMENT OF POLICE
3410 Court House Drive, Ellicott City, Maryland 21043

February 21, 2017

Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043

Honorable Council Members,

The Howard County Police Department (HCPD) fully supports Council Bill 27 allowing for the construction of a new Circuit Court House for Howard County.

The HCPD recognizes the need for a 6th Circuit Court Judge to ensure cases are heard in a timely manner and the new location provides several notable advantages. The central location within the County will allow police officers to return to their designated beats more promptly and be in close proximity to the new HCPD Property and Evidence facility. Police officers would be more readily accessible to provide support to the Sheriff's Office in the event of an emergency situation.

In addition, the provision of separate entrances and/or spaces for victims to await their cases, away from the suspect(s), would also be a notable enhancement. The HCPD values and supports updated technology in courtrooms to ensure the growing volume of video/audio evidence is easily presented. Adding possible workstations for officers to utilize while waiting to testify would further enhance productivity and officer accessibility.

The HCPD supports the new Court House in a central location and the benefits it promises in regards to enhanced safety, accessibility, and technology.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Gary L. Gardner'.

Gary L. Gardner
Chief of Police

GLG:tgb

(410) 313-2203
(410) 313-2272-FAX
WWW.HCPD.ORG
HCPD@HOWARDCOUNTYMD.GOV



Nationally Accredited Since 1990



HOWARD COUNTY DEPARTMENT OF FIRE AND RESCUE SERVICES

6751 Columbia Gateway Drive, Suite 400, Columbia, Maryland 21046
410-313-6000

JOHN S. BUTLER, FIRE CHIEF • ALLAN H. KITTLEMAN, COUNTY EXECUTIVE

February 21, 2017

Howard County Council
Ellicott City, MD

Honorable County Council Members

The Howard County Department of Fire and Rescue Services (HCDFRS) supports the proposed legislation to construct a new courthouse (CR27-2017).

HCDFRS welcomes the opportunity to advocate for a new courthouse as it specifically relates to the delivery of Emergency Medical Services (EMS) within the building. The existing structure, although majestic from afar, poses some significant challenges for EMS responders, primarily due to the tight hallways, exit doors, and very small elevators.

Over the years, the out-of-hospital EMS system has become more invasive, aggressive, and complex. The equipment carried by HCDFRS EMS providers has grown in size, weight, and oftentimes requires a larger integrated team. For most advanced life support responses, more than a two-person ambulance crew is needed to manage the incident. The current courthouse contains very tight stairwells that lead to employees' workspaces on upper levels of the building. If one of these employees needs to be accessed by EMS crews, there could be some challenges to gain access to them, as well as move the patient down some of the stairwells and hallways. In addition, doorways need to be a little larger in order to accommodate the ambulance stretcher and associated equipment. These challenges, when compounded, could directly impact our "at patient side" time. This is the time it takes from the dispatch of EMS crews until these crews physically arrive and begin to assess and treat the patient.

For these and other reasons, HCDFRS supports an initiative for a new courthouse.

Sincerely,

John S. Butler
Fire Chief
Howard County Department of Fire and Rescue Services

ADVANCED PLACEMAKING

308 Radnor Road Baltimore MD 21212 410.493.0852 brogers@place-making.com



February 18, 2017

Howard County Council□
Honorable Calvin Ball, Chair
Honorable Jon Weinstein, Vice Chair
Honorable Jennifer Terrasa
Honorable Mary Kay Sigaty
Honorable Greg Fox□
3430 Courthouse Drive□
George Howard Building□
Ellicott City, Maryland 21043

Dear Council Members,

Please accept this letter as written testimony in support of Council Bill 27.

At the request of the Howard County Economic Development Authority, I recently chaired an expert panel convened by the Urban Land Institute (ULI). The panel consisted of great minds from around the region, including planners, real estate developers, branding experts, public officials, and economic development specialists.

The panel was asked to give its honest opinion to a difficult question: in the wake of the flood, what does Ellicott City now want to be?

Our panel was unanimous in its belief that Ellicott City can be a thriving, vital place, and that it can return from this experience stronger than ever. We were also unanimous in our conviction that Howard County has the power to drive this change by taking advantage of the many assets it has in town through Public-Private Partnerships.

