

Carol Ann Smith
Past President of the Waring-Mitchell Law Society of Howard County
Testimony To The Howard County Council
July 16, 2018

Introduction

Good Evening, I am Carol Ann Smith:

Thank you for the opportunity to address the Council. I am speaking to you as a Past President of the Everett J. Waring-Juanita-Jackson Mitchell Law Society of Howard County. The Waring-Mitchell Law Society was chartered 33 years ago for the purpose of promoting professional and public service activities in and around Howard County. 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 woman admitted to practice in Maryland. Both pioneers committed to the highest quality of the legal profession and service to the community. It is our mission to ensure that attorneys, particularly attorneys of color and women are supported in the practice of law and that all in the Howard County Community have access to information and representation in matters related to the law.

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HOWARD COUNTY COUNCIL
RECEIVED

Several of our members are here this evening to show support for the need for a new Circuit Courthouse.

Background

For years Howard County has proudly adopted the challenge reflected in the mantra to **Choose Civility**. Civility is "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 our State agencies (The Department of Human Services) **Place Matters**. That place where we go in this County to practice civility in the most challenging circumstances is the Howard County Circuit Court. The Circuit Court must be a place conducive to the efficient practice of the civility we seek, whether we are tasked with settling our most serious social and emotional challenges, financial disputes, protecting the most vulnerable in our population or when we must determine the best way to punish the most serious crimes and administer justice.

The Circuit Court is where our most difficult disputes are tried and decided. It is where we task our citizens to participate in the judicial process. It is the place where litigants come to terms with each other often just prior to a hearing outside of the courtroom but within the courthouse. It must be a safe place on all levels.

Our current courthouse lacks accommodations to be that Place for Civility on several levels:

Within the Courtrooms

Our current courthouse lacks courtrooms that allow sufficient space between litigants for private discussions at the trial table so that parties and witnesses 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 to assist the trier of fact be it a judge or a jury.

Outside of the Courtrooms

The current courthouse has inadequate space for citizens 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 on time for the docket call.

The current courthouse provides inadequate space for those who seek a civil ceremony. Currently a couple who come to the courthouse to marry, along with family and friends 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 often noisy hallway.

The parking area is too small, even with an overflow area, and is not sufficiently secured. The parking lots are on a slanted hill which presents a physical challenge to some.

As you have heard from those who work in the courthouse, there are a number of other practical, administrative, safety and security concerns with the current courthouse.

The Possibility/Future

In my capacity as counsel to the State of Maryland, 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 practice easier, 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 distractions to communicate with a client, or even when counsel need a place to discuss complex matters without distractions from other litigants.

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.

The proposed design for the new courthouse will finally allow Howard County to fill the position, already funded by The Maryland General Assembly, for a sixth circuit court judge. The sixth

judge is a much needed position due to the growth in our population and the need to have civil matters heard within a reasonable period of time and to meet the Constitutional right to speedy trial in criminal cases.

The proposed design for the new courthouse will resolve much of these concerns.

Position

On behalf of the Waring-Mitchell Law Society I urge this Council to continue our effort to promote that civility we strive to practice by moving forward with legislation to approve Edgemoor -Star America Judicial Partners to design, construct, partially finance, operate and maintain the new Circuit Courthouse and parking facility, as well as the 30 year operation and maintenance component, to be located at 9250 Judicial Way, Ellicott City, MD 21043.

Thank you for the opportunity to address the Council this evening.

Sayers, Margery

From: Melissa Metz <melissametz725@gmail.com>
Sent: Tuesday, July 17, 2018 8:02 PM
To: CouncilMail
Subject: CB 54-2018 - Testimony

Dear County Council,

Thank you for the opportunity we all had to testify on important bills last night. I had also prepared testimony on CB 54, the public-private partnership for the new courthouse. I will be out of town next Monday, July 23, so please accept my written testimony, below.

Thank you and kind regards,
Melissa

Melissa Metz
Ellicott City 21042

Testimony Regarding County Bill 54-2018

Melissa Metz, 3101 Chatham Rd. Ellicott City, MD 21042

Some of you may know me for my experience related to private sector development and community involvement on flooding issues. I also have a background working on public-private partnerships, for some time during my career. I have advised the government of the Philippines and Mexico on PPP policies, and worked on the design of specific PPP models/transactions in the Philippines, Ethiopia, and Egypt, among other experience.

First, I would like to make an overall comment, and then comment on the proposed PPP transaction.

The overall comment is that I would like to urge the County to reconsider the amount of money that is being spent on the new courthouse, and the timing of this large expenditure. This funding could likely better serve the people of Howard County if it is put into flood mitigation and drainage infrastructure for Ellicott City, rather than for a new courthouse.

If the PPP will move forward, then I have some specific comments related to this transaction...

The main benefit of PPPs is that they can deliver a public service more efficiently or effectively, by entering into a contract with a private party that has the experience and the incentives to deliver the service well and at a reasonable cost. Bundling together design, build, and operate in a PPP contract leads to a facility that is cost-effective not only in construction but also in operation. In other words, a party that has responsibility for all three aspects will aim to minimize total life-cycle cost and maximize efficiency.

However, these outcomes are only achieved when the PPP contract is designed appropriately, allocating risks to the parties best placed to mitigate them. Risk allocation determines the incentives that each party (public and private) will have - and incentives are what make PPP contracts effective. (Here I am talking about incentives per the definition of the word, not specific tax incentives or subsidies.) PPP contracts also need to have effective mechanisms for adjusting costs/payments as appropriate given the type of contract, and effective dispute resolution mechanisms.

