

IN THE COURT OF APPEALS OF MARYLAND

R U L E S O R D E R

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Fifty-Fourth Report to the Court, recommending adoption of proposed new Rule 4-329, proposed new Title 15, Chapter 1100, and proposed amendments to Rules 1-101, 1-202, 1-311, 1-332, 2-241, 2-401, 2-521, 2-602, 3-241, 3-401, 4-247, 4-248, 4-252, 4-326, 4-342, 4-343, 4-346, 4-347, 4-401, 5-101, 6-208, 6-412, 6-455, 6-456, 7-102, 8-131, 8-204, 8-207, 8-501, 8-502, 8-602, 9-202, 12-207, 13-503, 15-901, 16-404, 16-405, 16-406, 16-504, 16-723, 16-819, 16-821, 16-1006, and Form 4-504.1; and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, all those proposed rules changes, together with the comments received, and making certain amendments to the proposed rules changes on its own motion, it is this 5th day of April, 2005,

ORDERED, by the Court of Appeals of Maryland, that new Rule

4-329 be, and it is hereby, adopted in the form previously published; and it is further

ORDERED that proposed new Title 15, Chapter 1100 be, and it is hereby, adopted in the form attached to this Order; and it is further

ORDERED that the proposed amendments to Rules 1-101, 1-202, 2-241, 2-401, 2-521, 2-602, 3-241, 3-401, 4-247, 4-248, 4-326, 4-342, 4-346, 4-347, 5-101, 6-208, 6-412, 6-455, 6-456, 7-102, 8-131, 8-204, 8-207, 8-501, 8-502, 8-602, 9-202, 12-207, 13-503, 15-901, 16-404, 16-405, 16-406, 16-504, 16-723, 16-821, and 16-1006 be, and they are hereby adopted in the form previously published; and it is further

ORDERED that the proposed amendments to Rules 1-311, 1-332, 4-252, 4-401, and 16-819 and Form 4-504.1 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that Form 1-332 in Appendix: Forms be, and it is hereby, rescinded; and it is further

ORDERED that the proposed amendment to Rule 4-343 be, and it is hereby, remanded to the Standing Committee on Rules of Practice and Procedure for further study; and it is further

ORDERED that the rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after July 1, 2005, and insofar as practicable to all actions then pending; and it is further

ORDERED that a copy of this Order be published in the next issue of the *Maryland Register*.

/s/ Robert M. Bell

Robert M. Bell

/s/ Irma S. Raker

Irma S. Raker

/s/ Alan M. Wilner

Alan M. Wilner

* /s/ Dale R. Cathell

Dale R. Cathell

/s/ Glenn T. Harrell, Jr.

Glenn T. Harrell, Jr.

/s/ Lynne A. Battaglia

Lynne A. Battaglia

/s/ Clayton Greene, Jr.

Clayton Greene, Jr.

* Judge Cathell declined to approve for adoption new Rules 15-1101 - 15-1107, and proposed amendments to Rules 1-101 (o) and 5-101 (c)(8).

Filed: April 5, 2005

/s/ Alexander L. Cummings

Clerk

Alexander L. Cummings

MARYLAND RULES OF PROCEDURE

TITLE 1 - GENERAL PROVISIONS

CHAPTER 100 - APPLICABILITY AND CITATION

AMEND Rule 1-101 (o) to add a reference to catastrophic health emergencies, as follows:

Rule 1-101. APPLICABILITY

. . .

(o) Title 15

Title 15 applies to special proceedings relating to arbitration, catastrophic health emergencies, contempt, habeas corpus, health claims arbitration, injunctions, judicial releases of individuals confined for mental disorders, mandamus, the Maryland Automobile Insurance Fund, name changes, and wrongful death.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS

CHAPTER 200 - CONSTRUCTION, INTERPRETATION, AND DEFINITIONS

AMEND Rule 1-202 (g) to conform it to a statutory change, as follows:

Rule 1-202. DEFINITIONS

. . .

(g) ~~Code, Reference to~~

~~Reference~~ "Code," in a reference to an article and section of the Code, means ~~the article and section of the Annotated Code of Public General Laws of Maryland as from time to time amended~~ any Code of the Public General Laws of the State that has been adopted and made evidence of the Public General Laws of the State under Code, Courts Article, §10-201.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 300 - GENERAL PROVISIONS

AMEND Rule 1-311 (a) to allow inclusion of a business electronic mail address and a business facsimile number in the contents of a pleading or paper filed, as follows:

Rule 1-311. SIGNING OF PLEADINGS AND OTHER PAPERS

(a) Requirement

Every pleading and paper of a party represented by an attorney shall be signed by at least one attorney who has been admitted to practice law in this State and who complies with Rule 1-312. Every pleading and paper of a party who is not represented by an attorney shall be signed by the party. Every pleading or paper filed shall contain the address and telephone number of the person by whom it is signed. It also may contain that person's business electronic mail address and business facsimile number.

Committee note: The last sentence of section (a), which allows a pleading to contain a business electronic mail address and a business facsimile number, does not alter the filing or service rules or time periods triggered by the entry of a judgment. See *Blundon v. Taylor*, 364 Md. 1 (2001).

(b) Effect of Signature

The signature of an attorney on a pleading or paper constitutes a certification that the attorney has read the pleading or paper; that to the best of the attorney's knowledge,

information, and belief there is good ground to support it; and that it is not interposed for improper purpose or delay.

(c) Sanctions

If a pleading or paper is not signed as required (except inadvertent omission to sign, if promptly corrected) or is signed with intent to defeat the purpose of this Rule, it may be stricken and the action may proceed as though the pleading had not been filed. For a wilful violation of this Rule, an attorney is subject to appropriate disciplinary action.

Source: This Rule is derived as follows:

Section (a) is derived from former Rules 302 a, 301 f, and the 1937 version of Fed. R. Civ. P. 11.

Section (b) is derived from former Rule 302 b and the 1937 version of Fed. R. Civ. P. 11.

Section (c) is derived from the 1937 version of Fed. R. Civ. P. 11.

MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 300 - GENERAL PROVISIONS

AMEND Rule 1-332 to make it applicable to *pro se* litigants, to add certain language concerning the form and timing of a request for an accommodation, delete the cross reference following the Rule, and to delete the Committee note following the Rule, as follows:

Rule 1-332. NOTIFICATION OF NEED FOR ACCOMMODATION

~~If an attorney, a party represented by an attorney, or a witness to be called on behalf of that party will need the court to provide an accommodation~~ A person requesting an accommodation under the Americans With Disabilities Act, 42 U.S.C. §12101, et seq., in order to participate in a court proceeding, the attorney for an attorney, a party, or a witness shall notify the court promptly by providing the information contained on the form in the appendix to these Rules. As far as practicable, a request for an accommodation shall be (1) presented on a form approved by administrative order of the Court of Appeals and available from the clerk of the court and (2) submitted not less than five days before the proceeding for which the accommodation is requested.
~~Cross reference: See Form 1-332.~~

~~Committee note: Rule 1-332 places a duty of providing notice on the attorney. Any person entitled to an accommodation under the Americans With Disabilities Act may use Form 1-332 to notify the court of the need for accommodation.~~

Source: This Rule is new.

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

AMEND Rule 2-241 to provide for the substitution of a party following a certain resignation, removal, or death, as follows:

Rule 2-241. SUBSTITUTION OF PARTIES

(a) Substitution

The proper person may be substituted for a party who:

- (1) dies, if the action survives,
- (2) becomes incompetent,
- (3) transfers an interest in the action, whether voluntarily or involuntarily,
- (4) if a corporation, dissolves, forfeits its charter, merges, or consolidates, ~~or~~
- (5) if a public officer, ceases to hold office, or
- (6) if a guardian, personal representative, receiver, or trustee, resigns, is removed, or dies.

(b) Procedure

Any party to the action, any other person affected by the action, the successors or representatives of the party, or the court may file a notice in the action substituting the proper person as a party. The notice shall set forth the reasons for the substitution and, in the case of death, the decedent's representatives, domicile, and date and place of death if known.

The notice shall be served on all parties in accordance with Rule 1-321 and on the substituted party in the manner provided by Rule 2-121, unless the substituted party has previously submitted to the jurisdiction of the court.

(c) Objection

Within 15 days after the service of the notice of substitution, a motion to strike the substitution may be filed.

(d) Failure to Substitute

If substitution is not made as provided in this Rule, the court may dismiss the action, continue the trial or hearing, or take such other action as justice may require.

Source: This Rule is derived as follows:

Section (a) is derived in part from former Rules 220, 222, and 240 and the 1963 version of Fed. R. Civ. P. 25 (a), (b), (c), and (d) and is in part new.

Section (b) is derived from former Rule 220 c, d and e.

Section (c) is new.

Section (d) is derived from former Rule 220 f.

MARYLAND RULES OF PROCEDURE
TITLE 2 - CIVIL PROCEDURE -- CIRCUIT COURT
CHAPTER 400 - DISCOVERY

AMEND Rule 2-401 to require the prompt filing of a certain notice, as follows:

Rule 2-401. GENERAL PROVISIONS GOVERNING DISCOVERY

. . .

(d) Discovery Material

(1) Defined

For purposes of this section, the term "discovery material" means a notice of deposition, an objection to the form of a notice of deposition, the questions for a deposition upon written questions, an objection to the form of the questions for a deposition upon written questions, a deposition transcript, interrogatories, a response to interrogatories, a request for discovery of documents and property, a response to a request for discovery of documents and property, a request for admission of facts and genuineness of documents, and a response to a request for admission of facts and genuineness of documents.

(2) Not to be Filed with Court

Except as otherwise provided in these rules or by order of court, discovery material shall not be filed with the court. Instead, the party generating the discovery material shall serve the discovery material on all other parties and promptly shall

file with the court a notice stating (A) the type of discovery material served, (B) the date and manner of service, and (C) the party or person served. The party generating the discovery material shall retain the original and shall make it available for inspection by any other party. This section does not preclude the use of discovery material at trial or as exhibits to support or oppose motions.

Cross reference: Rule 2-311 (c).

Committee note: Rule 1-321 requires that the notice be served on all parties. Rule 1-323 requires that it contain a certificate of service. Parties exchanging discovery material are encouraged to comply with requests that the material be provided in a word processing file or other electronic format.

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MARYLAND RULES OF PROCEDURE

TITLE 2 - CIVIL PROCEDURE -- CIRCUIT COURT

CHAPTER 500 - TRIAL

AMEND Rule 2-521 to add language to section (d) requiring the clerk or the court to note on a written communication from the jury the date and time it was received, as follows:

Rule 2-521. JURY - REVIEW OF EVIDENCE - COMMUNICATIONS

. . .

(d) Communications With Jury

The court shall notify the parties of the receipt of any communication from the jury pertaining to the action as promptly as practicable and in any event before responding to the communication. All such communications between the court and the jury shall be on the record in open court or shall be in writing and filed in the action. The clerk or the court shall note on a written communication the date and time it was received from the jury.

Source: This Rule is derived as follows:

Section (a) is new.

Section (b) is derived from former Rules 558 a, b and d and 758 b.

Section (c) is derived from former Rule 758 c.

Section (d) is derived from former Rule 758 d.

MARYLAND RULES OF PROCEDURE
TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT
CHAPTER 600 - JUDGMENT

AMEND Rule 2-602 (b) to correct an internal reference, as follows:

Rule 2-602. JUDGMENTS NOT DISPOSING OF ENTIRE ACTION

. . .