Chief among these assets is the courthouse. This stunning site, with its historic architecture and commanding views, is an incredible economic development opportunity. Among other things, we believe it could be adaptively reused as a wildly successful boutique hotel and event space, attracting visitors from across the Mid-Atlantic. Just as the Tidewater Inn brought new activity, revenue, and visibility to Easton, and just as the Inn at Perry Cabin drove sightseers to St. Michaels, we believe that a lovingly-restored courthouse would fundamentally improve the Ellicott City economy.

Interestingly, all of this could happen without adding impervious surface to the watershed. And because of its excellent access to Route 40, it could have minimal impact on Main Street traffic or parking.



I cannot speak to whether the courthouse is practical for its current use, nor can I speak to the proposed new location. But I can tell you this: a repurposed courthouse can attract new investment, stimulate economic activity, and preserve the unique historic qualities of Ellicott City.

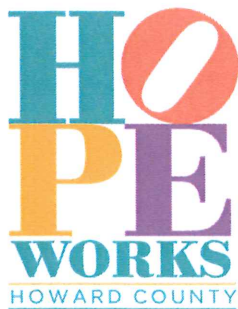
The assets you currently control are capable of making Ellicott City an important economic driver for Howard County. This courthouse is the first, and I urge you to make the most of it.

Sincerely,



Brad Rogers, JD, MEM
Principal





Public Hearing – CR27-2017
Testimony from HopeWorks of Howard County

February 21, 2017

Dear County Council Members,

On behalf of HopeWorks of Howard County, our community's only sexual and intimate partner violence center, I am requesting your support for CR27-2017 which authorizes funding for the construction of a new Circuit Courthouse for Howard County.

HopeWorks prides itself on the comprehensive nature of services we are able to provide to people in our community, which includes legal services. We have two full-time attorneys who work to provide legal advice, brief consultation and direct representation regarding peace and protective orders – primarily in the District Court. Our legal staff also provides criminal accompaniment to victims – primarily in District Court. In addition to staff, we have a cadre of specially trained volunteers who staff the domestic violence docket at the District Courthouse everyday where they provide safety planning and resource and referral services to anyone who comes to the court looking for protection from abuse. HopeWorks provides these same services to petitioners in civil cases and victims in criminal cases in the Circuit Court but on a more limited scale.

At the District Courthouse, there is a room designated for HopeWorks' use. Our staff and volunteers use this room to conduct safety planning, assess the ongoing needs of petitioners and make the appropriate referrals. This space is also used to house children when their parents are in court and it is used to protect a petitioner from a respondent both before and after their case is heard by the Court. No such room is currently available in the Circuit Courthouse due to limited space.

HopeWorks' partnership with the Courts is beneficial to the safety and wellbeing of our community members. We are asking your support for this bill because plans for the new Circuit Courthouse include a space for use by HopeWorks so that we can provide the same level of care and services for victims whose cases are being heard by the Circuit Court.

Again, we respectfully ask that you support CR27-2017. Thank you so much for your consideration.

Respectfully,

Jennifer Pollitt Hill, MSW
Executive Director

Paul G. Skalny, Esq.
4312 Buckskin Wood Drive
Ellicott City, Maryland 21042

Good evening Mr. Chairman and Members of the Council.

My name is Paul Skalny and I am the Managing Director of Davis, Agnor, Rapaport & Skalny, LLC, the largest home grown law firm in Howard County. By way of background, we predominantly serve as general counsel to businesses, business owners, executives, and entrepreneurs. In that capacity, we often have occasion to interact with a number of departments within the Howard County Courthouse and our litigators frequently appear on behalf of our clients in both the District and Circuit Courts for Howard County.

Howard County's ability to be one of the great communities in the country to live, work, learn and play is contingent on its ability to attract strong businesses to this community which, in turn, contribute to the County's tax base. The Howard County Economic Development Authority and other County officials, including all of you, work hard to entice businesses to our community and we do have a lot to offer; however, our Courthouse is not one of those things.

Candidly, while our courthouse is cute and quaint, it falls short of meeting the needs of forward-thinking, sophisticated and progressive businesses looking for a community where glide paths are plentiful and obstacles are scarce. Our Courthouse is small and antiquated, and it simply does not align with the kind of Howard County this community has envisioned and has embarked upon to build.

