

March 13, 2020

The Honorable Mary Ellen Barbera,
Chief Judge

The Honorable Robert N. McDonald

The Honorable Shirley M. Watts

The Honorable Michele D. Hotten

The Honorable Joseph M. Getty

The Honorable Brynja M. Booth

The Honorable Jonathan Biran,
Judges

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

Your Honors:

The Rules Committee submits this, its Two Hundred and Fourth Report, and recommends that the Court adopt the new Rules and amendments to existing Rules transmitted with this Report. The new Rules - 16-1001, 16-1002, and 16-1003 - provide authority for the Chief Judge of the Court, as the Constitutional administrative head of the Maryland Judiciary, to take certain actions to maintain access to, and the effective operation of, the courts of the State in the face of public emergencies or other extraordinary events. The amendments to Rules 1-202, 2-131, 2-221, 3-131, 3-221, 9-202, 15-1103 (a), 15-1104 (d), 16-103, and 16-601 are clarifying and conforming ones. All proposed changes are submitted as emergency measures.

The existing statutes dealing with public emergencies, whether arising from natural events, widespread infectious disease, military attack, or riots or insurrection, understandably focus on the authority of the Governor and other Executive Branch officials to respond. See Code, sections 14-101, 14-302, and 14-3A-01 of the Public Safety Article and Title 18, Subtitle 9 of the Health-General Article. The emergency itself, however, and exercise of that authority by the Governor or other Executive Branch officials, can have a significant impact on the operation of the Maryland courts, yet, except for authorizing judicial review of quarantine/isolation orders, there is little of any consequence in those statutes regarding

the Judiciary's responsibility to maintain, as best as practicable, a functioning judicial system.¹

So far, that gap has not been consequential, but events elsewhere - the September 11, 2001 attacks, Hurricane Katrina in New Orleans, the massive flooding in several of the southern and mid-western States, wildfires in California, the H1N1 influenza pandemic in 2009-10 - and the immediate concern in Maryland over the coronavirus COVID-19 provide a clear warning that events may occur here that could result in courthouses and other judicial facilities becoming inaccessible or unusable, judicial personnel becoming unavailable, and communications and transportation becoming disrupted, any of which could create significant barriers to the Judiciary's ability to fulfill its Constitutional mission.²

The Maryland Constitution vests responsibility for assuring the effective operation of the Judiciary largely on the Court of Appeals and the Chief Judge of the Court and provides authority, in part through Rule-making, to discharge that responsibility. The proposed Rules, derived in large part from steps taken in other States, are designed to create a lawful administrative structure for achieving that objective.

Rule 16-1001 sets forth, in sections (a) and (b), the two circumstances under which the Chief Judge may exercise the authority granted in Rule 16-1003: (1) when the Governor declares an emergency pursuant to Title 14 of the Public Safety Article and the emergency, or directives of the Governor in response to it, significantly affect access to, or the operations of, one or more courts or judicial facilities or the ability of the Judiciary to operate effectively, or (2) an event occurs other than a declared emergency that has the same effect.

¹ A Maryland Public Health Emergency Law Bench Book approved and published by the Administrative Office of the Courts exists. It was last revised in 2010 and, as its name indicates, deals only with public health emergencies and not emergencies arising from other causes or events. It is currently under review for necessary updating. Local Continuity of Operations Plans (COOP) adopted pursuant to Rule 16-803 are broader in scope, but they do not address area-wide responses or some of the kinds of authority provided for in the proposed Rules that only the Chief Judge of the Court of Appeals could lawfully exercise. A broader COOP plan exists for judicial facilities in the Annapolis area.

² On March 5, 2020, the Governor, upon a finding that "COVID-19 is a public health catastrophe and public emergency," proclaimed "that a state of emergency and catastrophic health emergency exists within the entire State of Maryland." That proclamation followed a January 29, 2020 directive by the Governor to "all state agencies" to take "every precaution to prepare and mobilize whatever resources are necessary to address COVID-19."

Section (c) takes account of the general authority of administrative judges and the judicial review of quarantine/isolation orders in Title 15, Chapter 1100 but provides that, in the event of any conflict, emergency directives of the Chief Judge will prevail.

Rule 16-1002 requires, to the extent practicable, that, upon the declaration of an emergency by the Governor, the Chief Judge consult with the Governor, the Maryland Emergency Management Agency, and other Executive Branch officials in order to coordinate Judicial and Executive Branch responses.

Rule 16-1003 sets forth more specifically the authority of the Chief Judge to assure, to the extent possible, the continued functioning of the courts and the judicial system. Most of that authority is taken from what other States have done. The authority is necessarily broad, but its exercise is limited to those things that prove necessary to assure reasonable access to the courts during and immediately following an emergency or other disabling event. It includes the authority to:

- Amend and superintend the implementation of local COOP plans. That may be necessary to provide a consistent area-wide response;
- Suspend the operation of Rules that cannot be implemented as intended;
- Identify and direct the use of alternative locations to conduct judicial business;
- Transfer cases pending in a court that has become inaccessible or unusable to any other court having subject matter jurisdiction;
- Permit cases to be filed in any court with subject matter jurisdiction if no court with venue is reasonably accessible or usable, subject to transfer when the emergency ends;
- Permit pleadings and papers to be filed and proceedings to be conducted in the manner set forth in Rule 15-1104 (d);
- Suspend, toll, extend or otherwise grant relief from time deadlines, requirements, or expirations where there is no practicable ability of a party subject to such deadline, requirement, or expiration to comply or seek other relief;

- Suspend judicial business that is deemed not essential;
- Triage cases and categories of cases with respect to expedited treatment;
- Designate other judges or judicial officials or employees to implement directives under the Rule or directives issued by the Governor;
- To the extent necessary to fulfill Constitutional mandates, require that certain courts and judicial facilities remain operational;
- Authorize or direct administrative judges or security personnel to preclude or control entry into courthouses and other judicial facilities by persons who pose a credible threat to the health or safety of members of the public and judicial personnel who are in the facility;
- Use any means of communication likely to be effective; and
- Take any other appropriate action necessary to assure that judicial business is effectively handled by the courts.

It is anticipated that, although some directives may need to be Statewide in scope, others may be directed at specific courts or as authorizations for administrative judges or other judicial personnel to implement. The intent is to provide flexibility in addressing the particular situation.

Section (c) addresses the situation of the Chief Judge becoming unavailable to exercise this authority. Section (d) requires that all directives issued by the Chief Judge following a declaration of emergency by the Governor be sent to the Governor, the President of the Senate, and the Speaker of the House of Delegates and, to the extent practicable, posted on the Judiciary website.

The Committee recognizes that adoption of Rules of this kind is only a first step in assuring adequate preparation for any event that may require their implementation. Draft administrative orders and a COOP plan with respect to these Rules should be prepared.

Respectfully submitted,

Alan M. Wilner
Chair

AMW:wlp

cc: Suzanne C. Johnson, Clerk

MARYLAND RULES OF PROCEDURE
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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 an 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, on motion of a party or on the court's own initiative, when the emergency ends;

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

(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 and authorize 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) 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;

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

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 sections (u) through (ff), respectively, 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 cross-claim, 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.

~~(ee)~~(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 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 ~~(*)~~ (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 ~~(x)~~ (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 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.

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.)