(b) When Allowed

If the court expressly determines in a written order that there is no just reason for delay, it may direct in the order the entry of a final judgment:

(1) as to one or more but fewer than all of the claims or parties; or

(2) pursuant to Rule 2-501 ~~(e)(3)~~ (f)(3), for some but less than all of the amount requested in a claim seeking money relief only.

. . .

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

AMEND Rule 3-241 to provide for the substitution of a party following a certain resignation, removal, or death, as follows:

Rule 3-241. SUBSTITUTION OF PARTIES

(a) Substitution

The proper person may be substituted for a party who:

- (1) dies, if the action survives,
- (2) becomes incompetent,
- (3) transfers an interest in the action, whether voluntarily or involuntarily,
- (4) if a corporation, dissolves, forfeits its charter, merges, or consolidates, ~~or~~
- (5) if a public officer, ceases to hold office, or
- (6) if a guardian, personal representative, receiver, or trustee, resigns, is removed, or dies.

(b) Procedure

Any party to the action, any other person affected by the action, the successors or representatives of the party, or the court may file a notice in the action substituting the proper person as a party. The notice shall set forth the reasons for the substitution and, in the case of death, the decedent's representatives, domicile, and date and place of death if known. The notice shall be served on all parties in accordance with Rule

1-321 and on the substituted party in the manner provided by Rule 3-121, unless the substituted party has previously submitted to the jurisdiction of the court.

(c) Objection

Within 15 days after the service of the notice of substitution, a motion to strike the substitution may be filed.

(d) Failure to Substitute

If substitution is not made as provided in this Rule, the court may dismiss the action, continue the trial or hearing, or take such other action as justice may require.

Source: This Rule is derived as follows:

Section (a) is derived in part from former M.D.R. 220 and 240, former Rule 222, and the 1963 version of Fed. R. Civ. P. 25 (a), (b), (c), and (d) and is in part new.

Section (b) is derived from former M.D.R. 220 b, c, and d.

Section (c) is new.

Section (d) is derived from former M.D.R. 220 e.

MARYLAND RULES OF PROCEDURE
TITLE 3 - CIVIL PROCEDURE - DISTRICT COURT
CHAPTER 400 - DISCOVERY

AMEND Rule 3-401 to require the prompt filing of a certain notice, as follows:

Rule 3-401. GENERAL PROVISIONS GOVERNING DISCOVERY

. . .

(b) Discovery Materials

(1) Defined

For purposes of this section, the term "discovery material" means a notice of deposition, an objection to the form of a notice of deposition, the questions for a deposition upon written questions, an objection to the form of the questions for a deposition upon written questions, a deposition transcript, interrogatories, and a response to interrogatories.

(2) Not to be Filed with Court

Except as otherwise provided in these rules or by order of court, discovery material shall not be filed with the court. Instead, the party generating the discovery material promptly shall file with the court a notice stating (A) the type of discovery material served, (B) the date and manner of service, and (C) the party or person served. The party generating the discovery material shall retain the original and shall make it available for inspection by any other party. This section does

not preclude the use of discovery material at trial or as exhibits to support or oppose motions.

Cross reference: Rule 3-311 (c).

Committee note: Rule 1-321 requires that the notice be served on all parties. Rule 1-323 requires that it contain a certificate of service.

Source: This Rule is derived as follows:

Section (a) is derived from former M.D.R. 401 b and 405.

Section (b) is new.

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-247 by adding a cross reference to proposed new Rule 4-329 and to Code, Criminal Procedure Article, §6-229, as follows:

Rule 4-247. NOLLE PROSEQUI

(a) Disposition by Nolle Prosequi

The State's Attorney may terminate a prosecution on a charge and dismiss the charge by entering a nolle prosequi on the record in open court. The defendant need not be present in court when the nolle prosequi is entered, but in that event the clerk shall send notice to the defendant, if the defendant's whereabouts are known, and to the defendant's attorney of record.

(b) Effect of Nolle Prosequi

When a nolle prosequi has been entered on a charge, any conditions of pretrial release on that charge are terminated, and any bail bond posted for the defendant on that charge shall be released. The clerk shall take the action necessary to recall or revoke any outstanding warrant or detainer that could lead to the arrest or detention of the defendant because of that charge.

Cross reference: For provisions relating to expungement of the records after a case has been dismissed by entering a nolle prosequi, see Rule 4-329. For provisions relating to a nolle prosequi with the requirement of drug or alcohol treatment in non-violent crimes, see Code, Criminal Procedure Article, §6-229.

Source: This Rule is derived from former Rule 782 a and b and M.D.R. 782 a and b.

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-248 by adding a cross reference to proposed new Rule 4-329 and to Code, Criminal Procedure Article, §6-229, as follows:

Rule 4-248. STET

(a) Disposition by Stet

On motion of the State's Attorney, the court may indefinitely postpone trial of a charge by marking the charge "stet" on the docket. The defendant need not be present when a charge is statted but in that event the clerk shall send notice of the stet to the defendant, if the defendant's whereabouts are known, and to the defendant's attorney of record. A charge may not be statted over the objection of the defendant. A statted charge may be rescheduled for trial at the request of either party within one year and thereafter only by order of court for good cause shown.

(b) Effect of Stet

When a charge is statted, the clerk shall take the action necessary to recall or revoke any outstanding warrant or detainer that could lead to the arrest or detention of the defendant because of the charge, unless the court orders that any warrant or detainer shall remain outstanding.

Committee note: For provisions relating to bail or recognizance when criminal charges are setted see Code, Criminal Procedure Article, §5-208.

Cross reference: For provisions relating to expungement of the records after a case has been dismissed by entering a stet, see Rule 4-329. For provisions relating to a stet with the requirement of drug or alcohol treatment in non-violent crimes, see Code, Criminal Procedure Article, §6-229.

Source: This Rule is derived from former Rule 782 c and d and M.D.R. 782 c and d.

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-252 to conform the Rule to Chapter 462, Acts of 2004, by adding a new subsection (h)(2)(B), as follows:

Rule 4-252. MOTIONS IN CIRCUIT COURT

(a) Mandatory Motions

In the circuit court, the following matters shall be raised by motion in conformity with this Rule and if not so raised are waived unless the court, for good cause shown, orders otherwise:

- (1) A defect in the institution of the prosecution;
- (2) A defect in the charging document other than its failure to show jurisdiction in the court or its failure to charge an offense;
- (3) An unlawful search, seizure, interception of wire or oral communication, or pretrial identification;
- (4) An unlawfully obtained admission, statement, or confession; and
- (5) A request for joint or separate trial of defendants or offenses.

(b) Time for Filing Mandatory Motions

A motion under section (a) of this Rule shall be filed within 30 days after the earlier of the appearance of counsel or

the first appearance of the defendant before the court pursuant to Rule 4-213 (c), except when discovery discloses the basis for a motion, the motion may be filed within five days after the discovery is furnished.

(c) Motion to Transfer to Juvenile Court

A request to transfer an action to juvenile court pursuant to Code, Criminal Procedure Article, §4-202 shall be made by separate motion entitled "Motion to Transfer to Juvenile Court." The motion shall be filed within 30 days after the earlier of the appearance of counsel or the first appearance of the defendant before the court pursuant to Rule 4-213 (c) and, if not so made, is waived unless the court, for good cause shown, orders otherwise.

(d) Other Motions

A motion asserting failure of the charging document to show jurisdiction in the court or to charge an offense may be raised and determined at any time. Any other defense, objection, or request capable of determination before trial without trial of the general issue, shall be raised by motion filed at any time before trial.

(e) Content

A motion filed pursuant to this Rule shall be in writing unless the court otherwise directs, shall state the grounds upon which it is made, and shall set forth the relief sought. A motion alleging an illegal source of information as the basis for probable cause must be supported by precise and specific factual

averments. Every motion shall contain or be accompanied by a statement of points and citation of authorities.

(f) Response

A response, if made, shall be filed within 15 days after service of the motion and contain or be accompanied by a statement of points and citation of authorities.

(g) Determination

(1) Generally

Motions filed pursuant to this Rule shall be determined before trial and, to the extent practicable, before the day of trial, except that the court may defer until after trial its determination of a motion to dismiss for failure to obtain a speedy trial. If factual issues are involved in determining the motion, the court shall state its findings on the record.

(2) (A) Motions Concerning Transfer of Jurisdiction to the Juvenile Court

A motion requesting that a child be held in a juvenile facility pending a transfer determination shall be heard and determined not later than the next court day after it is filed unless the court sets a later date for good cause shown.

(B) A motion to transfer jurisdiction of an action to the juvenile court shall be determined within 10 days after the hearing on the motion.

(h) Effect of Determination of Certain Motions

(1) Defect in Prosecution or Charging Document

If the court granted a motion based on a defect in the

institution of the prosecution or in the charging document, it may order that the defendant be held in custody or that the conditions of pretrial release continue for a specified time, not to exceed ten days, pending the filing of a new charging document.

(2) Suppression of Evidence

(A) If the court grants a motion to suppress evidence, the evidence shall not be offered by the State at trial, except that suppressed evidence may be used in accordance with law for impeachment purposes. The court may not reconsider its grant of a motion to suppress evidence unless before trial the State files a motion for reconsideration based on (i) newly discovered evidence that could not have been discovered by due diligence in time to present it to the court before the court's ruling on the motion to suppress evidence, (ii) an error of law made by the court in granting the motion to suppress evidence, or (iii) a change in law. The court may hold a hearing on the motion to reconsider. Hearings held before trial shall, whenever practicable, be held before the judge who granted the motion to suppress. If the court reverses or modifies its grant of a motion to suppress, the judge shall prepare and file or dictate into the record a statement of the reasons for the action taken.

(B) If the State appeals a decision of the trial court granting a motion to suppress evidence in a case in which the defendant is charged with a crime of violence as defined in Code, Criminal Law Article, §14-101, the court may release the

defendant on any terms and conditions that the court considers appropriate or may order the defendant remanded to custody pending the outcome of the appeal.

~~(B)~~ (C) If the court denies a motion to suppress evidence, the ruling is binding at the trial unless the court, on the motion of a defendant and in the exercise of its discretion, grants a supplemental hearing or a hearing de novo and rules otherwise. A pretrial ruling denying the motion to suppress is reviewable on a motion for a new trial or on appeal of a conviction.

(3) Transfer of Jurisdiction to Juvenile Court

If the court grants a motion to transfer jurisdiction of an action to the juvenile court, the court shall enter a written order waiving its jurisdiction and ordering that the defendant be subject to the jurisdiction and procedures of the juvenile court. In its order the court shall (A) release or continue the pretrial release of the defendant, subject to appropriate conditions reasonably necessary to ensure the appearance of the defendant in the juvenile court or (B) place the defendant in detention or shelter care pursuant to Code, Courts Article, §3-815. Until a juvenile petition is filed, the charging document shall have the effect of a juvenile petition for the purpose of imposition and enforcement of conditions of release or placement of the defendant in detention or shelter care.

Cross reference: Code, Criminal Procedure Article, §4-202.

Committee note: Subsections (a)(1) and (2) include, but are not limited to allegations of improper selection and organization of the grand jury, disqualification of an individual grand juror, unauthorized presence of persons in the grand jury room, and other irregularities in the grand jury proceedings. Section (a) does not include such matters as former jeopardy, former conviction, acquittal, statute of limitations, immunity, and the failure of the charging document to state an offense.

Source: This Rule is derived from former Rule 736.

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 300 - TRIAL AND SENTENCING

AMEND Rule 4-326 to add language to section (d) requiring the clerk or the court to note on a written communication from the jury the date and time it was received, as follows:

Rule 4-326. JURY - REVIEW OF EVIDENCE - COMMUNICATIONS

. . .

