

**SECOND INTERIM REPORT**  
**April 27, 2005**

**SUBCOMMITTEE ON DISCOVERY ABUSE ISSUES, INCLUDING THE USE OF  
DISCOVERY MASTERS**

I. **INTRODUCTION**

In continuation of this Committee's effort we now direct the larger group to a discussion of proposals to resolve discovery disputes that may later be submitted as recommendations of the Commission. These proposals are for discussion with the understanding that a further report will be submitted. An attempt has been made to consider the circumstances and resources of the different venues as well as the larger needs of the Bar and Judiciary statewide. All proposals are presented with the goal of either providing additional guidance to practitioners to avoid disputes in the discovery arena or to resolve disputes that arise in a timely and cost effective fashion. The use of available existing resources will very much depend on the variables of each County.

II. **GENERAL PROPOSALS**

The following are suggestions that may be helpful in providing guidance to practitioners and those that resolve discovery disputes:

- 1) Publication to the Bar and Judiciary generally that there is a problem.
- 2) Adoption of the *Discovery Guidelines* after revision.
- 3) Reconsideration and republication of *Maryland Discovery Opinions*.  
Consideration and adoption by the Court of Appeals?
- 4) Use of additional "Standard" discovery forms.
- 5) Discovery Hotline using trained volunteer attorneys.
- 6) Discovery Website? FAQ? Forms, Opinions, Guidelines? Group site?

### III. **RESOLUTION**

The following are suggestions to resolve or eliminate discovery issues:

- 1) Encourage the use of Special Masters pursuant to Rule 2-541(a)(2). See Montgomery County example.
- 2) Assignment of specific Judge to handle all civil discovery disputes in the 5 or 6 most populous counties. Which counties?
- 3) Designation of Discovery Master to resolve discovery disputes in smaller counties. Changes to the Maryland Rules regarding exceptions in the case of discovery disputes?
- 4) Discovery Conferences?
- 5) Use of trained Volunteer discovery facilitators with timely access to the Judiciary if unresolved. Baltimore County Contempt example.
- 6) Discovery Manual.
- 7) Less formal access to the Judiciary.

### IV. **LAST, BUT NOT LEAST**

- 8) Court of Appeals “suggestion” that each County formulate a discovery protocol designed to see that discovery is completed and issues resolved timely. Mission to resolve and conclude discovery more than to punish litigants.