

STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

NOTICE OF PROPOSED RULES CHANGES

The Rules Committee has submitted a Supplement to its Two Hundred and Twelfth Report to the Court of Appeals, recommending amendments to proposed new Rule 1-101.1.

The Committee's Supplement to the Two Hundred and Twelfth Report and the proposed Rules changes are set forth below.

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Clerk
Court of Appeals of Maryland

THE COURT OF APPEALS OF MARYLAND

STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

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December 12, 2022

The Honorable Matthew J. Fader,
Chief Judge

The Honorable Shirley M. Watts
The Honorable Michele D. Hotten
The Honorable Brynja M. Booth
The Honorable Jonathan Biran
The Honorable Steven B. Gould
The Honorable Angela M. Eaves,
Judges

The Court of Appeals of Maryland
Robert C. Murphy Courts of Appeal Building
Annapolis, Maryland 21401

Your Honors:

The Rules Committee submits this Supplement to its Two Hundred and Twelfth Report and recommends that the Court adopt, on an emergency basis, an addition to proposed new Rule 1-101.1, as submitted in the Two Hundred and Twelfth Report.

The initial submission is an emergency measure to implement, in part, the new Constitutional Amendment changing the name of the Court of Appeals to the Supreme Court of Maryland and the name of the Court of Special Appeals to the Appellate Court of Maryland. The term "appellate court" appears throughout the Rules with a lower-case "a" and "c," and the intent was, (1) in that situation, depending on the context, the term could refer to appellate courts generally, and (2) when used with initial capital letters (Appellate Court), the term would refer only to the Appellate Court of Maryland, the successor to the Court of Special Appeals.

The Committee believes that that approach is workable but should be made more clear. That is the function of the proposed new section (b). It is merely a clarification.

Respectfully Submitted,

/ s /

Alan M. Wilner
Chair

AMW:sdm

cc: Gregory Hilton, Clerk

MARYLAND RULES

TITLE 1 - GENERAL PROVISIONS

CHAPTER 100 - APPLICABILITY AND CITATION

ADD new Rule 1-101.1, as follows:

Rule 1-101.1. NAMES OF APPELLATE COURTS; RULES OF CONSTRUCTION

(a) Generally

From and after December 14, 2022, any reference in these Rules or in any statute, ordinance, or regulation applicable in Maryland to the Court of Appeals of Maryland shall be deemed to refer to the Supreme Court of Maryland, and any reference to the Court of Special Appeals of Maryland shall be deemed to refer to the Appellate Court of Maryland. Unless otherwise specified, any reference in these Rules to the Supreme Court shall be deemed to refer to the Supreme Court of Maryland, and any reference in these Rules to the Appellate Court shall be deemed to refer to the Appellate Court of Maryland.

(b) Terminology - Appellate Court

In these Rules, wherever the term appellate court appears with initial capital letters ["Appellate Court"], the term means the Appellate Court of Maryland. Wherever the term appellate court appears with lower case initial letters ["appellate court"], the term, as applicable under the circumstances, may refer to any court that is exercising appellate jurisdiction.

Committee note: By 2021 Maryland Laws, Chapters 82 and 83, the General Assembly proposed amendments to the Maryland Constitution to change the name of the Court of Appeals of Maryland to the Supreme Court of Maryland and to change the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. On December 14, 2022, the Governor certified that those amendments were adopted by the voters in the 2022 general election and took effect as of the date of his certification. There are hundreds of references to the former names of those courts throughout the Maryland Rules, and the process of updating those references to conform to this Rule is underway.

Source: This Rule is new.