Business owners should not be forced to expend hard-earned dollars bringing technology necessary to litigate their cases into our Courthouse, when the majority of other neighboring jurisdictions with similar demographics have requisite technology built into their infrastructure. Similarly, our judicial campus should provide for contemporary facilities and amenities, comparable to ones found in those jurisdictions that have a strong business base and successfully woo Fortune 500 companies.

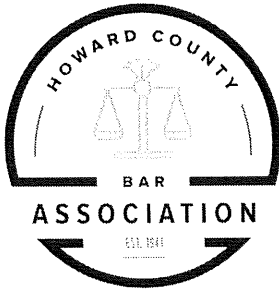
I have attached a list of specific items to my written testimony which I know our attorneys and clients would like to see integrated into a new judicial campus (see Exhibit A), but for the sake of brevity, I will not go through each of those at this time. Suffice it to say, however, our Courthouse should employ non-proprietary technology, which provides wired and wireless access to the internet and to a central Courthouse server, directly from trial tables and from other strategic locations within the Courthouse; large monitors should be made available for judges, juries, witnesses, counsel, and court reporters; power supplies should be abundant, allowing for the recharging of wireless devices; docket entries and case status should be available in real-time in each court room; and wireless printers should be made available to attorneys and their clients.

I challenge each of you to visit the courthouse in Montgomery or Anne Arundel County, in the District of Columbia, in one of the counties in northern Virginia, or any one of the nearby Federal courthouses; you will be both shocked and embarrassed by the lack of facilities, amenities and technology in our Courthouse. Howard County can and should do better.

For these reasons, I ask for your support of County Resolution No. 27-2017.

EXHIBIT A

1. The use of non-proprietary technology (like Wi-Fi or Ethernet) over proprietary technology (like FireWire or Apple's Lightning connector). Then, invest in converters as necessary. The base technology is unlikely to become outdated as quickly, whereas proprietary technology will come and go with the most popular devices at the moment. Standard, non-proprietary technology is also more likely to enjoy longer term support in the form of adapters and compatibility.
2. Internet Wi-Fi access should be available. There should be a sign-on for court use, even if public access is also provided. The public and private networks should be kept separate so that one cannot compromise the other.
3. It should go without question, but screens should be made available for judges, juries, witnesses, counsel, and court reporters. If all connections are accommodated through a central server, as opposed to directly connecting to a display, the list of displays can be expanded as needs and technology changes. For instance, connections can then be made in places like the gallery and counsels' breakout rooms.
4. Wired locations are often not in the right location for particular use...a trial vs. a hearing, for instance. Wireless technology should be the standard. Counsel, however, should have the ability to connect a lap top or tablet at the trial table through a high-quality, high-speed connection to the referenced central server.
5. Laptops or computers should be made available at trial tables so that data, presentations or other information on a CD or thumb drive, for instance, can be presented to the Court.
6. Power supplies should be made available in as many places as possible. Although device batteries are getting better, counsel rarely wants to trust that a battery will last.
7. Counsel should have the ability to view the docket and previous filings from the court room in real-time, without having to go to the Clerk's Office or obtain the information on-line.
8. Although there is a movement to electronic filing, wireless printers should be made available to counsel so that exhibits, prior and proposed Court orders, and case law can be printed and provided to the Court and opposing counsel when necessary.



Howard County Bar Association, Inc.

P.O. Box 632. Ellicott Citv. MD 21041-0632

**Testimony In Support of County Resolution 27-2017
Resolution Indicating Support by the County Council and the County Executive for
a project to finance and construct a new Courthouse
Howard County Council Legislative Meeting**

BOARD OF DIRECTORS

PRESIDENT

Kelcie L. Longaker

PRESIDENT-ELECT

Ryan J. Dymek

TREASURER

Joseph M. Maher

SECRETARY

Magistrate Lara C.
Weathersbee

PAST PRESIDENT

Thomas B. Stahl

MEMBERS AT-LARGE

Hon. Lynne A. Battaglia

Ethan T. Dellinger

Claude de Vastey-Jones

Robert T. Fontaine

Ali M. Kalarestaghi

F. Todd Taylor

February 21, 2017

Howard County Council

Calvin Ball, Chair

Greg Fox

Mary Kay Sigaty

Jennifer Terrasa

Jon Weinstein, Vice Chair

3430 Courthouse Drive

Ellicott City, Maryland 21043

Dear Dr. Ball, Mr. Fox, Ms. Sigaty, Ms. Terrasa, and Mr. Weinstein:

