

COURT OF APPEALS STANDING COMMITTEE
ON RULES OF PRACTICE AND PROCEDURE

Minutes of a meeting of the Rules Committee held in Rooms 132-133 of the Maryland Judicial Center, 187 Harry S. Truman Parkway, Annapolis, Maryland on Friday, March 13, 2020.

Members present:

Hon. Alan M. Wilner, Chair

H. Kenneth Armstrong, Esq.
Hon. Yvette M. Bryant
Sen. Robert G. Cassilly
Hon. John P. Davey
Hon. Angela M. Eaves
Pamela Q. Harris, State Court
Administrator
Irwin R. Kramer, Esq.

Dawne D. Lindsey, Clerk
Bruce L. Marcus, Esq.
Donna Ellen McBride, Esq.
Stephen S. McCloskey, Esq.
Hon. Danielle M. Mosley
Hon. Douglas R. M. Nazarian
Hon. Paula A. Price

In attendance:

Sandra F. Haines, Esq., Reporter
Colby L. Schmidt, Esq., Deputy Reporter
David J. Dix, Esq., Law Clerk to Hon. Yvette M. Bryant
Meredith Drummond, Esq., Howard County Circuit Court
P. Gregory Hilton, Esq., Clerk of Court, Court of Special Appeals
Steven Lash, Esq., Reporter at the Daily Record
Nadine Maeser, Public Information Officer, Government Relations and Public Affairs
Hon. John P. Morrissey, Chief Judge, District Court of Maryland
Rebecca Riemer, Esq., Associate Legal Counsel, Maryland Judiciary
Jeffrey Shipley, Esq., Director, State Board of Law Examiners
Gillian Tonkin, Esq., Staff Attorney, District Court Chief Clerk's Office

The Chair convened the meeting. He thanked everyone for attending and noted that the meeting would have been cancelled if not for the extraordinary and urgent matters to be discussed. Judges, particularly administrative judges, need guidance. The Chair explained that he, the Court State Administrator, and the Chief Judge have received inquiries. The Court of Appeals wants to consider these issues next week, so there will be no comment period on these Rules. The Report has been drafted and will be filed on Monday, subject to any changes discussed at the meeting. The Chair again thanked the members of the Committee for their service.

The Chair introduced new members of the Rules Committee staff. Ms. Wendy Purcell, who was unable to attend the meeting, has been the Committee's Executive Assistant since January. Two new Assistant Reporters, Ms. Heather Cobun and Ms. Meredith Drummond, have also been hired. The Rules Committee Office now will be fully staffed.

The Chair decided to address Agenda Item 2 first.

Agenda Item 2. Consideration of proposed amendments to Rule 19-207 (Notice of Intent to Transfer a Qualifying UBE Score)

Mr. Shipley presented the proposed amendment to Rule 19-207 for consideration.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

AMEND Rule 19-207 by requiring that a certain transcript be received by the Board by a certain date and by making stylistic changes, as follows:

Rule 19-207. NOTICE OF INTENT TO TRANSFER A QUALIFYING UBE SCORE

(a) Filing

Beginning on July 1, 2019, an applicant may file a Notice of Intent to Transfer a Qualifying UBE Score if the applicant:

(1) meets the pre-legal education requirements of Rule 19-201 (a) (1) to become admitted to the Maryland Bar,

(2) unless the requirements of Rule 19-201 (a) (2) have been waived pursuant to Rule 19-201 (b), meets the legal education requirements of Rule 19-201 (a) (2),

(3) contemporaneously files or has previously filed a completed character questionnaire pursuant to Rule 19-205 that has not been withdrawn pursuant to Rule 19-202 (b) or denied pursuant to Rule 19-204, and

(4) has achieved a qualifying UBE score in another UBE State.

The Notice of Intent shall be under oath, filed on the form prescribed by the Board, and accompanied by the prescribed fee.

(b) Verification of Legal Education

~~Prior to or contemporaneously with filing the Notice of Intent to Transfer a Qualifying UBE Score,~~ the The applicant shall cause ~~to be sent to the Board to receive~~ an official transcript that reflects the date of the award to the applicant of a qualifying law degree under Rule 19-201 (a) prior to or contemporaneously with filing the Notice of Intent to Transfer a Qualifying UBE Score, unless the official transcript already is on file with the Board or the applicant has received a waiver under Rule 19-201 (b).

Source: This Rule is new.

Rule 19-207 was accompanied by the following

Reporter's note.

At the request of the State Board of Law Examiners, Rule 19-207 is proposed to be amended to require that an official transcript that reflects the date of the award of a qualifying law degree be *received* by the Board prior to or contemporaneously with the filing of the applicant's Notice of Intent to Transfer a Qualifying UBE Score. The Rule currently requires that the transcript be *sent* to the Board by that date.

A stylistic change to section (b) also is proposed.

Mr. Shipley explained that the proposed amendment is a minor change to the Rule. It had always been the intention of the State Board of Law Examiners ("SBLE") that law school transcripts would be received contemporaneously with or prior to an applicant filing his or her Notice of Intent to Transfer a Qualifying UBE Score. Mr. Shipley noted that, when the Rule was drafted, it was overlooked that the language requires the

transcript to be sent by a certain date, as opposed to causing the transcript to have been received by a certain date.

Mr. Shipley said that two weeks ago, an individual tried to file a Notice of Intent to Transfer a Qualifying UBE Score with his expiring UBE score on the last day. When SBLE informed the individual that he needed his transcript before he filed, the individual directed SBLE to the language of the Rule. Mr. Shipley explained that SBLE is asking the language to be changed. The Chair asked for any questions or comments.

The Chair called for a motion to amend Rule 19-207. The motion was made, seconded, and passed by a majority.

Agenda Item 1. Consideration of proposed new Title 16, Chapter 1000 (Emergency Powers of Chief Judge of Court of Appeals): Rule 16-1001 (Applicability of Chapter), Rule 16-1002 (Coordination with Governor), and Rule 16-1003 (Authority of Chief Judge)

The Chair presented proposed new Title 16, Chapter 1000 (Emergency Powers of Chief Judge of Court of Appeals): Rule 16-1001 (Applicability of Chapter), Rule 16-1002 (Coordination with Governor), and Rule 16-1003 (Authority of Chief Judge) for consideration.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION

CHAPTER 1000 - EMERGENCY POWERS OF CHIEF JUDGE OF
COURT OF APPEALS

ADD new Rule 16-1001, as follows:

Rule 16-1001. APPLICABILITY OF CHAPTER

(a) Generally

The Rules in this Chapter apply to situations in which the Governor has declared an emergency pursuant to Code, Public Safety Article, Title 14 and the emergency or directives issued by the Governor pursuant to the emergency significantly affect access to or the operations of one or more courts or other judicial facilities of the State or the ability of the Maryland Judiciary to operate effectively.