I watched the County Council session on July 2 and saw the presentation of the proposed contract for the new courthouse. The presentation did not provide any information on the structure of the contract, how risks are allocated (and therefore what incentives the parties have), or dispute resolution mechanisms. I would urge the County to ensure the contract has been reviewed thoroughly by specialists with experience in PPPs for courthouses, before finalizing and signing the contract.

Carol Ann Smith, Esq.
Past President of the Waring-Mitchell Law Society of Howard County
Testimony to the Howard County Council
July 23, 2018

Introduction

Good Evening, I am Carol Ann Smith:

Thank you for the opportunity to address the Council. I am speaking to you as a Past President of the Everett J. Waring-Juanita-Jackson Mitchell Law Society of Howard County. I am also a very proud resident of Howard County. The Waring-Mitchell Law Society was chartered 33 years ago for the purpose of promoting professional and public service activities in and around Howard County. Our founding members 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 &
Juanita Jackson Mitchell- the first African-American female admitted to practice in Maryland.

Both pioneers committed to the highest quality of the legal profession and service to the community. It is our mission to ensure that attorneys, particularly attorneys of color and women, are supported in the practice of law and that all in the Howard County Community have access to information and representation in matters related to the law.

Several of our members are here this evening to show support for **Council Bill 54-2018.**

Background

For years Howard County has proudly adopted the challenge reflected in the mantra to **Choose Civility.** Civility is "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 our State agencies (The Department of Human Services) **Place Matters.**

That place where we go in Howard County to practice civility in the most challenging circumstances is the Howard County Circuit Court. The Circuit Court must be a place conducive to the efficient practice of the civility we seek, whether we are tasked with settling our most serious social and emotional challenges, financial disputes, protecting

the most vulnerable in our population or when we must determine the best way to punish the most serious crimes and administer justice.

The Circuit Court is where our most difficult disputes are tried and decided. It is where we ask our residents to participate in the judicial process as jurors. It is where students learn civics. It is the place where litigants come to terms with each other, often just prior to a hearing outside of the courtroom but within the courthouse. It must be a safe place because it matters.

Our current courthouse lacks accommodations to be that *Place for Civility* in many ways that I and so many others in the community have addressed before this Council in the past due to:

- Insufficient space between litigants for private discussions at trial tables.
- Failure to comply with ADA (Americans with Disabilities Act) access for the physically challenged.
- Insufficient design to use modern technology in the courtroom.
- Inadequate space for citizens to await jury selection.
- Unavailable food service in the building to save those who have little time during recess to access food and report back on time for the docket.
- Inadequate space for those who seek a civil ceremony to enjoy their special day with family and friends.
- Inadequate library space that is currently next to a busy and often noisy hallway.
- An Inadequate parking area that is too small, even with an overflow area, and insufficiently secured. The parking lots are on a slanted hill which presents a physical challenge to some.
- Inadequate safety, security and administrative concerns throughout the current courthouse.
- Inadequate space to safely and securely accommodate the crowd coming into the building, especially first thing in the morning.
- Insufficient space for a much needed and already funded sixth circuit court judge. The sixth judge is a much needed position due to the growth in our population and

the need to have civil matters heard within a reasonable period of time and to meet the Constitutional right for speedy trials in criminal cases.

- The list goes on, but I won't in the interest of time.

The Possibility/Future

In my capacity as counsel to the State of Maryland, I have the opportunity to practice in all 24 jurisdictions in this State; both district and circuit courts and Federal District Court. Many of our sister jurisdictions have constructed state-of-the-art courthouses that can effectively serve the community. I can attest to the fact that a courthouse that is user friendly makes practice easier. It facilitates discussions that often happen right outside of courtrooms prior to hearings, whether family members need quiet time to reflect or an attorney representing a child or disabled person needs a space free from distractions to communicate with their client, or even when counsel need a place to discuss complex matters without distractions from other litigants. Howard County is one of the best places to live in this country. The County has outgrown our current 175-year-old Circuit Courthouse. We deserve better. As an organization within the legal community The Waring- Mitchell Law Society is compelled to support this growth for our citizens.

Our members have reviewed the proposed design for the new courthouse. The proposed design for the new courthouse will resolve much of the obstacles we face today; obstacles which will only get worse without action. The proposed design is a space where all move about freely, safely and securely. The proposed design ensures that the Howard County Circuit Courthouse will meet the needs of the community and be that place where we can best practice civility.

Position

On behalf of the Waring-Mitchell Law Society I urge this Council to continue our effort to promote that civility we strive to practice by passing **Council Bill 54-2018** and approving **Edgemoor -Star America Judicial Partners to design, construct, partially finance, operate and maintain the new Circuit Courthouse and parking facility, as well as the 30 year operation and maintenance component, to be located at 9250 Judicial Way, Ellicott City, MD 21043.**

Thank you for the opportunity to address the Council this evening.



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Carol Ann Smith, Esq., have been duly authorized by
(name of individual)

The Waring Mitchell Law Society of Howard County to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding Council Bill 54-2018 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Carol Ann Smith

Signature: Carol Ann Smith

Date: 7/20/18

Organization: The Waring-Mitchell Law Society of Howard County

Organization Address: P.O. Box 1638, ELICOTT CITY, MD,
21043

Number of Members: 30

Name of Chair/President: Gregory Tuncy, Esq.

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.