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**CONFERENCE OF CIRCUIT JUDGES**  
**COMMITTEE ON COMPLEX LITIGATION**

NOTES FROM SEPTEMBER 10, 2021 MEETING  
BUSINESS & TECHNOLOGY WORK GROUP

Time: 12:30 – 1:30 pm  
Place: Virtual (Zoom)

Attendees:

Judge Rubin, Chair  
Judge Truffer  
Eric Orlinsky

Judge Geller  
James Reilly  
Judy Rupp

Staff:

Linda Fallowfield

**Next Work Group Meeting** October 18, 12:30 – 1:30 pm via Zoom

Notes

Meeting commenced with an update from the Complex Litigation Coordinator on the status of the proposed amendments to Rule 16-308. She advised that the Rules Committee met on September 9, 2021 and approved the proposed amendment. She also stated that the Rules Committee added a Reporter's Note to the proposed Amendment. The next step is for the proposed rule to go before the Maryland Court of Appeals for final approval.

Judge Rubin then gave an update on the 2022 Boot Camp. He advised that the Boot Camp had been approved by the Education Committee and that three rooms had been booked at the Maryland Judiciary Building in Annapolis. Judge Rubin then discussed the current roster of speakers (those that had accepted thus far):

- 1) Hon. Paul A. Fioravanti, Jr., Vice Chancellor, Delaware Court of Chancery.
- 2) Hon. Douglas R. M. Nazarian, Court of Special Appeals of Maryland
- 3) James J. Hanks, Jr., Esquire, Venable LLP
- 4) Alyssa Gerace Frank, Esquire, Potter Anderson & Corron LLP
- 5) Carmen M., Fonda, Esquire, Venable LLP

6) Judge Rubin – the last slot on Friday (class actions and stockholder derivative actions)

Judge Rubin stated that other invitations are still outstanding and hoped to have a final speakers' roster and a complete subject matter agenda by the next Work Group (WG) meeting. Judge Rubin then asked the WG members is there anyone else that should be invited to speak?

Judge Geller asked about the format of the presentations. Judge Rubin responded that presentations are to be largely in lecture format, including questions and answers from the audience. Judge Geller asked about the possibility of using hypothetical discussions during the presentations. Judge Rubin said he would speak to the speakers about incorporating hypotheticals into their presentations. Judge Rubin then stated that the presentations will cover both the fundamentals of the topics but will also include more in-depth discussions, understanding that participants will come from various backgrounds.

One WG member asked why certain topics from the MSBA list were not included in the lineup? Judge Rubin replied that some of the topics given by the MSBA were quite narrow and not altogether suitable for separate presentation; however, the speakers will cover most of the topics suggested by the MSBA.

The WG member also stated that one of the goals of the MSBA was to encourage uniformity across the circuit courts regarding BTCMP practices. He suggested that participants be encouraged to consult with each other to build best practices. Judge Rubin agreed stating that the best way to achieve more uniformity among the circuits is to build consensus, which is one of the goals of the Boot Camp.

Another WG members asked if there could be an exit survey that could be used to assist in the development of future boot camps. Judge Rubin agreed and Judge Geller agreed to draft an exit survey.

Judge Truffer and other WG members asked to preview the proposed agenda before finalization. Judge Rubin agreed to circulate a proposed agenda but asked that the proposed agenda be kept within the work group until it was finalized. The Coordinator also reminded the WG that the Committee on Complex Litigation will give final approval for the agenda.

The question was then raised about whether WG members (who are not members of the judiciary) and other non-presenting attorneys can attend the Boot Camp. The Coordinator was directed to place on the agenda for the next Committee meeting the question of whether such WG members participating as facilitators can attend the Boot Camp. The Coordinator was also directed to place on the agenda the WG wish for the Committee to extend invitations for the Boot Camp to other State Business Court judges, and to senior Maryland judges who played a part in the formation of the BTCMP program (as well as former circuit court judges who had been elevated to the Court of Special Appeals).

As the last topic, the Coordinator asked for any comments on the redesign of the BTCMP website. One WG members asked if the "Protocol" page could be changed to "Published Opinion Protocol" and another indicated difficulties in viewing the website on an iPad and iPhone. The Coordinator agreed to the changes re the "Protocol" page and said she would alert the Webmaster over the issue with iPads and iPhones.

Action Items for the WG Members:

- 1) Judge Rubin – circulate proposed agenda
- 2) Judge Geller – draft the exit survey for the Boot Camp
- 3) Judge Kehoe: contact MDEC User Group for suggestions on BTCMP designations in MDEC

Action Items for Staff:

- 1) Place on the agenda for the next Committee on Complex Litigation Meeting:
  - a. Can WG members attend the Boot Camp as facilitators?
  - b. The WG would like to extend invitations for the Boot Camp to other State Business Court judges, and to senior Maryland judges who played a part in the formation of the BTCMP program (as well as former circuit court judges who had been elevated to the Court of Special Appeals).
  - c. Can the Announcements link of the BTCMP page include non-Maryland Judiciary training announcements from the ABA, MSBA and for-profit training vendors?