(d) Communications With Jury

The court shall notify the defendant and the State's Attorney of the receipt of any communication from the jury pertaining to the action as promptly as practicable and in any event before responding to the communication. All such communications between the court and the jury shall be on the record in open court or shall be in writing and filed in the action. The clerk or the court shall note on a written communication the date and time it was received from the jury.

Source: This Rule is derived as follows:

Section (a) is new.

Section (b) is derived from former Rules 758 a and b and 757 e.

Section (c) is derived from former Rule 758 c.

Section (d) is derived from former Rule 758 d.

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 300 - TRIAL AND SENTENCING

ADD new Rule 4-329, as follows:

Rule 4-329. ADVICE OF EXPUNGEMENT

When all of the charges in a criminal case against a defendant are disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or stet, the court shall advise the defendant that the defendant may be entitled to expunge the records relating to the charge or charges against the defendant in accordance with Code, Criminal Procedure Article, Title 10, Subtitle 1 and Title 4, Chapter 500 of these Rules. If the defendant is not present, and the case has been disposed of by dismissal, nolle prosequi, or stet, the advice of expungement shall be included in the notice to the defendant required by Rules 4-247 and 4-248.

Cross reference: For expungement of charges in cases that include a minor traffic violation, see Code, Criminal Procedure Article, §10-107.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 300 - TRIAL AND SENTENCING

AMEND Rule 4-342 by adding a certain cross reference following section (g), as follows:

Rule 4-342. SENTENCING - PROCEDURE IN NON-CAPITAL CASES

(a) Applicability

This Rule applies to all cases except those governed by Rule 4-343.

(b) Statutory Sentencing Procedure

When a defendant has been found guilty of murder in the first degree and the State has given timely notice of intention to seek a sentence of imprisonment for life without the possibility of parole, but has not given notice of intention to seek the death penalty, the court shall conduct a sentencing proceeding, separate from the proceeding at which the defendant's guilt was adjudicated, as soon as practicable after the trial to determine whether to impose a sentence of imprisonment for life or imprisonment for life without parole.

Cross reference: Code, Criminal Law Article, §§2-201, 2-202 (b) (3), 2-203, and 2-304.

(c) Judge

If the defendant's guilt is established after a trial has commenced, the judge who presided shall sentence the defendant. If a defendant enters a plea of guilty or nolo contendere before trial, any judge may sentence the defendant except that, the

judge who directed entry of the plea shall sentence the defendant if that judge has received any matter, other than a statement of the mere facts of the offense, which would be relevant to determining the proper sentence. This section is subject to the provisions of Rule 4-361.

(d) Presentence Disclosures by the State's Attorney

Sufficiently in advance of sentencing to afford the defendant a reasonable opportunity to investigate, the State's Attorney shall disclose to the defendant or counsel any information that the State expects to present to the court for consideration in sentencing. If the court finds that the information was not timely provided, the court shall postpone sentencing.

(e) Notice and Right of Victim to Address the Court

(1) Notice and Determination

Notice to a victim or a victim's representative of proceedings under this Rule is governed by Code, Criminal Procedure Article, §11-104 (e). The court shall determine whether the requirements of that section have been satisfied.

(2) Right to Address the Court

The right of a victim or a victim's representative to address the court during a sentencing hearing under this Rule is governed by Code, Criminal Procedure Article, §11-403.

Cross reference: See Code, Criminal Procedure Article, §§11-103 (b) and 11-403 (e) concerning the right of a victim or victim's

representative to file an application for leave to appeal under certain circumstances.

(f) Allocution and Information in Mitigation

Before imposing sentence, the court shall afford the defendant the opportunity, personally and through counsel, to make a statement and to present information in mitigation of punishment.

(g) Reasons

The court ordinarily shall state on the record its reasons for the sentence imposed.

Cross reference: For factors related to drug and alcohol abuse treatment to be considered by the court in determining an appropriate sentence, see Code, Criminal Procedure Article, §6-231.

(h) Credit for Time Spent in Custody

Time spent in custody shall be credited against a sentence pursuant to Code, Criminal Procedure Article, §6-218.

(i) Advice to the Defendant

At the time of imposing sentence, the court shall cause the defendant to be advised of any right of appeal, any right of review of the sentence under the Review of Criminal Sentences Act, any right to move for modification or reduction of the sentence, and the time allowed for the exercise of these rights. At the time of imposing a sentence of incarceration for a violent crime as defined in Code, Correctional Services Article, §7-101 and for which a defendant will be eligible for parole as provided in §7-301(c) or (d) of the Correctional Services Article, the court shall state in open court the minimum time the defendant must serve for the violent crime before becoming eligible for

parole. The circuit court shall cause the defendant who was sentenced in circuit court to be advised that within ten days after filing an appeal, the defendant must order in writing a transcript from the court stenographer.

Cross reference: Code, Criminal Procedure Article, §§8-102 - 8-109.

Committee note: Code, Criminal Procedure Article, §6-217 provides that the court's statement of the minimum time the defendant must serve for the violent crime before becoming eligible for parole is for informational purposes only and may not be considered a part of the sentence, and the failure of a court to comply with this requirement does not affect the legality or efficacy of the sentence imposed.

(j) Terms for Release

On request of the defendant, the court shall determine the defendant's eligibility for release under Rule 4-349 and the terms for any release.

(k) Restitution from a Parent

If restitution from a parent of the defendant is sought pursuant to Code, Criminal Procedure Article, §11-604, the State shall serve the parent with notice of intention to seek restitution and file a copy of the notice with the court. The court may not enter a judgment of restitution against the parent unless the parent has been afforded a reasonable opportunity to be heard and to present evidence. The hearing on parental restitution may be part of the defendant's sentencing hearing.

(l) Recordation of Restitution

(1) Circuit Court

Recordation of a judgment of restitution in the circuit court is governed by Code, Criminal Procedure Article, §11-608 and Rule 2-601.

(2) District Court

Upon the entry of a judgment of restitution in the District Court, the Clerk of the Court shall send the written notice required under Code, Criminal Procedure Article, §11-610 (e). Recordation of a judgment of restitution in the District Court is governed by Code, Criminal Procedure Article, §§11-610 and 11-612 and Rule 3-621.

Source: This Rule is derived as follows:

Section (a) is derived from former Rule 772 a.

Section (b) is new.

Section (c) is derived from former Rule 772 b and M.D.R. 772 a.

Section (d) is derived from former Rule 772 c and M.D.R. 772 b.

Section (e) is new.

Section (f) is derived from former Rule 772 d and M.D.R. 772 c.

Section (g) is derived from former Rule 772 e and M.D.R. 772 d.

Section (h) is derived from former Rule 772 f and M.D.R. 772 e.

Section (i) is in part derived from former Rule 772 h and M.D.R. 772 g and in part new.

Section (j) is new.

Section (k) is new.

Section (l) is new.

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 300 - TRIAL AND SENTENCING

AMEND Rule 4-346 by adding new language to the cross reference at the end of the Rule, as follows:

Rule 4-346. PROBATION

(a) Manner of Imposing

When placing a defendant on probation, the court shall advise the defendant of the conditions and duration of probation and the possible consequences of a violation of any of the conditions. The court also shall file and furnish to the defendant a written order stating the conditions and duration of probation.

(b) Modification of Probation Order

During the period of probation, on motion of the defendant or of any person charged with supervising the defendant while on probation or on its own initiative, the court, after giving the defendant an opportunity to be heard, may modify, clarify, or terminate any condition of probation, change its duration, or impose additional conditions.

Cross reference: For orders of probation or parole ~~requiring or permitting recommending that~~ a defendant to reside in or travel to another state as a condition of probation or parole, see the Uniform Act for Out-of-State Parole Supervision Interstate Compact for Adult Offender Supervision, Code, Correctional Services Article, §6-201 et seq. For evaluation as to the need for drug or alcohol treatment before probation is ordered in cases involving operating a motor vehicle or vessel while under the influence of or impaired by drugs or alcohol, see Code, Criminal Procedure Article, §6-220.

Source: This Rule is derived from former Rule 775 and M.D.R.
775.

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 300 - TRIAL AND SENTENCING

AMEND Rule 4-347 by adding language to the cross reference at the end of the Rule, as follows:

Rule 4-347. PROCEEDINGS FOR REVOCATION OF PROBATION

(a) How Initiated

Proceedings for revocation of probation shall be initiated by an order directing the issuance of a summons or warrant. The order may be issued by the court on its own initiative or on a verified petition of the State's Attorney or the Division of Parole and Probation. The petition, or order if issued on the court's initiative, shall state each condition of probation that the defendant is charged with having violated and the nature of the violation.

(b) Notice

A copy of the petition, if any, and the order shall be served on the defendant with the summons or warrant.

(c) Release Pending Revocation Hearing

Unless the judge who issues the warrant sets conditions of release or expressly denies bail, a defendant arrested upon a warrant shall be taken before a judicial officer of the District Court without unnecessary delay or, if the warrant so specifies, before a judge of the District Court or circuit court for the

purpose of determining the defendant's eligibility for release.

(d) Waiver of Counsel

The provisions of Rule 4-215 apply to proceedings for revocation of probation.

(e) Hearing

(1) Generally

The court shall hold a hearing to determine whether a violation has occurred and, if so, whether the probation should be revoked. The hearing shall be scheduled so as to afford the defendant a reasonable opportunity to prepare a defense to the charges. Whenever practicable, the hearing shall be held before the sentencing judge or, if the sentence was imposed by a Review Panel pursuant to Rule 4-344, before one of the judges who was on the panel. With the consent of the parties and the sentencing judge, the hearing may be held before any other judge. The provisions of Rule 4-242 do not apply to an admission of violation of conditions of probation.

Cross reference: See *State v. Peterson*, 315 Md. 73 (1989), construing the third sentence of this subsection.

(2) Conduct of Hearing

The court may conduct the revocation hearing in an informal manner and, in the interest of justice, may decline to require strict application of the rules in Title 5, except those relating to the competency of witnesses. The defendant shall be given the opportunity to admit or deny the alleged violations, to testify, to present witnesses, and to cross-examine the witnesses

testifying against the defendant. If the defendant is found to be in violation of any condition of probation, the court shall (A) specify the condition violated and (B) afford the defendant the opportunity, personally and through counsel, to make a statement and to present information in mitigation of punishment.

Cross reference: See *Hersch and Cleary v. State*, 317 Md. 200 (1989), setting forth certain requirements with respect to admissions of probation violations, and *State v. Fuller*, 308 Md. 547 (1987), regarding the application of the right to confrontation in probation revocation proceedings. For factors related to drug and alcohol abuse treatment to be considered by the court in determining an appropriate sentence, see Code, Criminal Procedure Article, §6-231.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 400 - POST CONVICTION PROCEDURE

AMEND Rule 4-401 by adding a new section (b) pertaining to opening post conviction proceedings after DNA testing, as follows:

Rule 4-401. HOW COMMENCED - VENUE

(a) Generally

A proceeding under the Uniform Post Conviction Procedure Act is commenced by the filing of a petition in the circuit court of the county where the conviction took place.

(b) Following DNA Testing

If a petition for DNA testing was filed pursuant to Code, Criminal Procedure Article, §8-201, and the test results were favorable to the petitioner, the court shall (1) reopen a post conviction proceeding previously commenced under section (a) of this Rule or (2) if no post conviction proceeding has been initiated, treat the petition for DNA testing as a petition under section (a) of this Rule.