My name is Kelcie Longaker, and I am a partner at the firm of Gohn Hankey Stichel & Berlage LLP, a firm which has offices in Baltimore, Annapolis, and Columbia. I am here tonight in my capacity as the President of the Howard County Bar Association, Inc.. The HCBA is celebrating its 75th anniversary this year. We are proud to count approximately 275 attorneys as members of our organization; a number that represents primarily those attorneys who maintain offices in, and regularly practice in Howard County. Our members assist their clients - the citizens, businesses, non-profits and government agencies - through legal representation. Frequently, that involves interacting with the Circuit Court. There are a number of other members of our local bar associations here speaking tonight, and I believe their remarks will touch on other aspects of the faults

of our courthouse. As such, I will keep my remarks limited to a few issues which I have personally encountered.

I have practiced in jurisdictions across the country, and have interacted with courthouses in federal, state and county jurisdictions. I am always happy to have a case in Howard County – and not simply because I live here. It has been my observation that the administrative staff at the Circuit Court is consistently responsive and willing to assist when I have needed to call upon them. I genuinely believe that our bench is composed of judges who respect their position, and in turn respect the litigants who come before them. The diligent work of our Courthouse staff and bench is, unfortunately, hampered by the limitations of their Courthouse.

When I first moved to Howard County, I became enamored with our Courthouse and the patina of the building. As you know, our Courthouse has been a part of the County since its inception, having been built prior to Howard County becoming its own jurisdiction. There is a certain thrill as an attorney with entering halls of justice that are so enrooted in a community. William Faulkner, in *As I Lay Dying*, said through his character Cash “it’s better to build a tight chicken coop than a shoddy courthouse”. That sentence has been rattling around in my brain over the past few days. Our current courthouse no longer fits the needs of our community. Her thick stone walls hide many of her imperfections from public scrutiny, but she has become a shoddy courthouse.

Now, despite my affinity for the building, the first glimpsed patina has revealed itself to be rust. As I’ve practiced here, I’ve learned just how damaged the building has become in its old age, and have experienced firsthand the challenges of executing the most basic functions of justice in a space that has been outgrown. I have handled settlement conferences in a room so tight that I could not turn around in my seat to remove files from my briefcase. My clients have had to shimmy past opposing parties in spaces that leave no room to breathe. Private conferences have been held in hallways, within earshot of people adverse to my client. Spaces have been converted into courtrooms with ceilings low enough I feel compelled to duck. The one elevator is tight, and not placed in an area easily accessible to those whose physical limitations require its use. The security measures necessary to protect our halls of justice have unceremoniously been plopped in what was a small foyer, simply because the building cannot accommodate any other floorplan.

Howard County has become a beacon for companies looking to capitalize on the cyber-security needs of the federal government and associated contractors. These corporations expect a community that can support and reflect their industry. Not only do they expect blue-ribbon schools for their children, but they expect that when they have a matter before the court system that will be able to use the tools that are standard in their industry to present their case. It is incredibly frustrating to be unable to easily utilize some of the great tools available to litigators – such as using a tablet computer to present evidence via a larger screen – without needing to clear physical hurdles in addition to the already present procedural hurdles. Juries have come to expect that evidence will be presented to them through technologically based mediums – not the oversized poster boards that we are forced to rely on in the current Courthouse.

Our juries have nowhere to sit when being empaneled. A regular visitor to the courthouse will see potential jury members sitting on steps. This is not because our court staff does not respect them; it is because there are no seats for them to sit in. For many people, the only interaction they have with the court system is in acting as a juror. Having potential jurors sit in stairwells denotes a level of disrespect that is not an accurate reflection of how our court – and the bar – feels about our community. A potential juror is left with a soured impression of our court system, a problem which can ultimately lead to a general disdain for our government as a whole.