Cross reference: See Code, Public Safety Article, §§ 14-101, 14-3A-01, and 14-302.

(b) Other Events Affecting the Judiciary

The authority granted specifically by these Rules and by Article IV, Section 18 of the Maryland Constitution generally may be exercised, to the extent necessary, by the Chief Judge of the Court of Appeals in the event of a natural or other event that significantly disrupts access to or the operations of one or more courts or other judicial facilities of the State or the ability of the Maryland Judiciary to operate effectively.

Committee note: Section (b) is intended to cover situations in which, due to a local event not warranting an emergency declaration by the Governor or possibly a quarantine or isolation order issued by the Secretary of Health on his or her own initiative pursuant to Health-General Article § 18-905, access to or the functioning of one or more courts or other judicial facilities or operations is, or is likely to be, significantly inhibited for a significant period of time.

(c) Supplemental; Conflict

The Rules in this Chapter are in addition to and supplement the authority of administrative judges granted in other Chapters of this Title and to the Rules in Chapter 1100 of Title 15, but, to the extent of any conflict, the exercise by the Chief Judge of the Court of Appeals or a designee of the Chief Judge of any authority provided in this Chapter shall prevail.

Committee note: The Rules in this Chapter are based on three core Constitutional principles: (1) that the Judiciary is a Constitutionally created co-equal branch of the State Government, and, to assure the liberty of the People under both the Maryland and United States Constitutions, must be permitted to operate as effectively and efficiently as possible, even under adverse conditions; (2) the authority of the Court of Appeals under Art. IV, § 18 (a) of the Md. Constitution to adopt Rules, having the force of law, to govern practice and procedure in, and the administration of, the Maryland courts; and (3) the Constitutional designation of the Chief Judge of the Court of Appeals by Art. IV, § 18 (b) as the administrative head of the Judicial system of the State. The Rules recognize that, in the event of an emergency declared by the Governor, the authority granted under these Rules must be exercised in harmony with lawful directives of the Governor and other Executive Branch officials to the maximum extent practicable.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 1000 - EMERGENCY POWERS OF CHIEF JUDGE OF
COURT OF APPEALS

ADD new Rule 16-1002, as follows:

Rule 16-1002. COORDINATION WITH GOVERNOR

Upon the declaration of any emergency by the Governor pursuant to Code, Title 14 of the Public Safety Article, the Chief Judge of the Court of Appeals, directly or through designees, shall, to the extent practicable, consult with the Governor, the Governor's designees, the Maryland Emergency Management Agency, and, as appropriate, other Executive Branch officials, in order to coordinate Judicial and Executive Branch responses to the emergency.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 1000 - EMERGENCY POWERS OF CHIEF JUDGE OF COURT OF APPEALS

ADD new Rule 16-1003, as follows:

Rule 16-1003. AUTHORITY OF CHIEF JUDGE

(a) Generally

Upon a determination by the Chief Judge of the Court of Appeals that an emergency **declared by the Governor** or other event within the scope of Rule 16-1001 (b) significantly affects access to or the operations of one or more courts or other judicial facilities of the State or the ability of the Maryland Judiciary to operate effectively, the Chief Judge, by Administrative Order, may, to the extent necessary:

(1) amend and superintend the implementation of continuity of operations plans adopted pursuant to Rule 16-803;

(2) suspend the operation of Rules that cannot be implemented as intended because of the emergency or event;

(3) identify and direct the use of alternative locations to conduct judicial business in the event that one or more existing locations become inaccessible or otherwise unusable for that purpose; Committee note: The intent of this subsection is to permit courts or other judicial agencies to operate in facilities not otherwise designated as courthouses and to permit a circuit court to operate as such in a District Court or appellate court facility, and vice versa.

(4) transfer cases pending in a court that becomes inaccessible or otherwise unusable to any other court having subject matter jurisdiction over the case;

(5) permit cases to be filed in any court having subject matter jurisdiction where no court with venue is reasonably accessible or otherwise usable, subject to transfer when the emergency ends;

(6) permit pleadings and papers to be filed and hearings to be conducted in the manner set forth in Rule 15-1104;

(7) suspend, toll, extend, or otherwise grant relief from time deadlines, requirements, or expirations otherwise imposed by applicable statutes, Rules, or court orders, including deadlines for appeals or other filings, deadlines for filing or conducting judicial proceedings, and the expiration of injunctive, restraining, protective, or other orders that otherwise would expire, where there is no practical ability of a party subject to such deadline, requirement, or expiration to comply with the deadline or requirement or seek other relief;

Committee note: Granting relief from filing deadlines may take the form of directing relation back of filings made promptly after termination of the emergency to the day before the deadline expired.

(8) suspend any judicial business that is deemed not essential by the Chief Judge;

(9) triage cases and categories of cases with respect to expedited treatment;

(10) designate other judges or judicial officials or employees to implement directives issued under this Rule or directives issued by the Governor upon an emergency declared by the Governor;

(11) to the extent necessary to fulfill Constitutional mandates, require that certain courts and judicial facilities remain operational to the extent possible during a state of emergency and resume operations upon termination of a state of emergency;

(12) use any means of communication likely to be effective;

(13) authorize administrative judges or security personnel to preclude or control entry into courthouses or other judicial facilities by persons who pose a credible threat to the health or safety of members of the public or judicial personnel who are in the courthouse or other facility; and

(14) take any other appropriate action necessary to ensure that, to the maximum extent possible, essential judicial business is effectively handled by the courts.

(b) Duration; Compatibility with Governor's Directives

The authority granted in section (a) may be implemented only as necessary during the emergency or its immediate aftermath and, if exercised following an emergency declared by the Governor, shall, to the extent practicable, be compatible with directives and orders issued by the Governor. Promptly upon termination of the emergency, the Chief Judge shall review all directives issued pursuant to this Rule and determine a reasonable schedule for the rescission of those directives.

Committee note: Termination of the emergency (1) does not mean that all courts will immediately be back in full operation, and (2) even to the extent they are,

they will be immediately faced with having to deal with the cases backlogged during the emergency plus new filings. Some time deadlines that were extended and some triaging may need to remain in place for a reasonable time.