Source: This Rule is derived in part from former Rule BK40 and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
FORMS FOR EXPUNGEMENT OF RECORDS

AMEND Form 4-504.1 by adding the phrase " or dismissed" in section 3, as follows:

Form 4-504.1. PETITION FOR EXPUNGEMENT OF RECORDS

(Caption)

PETITION FOR EXPUNGEMENT OF RECORDS

1. (Check one of the following boxes) On or about _____,
(Date)

I was [] arrested, [] served with a summons, or [] served with a citation by an officer of the _____
(Law Enforcement Agency)

at _____, Maryland, as a result of the following incident _____

_____.

2. I was charged with the offense of _____

_____.

3. On or about _____,
(Date)

the charge was disposed of as follows (check one of the following boxes):

[] I was acquitted and either three years have passed since

disposition or a General Waiver and Release is attached.

[] The charge was dismissed or quashed and either three years have passed since disposition or a General Waiver and Release is attached.

[] A judgment of probation before judgment was entered on a charge that is not a violation of Code*, Transportation Article, §21-902 or Code*, Criminal Law Article, §§2-503, 2-504, 2-505, or 2-506, or former Code*, Article 27, §388A or §388B, and either (a) at least three years have passed since the disposition, or (b) I have been discharged from probation, whichever is later. Since the date of disposition, I have not been convicted of any crime, other than violations of vehicle or traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment; and I am not now a defendant in any pending criminal action other than for violation of vehicle or traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment.

[] A Nolle Prosequi was entered and either three years have passed since disposition or a General Waiver and Release is attached. Since the date of disposition, I have not been convicted of any crime, other than violations of vehicle or traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment; and I am not now a defendant in any pending criminal action other than for violation of vehicle or traffic laws, ordinances, or

regulations not carrying a possible sentence of imprisonment.

[] The proceeding was placed on the Stet docket and three years have passed since disposition. Since the date of disposition, I have not been convicted of any crime, other than violations of vehicle or traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment; and I am not now a defendant in any pending criminal action other than for violation of vehicle or traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment.

[] The case was compromised or dismissed pursuant to Code*, Criminal Law Article, §3-207, former Code*, Article 27, §12A-5, or former Code*, Article 10, §37 and three years have passed since disposition.

[] On or about _____ , I was granted
(Date)

a full and unconditional pardon by the Governor for the one criminal act, not a crime of violence as defined in Code*, Criminal Law Article, §14-101 (a), of which I was convicted. Not more than ten years have passed since the Governor signed the pardon, and since the date the Governor signed the pardon I have not been convicted of any crime, other than violations of vehicle or traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment; and I am not now a defendant in

any pending criminal action other than for violation of vehicle or traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment.

WHEREFORE, I request the Court to enter an Order for Expungement of all police and court records pertaining to the above arrest, detention, confinement, and charges.

I solemnly affirm under the penalties of perjury that the contents of this Petition are true to the best of my knowledge, information and belief, and that the charge to which this Petition relates was not made for any nonincarcerable violation of the Vehicle Laws of the State of Maryland, or any traffic law, ordinance, or regulation, nor is it part of a unit the expungement of which is precluded under Code, Criminal Procedure Article, §10-107.

(Date)

Signature

(Address)

(Telephone No.)

* References to "Code" in this Petition are to the Annotated Code of Maryland.

MARYLAND RULES OF PROCEDURE

TITLE 5 - EVIDENCE

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 5-101 for conformity with proposed new Rule 15-1104, as follows:

Rule 5-101. SCOPE

. . .

(c) Discretionary Application

In the following proceedings, the court may, in the interest of justice, decline to require strict application of the rules in this Title other than those relating to the competency of witnesses:

(1) The determination of questions of fact preliminary to admissibility of evidence when the issue is to be determined by the court under Rule 5-104 (a);

(2) Proceedings for revocation of probation under Rule 4-347;

(3) Hearings on petitions for post-conviction relief under Rule 4-406;

(4) Plenary proceedings in the Orphans' Court under Rule 6-462;

(5) Waiver hearings under Rule 11-113;

(6) Disposition hearings under Rule 11-115;

(7) Modification hearings under Rule 11-116; ~~and~~

(8) Catastrophic health emergency proceedings under Title 15,

Chapter 1100; and

~~(8)~~ (9) Any other proceeding in which, prior to the adoption of the rules in this Title, the court was authorized to decline to apply the common-law rules of evidence.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES
CHAPTER 200 - SMALL ESTATE

AMEND Rule 6-208 to delete subsection 6. (d), as follows:

Rule 6-208. FORM OF REGISTER'S ORDER

The order entered by the register shall be in the following form:

[CAPTION]

ORDER FOR SMALL ESTATE

Upon the foregoing Petition, it is this ____ day of _____, _____, by the Register of Wills ordered
(month) (year)

that:

1. The estate of _____ shall be administered as a small estate.

2. _____ shall serve as personal representative.

3. The personal representative shall pay fees due the register, expenses of administration, allowable funeral expenses, and statutory family allowances, and, if necessary, sell property of the decedent in order to pay them.

4. The will dated _____ (including codicils, if any, dated _____) accompanying the petition is:

[] admitted to probate; or

[] retained on file only.

5. Publication is:

[] not required; or

[] required and Notice of Appointment shall be published once in a newspaper of general circulation in the county.

6. When publication is required, the personal representative shall, subject to the statutory order of priorities and the resolution of disputed claims by the parties or by the court:

(a) pay all proper claims, expenses, and allowances not previously paid; (b) if necessary, sell property of the estate in order to do so; and (c) distribute the remaining property of the estate in accordance with the will or, if none, with the intestacy laws of this State; ~~and (d) file a certificate of compliance with the register pursuant to Rule 6-211 within 60 days after the expiration of the time for filing claims.~~

Register of Wills

THIS ORDER DOES NOT CONSTITUTE LETTERS OF ADMINISTRATION AND DOES NOT AUTHORIZE THE TRANSFER OF ASSETS.

Certificate of Service

I hereby certify that on this _____ day of _____, (month)

_____, I delivered or mailed, postage prepaid, a copy of the (year)

foregoing Order to _____,
(name and address)

Personal Representative.

Register of Wills

MARYLAND RULES OF PROCEDURE
TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES
CHAPTER 400 - ADMINISTRATION OF ESTATES

AMEND Rule 6-412 by deleting sections (a) and (c), and conforming it to certain statutory changes, as follows:

Rule 6-412. DISCLAIMER

~~(a) Time for Filing with Register~~

~~A disclaimer of a legacy, intestate share, survivorship interest, or other interest in a decedent's property required to be filed with the register pursuant to Code, Estates and Trusts Article, §9-202 shall be filed within nine months after the decedent's death or in the case of a future interest, within nine months after the date specified in that section.~~

~~Committee note: For disclaimers not required to be filed with the register, see Code, Estates and Trusts Article, §9-202 (b) and (c). Disclaimers that are timely under this Rule are not necessarily effective for federal gift tax purposes.~~

(b) (a) Content of Disclaimer

The A disclaimer of a legacy, intestate share, survivorship interest, or other interest in or a power over a decedent's property shall be in writing or other record and shall (1) describe the property or interest or power disclaimed, (2) declare the disclaimer ~~and its extent~~, (3) be signed by the disclaimant person making the disclaimer, and (4) be acknowledged if an interest in real property is disclaimed.

Cross reference: For form of acknowledgment, see Code, Real Property Article, §4-204.

~~(c) Notice~~

~~In addition to filing the disclaimer with the register pursuant to section (a) of this Rule, the disclaimant shall deliver or mail by certified mail a copy of the disclaimer to any personal representative or other fiduciary of the deceased owner or deceased donee of a power of appointment and to the trustee or other person who has legal title to the property or interest disclaimed. The disclaimant shall cause an executed copy to be recorded among the land records of the county in which any real property or interest in real property that is disclaimed is located.~~

(b) Delivery or Filing of Disclaimer

The delivery or filing of a disclaimer is governed by Code, Estates and Trusts Article, §9-209.

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 400 - ADMINISTRATION OF ESTATES

AMEND Rule 6-455 by changing the language pertaining to trustees in paragraph 1 of the form of election in section (b), by adding the category of "trustee of a trust that is a residuary legatee" to the consent to Election for Modified Administration form, and by adding signature lines for the trustees at the end of the form in section (c), as follows:

Rule 6-455. MODIFIED ADMINISTRATION

(a) Generally

When authorized by law, an election for modified administration may be filed by a personal representative within three (3) months after the appointment of the personal representative.

(b) Form of Election

An election for modified administration shall be in the following form:

BEFORE THE REGISTER OF WILLS FOR _____, MARYLAND
ESTATE OF _____ Estate No. _____

ELECTION OF PERSONAL REPRESENTATIVE FOR
MODIFIED ADMINISTRATION

1. I elect Modified Administration. This estate qualifies for Modified Administration for the following reasons:

(a) The decedent died on _____ [] with a will or [] without a will.

(b) This Election is filed within 3 months from the date of my appointment which was on _____.

(c) [] Each of the residuary legatees named in the will or [] each of the heirs of the intestate decedent is either:

[] The decedent's personal representative or [] an individual or an entity exempt from inheritance tax in the decedent's estate under §7-203 (b), (e), and (f) of the Tax-General Article.

(d) Each trustee of every trust ~~created in the decedent's will that is a residuary legatee~~ is one or more of the following: the decedent's [] personal representative, [] surviving spouse, [] child.

(e) Consents of the persons referenced in 1 (c) [] are filed herewith or [] were filed previously.

(f) The estate is solvent and the assets are sufficient to satisfy all specific legacies.

(g) Final distribution of the estate can be made within 12 months after the date of my appointment.

2. Property of the estate is briefly described as follows:

Description	Estimated Value
_____	_____
_____	_____

3. I acknowledge that I must file a Final Report Under Modified Administration no later than 10 months after the date of appointment and that, upon request of any interested person, I must provide a full and accurate Inventory and Account to all interested persons.

4. I acknowledge the requirement under Modified Administration to make full distribution within 12 months after the date of appointment and I understand that the Register of Wills and Orphans' Court are prohibited from granting extensions under Modified Administration.

5. I acknowledge and understand that Modified Administration shall continue as long as all the requirements are met.

I solemnly affirm under the penalties of perjury that the contents of the foregoing are true to the best of my knowledge, information and belief.

Attorney

Personal Representative

Address

Personal Representative

Address

Telephone

(c) Consent

An election for modified administration may be filed if all the residuary legatees of a testate decedent and the heirs at law of an intestate decedent consent in the following form:

BEFORE THE REGISTER OF WILLS FOR _____, MARYLAND
ESTATE OF _____ Estate No. _____

CONSENT TO ELECTION FOR
MODIFIED ADMINISTRATION

I am a [] residuary legatee, [] trustee of a trust that is a residuary legatee, or [] heir of the decedent who died intestate. I consent to Modified Administration and acknowledge that under Modified Administration:

1. Instead of filing a formal Inventory and Account, the personal representative will file a verified Final Report Under Modified Administration no later than 10 months after the date of appointment.

2. Upon written request to the personal representative by any legatee not paid in full or any heir-at-law of a decedent who died without a will, a formal Inventory and Account shall be provided by the personal representative to the legatees or heirs of the estate.

3. At any time during administration of the estate, I may revoke Modified Administration by filing a written objection with the Register of Wills. Once filed, the objection is binding on the estate and cannot be withdrawn.

