

IN THE COURT OF APPEALS OF MARYLAND
ADMINISTRATIVE ORDER ON THE
CLOSURE OF COURTS AND OFFICES OF CLERKS OF THE CIRCUIT COURTS
DUE TO EMERGENCIES

WHEREAS, Pursuant to the Maryland Constitution, Article IV § 18, and Maryland Rules 16-106(a) and 16-304, the Chief Judge of the Court of Appeals is granted the authority to close the courts and the offices of clerks of the circuit courts in the event of an emergency and in the interest of the public welfare; and

WHEREAS, Consistent with Maryland Rule 16-101(a)(1)(C), it may be necessary to delegate the authority to close courts and the offices of clerks of the circuit courts in instances of emergency conditions; and

WHEREAS, Access to the courts being essential, court closures shall be minimized to the greatest extent possible, with no presumption that courts shall remain closed through the duration of emergency situations, but rather, courts shall reopen as soon as feasible, even on a limited basis; and

WHEREAS, On February 15, 1999, an Administrative Order was issued, which delegated authority to evacuate and/or close and established considerations under which that authority was to be exercised and, on November 21, 2001, and January 19, 2012, further Administrative Orders were issued amending the original Order; and

WHEREAS, Clarification of the authority and considerations governing closures of courts and offices of the clerks of circuit courts are appropriate,

NOW THEREFORE, I, Mary Ellen Barbera, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution and Maryland Rules 16-106(a) and 16-304, do this 15th day of January 2016 order as follows:

- (a) Emergency Condition. Emergency Condition includes:
 - (1) Declared State of Emergency. A “Declared State of Emergency” is a disaster of such magnitude and/or scope that the welfare or safety of the citizens and court staff are seriously endangered. During a Declared State of Emergency, communications may be limited or

unavailable, and a Continuity of Operations (COOP) plan may be in effect.

- (2) Weather Related Emergency. A “Weather Related Emergency” is an event of nature that causes, or threatens to cause, serious injury, death, or extensive property damage and prevents the operation of the court, department, or office. Such events include floods, fires, tornadoes, hurricanes, major winter storms, and other similar events.
- (3) Emergency Facilities Condition. An “Emergency Facilities Condition” includes the breakdown of major systems such as electric, HVAC, lighting, water, and sewer directly impeding the operation of the entire court, that cannot be addressed or rectified through alternate systems or processes.
- (4) Other Emergency Conditions. An “Other Emergency Condition” is any other condition involving the threat of imminent and severe bodily harm of individuals within Judiciary Offices or any other condition involving the imminent destruction of all or part of a court facility.

(b) Authority.

- (1) State of Emergency. In the event a State of Emergency is declared by the Governor, the Chief Judge of the Court of Appeals will determine to what extent court operations shall continue, conferring as necessary with the Chief Judge of the Court of Special Appeals, the Chief Judge of the District Court, and the administrative judge of the affected jurisdictions.
- (2) Other Emergency Conditions. For other emergency conditions, the authority to close courts and the offices of clerks of the circuit courts is delegated, subject to the considerations under Section (c) of this Order, as follows to:
 - (A) Court of Special Appeals and its Clerk’s Office: Chief Judge of the Court of Special Appeals when that court is scheduled to be in session.

- (B) Circuit Courts and Offices of Clerks of Circuit Courts: County Administrative Judges. The authority under this paragraph shall be exercised, whenever possible, in consultation with the Circuit Administrative Judge or acting designee.
 - (C) District Court locations: District Administrative Judges, in consultation with the Chief Judge of the District Court, as to a District Court location(s) within the Administrative Judge's District.
- (3) The Chief Judge of the Court of Special Appeals, the respective Circuit Administrative Judge, and the Chief Judge of the District Court shall inform the Chief Judge of the Court of Appeals as soon as is practicable.
 - (4) The Chief Judge of the Court of Appeals retains the authority under the Constitution and Rules 16-106(a) and 16-304 to countermand any decision to close a court.
- (c) Considerations.
- (1) A court is to be closed only in the case of an emergency condition, as defined in Section (a) of this Order. In making this decision, a judge must be mindful of the fact that the courts labor under a heavy burden of cases and that it can be seriously disruptive to litigants, witnesses, victims, and others if a court or clerk's office is closed. Therefore, every effort should be made not to close a court unless necessary to do so and to reopen as soon as is practicable, even in a limited capacity.
 - (2) To the extent that a condition affects both trial courts in a geographic area, every effort should be made to coordinate closures of the Circuit and District Courts in that area. In an emergency condition, each Circuit or District Administrative Judge contemplating a closure is directed to communicate with every appropriate Circuit or District Administrative Judge to coordinate such a closure. Whenever possible, joint decisions should be made and

announcements given to the media dealing with all trial courts and clerks' offices in an affected area.

- (d) Reporting Closures and Notice. So that there will be a central source of information with respect to which courts are operational, all decisions to close shall be communicated to the Office of Communications and Public Affairs within the Administrative Office of the Courts. Upon the reopening of the Court, even if the emergency has not ended, all closures shall be documented. Copies of the documentation shall be forwarded to the Clerk of the Court of Appeals.
- (e) Court Reopening, Filing of Electronic and/or Paper Documents. Courts and clerks' offices shall assure that litigants shall be entitled to file documents after a court closure in conformance with the Maryland Rules.
- (f) Rescission of Prior Orders. The following Administrative Orders shall be and hereby are rescinded:
 - (1) Further Amending Administrative Order Pertaining to the Evacuation and/or Closing of Courts and Judiciary Offices Due to Emergencies, filed January 19, 2012
 - (2) Amending Administrative Order Pertaining to the Evacuation and/or Closing of Courts and Judiciary Offices Due to Emergencies, filed November 21, 2001
 - (3) Amending Administrative Order Pertaining to Closing of Courts and Clerks Offices Due to Emergency Weather Conditions, filed February 15, 1999

/s/ Mary Ellen Barbera
Mary Ellen Barbera
Chief Judge
Court of Appeals of Maryland

Filed: January 15, 2016

/s/ Bessie M. Decker
Bessie M. Decker
Clerk
Court of Appeals of Maryland