(c) Inability of Chief Judge

During any period in which the Chief Judge is unable to exercise the authority granted in section (a), that authority may be exercised by the judge on the Court of Appeals most senior in length of service on that Court, unless the Chief Judge has designated another judge of the Court to exercise that authority or the Governor has designated another judge of the Court to serve as Acting Chief Judge during that period.

(d) Notice and Posting of Directives

To the extent practicable, a copy of all directives and orders issued under section (a) following a declaration of emergency by the Governor, shall be sent to the Governor, the President of the Senate, the Speaker of the House of Delegates, the Director of the Maryland Emergency Management Agency, and, in a catastrophic health emergency, the Secretary of Health, and shall be posted on the Judiciary website. Notices may be sent electronically.

Source: This Rule is new.

The Chair noted that his memorandum explains the background for the proposed new Rules. See Appendix 1. He further explained that development of these Rules pertaining to emergencies was often delayed, but due to the rapidly spreading coronavirus, it cannot be delayed any longer. Some administrative judges have been issuing their own orders to address concerns, and an Administrative Order was issued

yesterday by Chief Judge Barbera. The Administrative Order covers a lot of the material contained in the proposed Rules. The Chair pointed out that the Administrative Order restricts unnecessary in-State travel, all out-of-State travel, and judicial education programs.

The Chair added that there has been a Maryland Public Health Emergency Benchbook in place for some time, last revised in 2010, but it does not cover all types of emergencies. The urgency to address emergencies was triggered in part by events in Houston when courthouses flooded. Applicable rules were not in place and the courts were searching for authority to operate. The Chief Justice of Texas brought the issue to the attention of the Conference of Chief Justices. The Chair explained that, at the time, the main concern was Maryland's status as a coastal State and potential for floods. The Chair noted that the courts have Continuity of Operation Plans, also known as "COOP," that have been in place for decades.

The Chair addressed the Declaration of Emergency recently issued by the Governor. He explained that the Governor has very comprehensive authority under the statutes to deal with these emergencies. The statutes, however, mention the Judiciary only once and do not address how the Judiciary will operate. The Governor's emergency laws mention the Judiciary in dealing with judicial review of quarantine isolation orders only. The lack

of mention of the Judiciary is understandable because the responsibility to run the Judicial branch is vested by the Maryland Constitution in the Court of Appeals and the Chief Judge, to be implemented primarily through the Court's rulemaking authority.

The Chair said that the proposed Rules were developed after a fifty-state search to determine what other states had in place to address these emergencies. Some states had statutes, but most of the issues were addressed by rule. The Chair noted that the proposed Rules have been evolving, and there have been many changes to ensure that all issues are addressed. The proposed Rules recognize that the actions of the Chief Judge must be in harmony with the Governor's lawful directives.

The Chair reported that the Judicial Council held a meeting on Wednesday, and Health Secretary Robert Neall was present. The Judicial Council learned more about the current health concerns, including that predictions worsen once COVID-19 becomes community-based. Possible consequences include closing the courts. The Health Secretary pledged his cooperation. Chief Judge Barbera has issued a bulletin indicating that she has been in contact with the Governor's Office, with the Secretaries of Health and Public Safety, and with Correctional Services.

The Chair stated that the Rules have not gone through the General Court Administration Subcommittee because of their urgency. The Rules are being presented directly to the Rules Committee, and it will take a motion to approve them. The Chair indicated that he would ask for a motion after reviewing all of the proposed Rules.

The Chair turned to Rule 16-1001, noting that sections (a) and (b) state the two kinds of situations during which the Chief Judge can exercise this authority. In the first situation, the Governor has declared an emergency that affects judicial operations. In the second situation, there has not been a declaration of emergency, but some other event affects judicial operations. The event may be local or impact one county only. Section (c) takes account of COOP plans in existence. `

The Chair stated that Rule 16-1002 pertains to coordination with the Governor's Office.

The Chair directed the Committee's attention to the most recent draft of proposed new Rule 16-1003, which is the "hand-out" version of the Rule. He explained that Rule 16-1003 concerns the ability to amend and supervise implementation of local COOP plans. The Chief Judge may be involved to ensure a consistent area-wide response to suspend the operation of Rules that cannot be implemented as intended.

The Chair said that the ability to identify and direct the use of alternative locations to conduct official business is an important concern. He explained that some of the District Court facilities are in buildings that are under the control of the Department of General Services, not the Judiciary.

Chief Judge Morrissey added that there was confusion after the Governor's address yesterday as to whether public facilities under the control of the Executive Branch were closed. The District Court confirmed with the Department of General Services that the buildings were open and all employees were reporting. Chief Judge Morrissey noted that Prince George's County is in a different situation because the administrative judge is in a county building. He added that these building restrictions may make it difficult for the District Court to stay open.

The Chair commented that the COOP plans seek to identify alternative locations that could be used as courthouses. He indicated that this feature is based on the federal experience with COOP plans adopted not long after 9/11, when the federal government was looking for different locations where U.S. District Court proceedings could be held. When updating their COOP plans, the federal courts learned that one of the designated buildings had been sold and was no longer available, providing an example of the need to keep COOP plans up-to-date.

Ms. Harris noted that the Rule references emergencies declared by the Governor. She inquired as to the applicability of the Rule when there is a local issue that is not statewide, and the Chief Judge determines that a court facility needs to be closed. The Chair indicated that the phrase "declared by the Governor" was intended only as a clarification. He pointed out that section (b) states, "or other event within the scope of 16-1001 (b)." An issue that is not declared an emergency by the Governor may be an emergency within the scope of Rule 16-1001 (b), referring to other events affecting the Judiciary.

Chief Judge Morrissey commented that Rule 16-1003 is a bit confusing because it looks like section (a) defines the scope of the Rule as addressing only an emergency declared by the Governor. The Chair clarified that section (a) also includes within the scope of the Rule other events as defined in Rule 16-1001 (b). The Reporter suggested amending a portion of Rule 16-1003 (a). The word "other" could be removed from the phrase, "or other event within the scope of Rule 16-1001 (b)." Section (a) could instead state, "or an event within the scope of Rule 16-1001 (b)." The Chair asked if there was any objection to the proposed change. None were forthcoming.

The Chair noted that Rule 16-1003 contains a list of actions that may be taken by the Chief Judge by Administrative Order. Subsection (a)(5), for example, permits cases to be

filed in another court that has subject matter jurisdiction when no court with venue is reasonably accessible. The Rules are based on the constitutional authority of the Court of Appeals to issue Rules that can address venue because, even if the court having venue is not available, the statute of limitations is running. The Chair noted that there may be priority cases that need to be adjudicated during this time.