4. If Modified Administration is revoked, the estate will proceed under Administrative Probate and the personal representative shall file a formal Inventory and Account, as required, until the estate is closed.

5. Unless I waive notice of the verified Final Report Under Modified Administration, the personal representative will provide a copy of the Final Report to me upon its filing, which shall be no later than 10 months after the date of appointment.

6. Final Distribution of the estate will occur not later than 12 months after the date of appointment of the personal representative.

Signature of Residuary Legatee
or Heir

Type or Print Name

 Surviving Spouse Child
 Residuary Legatee or Heir
serving as Personal
Representative

Signature of Residuary Legatee
or Heir

Type or Print Name

 Surviving Spouse Child
 Residuary Legatee or Heir
serving as Personal
Representative

Signature of Trustee

Signature of Trustee

Type or Print Name

Type or Print Name

. . .

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 400 - ADMINISTRATION OF ESTATES

AMEND Rule 6-456 to remove signature lines of interested persons from the consent form, as follows:

Rule 6-456. MODIFIED ADMINISTRATION - EXTENSION OF TIME TO FILE A FINAL REPORT AND TO MAKE DISTRIBUTION

(a) Generally

The initial time periods for filing a final report and for making distribution to each legatee and heir may be extended for 90 days if the personal representative and each interested person sign the form set out in section (b) of this Rule and file the form within 10 months of the date of appointment of the personal representative.

(b) Form

A consent to an extension of time to file a final report and to make distribution in a modified administration shall be in substantially the following form:

BEFORE THE REGISTER OF WILLS FOR _____, MARYLAND
IN THE ESTATE OF _____ Estate No. _____
Date of Death _____ Date of Appointment
Of Personal Representative _____

CONSENT TO EXTEND TIME TO FILE FINAL REPORT
AND TO MAKE DISTRIBUTION IN A MODIFIED ADMINISTRATION

We, the Personal Representative and Interested Persons in the above-captioned estate, consent to extend for 90 days the time to file a final report and to make distribution in the modified administration of the estate. We acknowledge that this consent must be filed within 10 months of the date of appointment of the personal representative.

Personal Representatives
(Type or Print Names)

_____	_____
Name	Signature
_____	_____
Name	Signature
_____	_____
Name	Signature

Interested Persons
(Type or Print Names)

_____	_____
Name	Signature
_____	_____
Name	Signature
_____	_____
Name	Signature
_____	_____
Name	Signature
_____	_____
Name	Signature

Name _____ Signature _____

Source: The Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 7 - APPELLATE AND OTHER JUDICIAL REVIEW IN CIRCUIT COURT

CHAPTER 100 - APPEALS FROM THE DISTRICT COURT TO

THE CIRCUIT COURT

AMEND Rule 7-102 (b) (1) to change the amount in controversy from \$2,500 to \$5,000, as follows:

Rule 7-102. MODES OF APPEAL

(a) De Novo

Except as provided in section (b) of this Rule, an appeal shall be tried de novo in all civil and criminal actions.

Cross reference: For examples of appeals to the circuit court that are tried de novo, see Code, Courts Article, §12-401 (f), concerning a criminal action in which sentence has been imposed or suspended following a plea of guilty or nolo contendere and an appeal in a municipal infraction or Code violation case; Code, Courts Article, §3-1506, concerning an appeal from the grant or denial of a petition seeking a peace order; and Code, Family Law Article, §4-507, concerning an appeal from the grant or denial of a petition seeking relief from abuse.

(b) On the Record

An appeal shall be heard on the record made in the District Court in the following cases:

(1) a civil action in which the amount in controversy exceeds ~~\$2,500~~ \$5,000 exclusive of interest, costs, and attorney's fees if attorney's fees are recoverable by law or contract;

(2) any matter arising under §4-401 (7) (ii) of the Courts Article;

(3) any civil or criminal action in which the parties so agree;

(4) an appeal from an order or judgment of direct criminal

contempt if the sentence imposed by the District Court was less than 90 days' imprisonment; and

(5) an appeal by the State from a judgment quashing or dismissing a charging document or granting a motion to dismiss in a criminal case.

Source: This Rule is new but is derived in part from Code, Courts Article, §12-401 (b), (c), and (f).

MARYLAND RULES OF PROCEDURE
TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS AND
COURT OF SPECIAL APPEALS
CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 8-131 to delete a certain obsolete cross
reference, as follows:

Rule 8-131. SCOPE OF REVIEW

(a) Generally

The issues of jurisdiction of the trial court over the
subject matter and, unless waived under Rule 2-322, over a person
may be raised in and decided by the appellate court whether or
not raised in and decided by the trial court. Ordinarily, the
appellate court will not decide any other issue unless it plainly
appears by the record to have been raised in or decided by the
trial court, but the Court may decide such an issue if necessary
or desirable to guide the trial court or to avoid the expense and
delay of another appeal.

~~Cross reference: Code, Courts Article, §3-832.~~

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN COURT OF APPEALS

AND COURT OF SPECIAL APPEALS

CHAPTER 200 - OBTAINING REVIEW IN COURT OF SPECIAL APPEALS

AMEND Rule 8-204 by adding a certain cross reference at the end of the Rule, as follows:

Rule 8-204. APPLICATION FOR LEAVE TO APPEAL TO COURT OF SPECIAL APPEALS

. . .

Cross reference: See Rule 4-252 (h) (2) (B) for cases involving appeals taken by the State from a decision of a trial court granting a motion to suppress evidence in crimes of violence.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN COURT OF APPEALS

AND COURT OF SPECIAL APPEALS

CHAPTER 200 - OBTAINING REVIEW IN COURT OF SPECIAL APPEALS

AMEND Rule 8-207 (b) to correct certain internal references,
as follows:

Rule 8-207. EXPEDITED APPEAL

. . .

(b) By Election of Parties

(1) Election

Within 20 days after the first notice of appeal is filed or within the time specified in an order entered pursuant to Rule 8-206 (d), the parties may file with the Clerk of the Court of Special Appeals a joint election to proceed pursuant to this Rule.

(2) Statement of Case and Facts

Within 15 days after the filing of the joint election, the parties shall file with the Clerk four copies of an agreed statement of the case, including the essential facts, as prescribed by Rule 8-413 (b). By stipulation of counsel filed with the clerk, the time for filing the agreed statement of the case may be extended for no more than an additional 30 days.

Committee note: Rule 8-413 (b) requires that an agreed statement of the case be approved by the lower court.

(3) Withdrawal

The election is withdrawn if (1) within 15 days after its filing the parties file a joint stipulation to that effect or (2) the parties fail to file the agreed statement of the case within the time prescribed by subsection ~~(a)(2)~~ (b)(2) of this Rule. The case shall then proceed as if the first notice of appeal had been filed on the date of the withdrawal.

(4) Appellant's Brief

The appellant shall file a brief within 15 days after the filing of the agreed statement required by subsection ~~(a)(2)~~ (b)(2) of this Rule. The brief need not include statement of facts, shall be limited to two issues, and shall not exceed ten pages in length. Otherwise, the brief shall conform to the requirements of Rule 8-504. The appellant shall attach the agreed statement of the case as an appendix to the brief.

(5) Appellee's Brief

The appellee shall file a brief within 15 days after the filing of the appellant's brief. The brief shall not exceed ten pages in length and shall otherwise conform to the requirements of Rule 8-504.

(6) Reply Brief

A reply brief may be filed only with permission of the Court.

(7) Briefs in Cross-appeals

An appellee who is also a cross-appellant shall include in the brief filed under subsection ~~(a)(5)~~ (b)(5) of this Rule the issue and argument on the cross-appeal as well as the

response to the brief of the appellant. The combined brief shall not exceed 15 pages in length. Within ten days after the filing of an appellee/cross-appellant's brief, the appellant/cross-appellee shall file a brief, not exceeding ten pages in length, in response to the issues and argument raised on the cross-appeal.

(8) Oral Argument

Except in extraordinary circumstances, any oral argument shall be held within 45 days after the filing of the appellee's brief or, if the Court is not in session at that time, within 45 days after commencement of the next term of the Court. The oral argument shall be limited to 15 minutes for each side.

(9) Decision

Except in extraordinary circumstances or when a panel of the Court recommends that the opinion be reported, the decision shall be rendered within 20 days after oral argument or, if all parties submitted on brief, within 30 days after the last submission.

(10) Applicability of Other Rules

The Rules of this Title governing appeals to the Court of Special Appeals shall be applicable to expedited appeals except to the extent inconsistent with this Rule.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS
AND COURT OF SPECIAL APPEALS
CHAPTER 500 - RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-501 (b) to add child in need of assistance, permanency planning proceedings, and termination of parental rights to the list of exceptions and to make certain stylistic changes, as follows:

Rule 8-501. RECORD EXTRACT

. . .

(b) Exceptions

Unless otherwise ordered by the court, a record extract shall not be filed (1) when an agreed statement of the case is filed pursuant to Rule 8-207 or 8-413 (b) or (2) in an appeal in the Court of Special Appeals from ~~juvenile delinquency proceedings, inmate grievance proceedings, extradition proceedings or a criminal case~~ a criminal case or from child in need of assistance proceedings, extradition proceedings, inmate grievance proceedings, juvenile delinquency proceedings, permanency planning proceedings, or termination of parental rights proceedings.

Cross reference: See Rule 8-504 (b) for the contents of a required appendix to appellant's brief in criminal cases in the Court of Special Appeals.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS
AND COURT OF SPECIAL APPEALS
CHAPTER 500 - RECORD EXTRACTS, BRIEFS, AND ARGUMENT

AMEND Rule 8-502 (c) to decrease the number of copies of the record extract to be filed from 15 to seven and to add language allowing the court by order to require a different number of copies, as follows:

Rule 8-502. FILING OF BRIEFS

. . .

(c) Filing and Service

In an appeal to the Court of Special Appeals, 15 copies of each brief and seven copies of each record extract shall be filed, unless otherwise ordered by the court. In the Court of Appeals, 20 copies of each brief and record extract shall be filed, unless otherwise ordered by the court. Two copies of each brief and record extract shall be served on each party pursuant to Rule 1-321.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS
AND COURT OF SPECIAL APPEALS
CHAPTER 600 - DISPOSITION

AMEND Rule 8-602 to allow an individual judge to dismiss an appeal for any of the reasons listed in section (a) of the Rule, to provide generally for reconsideration of an order dismissing an appeal, to provide that a motion for reconsideration of an order dismissing an appeal may be denied only by the number of judges required by law to decide an appeal, to require reinstatement of an appeal under certain circumstances, to provide for reinstatement of an appeal upon terms and conditions prescribed by the appellate court, to prohibit further reconsideration of an order dismissing an appeal under certain circumstances, and to make certain stylistic changes, as follows:

Rule 8-602. DISMISSAL BY COURT

(a) Grounds

On motion or on its own initiative, the Court may dismiss an appeal for any of the following reasons:

- (1) the appeal is not allowed by these rules or other law;
- (2) the appeal was not properly taken pursuant to Rule 8-201;
- (3) the notice of appeal was not filed with the lower court within the time prescribed by Rule 8-202;
- (4) the appellant has failed to comply with the requirements

of Rule 8-205;

(5) the record was not transmitted within the time prescribed by Rule 8-412, unless the court finds that the failure to transmit the record was caused by the act or omission of a judge, a clerk of court, the court stenographer, or the appellee;

(6) the contents of the record do not comply with Rule 8-413;

(7) a brief or record extract was not filed by the appellant within the time prescribed by Rule 8-502;

(8) the style, contents, size, format, legibility, or method of reproduction of a brief, appendix, or record extract does not comply with Rules 8-112, 8-501, 8-503, or 8-504;

(9) the proper person was not substituted for the appellant pursuant to Rule 8-401; or

(10) the case has become moot.

