

IN THE SUPREME COURT 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 Two Hundred and Twelfth Report and Supplement thereto to the Court, recommending revision, on an emergency basis, of the effective date of previously adopted amendments to Rules 1-102 and 4-217 and the rescission of Rule 16-805, and adoption, on an emergency basis, of proposed new Rule 1-101.1 and amendments to Rule 1-202; and

This Court having considered these matters, together with comments received, at an open meeting, notice of which was posted as prescribed by law, making on its own motion certain amendments to the proposed Rules changes, and finding that exigent circumstances exist with reference to the effective dates of the proposed Rules changes and the previously adopted Rules changes, it is this 15th day of December, 2022;

ORDERED, by the Supreme Court of Maryland, that the effective date of the rescission of Rule 16-805 and the amendments to Rules 1-102 and 4-217 heretofore adopted by this Court by Rules Order dated September 30, 2022, be, and it is

hereby, changed from January 1, 2023 to July 1, 2023; and it is further

ORDERED that new Rule 1-101.1 and amendments to Rule 1-202 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that new Rule 1-101.1 and the amendments to Rule 1-202 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 December 14, 2022 and, insofar as practicable, to all actions then pending; and it is further

ORDERED that a copy of this Order be posted promptly on the website of the Maryland Judiciary.

/s/ Matthew J. Fader

Matthew J. Fader

/s/ Shirley M. Watts

Shirley M. Watts

/s/ Michele D. Hotten

Michele D. Hotten

/s/ Brynja M. Booth
Brynja M. Booth

/s/ Jonathan Biran
Jonathan Biran

/s/ Steven B. Gould
Steven B. Gould

/s/ Angela M. Eaves
Angela M. Eaves

Filed: December 15, 2022

Pursuant to the Maryland Uniform Electronic Legal Materials Act (§§ 10-1601 et seq. of the State Government Article) this document is authentic.

/s/ Gregory Hilton
Clerk
Supreme Court of Maryland



Gregory Hilton, Clerk

MARYLAND RULES

TITLE 1 - GENERAL PROVISIONS

CHAPTER 100 - APPLICABILITY AND CITATION

ADD new Rule 1-101.1, as follows:

Rule 1-101.1. NAMES OF APPELLATE COURTS; RULES OF CONSTRUCTION

(a) Generally

From and after December 14, 2022, any reference in these Rules or, in any proceedings before any court of the Maryland Judiciary, any reference in any statute, ordinance, or regulation applicable in Maryland to the Court of Appeals of Maryland shall be deemed to refer to the Supreme Court of Maryland, and any reference to the Court of Special Appeals of Maryland shall be deemed to refer to the Appellate Court of Maryland. Unless otherwise specified, any reference in these Rules to the Supreme Court shall be deemed to refer to the Supreme Court of Maryland, and any reference in these Rules to the Appellate Court shall be deemed to refer to the Appellate Court of Maryland.

(b) Terminology - Appellate Court

In these Rules, wherever the term appellate court appears with initial capital letters ("Appellate Court"), the term means the Appellate Court of Maryland. Wherever the term appellate court appears with lower case initial letters ("appellate

court"), the term, as applicable under the circumstances, may refer to any court that is exercising appellate jurisdiction.

Committee note: By 2021 Maryland Laws, Chapters 82 and 83, the General Assembly proposed amendments to the Maryland Constitution to change the name of the Court of Appeals of Maryland to the Supreme Court of Maryland and to change the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. On December 14, 2022, the Governor certified that those amendments were adopted by the voters in the 2022 general election and took effect as of the date of his certification. There are hundreds of references to the former names of those courts throughout the Maryland Rules, and the process of updating those references to conform to this Rule is underway.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 1 - GENERAL PROVISIONS

CHAPTER 200 - CONSTRUCTION, INTERPRETATION, AND DEFINITIONS

AMEND Rule 1-202, by adding to the definitions of "Judge" and "Senior Judge," as follows:

Rule 1-202. DEFINITIONS

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

. . .

(n) Judge

"Judge" means a judge of a court of this State and refers, as applicable under the circumstances, to a judge of the court (1) to which the title, chapter, or rule applies or (2) in which the particular action or proceeding has been filed or properly could be filed. Subject to those conditions, "judge" includes a Justice of the Supreme Court of Maryland.

. . .

(aa) Senior Judge; Senior Justice

"Senior Judge" means: (1) in Rules 16-103 and 16-601, an incumbent judge with the longest continuous period of incumbency on the court on which the judge serves, and (2) in all other

Rules, an individual who (A) once served as a judge on the District Court, a circuit court, or an appellate court of this State, (B) retired from that office voluntarily or by operation of law by reason of age, and (C) has been approved for recall to sit as a judge pursuant to Md. Constitution, Art. IV, § 3A and Code, Courts Article, § 1-302. "Senior Justice" means a Senior Judge who has been designated to sit on the Supreme Court of Maryland in a case or other judicial matter pending before that Court.

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