Ms. McBride asked how this Rule works with MDEC, specifically whether MDEC filers should still file in the proper court even if the location is closed. The Chair responded that filers could likely still submit to MDEC jurisdictions and may not need to find an alternative location, assuming electronic transmission is still available. He added that the filing should still be addressed. Chief Judge Morrissey commented that the MDEC training for court employees is consistent in different counties. If a location needs to close, employees from a different location can still be assigned to work on filings from the closed location.

Ms. McBride inquired whether the Rule should include additional information for non-MDEC cases and filers. The Chair explained that subsection (a)(5) provides that the filing is subject to transfer when the emergency ends. If the parties agree to keep the case in the court where it was filed, venue can be waived.

Judge Bryant questioned whether cases would be transferred *sua sponte* or by motion when the emergency ended. The Chair indicated the transfer would likely occur by motion, unless the parties do not want to transfer the matter. Judge Bryant added that it should be clarified in the Rule so that parties do not assume that the clerks automatically transfer the cases. It would be overly burdensome to require the clerks to automatically transfer cases at the end of the emergency.

Judge Price inquired whether an administrative order could address how transfers would be handled at the end of a crisis. She noted that it may be difficult to address every detail within the Rule. Judge Bryant responded that the Rule needs to give attorneys guidance.

Mr. Armstrong added that Rule 2-327 already gives the circuit courts authority to transfer cases. Judge Bryant acknowledged that this Rule styles how the transfer will occur. Ms. McBride asked whether venue can be raised at any time. Judge Nazarian responded that objections to venue are waived if not raised in the answer. Ms. McBride noted that the issue of venue may be raised at any time in the District Court.

Mr. Kramer commented that the Rule should not limit the Chief Judge to certain parameters when flexibility is important to the Rule. He added that he interpreted subsection (a)(5) as addressing a mass transfer of cases, but the judge should have

the power to determine what actions are necessary at any given time.

The Chair commented that existing Rule 15-1103, concerning judicial review of quarantine orders, provides that a petition may be filed in the circuit court for the county in which the isolation or quarantine is occurring or, if that court is not available, in any other circuit court. Rule 16-1003 is expanding on the idea presented in Rule 15-1103 regarding filing when the proper venue is unavailable.

The Chair noted that Rule 16-1003 could add that the case is subject to transfer on motion of the party when the emergency ends. Judge Bryant agreed that the addition would close the loop of individuals arguing that the case should not have remained with the court because of improper venue. She also noted that the new language would protect the Judiciary by recognizing that the initial filing was permitted due to an emergency and that it is up to the parties to correct the venue when the emergency ends.

Chief Judge Morrissey asked, from a court administration perspective, if the Committee wants the Rule to limit the court from transferring the case on its own. Judge Bryant responded that the concern is putting the responsibility on the court personnel to know and keep track of the proper venues for cases.

Chief Judge Morrissey asked whether the Rule could provide for both *sua sponte* transfer and transfer by motion.

Senator Cassilly said that a particular court flooded with these cases may want to keep a list and transfer the cases when the emergency ends. There may be other courts that do not track the cases, so the parties would need to ask for a transfer. The Chair noted that the court personnel would have to keep track of the originating court when cases are transferred during an emergency. However, if there was a new filing, it is unclear how the clerk or judge would know where the case could have or should have been filed.

Mr. Marcus added that there are distinctions between transfers in the District Court and a circuit court. If the Rule permits both *sua sponte* and by motion transfers, it can cover both the District Court and circuit courts without having any distinctions concerning the different Rules of transfer in each court. Mr. Marcus added that there does not need to be an affirmative duty on the clerks. He noted that there is no way to tell in most filings in the District Court where venue would be appropriate because it is not part of how cases are pled. The circuit courts require different statements of claim. Mr. Marcus concluded that permitting both *sua sponte* transfers and transfers by motion after the emergency would accommodate any concern.

Mr. Kramer asked whether there was any proposed new language for the Rule. The Chair suggested adding language to the Rule indicating that transfers would be on motion of a party or on the court's own initiative. Judge Bryant agreed to the language. Mr. Kramer noted that there is language to that effect already in Rule 3-326 (a). The Chair asked for any objections as to the proposed language. None were forthcoming.

Judge Bryant raised another issue under subsection (a)(3). She noted that the Committee recently struggled to define "judicial business" and asked whether there should be some indication of the term's meaning. She further noted that Chief Judge Barbera's Administrative Order in essence defines the term because she covers all the categories of business, such as meetings, Judicial Institute classes, and other similar activities. The Chair inquired whether Judge Bryant wanted to list all business activities in the Rule. Judge Bryant clarified that she did not want to list all activities but asked whether the definition of "judicial business" used for the Access Rules could be used for this Rule.

The Reporter clarified that the term was addressed in the Access Rules because records are supposed to be open to the public and there was a need to narrow the term. Judge Bryant pointed out that the term could be defined very broadly with a note saying that the term refers to everything that falls within

the auspices of the Chief Judge's authority. Mr. Marcus commented that the term "judicial business" also appears in other subsections of the Rule.

Judge Bryant said that referring to every area for which the Chief Judge has authority should cover all judicial business. Mr. Kramer clarified that it should be about the judicial branch in its entirety. Judge Bryant commented that sometimes little aspects of language can make a big difference, especially if there are conflicting definitions for a term from different sources.

The Chair suggested that another possible term to use is judicial operations, but that term is similar to the current language. Mr. Kramer suggested that the language refer to business or operations of the judicial branch. Judge Bryant suggested a Committee Note could clarify the meaning of judicial business. This note would make clear that the Chief Judge has the ultimate authority over every aspect of the Judiciary.

The Chair inquired whether the term business covers activities in the courthouse and other judicial buildings. Judge Bryant agreed that those locations are covered by the current language but noted that there are situations where a judge must travel to a separate location, such as to a hospital, to determine whether life support should be used.

Mr. Kramer asked who would have authority to overrule the Chief Judge or a court in its interpretation of this Rule. The Chair responded that the Chief Judge would make such decisions, subject to the agreement of the Court of Appeals. He added that the Chief Judge may delegate certain decisions to administrative judges or to the Chief Judge of the District Court if she finds they are more familiar with the subject facilities and buildings.

Judge Bryant inquired whether Ms. Harris was satisfied with the current language, using the term judicial business. Ms. Harris responded that she approved of the term at the moment, noting that she did not have an alternative. She further noted that different clerks may have different interpretations of terms, such as defining "non-essential."