Howard County has historically been a symbol of both community, prosperity, and optimism. We need a courthouse that reflects the soul of our county. It is only through a new facility that we will be able to offer our citizens access to justice that comports with our modern era. It is for that reason that the Howard County Bar Association supports County Resolution 27-2017.

Sincerely,
Kelcie L. Longaker
President
The Howard County Bar Association, Inc.

Carol Ann Smith, President of the Waring-Mitchell Law Society of Howard County

**Testimony to The Howard County Council
February 21, 2017**

Introduction

Good Evening, I am Carol Ann Smith:

Thank you for the opportunity to address the Council. I am speaking to you as the president of the Everett J. Waring-Juanita-Jackson Mitchell Law Society of Howard County. The Waring-Mitchell Law Society was chartered 32 years ago for the purpose of promoting professional and public service activities primarily in Howard County. It is our mission to ensure that particularly attorneys of color and women are supported in the practice of law and that the Howard County Community has access to information and representation in matters related to the law.

The group chose to name the law society after two outstanding African-American attorneys of historical significance in Maryland and nationally -- Everett J. Waring, the first African American male admitted to practice in Maryland and Juanita Jackson Mitchell, the first African American women admitted to practice in Maryland. Our members live and/or work in Howard County.

Several of our members both attorneys and judges practicing and retired, are here this evening to show support for the need for a new Circuit Courthouse.

Position

For years Howard County has proudly adopted the challenge reflected in the mantra to "Choose Civility." Civility is that *"polite, reasonable and respectful behavior"*. We pride ourselves in Howard County on our endeavor to celebrate the rich diversity we enjoy here and our ability to resolve disputes by choosing civility.

**To borrow from one of our State agencies, "Place Matters."
That place where we go in the County to practice civility at the highest level is the Circuit Court. The circuit court must be a place conducive to the efficient practice of civility we seek. It is also be the place where we determine the best way to punish serious crimes and administer justice.**

[As you have heard, it is where the most difficult disputes are tried and decided. It is also a place where litigants come to terms with each other often just prior to trial outside of the courtroom but in the courthouse.]

Our current Circuit Courthouse lacks accommodations to provide all who utilize this *Place for Civility and Justice* on several levels:

Within the Courtrooms

Our courthouse lacks courtrooms that allow sufficient space between litigants for private discussions at trial table.

Parties and witnesses who can be present in the same room with sufficient space to address disputes in the most civil way.

Courtrooms that are ADA (Americans with Disabilities Act) compliant to give access to the physically challenged.

Courtrooms that provide for the use of modern technology for the sophisticated evidence presentations available to assist the trier of fact, be it a judge or a jury.

Outside of the courtrooms,

The current courthouse has inadequate space to await jury selection. This is unacceptable for our citizens who give their precious time to fulfill their civic duty.

There is no food service available in the building to save those who have little time during recess to access food and report back in time for the docket call.

The current courthouse provides inadequate space for those who seek a civil ceremony. Currently they, along with family and friends gathered for their marriage must wait in front of a busy civil clerk counter.

The library space is inadequate and is currently in close proximity to a busy and noisy hallway.

The parking area is too small, even with the overflow area, and is not sufficiently secured, it's on a slanted hill which presents a physical challenge to some.

In my capacity as counsel to the State, I have the opportunity to practice in all 24 jurisdictions in the State both District and Circuit Courts and Federal District

Court. I can attest to the fact that a courthouse that is user friendly makes for a better flow of the proceedings. It facilitates discussions that often happen right there outside of courtrooms prior to hearings, whether family members need quiet time to reflect or an attorney representing a child or disabled person needs an area free from distraction to communicate with a client.

Many of our sister jurisdictions have constructed state-of-the-art courthouses that have the space to efficiently accommodate these needs and safely and efficiently move the crowd coming into the building first thing in the morning. On behalf of the Waring-Mitchell Law Society, I urge this Council to continue our effort to promote that civility we strive to practice and move forward on funding for a new state-of-the-art circuit courthouse. Howard County deserves no less.

Again, thank you for this opportunity to address this Council.

Carol Ann Smith, Esq.