Cross reference: Rule 8-501 (m).

(b) Determination by Court

~~Except as otherwise permitted in this section, a motion to dismiss shall be ruled on by the number of judges of the Court required by law to decide an appeal. The Chief Judge or a judge of the Court designated by the Chief Judge may rule on a motion to dismiss that is based on any reason set forth in subsections (2), (3), (5), (7), or (8) of section (a) of this Rule or on a motion to dismiss based on subsection (a) (4) of this Rule challenging the timeliness of the information report. An order of the Court dismissing an appeal or denying a motion to dismiss an appeal may be entered by the Chief Judge, an individual judge~~

of the Court designated by the Chief Judge, or the number of judges required by law to decide an appeal.

Cross reference: For the number of judges required by law to decide an appeal, see Maryland Constitution, Article IV, §14 and Code, Courts Article, §1-403.

(c) Reconsideration of Dismissal

(1) ~~When Order was Entered by Individual Judge~~ Motion for Reconsideration

~~If an appeal was dismissed by the ruling of an individual judge pursuant to section (b) of this Rule, the order dismissing the appeal, on motion filed within ten days after entry of the order, shall be reviewed by the number of judges of the Court required by law to decide an appeal. The order dismissing the appeal (A) shall be rescinded if a majority of those judges decides that the motion to dismiss should not have been granted, (B) may be rescinded if the appeal was dismissed pursuant to subsection (4), (5), or (7) of section (a) of this Rule, and the Court is satisfied that the failure to file a report, transmit the record, or file a brief or record extract within the time prescribed by these Rules was unavoidable because of sickness or other sufficient cause, and (C) may be rescinded if the appeal was dismissed pursuant to subsection (a) (8) of this Rule and the Court is satisfied that a brief, appendix, or record extract complying with the Rules will be filed within a time prescribed by the Court. No later than 10 days after the entry of an order dismissing an appeal, a party may file a motion for reconsideration of the dismissal.~~

(2) ~~When Order was Entered by Court~~ Number of Judges:

Exception

~~If an appeal has been dismissed by the ruling of the Court or a panel pursuant to subsection (4), (6), (8), or (9) of section (a) of this Rule, the order dismissing the appeal, on motion filed within ten days after entry of the order, may be rescinded if the Court is satisfied that a report, record, brief, appendix, or record extract complying with the Rules will be filed or the proper party will be substituted within a time to be prescribed by the Court. A motion for reconsideration shall be determined by the number of judges required by law to decide an appeal, except that an individual judge who entered an order of dismissal may rescind the order and reinstate the appeal. The judges who determine the motion for reconsideration may include one or more of the judges who entered the order of dismissal.~~

Committee note: Although an individual judge who entered an order of dismissal may rescind the order and reinstate the appeal upon a timely filed motion for reconsideration, a motion for reconsideration of the dismissal may be denied only by the number of judges required by law to decide an appeal.

(3) ~~Reinstatement on Docket~~ Determination of Motion for Reconsideration

~~If the order of dismissal is rescinded, the case shall be reinstated on the docket on the terms prescribed by the Court. The Court shall rescind an order of dismissal if:~~

(A) the Court determines that the appeal should not have been dismissed;

(B) the appeal was dismissed pursuant to subsection (a)(4),

(a)(5), or (a)(7) of this Rule and the Court finds that there was good cause for the failure to comply with the applicable subsection of the Rule; or

(C) the appeal was dismissed pursuant to subsection (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), or (a)(9) of this Rule and the Court finds that the interests of justice require reinstatement of the appeal.

(4) ~~No Further Reconsideration by the Court~~ Reinstatement

~~When an order dismissing an appeal is reviewed by the Court on motion filed pursuant to this section, the moving party may not obtain further reconsideration of the dismissal pursuant to Rule 8-605. If an order of dismissal is rescinded, the case shall be reinstated on the docket on the terms and conditions prescribed by the Court.~~

(5) No Further Reconsideration by the Court

If an order dismissing an appeal is reconsidered under this section, the party who filed the motion for reconsideration may not obtain further reconsideration of the motion.

(d) Judgment Entered After Notice Filed

A notice of appeal filed after the announcement or signing by the trial court of a ruling, decision, order, or judgment but before entry of the ruling, decision, order, or judgment on the docket shall be treated as filed on the same day as, but after, the entry on the docket.

(e) Entry of Judgment Not Directed Under Rule 2-602

(1) If the appellate court determines that the order from

which the appeal is taken was not a final judgment when the notice of appeal was filed but that the lower court had discretion to direct the entry of a final judgment pursuant to Rule 2-602 (b), the appellate court may, as it finds appropriate, (A) dismiss the appeal, (B) remand the case for the lower court to decide whether to direct the entry of a final judgment, (C) enter a final judgment on its own initiative or (D) if a final judgment was entered by the lower court after the notice of appeal was filed, treat the notice of appeal as if filed on the same day as, but after, the entry of the judgment.

(2) If, upon remand, the lower court decides not to direct entry of a final judgment pursuant to Rule 2-602 (b), the lower court shall promptly notify the appellate court of its decision and the appellate court shall dismiss the appeal. If, upon remand, the lower court determines that there is no just reason for delay and directs the entry of a final judgment pursuant to Rule 2-602 (b), the case shall be returned to the appellate court after entry of the judgment. The appellate court shall treat the notice of appeal as if filed on the date of entry of the judgment.

(3) If the appellate court enters a final judgment on its own initiative, it shall treat the notice of appeal as if filed on the date of the entry of the judgment and proceed with the appeal.

Cross reference: Rule 8-206.

Source: This Rule is in part derived from former Rules 1035 and 835 and in part new.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 200 - DIVORCE, ANNULMENT, ALIMONY, CHILD SUPPORT,
AND CHILD CUSTODY

AMEND Rule 9-202 (b) to conform to a recent statutory
change, as follows:

Rule 9-202. PLEADING

. . .

(b) Child Custody

When child custody is an issue, each party shall provide
in the party's first pleading the information required by Code,
Family Law Article, ~~§9-209~~ §9.5-209 (a).

. . .

MARYLAND RULES OF PROCEDURE
TITLE 12 - PROPERTY ACTIONS
CHAPTER 200 - CONDEMNATION

AMEND Rule 12-207 by adding language to sections (b) and (c) referring to the exclusion of "quick take" condemnation proceedings and by adding a certain cross reference following section (b), as follows:

Rule 12-207. TRIAL

(a) Trial by Jury Unless Otherwise Elected

An action for condemnation shall be tried by a jury unless all parties file a written election submitting the case to the court for determination. All parties may file a written election submitting an issue of fact to the court for determination without submitting the whole action.

Committee note: The issue of the plaintiff 's right to condemn is a question of law for the court. *Bouton v. Potomac Edison Co.*, 288 Md. 305 (1980).

(b) Opening Statement

Each party to the action may make an opening statement to the trier of fact. If the action for condemnation is not a "quick-take" pursuant to Maryland Constitution, Art. III, §§40A-40C, the opening statement may be made before the trier of fact views the property sought to be condemned. A plaintiff may reserve the opening statement until after ~~the~~ a view. A defendant may reserve the opening statement until after ~~the~~ a

view or until the conclusion of the evidence offered by the plaintiff.

Cross reference: See *Bern-Shaw Limited Partnership v. Mayor and City Council of Baltimore*, 377 Md. 277 (2003), which held that section (c) of this Rule does not apply to a "quick-take" condemnation proceeding.

(c) View

Before the production of other evidence, the trier of fact shall view the property sought to be condemned unless the court accepts a written waiver filed by all parties or the condemnation is a "quick-take" proceeding. In a jury trial, each party shall inform the court, before the jury leaves for the view, of the name of the person to speak for that party at the view. Only one person shall represent all of the plaintiffs and only one person shall represent all of the defendants, unless the court orders otherwise for good cause. Only those persons shall be permitted to make any statement to the jury during the view, and the court shall so instruct the jury. These persons shall point out to the jury the property sought to be condemned, its boundaries, and any adjacent property of the owner claimed to be affected by the taking. They may also point out the physical features, before and after the taking, of the property taken and of any adjacent property of the owner claimed to be affected by the taking. The judge shall be present at and shall supervise the view unless the court accepts a written waiver filed by all parties.

The parties, their attorneys, and other representatives may be present during a view. A jury shall be transported to and

attend a view as a body under the charge of an officer of the court, and the expense of transporting the jury shall be assessed as costs.

Source: This Rule is derived from former Rules U15, U17, and U18.

MARYLAND RULES OF PROCEDURE
TITLE 13 - RECEIVERS AND ASSIGNEES
CHAPTER 500 - REPORTS AND DISTRIBUTIONS

AMEND Rule 13-503 to add a new section (c) providing for a minimum dividend for distribution, as follows:

Rule 13-503. DISTRIBUTION

(a) Final Ratification Required

Until the final account has been audited pursuant to Rule 13-502 and finally ratified by the court, a final distribution shall not be made to creditors, the estate shall not be closed, and any bond of the receiver or assignee shall not be released.

(b) Payment

Promptly after final ratification of an auditor's account in which a distribution to creditors has been stated, the receiver or assignee shall make distribution as stated in the account.

(c) Minimum Dividend

Unless the court orders otherwise, the assignee or receiver shall not distribute to a creditor a dividend in an amount less than \$5.00, but shall treat the dividend as unclaimed funds under section (d) of this Rule.

~~(c)~~ (d) Disposition of Unclaimed Distributions

The receiver or assignee shall pay into court any distributions that remain unclaimed for ninety days after final ratification of the auditor's final distribution account. The receiver or assignee shall file a list of the names and last

known addresses of persons who have not claimed distributions, showing the amount of each person's distribution. The clerk shall issue a receipt for the payment, and the receipt shall release and discharge the receiver or assignee making the payment. Thereafter, the unclaimed distributions shall be subject to escheat as provided by law.

Source: This Rule is derived from former Rules BP9 b 2 and BP10.

MARYLAND RULES OF PROCEDURE
TITLE 15 - OTHER SPECIAL PROCEEDINGS
CHAPTER 900 - NAME - CHANGE OF

AMEND Rule 15-901 by adding to the required contents of the petition listed in subsection (c)(1) a provision stating whether the person whose name is sought to be changed has ever registered as a sexual offender and the full name(s) under which the person was registered and by adding a certain cross reference following subsection (c)(1), as follows:

Rule 15-901. ACTION FOR CHANGE OF NAME

(a) Applicability

This Rule applies to actions for change of name other than in connection with an adoption or divorce.

(b) Venue

An action for change of name shall be brought in the county where the person whose name is sought to be changed resides.

(c) Petition

(1) Contents

The action for change of name shall be commenced by filing a petition captioned "In the Matter of . . ." [stating the name of the person whose name is sought to be changed] "for change of name to . . ." [stating the change of name desired]. The petition shall be under oath and shall contain at least the

following information:

(A) the name, address, and date and place of birth of the person whose name is sought to be changed;

(B) whether the person whose name is sought to be changed has ever been known by any other name and, if so, the name or names and the circumstances under which they were used;

(C) the change of name desired;

(D) all reasons for the requested change;

(E) a certification that the petitioner is not requesting the name change for any illegal or fraudulent purpose; ~~and~~

(F) if the person whose name is sought to be changed is a minor, the names and addresses of that person's parents and any guardian or custodian; and

(G) whether the person whose name is sought to be changed has ever registered as a sexual offender and, if so, the full name(s) (including suffixes) under which the person was registered.