The Chair commented that any issues will likely work themselves out when they arise. For example, if an administrative judge needs an alternative location to hold court, he or she will need to discuss logistics with the Chief Judge. The issues will be resolved based on the circumstances.

Judge Bryant added that the term judicial business occurs in other subsections. In subsection (a) (8), the Rule refers to suspending any judicial business that is not essential. Judge Bryant stated that a Committee note would ensure everyone understands what judicial business means and that it includes

everything for which the Chief Judge has responsibility. The Chair noted that the definition may be circular if it defines the term as what the Chief Judge has control over. Judge Bryant responded that any definition should be clear so that the Judiciary does not have some employees acting unilaterally because they do not believe their actions constitute judicial business. An example presented for consideration was the issuance of marriage licenses. The Chair clarified that the issuance of licenses, such as marriage licenses, constitute judicial business.

Mr. Kramer asked how Rule 16-1001 (b) works with this broad definition as it appears narrower. The Chair responded that section (b) was intended to cover local events that may not result in an emergency declaration from the Governor. For example, an electrical problem or flooding may cause a courthouse to close. Section (b) may also cover situations where the Secretary of Health declares a quarantine that may cover only some counties.

The Chair inquired whether there was a motion regarding proposed language to define the term "judicial business." Judge Bryant responded that there was no motion to change the language.

The Chair introduced the next subsections, asking for any comments on (a) (3), (4), and (5). He commented that the term

"hearings" in subsection (a) (6) needs to be changed to "proceedings." The change was prompted by a question from a Judge on the Court of Appeals regarding bar admission ceremonies. The Court of Appeals determined a safe way to hold some upcoming ceremonies but will have a larger group to be admitted after the results of the February bar exam are known. The Chair noted that the statute requires attorneys to take the oath in open court, administered by either the Clerk or a judge. Judges in other courts could potentially administer the oath, although the attorneys will need to travel to Annapolis to sign the test book. To protect the ability to alter the method of performing these activities, the term "proceedings" replaces "hearings."

Mr. Marcus asked whether the subsection should expressly cover hearings as well. Chief Judge Morrissey added that the term hearing is very precise for a trial judge. Judge Bryant commented that the Rule could reference hearings and proceedings. Ms. Lindsey noted that proceedings is the broader term. The Chair agreed, noting that proceedings was used because the term covers almost any business of the Judiciary.

The Chair introduced subsection (a) (7). This subsection is an important part of the Rule and was copied from what other states have done. The Chair noted that most time requirements are set by the Rules, except for statutes of limitation. He

added that there needs to be a way to categorically extend deadlines and expiration dates, such as in domestic violence orders and injunctions. If a filer is unable to timely file due to an emergency and court closure, there needs to be some protection. If the document is properly filed after the emergency ends, it would relate back and be timely.

Judge Price pointed out that the filing would relate back under common law, considering the tolling of the statute of limitations. If an individual is unable to physically file, the statute of limitations would be tolled. Judge Bryant agreed, noting that the Rule is no different than equitable tolling. The Chair added that the inclusion in the Rule can prevent disputes as to that issue.

Ms. Lindsey asked whether subsection (a) (7) would extend to other deadlines in the clerk's office, such as marriage license applications, which are good only for six months, or business licenses that must be submitted by a certain date. The Chair noted that if subsection (a) (7) does not apply, only the Governor could alter those deadlines because they are based on statutes. Mr. Marcus added that some aspects of licensing deadlines may be beyond the courts' authority due to factors such as filing and application fees. Although courts accept some of these filings, fees and other licensing matters are

within the power of the Executive Branch. Mr. Marcus said that agencies have the ability to modify those licensing issues.

The Chair reviewed additional subsections of Rule 16-1003 (a). He commented that subsection (a)(8) again refers to judicial business. Many of these subsections were developed based on the actions taken in other states. The Chair explained that subsection (a)(11) highlights the constitutional right of the courts and the Judiciary's responsibility for ensuring that right. Subsection (a)(12) provides relief when the courts cannot use the method of communication required by a Rule. The Chair highlighted subsection (a)(13) as a new addition to Rule 16-1003. He noted that some judges may be unaware that the Chief Judge's approval is required for certain actions. Subsection (a)(14) serves as a catchall provision.

The Chair explained that section (b) clarifies that the duration of the authority granted in Rule 16-1003 is only during the emergency or other event under Rule 16-1001 (b). The Rule provides guidance for actions after the emergency ends. The Chair noted that some triaging and administrative orders may need to stay in effect even after the emergency ends.

The Chair addressed section (c), dealing with the potential administrative issue of the availability of the Chief Judge. Rule 16-1003 (c) sets out the authority of others to act under those circumstances. The notice referenced in section (d) aims

to let others, especially the executive branch, know of the actions of the Judiciary.

The Chair presented proposed related amendments to Rules 1-202, 15-1103, and 15-1104 for consideration.

MARYLAND RULES OF PROCEDURE

TITLE 1 - GENERAL PROVISIONS

CHAPTER 200 - CONSTRUCTION, INTERPRETATION, AND DEFINITIONS

AMEND Rule 1-202 by adding a new section (t), "Paper," and by re-lettering current sections (t) through (ee), as follows:

RULE 1-202. DEFINITIONS

In these rules the following definitions apply except as expressly otherwise provided or as necessary implication requires:

. . . .

(s) Original Pleading

"Original pleading" means the first pleading filed in an action against a defendant and includes a third-party complaint.

(t) Paper

"Paper" includes a document filed or that exists in electronic form.

~~(t)~~ (u) Person

"Person" includes any individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or

other corporation, incorporated association, limited liability partnership, limited liability company, the State, its agencies or political subdivisions, any court, or any other governmental entity.

~~(u)~~ (v) Pleading

"Pleading" means a complaint, a counterclaim, a crossclaim, a third-party complaint, an answer, an answer to a counterclaim, cross-claim, or third-party complaint, a reply to an answer, or a charging document as used in Title 4.

~~(v)~~ (w) Proceeding

"Proceeding" means any part of an action.

~~(w)~~ (x) Process

"Process" means any written order issued by a court to secure compliance with its commands or to require action by any person and includes a summons, subpoena, an order of publication, a commission or other writ.

~~(x)~~ (y) Property

"Property" includes real, personal, mixed, tangible or intangible property of every kind.

~~(y)~~ (z) Return

"Return" means a report of action taken to serve or effectuate process.