Testimony – Resolution 27

My name is Kim Oldham, Deputy State's Attorney for Howard County representing the Office of the State's Attorney. As the chief prosecuting authority for all crimes occurring in this County, our primary concern is always public safety – safety for the community and safety for victims and witnesses. We have major crimes occurring in our county – murder, armed robbery, human trafficking and sexual assault to name a few. The witnesses and victims in those types of cases are always concerned with witness intimidation:

1. WITNESS INTIMIDATION

In State v. Antjuan Wilson, the defendant was charged with 1st degree murder. A high profile case, the courtroom was filled with spectators including friends of both the defendant and the victim. One of the State's witnesses, a known associate of the Defendant, testified reluctantly as his testimony was incriminating. Tensions were high in the courtroom as the Defendant stared down the witness in an effort to intimidate him while he testified – to the point where the judge commented on how the small size of courtroom #4 was dangerous to everyone under the circumstances.

In courtroom #2, a testifying witness must sit to the left of and just feet away from a defendant. Sometimes the victim of a crime is a stranger to the defendant, like the 4 that were chosen at random in Columbia to be violently carjacked and kidnapped, and then later had to testify against their assailant. Sometimes the victim is known to the defendant, such as the domestic violence victim who testified against her ex-boyfriend about the night that he taped her wrists and ankles with duct tape, pointed a gun to her head and beat her; sometimes the victim is a child, like the 6 year old who had to testify against her father about his repeated sexual abuse. These victims should never be near the perpetrator of the crime in the courtroom or the courthouse.

By statute, **CP 11-1002**, victims and witnesses should be provided with a waiting area that is separate from the suspect and suspect's family and friends. We currently have a small satellite office in the circuit court that we use for this purpose, but it's also the same room that attorneys use as a work space during trial and as an evidence room during trial.

2. **EVIDENCE**

Evidence can be something simple like a photograph or in this day and age something more complicated like a series of call detail records and cell tower maps for a cell phone – all of which need to be projected onto a large television screen so that each juror can see the evidence while a witness is testifying. In our current courtrooms, setting up a large television in a location where each juror can see the details on a map while the witness is virtually impossible without blocking the defendant and his/her attorney's view.

When the evidence is big or voluminous, the key in our current courthouse is to cross your fingers and hope that you are assigned to courtroom #1 – the largest in the courthouse. I had a murder trial in 2006 requiring the introduction of a freezer into evidence. It was in that freezer the victim had been hidden after she'd been killed. In 2013 I had another murder trial involving the introduction of a large concrete pour into evidence, in which the victim had been hidden after she was killed. In both cases, the suspects were charged with 1st degree murder and the jurors were tasked with the the ultimate findings of fact and rendering a decision that would affect someone's liberty. They absolutely had a right to see those powerful pieces of evidence first hand so with the use of a dolly we were able to maneuver them into courtroom #1.

Not only does evidence vary in size but it varies in quantity depending on the type of case. In major trials there can be well over a hundred pieces of evidence. Courtroom #1 is the only courtroom that fits a large table in front of the clerk's counter where exhibits can be placed once admitted into evidence. In the other courtrooms this means placing a shotgun or a machete on the ground just feet from the defendant at his trial table.

3. **JOINDER – JUDICIAL ECONOMY**

When there are multiple defendants charged with the same crime arising out of the same event, a wiretap investigation that leads to the charging of 12 individuals with distributing cocaine on the streets of our county, legally the State and defense have a right to join several defendants' cases and conduct

their trials together. Practically however, we can never do that in our current courthouse. There is not enough room to permit multiple defendants and their attorneys to even sit at a trial table. As a result, a dozen different trial dates are set for each defendant, 50-60 citizens are called in each time for potential jury duty and victims and witnesses make repeated trips to court to testify in cases involving the exact same evidence – because joinder of cases was not physically possible. Over time those witnesses and victims get tired of coming, justice is completely denied and when justice is denied it brings us back to public safety for the community.

We expect the citizens of Howard County to perform their civic duty, to sit for days or weeks as jurors and assist us in our search for justice. We expect citizens who are witnesses to a crime to abide by their summons to appear for court and testify to the best of their ability. The least we can do is provide an adequate and safe courthouse for these goals to be accomplished.