Cross reference: See Code, Criminal Procedure Article, §11-705, which requires a registered sexual offender whose name has been changed by order of court to send written notice of the change to the Department of Public Safety and Correctional Services within seven days after the order is entered.

(2) Documents to be Attached to Petition

The petitioner shall attach to the petition a copy of a birth certificate or other documentary evidence from which the court can find that the current name of the person whose name is sought to be changed is as alleged.

(d) Service of Petition - When Required

If the person whose name is sought to be changed is a minor, a copy of the petition, any attachments, and the notice issued pursuant to section (e) of this Rule shall be served upon that person's parents and any guardian or custodian in the manner provided by Rule 2-121. When proof is made by affidavit that good faith efforts to serve a parent, guardian, or custodian pursuant to Rule 2-121 (a) have not succeeded and that Rule 2-121 (b) is inapplicable or that service pursuant to that Rule is impracticable, the court may order that service may be made by (1) the publication required by subsection (e)(2) of this Rule and (2) mailing a copy of the petition, any attachments, and notice by first class mail to the last known address of the parent, guardian, or custodian to be served.

(e) Notice

(1) Issued by Clerk

Upon the filing of the petition, the clerk shall sign and issue a notice that (A) includes the caption of the action, (B) describes the substance of the petition and the relief sought, and (C) states the latest date by which an objection to the petition may be filed.

(2) Publication

Unless the court on motion of the petitioner orders otherwise, the notice shall be published one time in a newspaper of general circulation in the county at least fifteen days before the date specified in the notice for filing an objection to the petition. The petitioner shall thereafter file a certificate of

publication.

(f) Objection to Petition

Any person may file an objection to the petition. The objection shall be filed within the time specified in the notice and shall be supported by an affidavit which sets forth the reasons for the objection. The affidavit shall be made on personal knowledge, shall set forth facts that would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated in the affidavit. The objection and affidavit shall be served upon the petitioner in accordance with Rule 1-321. The petitioner may file a response within 15 days after being served with the objection and affidavit. A person desiring a hearing shall so request in the objection or response under the heading "Request for Hearing."

(g) Action by Court

After the time for filing objections and responses has expired, the court may hold a hearing or may rule on the petition without a hearing and shall enter an appropriate order, except that the court shall not deny the petition without a hearing if one was requested by the petitioner.

Source: This Rule is derived in part from former Rules BH70 through BH75 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 15 - OTHER SPECIAL PROCEEDINGS

CHAPTER 1100 - CATASTROPHIC HEALTH EMERGENCY

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MARYLAND RULES OF PROCEDURE
TITLE 15 - OTHER SPECIAL PROCEEDINGS
CHAPTER 1100 - CATASTROPHIC HEALTH EMERGENCY

ADD new Rule 15-1101, as follows:

Rule 15-1101. CONSTRUCTION

The Rules in this Chapter shall be construed to facilitate the efficient adjudication of any proceedings brought pursuant to Code, Health-General Article, §18-906 and Code, Public Safety Article, §14-3A-05. These Rules do not prohibit an individual from seeking habeas corpus relief.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 15 - OTHER SPECIAL PROCEEDINGS
CHAPTER 1100 - CATASTROPHIC HEALTH EMERGENCY

ADD new Rule 15-1102, as follows:

Rule 15-1102. DEFINITIONS

The definitions set forth in Code, Health-General Article, §§1-101 and 18-901 and Code, Public Safety Article, §§1-101 and 14-3A-01, are incorporated in this Chapter by reference.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 15 - OTHER SPECIAL PROCEEDINGS

CHAPTER 1100 - CATASTROPHIC HEALTH EMERGENCY

ADD new Rule 15-1103, 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 with the Clerk of the Court of Appeals.

Committee note: Motions to seal or limit inspection of a case record are governed by Rule 16-1009. 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 Chief Judge of the Court of Appeals or that judge's designee shall enter an order (1) assigning the matter to a judge of any circuit court to hear the action and (2) setting the date, time, and location of a hearing on the petition or directing that the clerk of the circuit court to which the action has been assigned promptly set the hearing and notify the parties. The Clerk of the Court of Appeals shall provide a copy of the order to all parties.

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 of the Court of Appeals 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 Department of Health and Mental Hygiene.

(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

ADD new Rule 15-1104, 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 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 15 - OTHER SPECIAL PROCEEDINGS
CHAPTER 1100 - CATASTROPHIC HEALTH EMERGENCY

ADD new Rule 15-1105, as follows:

Rule 15-1105. DECISION AND ORDER

(a) Factors to be Considered

In making its determination on the petition, the court shall consider the following factors:

(1) the means of transmission of the disease or outbreak that is believed to be caused by exposure to a deadly agent;

(2) the degree of contagion that is associated with exposure to a deadly agent;

(3) the degree of public exposure to the disease or outbreak;

(4) the risk and severity of the possible results from infection, injury, or death of an individual or group of individuals by a deadly agent;

(5) whether the petitioner or the group of individuals similarly situated to the petitioner may have been exposed to a deadly agent;

(6) the potential risk to the public health of an order enjoining the Secretary's directive or otherwise requiring the immediate release from isolation or quarantine of the petitioner or of an individual or group of individuals similarly situated;
and

(7) any other material facts.

(b) Decision

The court shall order the release of the petitioner unless the court finds by a preponderance of the evidence that the Secretary's directive to isolate or quarantine is necessary and reasonable under the circumstances to prevent or reduce the spread of the disease or outbreak believed to have been caused by exposure to a deadly agent. Otherwise, the court shall deny the petition and issue an order authorizing the continued isolation or quarantine of the petitioners.

(c) Statement of Reasons

The court shall prepare and file or dictate into the record a brief statement of the reasons for its decision and enter an order in accordance with section (d) of this Rule. If dictated into the record, the statement shall be transcribed promptly.

(d) Order

(1) Generally

The order shall:

(A) be in writing;

(B) be filed no later than the next business day after the hearing concludes; and

(C) be given to the parties or their counsel of record, except as otherwise provided in subsection (d)(2)(A) of this Rule.

(2) Orders Authorizing Continued Isolation or Quarantine

An order authorizing continued isolation or quarantine of the individual or group of individuals shall:

(A) be served by the Secretary or the Secretary's designee on the individual or group of individuals specified in the order, unless service is impractical due to the number or geographical dispersion of the affected individuals, in which case the court shall provide for notice to the affected individuals by personal service or by any means available;

(B) be effective for a specific period of time not to exceed 30 days; and

(C) reasonably identify the isolated or quarantined individual or group of individuals by name or by shared characteristics; and

(D) specify all material findings of fact and conclusions of law and may incorporate by reference a transcript of the proceedings.

Committee note: An order entered under section (d) of this Rule must either order the release of the petitioner (with or without a stay of that order) or authorize the continued isolation of quarantine imposed by the Secretary. Except as provided by Rule 15-1104 (a), the Rules in this Chapter do not authorize the court to grant any other relief.

(e) Stay

Upon request of the Secretary, the court may stay an order releasing the petitioner pending appellate review if the request is accompanied by an undertaking in writing or on the record that the Secretary will seek immediate appellate review of the order and the petitioner has been afforded an opportunity to be heard.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 15 - OTHER SPECIAL PROCEEDINGS
CHAPTER 1100 - CATASTROPHIC HEALTH EMERGENCY

ADD new Rule 15-1106, as follows:

Rule 15-1106. MOTION TO CONTINUE ORDER

Before the expiration of a court order authorizing or continuing isolation or quarantine, the Secretary may move for a continuation of the order for another period not to exceed 30 days. The motion shall be filed in the court that entered the order. Unless the petitioner consents, the motion shall not be granted without a hearing.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 15 - OTHER SPECIAL PROCEEDINGS
CHAPTER 1100 - CATASTROPHIC HEALTH EMERGENCY

ADD new Rule 15-1107, as follows:

Rule 15-1107. APPELLATE REVIEW

A party adversely affected by the court's ruling on a petition for relief or on a subsequent motion to continue an order authorizing isolation or quarantine shall have the right of appellate review. The appellate court shall decide the appeal as soon as is reasonably practicable. In order to do so, the appellate court may modify the timing and filing requirements of any Rule in Title 8.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 400 - ATTORNEYS, OFFICERS OF COURT AND OTHER PERSONS

AMEND Rule 16-404 to add a certain cross reference after section e and to make a certain stylistic change, as follows:

Rule 16-404. ADMINISTRATION OF COURT REPORTERS

. . .

e. Methods of Reporting - Proceedings to be Recorded.

Each court reporter assigned to record a proceeding shall record verbatim by shorthand, stenotype, mechanical, or electronic ~~sound~~ audio recording methods, electronic word or text processing methods, or any combination of these methods, and shall maintain that record subject to regulations and standards prescribed by the Chief Judge of the Court of Appeals. Unless the court and the parties agree otherwise, all proceedings held in open court, including opening statements, closing arguments, and hearings on motions, shall be recorded in their entirety.

Cross reference: Rule 16-1006 (g) provides that backup audio recordings made by any means, computer disks, and notes of a court reporter that have not been filed with the clerk or are not part of the official court record are not ordinarily subject to public inspection.

Source: This Rule is derived from former Rule 1224.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 400 - ATTORNEYS, OFFICERS OF COURT AND OTHER PERSONS

AMEND Rule 16-405 to delete the word "videotape" from the title, to add references to audio and audio-video recording throughout the Rule, to add to section b the phrase "or other designee of the court," and to add certain provisions concerning the shielding of certain portions of electronic recordings of proceedings, as follows:

Rule 16-405. ~~VIDEOTAPE~~ ELECTRONIC AUDIO AND AUDIO-VIDEO
RECORDING OF CIRCUIT COURT PROCEEDINGS

a. Authorization.

The Circuit Administrative Judge for a judicial circuit, after consultation with the County Administrative Judge for a county, may authorize the electronic audio or audio-video recording by videotape in courtrooms or hearing rooms in that county of proceedings required or permitted to be recorded by Rule 16-404 e ~~in courtrooms or hearing rooms in that county.~~

b. Identification.

The clerk or other designee of the court shall affix to the ~~videotape~~ electronic audio or audio-video recording a label containing the following information:

1. the name of the court;

~~3.~~ 2. the docket reference of each proceeding included on the ~~tape recording; and~~

~~2.~~ 3. the date on which the ~~videotape proceeding~~ was recorded; and

4. any other identifying letters, marks, or numbers.

c. Trial Log; Exhibit List.

The clerk or other designee of the court shall keep a written log identifying each proceeding recorded on ~~a videotape~~ an audio or audio-video recording and, for each proceeding recorded ~~on the tape~~, a log listing the ~~tape recording~~ references for the beginning and end of each witness's testimony, ~~and an exhibit list, and any portion of the audio or audio-video recording that has been safeguarded pursuant to section d of this Rule.~~ The original logs and exhibit list shall remain with the original papers in the circuit court. A copy of the logs and the exhibit list shall be kept with the ~~videotape~~ audio or audio-video recording.

d. Safeguarding Confidential or Non-Public Portions of Proceedings

If a portion of a proceeding that is recorded by audio or audio-video recording involves placing on the record matters that would not be heard in open court or open to public inspection, the court shall direct that appropriate safeguards be placed on that portion of the recording.

~~d.~~ e. Presence of Court Reporter Not Necessary; Conflicts With Other Rules.