~~(z)~~ (aa) Senior Judge

"Senior judge" means: (1) in Rules 16-103 and 16-601, an incumbent judge with the longest continuous period of incumbency on the court on which the judge serves, and (2) in all other Rules, an individual who (A) once served as a judge on the District Court, a circuit court, or an appellate court of this State, (B) retired from that office voluntarily or by operation of law by reason of age, and (C) has been approved for recall to sit as a judge

pursuant to Md. Constitution, Art. IV, § 3A and Code, Courts Article, § 1-302.

Cross reference: For a use of the term "senior judge" consistent with the definition in Rule 1-202

~~(z)~~ (aa) (1), see Md. Constitution, Art. IV, § 18 (b) (5).

~~(aa)~~ (bb) Sheriff

"Sheriff" means the sheriff or a deputy sheriff of the county in which the proceedings are taken, any elisor appointed to perform the duties of the sheriff, and, with respect to the District Court, any court constable.

~~(bb)~~ (cc) Subpoena

"Subpoena" means a written order or writ directed to a person and requiring attendance at a particular time and place to take the action specified therein.

~~(cc)~~ (dd) Summons

"Summons" means a writ notifying the person named in the summons that (1) an action against that person has been commenced in the court from which the summons is issued and (2) in a civil action, failure to answer the complaint may result in entry of judgment against that person and, in a criminal action, failure to attend may result in issuance of a warrant for that person's arrest.

~~(dd)~~ (ee) Warrant; Arrest Warrant; Bench Warrant; Search Warrant

"Warrant" means an arrest warrant, a bench warrant, or a search warrant.

(1) "Arrest warrant" means a written order that (A) in the District Court is signed by a judge or District Court commissioner; (B) in a circuit court is signed by (i) a judge or (ii) the clerk of the court upon an order by a judge that is in writing or otherwise of record, is docketed, and expressly directs the clerk to issue the warrant; and (C)

commands a peace officer to arrest the person named in the warrant.

(2) "Bench warrant" means an arrest warrant that (A) is signed by (i) a judge or (ii) the clerk of the court upon an order by a judge that is in writing or otherwise of record, is docketed, and directs the clerk to issue the warrant, and (B) commands a peace officer to arrest the person named in the warrant. Committee note: A bench warrant may be issued to enforce an order to appear, for a violation of probation, or on a petition for contempt.

(3) "Search warrant" means a written order signed by a judge pursuant to Code, Criminal Procedure Article, § 1-203 that commands a peace officer to search for and seize property described in the warrant.

Committee note: A clerk of the court may sign an arrest warrant or bench warrant upon an order to "issue" the warrant, provided the order conforms to this section.

Cross reference: See *Wilson v. State*, 345 Md. 437, 450 (1997); *Nnoli v. Nnoli*, 389 Md. 315, 323, n.1 (2005).

~~(ee)~~(ff) Writ

"Writ" means a written order issued by a court and addressed to a sheriff or other person whose action the court desires to command to require performance of a specified act or to give authority to have the act done.

Source: This Rule is derived as follows:
Section (a) is derived from former Rule 5 a.
Section (b) is derived from former Rule 5 c.
Section (c) is new.
Section (d) is derived from former Rule 5 aa.
Section (e) is derived from former Rule 5 e.
Section (f) is derived from former Rule 5 f.
Section (g) is derived from former Rule 5 g.
Section (h) is derived from former Rule 5 h.
Section (i) is new.
Section (j) is derived from former Rule 5 m.

Section (k) is new.
Section (l) is new.
Section (m) is derived from former Rule 5 r.
Section (n) is derived from former Rule 5 n.
Section (o) is derived from former Rule 5 o.
Section (p) is new.
Section (q) is new.
Section (r) is new.
Section (s) is derived from the last sentence of former Rule 5 v.
Section (t) is new.
Section ~~(t)~~(u) is derived from former Rule 5 q.
Section ~~(u)~~(v) is new and adopts the concept of federal practice set forth in the 1963 version of Fed. R. Civ. P. 7 (a).
Section ~~(v)~~(w) is derived from former Rule 5 w.
Section ~~(w)~~(x) is derived from former Rule 5 y.
Section ~~(x)~~(y) is derived from former Rule 5 z.
Section ~~(y)~~(z) is new.
Section ~~(z)~~(aa) is new.
Section ~~(aa)~~(bb) is derived from former Rule 5 cc.
Section ~~(bb)~~(cc) is derived from former Rule 5 ee.
Section ~~(ee)~~(dd) is new.
Section ~~(dd)~~(ee) is derived in part from former Rule 702 h and M.D.R. 702 m and is in part new.
Section ~~(ee)~~(ff) is derived from former Rule 5 ff.

MARYLAND RULES OF PROCEDURE

TITLE 15 - OTHER SPECIAL PROCEEDINGS

CHAPTER 1100 - CATASTROPHIC HEALTH EMERGENCY

AMEND Rule 15-1103 by adding a new sentence to section (a) pertaining to the method of filing a petition, as follows:

RULE 15-1103. INITIATION OF PROCEEDING TO CONTEST ISOLATION OR QUARANTINE

(a) Petition for Relief

An individual or group of individuals required to go to or remain in a place of isolation or quarantine by a directive of the Secretary issued pursuant to Code, Health--General Article, § 18-906 or Code, Public Safety Article, § 14-3A-05, may contest the isolation or quarantine by filing a petition for relief in the circuit court for the county in which the isolation or quarantine is occurring or, if that court is not available, in any other circuit court. **The petition may be filed in paper form or electronically, including by facsimile transmission.**

Committee note: Motions to seal or limit inspection of a case record are governed by Rule 16-910. The right of a party to proceed anonymously is discussed in Doe v. Shady Grove Hosp., 89 Md. App. 351, 360-66 (1991).

(b) Order Assigning Judge and Setting Hearing

The County Administrative Judge or that judge's designee shall enter an order (1) assigning the matter to a judge and (2) setting the date, time, and location of a hearing on the petition or directing the clerk to promptly set the hearing and notify the parties. The clerk shall provide a copy of the order to all parties, the State Court Administrator, and the Chief Judge of the Court of Appeals.

Cross reference: See Code, Health-General Article, § 18-906 (b), Code, Public Safety Article, § 14-3A-05 (c), and Rule 15- 1104 (c) concerning the time within which a hearing is to be conducted.

(c) Notice

No later than the day after the petition was filed, the clerk shall provide a copy of the petition and a notice of the date that it was filed to the Secretary or other official designated by the Secretary and to counsel to the Maryland Department of Health.

(d) Answer to Petition

The Secretary or other official designated by the Secretary may file an answer to the petition. If

an answer is not filed, the allegations of the petition shall be deemed denied.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 15 - OTHER SPECIAL PROCEEDINGS

CHAPTER 1100 - CATASTROPHIC HEALTH EMERGENCY

AMEND Rule 15-1104 by adding the phrase, "and papers," to subsection (d)(1), as follows:

RULE 15-1104. PROCEEDINGS IN THE CIRCUIT COURT

(a) Appointment of Counsel

If a petition has been filed pursuant to Rule 15-1103 by an individual or group not represented by counsel and the petitioner does not decline court-appointed counsel, the circuit court shall appoint counsel in accordance with Code, Health-General Article, § 18-906 (c), or the Court of Appeals shall appoint counsel in accordance with Code, Public Safety Article, § 14-3A-05 (f)(2). The court making the appointment may order the Secretary to pay reasonable fees and costs of the court-appointed counsel.

(b) Consolidation of Actions, Claims, and Issues

Consolidation of actions, claims, and issues is governed by Rules 2-327 and 2-503 and by Code, Health-General Article, § 18-906 (b)(7) or Code, Public Safety Article, § 14-3A-05 (f)(1).

(c) Time for Hearing

The circuit court shall conduct a hearing within three days after the date that the petition was filed, except that the court may extend the time for the hearing:

(1) upon a request by the Secretary or other designated official in accordance with Code, Health-General Article, § 18-906 (b)(4) or Code, Public Safety Article, § 14-3A-05 (c)(4);

(2) upon a request by a petitioner for good cause;
or

(3) to effectuate the consolidation of proceedings.

(d) Appearance at and Conduct of the Hearing

If one or more of the parties, their counsel, or witnesses are unable to appear personally at the hearing, and the fair and effective adjudication of the proceedings permits, the court may:

(1) accept pleadings and papers, and admit documentary evidence submitted or proffered, by courier, facsimile, or electronic mail;

(2) if feasible, conduct the proceedings by means of a telephonic conference call, live closed circuit television, live internet or satellite video conference transmission, or other available means of communication that reasonably permits the parties or their authorized representatives to participate fully in the proceedings; and

(3) decline to require strict application of the rules of evidence other than those relating to the competency of witnesses and lawful privileges.

Source: This Rule is new.

The Chair explained that there are also several proposed conforming amendments, primarily to address cross-references. The Chair presented proposed conforming amendments to Rules 2-131, 2-221, 3-131, 3-221, 9-202, 16-103, and 16-601 for

consideration. See Appendix 2. The Chair asked for any comments or questions on these Rules and proposed amendments.

The Chair called for a motion to approve the proposed new Rules and amendments. The motion was made, seconded, and passed by a majority.

The Chair added that Committee Members Julia Bernhardt, Esq., Christopher R. Dunn, Esq., Alvin I. Frederick, Esq., Victor H. Laws, III, Esq., and the Hon. Dorothy Wilson previously submitted their approvals, but were unable to attend the meeting.

There being no further business before the Committee, the Chair adjourned the meeting.

Appendix 1

**THE COURT OF APPEALS OF MARYLAND
STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE**

Hon. ALAN M. WILNER, Chair
SANDRA F. HAINES, Reporter
COLBY L. SCHMIDT, Assistant Reporter

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Annapolis, Maryland 21401
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MEMORANDUM

TO : Members of the Rules Committee
FROM : Hon. Alan M. Wilner
DATE : March 4, 2020
SUBJECT : Emergency Powers Rules - Chief Judge

The Governor has long had both Constitutional and statutory authority to deal with public emergencies, whether caused by natural events, infectious disease, or rioting or insurrection, and Governors have exercised that authority when conditions warranted. The current laws are codified in Title 14 of the Public Safety Article. See sections 14-101, 14-302, and 14-3A-01. Those laws were revised and brought up to date in 1968, following the riots in Baltimore City that arose from the assassination of Martin Luther King, Jr. and have been amended several times since then.

Those laws focus on what the Governor, the Secretary of Health, and the Maryland Emergency Management Agency (MEMA) can do. Although public emergencies and directives of Executive Branch officials in response to them can have a dramatic impact on the functioning of the Judiciary, there is little of any consequence in the statutes regarding that matter.

In 2005, largely in response to the authority of the Governor and the Secretary of Health to order the quarantine or isolation of persons suspected of having an infectious disease and the statutory right to judicial review of such orders, the Court of Appeals adopted the Catastrophic Health Emergency Rules codified in Title 15, Chapter 1100 of the Md. Rules. The only other Judicial response, so far, has been (1) the requirement, now in Rule 16-803, directing the development of Continuity of Operations Plans (COOP) by the Chief Judges of the appellate and district courts, administrative judges of the circuit courts, and AOC, (2) the drafting and distribution to the courts of the Maryland Public Health Emergency Bench Book that was last revised in 2010, and (3) an Administrative Order of the Chief

Judge delegating certain functions to AOC personnel (assuming they would be available to carry out those functions). That Bench Book focuses almost entirely on catastrophic health emergencies (quarantine and isolation orders).

One gaping hole in this is the lack of Rules delineating the authority of the Chief Judge of the Court of Appeals, as the Constitutional administrative head of the Maryland Judiciary, to direct and coordinate the Judiciary's response to public emergencies of any kind, whether due to widespread disease, natural events, or rioting or insurrection. The challenges to judicial operations from any of those kinds of emergencies can be devastating, as judicial facilities become inaccessible or unusable, personnel become unavailable, and transportation and communications are disrupted, yet for public safety purposes and the protection of civil rights, judicial operations need to continue to the extent possible. Other States have dealt with that issue in the form of statutes or Rules. Maryland has yet to do so in any comprehensive manner.

A survey of what other States have done shows a need to address at least the following:

(1) Coordinate, possibly revise, and superintend existing COOP plans;

(2) Suspend the operation of Rules that cannot be implemented as intended because of the emergency;

(3) Identify and direct the use of alternative locations to conduct judicial business if existing facilities become inaccessible or unusable;

(4) Transfer cases pending in a court that becomes inaccessible or unusable to any other court having subject matter jurisdiction over the case;

(5) Permit cases to be filed in any court having subject matter jurisdiction where no court with venue is reasonably accessible or usable;

(6) Suspend, toll, or grant relief from time deadlines or filing requirements, or the expiration of injunctive, restraining, or protective orders that otherwise would expire when there is no practical ability of a party to comply with the deadline or seek other relief;

(7) Triage cases and categories of cases with respect to expedited treatment;

(8) Suspend any judicial business not deemed essential;

(9) Designate other judges or judicial officials to implement directives entered by the Chief Judge or the Governor; and

(10) Take any other appropriate action necessary to assure that essential judicial business is effectively handled by the courts.