1. If circuit court proceedings are recorded by ~~videotape~~ audio or audio-video recording, it is not necessary for a court reporter to be present in the courtroom.

2. In the event of a conflict between this Rule and another Rule, this Rule shall prevail.

Source: This Rule is derived in part from former Rule 1224A and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 400 - ATTORNEYS, OFFICERS OF COURT AND OTHER PERSONS

AMEND Rule 16-406 to add references to audio recording in the title and throughout the Rule, to expand the access provision in section b, to add a new section c pertaining to obtaining a copy of an audio recording or the audio portion of an audio-video recording, to make sections d and e applicable only to audio-video recordings, and to make certain stylistic changes, as follows:

Rule 16-406. ACCESS TO ~~VIDEOTAPE~~ ELECTRONIC AUDIO AND AUDIO-VIDEO RECORDINGS OF PROCEEDINGS IN THE CIRCUIT COURT

a. Control - In General.

~~Videotape~~ Electronic audio and audio-video recordings made pursuant to Rules 16-404 and 16-405 are under the control of the court having custody of them. Access to and copying of those recordings are subject to the provisions of this Rule and Rule 16-405 d.

Cross reference: Code, State Government Article, §10-615.

b. ~~Direct~~ Access - In General.

No person other than a duly authorized court official or employee shall have direct access to or possession of an official ~~videotape~~ audio or audio-video recording. Subject to Rule 16-405 d and unless otherwise ordered by the court, any person may view

an official audio-video recording at the times and places determined by the court having custody of the recording. Copies of audio recordings and, where practicable, the audio portion of audio-video recordings, may be purchased as provided in this Rule.

c. Right to Obtain Copy of Audio Recording or Audio Portion of Audio-Video Recording

Subject to Rule 16-405 d and unless otherwise ordered by the court, the authorized custodian of an official audio recording or the audio portion of an audio-video recording shall make a copy of the audio recording or, if practicable, the audio portion of the audio-video recording, or any portion thereof, available to any person upon written request and the payment of reasonable costs, unless payment is waived by the court.

c. d. Right to Copy of Audio-Video Recording; Restrictions.

1. Upon written request and the payment of reasonable costs, the authorized custodian of an official audio-video recording shall make a copy of the recording, or any part requested, available to:

(A) a party to the action or the party's attorney;

(B) a stenographer or transcription service designated by the court for the purpose of preparing an official transcript from the recording; and

(C) the Commission on Judicial Disabilities or its designee.

2. Unless authorized by an order of court, a person who receives a copy of ~~a videotape~~ an audio-video recording pursuant to this section shall not (A) make or cause to be made any additional copy of the recording or (B) except for a non-sequestered witness or an agent, employee, or consultant of the attorney, make the recording available to any person not entitled to it pursuant to this section.

~~d.~~ e. Other Persons.

1. This section does not apply to the ~~videotape~~ audio-video recording of (A) a criminal proceeding, (B) a revocation of probation proceeding, or (C) any proceeding that is confidential by law. The right to obtain a copy of ~~a videotape~~ an audio-video recording in those proceedings is governed solely by section ~~c~~ d of this Rule.

2. A person not entitled to a copy of ~~a videotape~~ an audio-video recording pursuant to section ~~c~~ d of this Rule may file a request to obtain a copy pursuant to this section. The person shall file the request with the clerk of the circuit court in which the proceeding was conducted and shall serve a copy of the request pursuant to Rule 1-321 on each party to the action.

3. A party may file a written response to the request within five days after being served with the request. Any other interested person may file a response within 5 days after service of the request on the last party to be served.

4. The clerk shall refer the request and all responses to the judge who conducted the proceeding. If the action has been

transferred to another circuit court, the clerk shall transfer the matter to that court.

5. If the action is still pending in the court, the court shall deny the request unless (A) all parties have affirmatively consented and no interested person has filed a timely objection or (B) the court finds good cause to grant the request. ~~If the action has been transferred to another circuit court, the court shall transfer the matter to that court.~~ If judgment has been entered in the action, the court shall grant the request unless it finds good cause to the contrary, but the court may delay permission to obtain the copy until either all appellate proceedings are completed or the right to further appellate review has lapsed.

Source: This Rule is derived in part from former Rule 1224B and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 500 - COURT ADMINISTRATION - DISTRICT COURT

AMEND Rule 16-504 to provide that Rules 16-405 and 16-406 apply to any audio-video recording authorized by the Chief Judge of the District Court, to add a new section b providing for the shielding of certain portions of electronic recordings of proceedings, to add a new section c pertaining to access to and the right to obtain a copy of an audio recording, and to add a Committee note pertaining to de novo appeals, as follows:

Rule 16-504. RECORDING OF PROCEEDINGS

a. Audio Recording Required.

All trials, hearings, and other proceedings before a judge in open court shall be recorded verbatim by an audio recording device provided by the ~~court~~ Court. The Chief Judge of the District Court may authorize recording by additional means, including audio-video recording. The recording shall be filed among the court records. Audio-video recording of a proceeding and access to the audio-video recording shall be in accordance with Rules 16-405 and 16-406.

b. Safeguarding Confidential or Non-Public Portions of Proceedings.

If a portion of a proceeding involves placing on the record matters that would not be heard in open court or open to public

inspection, the Court shall direct that appropriate safeguards be placed on that portion of the audio recording. The clerk shall create a written log listing the recording references for the beginning and end of the safeguarded portions of the recording. The log shall be kept with the original papers in the Court and a copy of the log shall be kept with the audio recording.

c. Access; Right to Obtain Copy of Audio Recording

No person other than a duly authorized Court official or employee shall have direct access to or possession of an official audio recording. Subject to section b of this Rule and unless otherwise ordered by the Court, the authorized custodian of an official audio recording shall make a copy of the audio recording, or any portion thereof, available to any person upon written request and the payment of reasonable costs, unless payment is waived by the Court.

Committee note: In a proceeding from which, by law, an appeal is de novo, no transcript is provided by the Court. A copy of the audio recording of the proceeding may be obtained in accordance with section c of this Rule.

Cross reference: See Rule 16-404 b concerning regulations and standards applicable to court reporting in all courts of the State.

Source: This Rule is derived in part from former M.D.R. 1224 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 700 - DISCIPLINE AND INACTIVE STATUS OF ATTORNEYS

AMEND Rule 16-723 to prohibit certain disclosures by certain individuals and to add language to subsection (b)(1) clarifying the confidentiality of complaints, as follows:

Rule 16-723. CONFIDENTIALITY

. . .

(b) Other Confidential ~~Proceedings and Records~~ Matters

Except as otherwise provided in these Rules, the following records and proceedings are confidential and not open to public inspection and their contents may not be revealed by the Commission, the staff of the Commission, Bar Counsel, the staff and investigators of the Office of Bar Counsel, members of the Peer Review Committee, or any attorney involved in the proceeding:

- (1) the records of an investigation by Bar Counsel, including the existence and content of any complaint;
- (2) the records and proceedings of a Peer Review Panel;
- (3) information that is the subject of a protective order;
- (4) the contents of a warning issued by Bar Counsel pursuant to Rule 16-735 (b), but the fact that a warning was issued shall be disclosed to the complainant;

(5) the contents of a prior private reprimand or Bar Counsel reprimand pursuant to the Attorney Disciplinary Rules in effect prior to July 1, 2001, but the fact that a private or Bar Counsel reprimand was issued and the facts underlying the reprimand may be disclosed to a peer review panel in a proceeding against the attorney alleging similar misconduct;

Committee note: The peer review panel is not required to find that information disclosed under subsection (b)(5) is relevant under Rule 16-743 (c)(1).

(6) the contents of a Conditional Diversion Agreement entered into pursuant to Rule 16-736, but the fact that an attorney has signed such an agreement shall be public;

(7) the records and proceedings of the Commission on matters that are confidential under this Rule;

(8) a Petition for Disciplinary or Remedial Action based solely on the alleged incapacity of an attorney and records and proceedings other than proceedings in the Court of Appeals on that petition; and

(9) a petition for an audit of an attorney's accounts filed pursuant to Rule 16-722 and records and proceedings other than proceedings in the Court of Appeals on that petition.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 800 - MISCELLANEOUS

AMEND Rule 16-819 (b) to add certain language concerning the time for filing and form of an application for the appointment of an interpreter, and to delete a certain reference to a certain form, as follows:

Rule 16-819. COURT INTERPRETERS

. . .

(b) Application for the Appointment of an Interpreter

A person who needs an interpreter may apply to the court for the appointment of an interpreter. ~~The application shall be made by providing the information required by Form 1-332 in the Appendix to these Rules.~~ As far as practicable, an application for the appointment of an interpreter shall be (1) presented on a form approved by administrative order of the Court of Appeals and available from the clerk of the court and (2) submitted not less than five days before the proceeding for which the interpreter is requested.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 800 - MISCELLANEOUS

AMEND Rule 16-821 to add language pertaining to judges approved for recall, as follows:

Rule 16-821. PERFORMANCE OF MARRIAGE CEREMONIES BY JUDGES -
APPLICABILITY OF RULES

Rules 16-821 through 16-824 apply to all Maryland judges of the District Court, a circuit court, the Court of Special Appeals, and the Court of Appeals, including retired judges approved for recall pursuant to Maryland Constitution, Article IV, §3A and Code, Courts Article, §1-302, who wish to perform marriage ceremonies.

Cross reference: Code, Family Law Article, §2-406.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 1000 - ACCESS TO COURT RECORDS

AMEND Rule 16-1006 to add court reporters' backup audio recordings to section (g), as follows:

Rule 16-1006. REQUIRED DENIAL OF INSPECTION - CERTAIN CATEGORIES OF CASE RECORDS

Except as otherwise provided by law, court order, or the Rules in this Chapter, ~~or court order~~, the custodian shall deny inspection of:

. . .

(g) ~~Notes or a computer disk~~ Backup audio recordings made by any means, computer disks, and notes of a court reporter that are in the possession of the court reporter and have not been filed with the clerk.

. . .

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

DELETE Form 1-332, as follows:

~~Form 1-332. NOTIFICATION OF NEED FOR ACCOMMODATION OR
INTERPRETER~~

~~Court: _____~~

~~Case Name: _____~~

~~Case Number: _____~~

~~Trial or Hearing Date, if known: _____~~

~~NOTIFICATION OF NEED FOR ACCOMMODATION OR INTERPRETER~~

~~[] Assistive Listening Device _____ (specify type)~~

~~[] Computer Assisted Technology~~

~~[] Documents [] in large print _____ (specify size)
or [] in Braille or [] in digital form or [] on cassette~~

~~[] Communication board~~

~~[] Electrical outlet for, e.g., assistive notetaking device~~

~~[] Escort~~

~~[] Familiarization with courtroom layout~~

~~[] Guide dog accommodations _____ (specify)~~

~~[] Interpreter (specify language and, if necessary, any
dialect thereof, for example: American Sign Language,
Korean, Mandarin Chinese, Russian, Spanish)~~

~~Lighting _____ (specify)~~

~~Quiet room~~

~~Recesses at _____ intervals (specify time or
other interval)~~

~~Scheduling of proceedings in a.m. or p.m.~~

~~Small room~~

~~Stair-free access to facility~~

~~Use of personal tape recorder~~

~~Videotaped testimony~~

~~Visual aid machine _____ (specify)~~

~~Wheel-chair accessible facilities, including raised/
lowered counsel table; accessible witness stand~~

~~Other _____

_____~~

~~Name of person needing assistance: _____~~

~~Attorney's name, address, and telephone number: _____
_____~~

~~Date: _____~~