The Rules offered for consideration by the Committee at its March 13, 2020 meeting attempt to deal with those challenges. In light of the current concern over the spread of the Coronavirus (COVID-19), if approved, the Rules will be submitted to the Court as emergency measures.

AMW:wlp

Appendix 2

MARYLAND RULES OF PROCEDURE

TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT

CHAPTER 100 - COMMENCEMENT OF ACTION AND PROCESS

AMEND Rule 2-131, by conforming a cross reference to the re-lettering of Rule 1-202, as follows:

RULE 2-131. APPEARANCE

. . . .

(d) Effect

The entry of an appearance is not a waiver of the right to assert any defense in accordance with these rules. Special appearances are abolished.

Cross reference: Rules 1-311, 1-312, 1-313; Rules 19-214, 19-215, and 19-216 of the Rules Governing Admission to the Bar. See also Rule 1-202 ~~(t)~~(u) for the definition of "person".

Source: This Rule is in part derived from former Rule 124 and in part new.

MARYLAND RULES OF PROCEDURE
TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT
CHAPTER 200 - PARTIES

AMEND Rule 2-221, by conforming a cross reference to the re-lettering of Rule 1-202, as follows:

RULE 2-221. INTERPLEADER

(a) Interpleader Action

An action for interpleader or in the nature of interpleader may be brought against two or more adverse claimants who claim or may claim to be entitled to property. The claims of the several defendants or the title on which their claims depend need not have a common origin or be identical but may be adverse to and independent of each other. The plaintiff may deny liability in whole or in part to any or all of the defendants. A defendant may likewise obtain interpleader by way of counterclaim or cross-claim. The provisions of this Rule supplement and do not in any way limit the joinder of parties permitted by Rule 2-212. The complaint for interpleader shall specify the nature and value of the property and may be accompanied by payment or tender into court of the property. The complaint may request, and the court may grant prior to

entry of the order of interpleader pursuant to section (b) of this Rule, appropriate ancillary relief, including ex parte or preliminary injunctive relief.

Cross reference: For the definition of property, see Rule 1-202 ~~(x)~~ (y).

. . . .

MARYLAND RULES OF PROCEDURE
TITLE 3 - CIVIL PROCEDURE - DISTRICT COURT
CHAPTER 100 - COMMENCEMENT OF ACTION AND PROCESS

AMEND Rule 3-131, by conforming a cross reference to the re-lettering of Rule 1-202, as follows:

RULE 3-131. APPEARANCE

. . .

(d) Effect

The entry of an appearance is not a waiver of the right to assert any defense in accordance with these rules. Special appearances are abolished.

Cross reference: Rules 1-311, 1-312, 1-313; Rules 19-214 and 19-215 of the Rules Governing Admission to the Bar. See also Rule 1-202 ~~(t)~~(u) for the definition of "person", and Code, Business Occupations and Professions Article, § 10-206 (b)(1), (2), and (4) for certain exceptions applicable in the District Court.

Source: This Rule is in part derived from former Rule 124 and in part new.

MARYLAND RULES OF PROCEDURE
TITLE 3 - CIVIL PROCEDURE - DISTRICT COURT
CHAPTER 200 - PARTIES

AMEND Rule 3-221, by conforming a cross reference to the re-lettering of Rule 1-202, as follows:

RULE 3-221. INTERPLEADER

(a) Interpleader Action

An action for interpleader or in the nature of interpleader may be brought against two or more adverse claimants who claim or may claim to be entitled to property. The claims of the several defendants or the title on which their claims depend need not have a common origin or be identical but may be adverse to and independent of each other. The plaintiff may deny liability in whole or in part to any or all of the defendants. A defendant may likewise obtain interpleader by way of counterclaim or cross-claim. The provisions of this Rule supplement and do not in any way limit the joinder of parties permitted by Rule 3-212. The complaint for interpleader shall specify the nature and value of the property and may be accompanied by payment or tender into court of the property. The complaint may request, and the court may grant prior to

entry of the order of interpleader pursuant to section (b) of this Rule, appropriate ancillary relief, including ex parte or preliminary injunctive relief.

Cross reference: For the definition of property, see Rule 1-202 ~~(*)~~ (y).

. . . .

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 200 - DIVORCE, ANNULMENT, ALIMONY, CHILD SUPPORT, AND

CHILD CUSTODY

AMEND Rule 9-202, by conforming a cross reference to the re-lettering of Rule 1-202, as follows:

RULE 9-202. PLEADING

(a) Signing-Telephone Number

A party shall personally sign each pleading filed by that party and, if the party is not represented by an attorney, shall state in the pleading a telephone number at which the party may be reached during ordinary business hours.

Cross Reference: See Rule 1-202~~(u)~~(v).

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE

AMEND Rule 16-103, by conforming a cross reference to the re-lettering of Rule 1-202, as follows:

RULE 16-103. CHIEF JUDGE OF THE COURT OF SPECIAL APPEALS

Subject to the provisions of this Chapter, other applicable law, and the direction of the Chief Judge of the Court of Appeals, the Chief Judge of the Court of Special Appeals is responsible for the administration of the Court of Special Appeals and, with respect to that court and to the extent applicable, has the authority of a County Administrative Judge. In the absence of the Chief Judge of the Court of Special Appeals, the provisions of this Rule shall be applicable to the senior judge present in the Court of Special Appeals.

Cross reference: For the definition of a "senior judge" as used in this Rule, see Rule 1-202 ~~(z)~~(aa)(1).

Source: This Rule is derived from former Rule 16-101 b (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 600 - EXTENDED COVERAGE OF COURT PROCEEDINGS

AMEND Rule 16-601, by conforming a cross reference to the re-lettering of Rule 1-202, as follows:

RULE 16-601. DEFINITIONS

. . . .

(e) Presiding Judge

(1) "Presiding judge" means a judge designated to preside over a proceeding which is, or is intended to be, the subject of extended coverage.

(2) Where action by a presiding judge is required by the Rules in this Chapter, and no judge has been designated to preside over the proceeding, "presiding judge" means the Local Administrative Judge.

(3) In an appellate court, "presiding judge" means the Chief Judge of that court or the senior judge of a panel of which the Chief Judge is not a member.

Cross reference: For the definition of a "senior judge" as used in this Rule, see Rule 1-202 ~~(z)~~(aa)(1).

Source: This Rule is derived from former Rule 16-109 a (2016.)