

## Civil Differentiated Case Management (DCM) Plan

This Civil DCM Plan is established in accordance with Md. Rule 16-302(b) which requires the County Administrative Judge to develop and, upon approval by the Chief Judge of the Maryland Court of Appeals, implement and monitor a case management plan for the prompt and efficient scheduling and disposition of action in the Circuit Court.

### Statement of Purpose

From the commencement of litigation to its resolution, whether by trial or settlement, any elapsed time other than reasonably required for pleadings, discovery, and Court events, is unacceptable and should be eliminated. To enable just and efficient resolution of cases, the Court, not the lawyers or litigants, should control the pace of litigation. A strong judicial commitment is essential to reducing delay and once achieved, maintaining a current docket. (Standard 250, ABA Standards Relating to Court Delay Reduction.)

It is the purpose of this DCM Plan to provide an effective case management system which will assure:

1. Equal treatment of all litigants by the Court;
2. Timely disposition consistent with the circumstances of the individual case;
3. Enhancement of the quality of the litigation process; and
4. Public confidence in the Court as an institution.

Consistent with the Case Time Standards adopted by the Judicial Council, Constitutional requirements, and applicable Maryland Rules, it is the goal of this Plan to ensure that all civil cases, jury and non-jury, with the exception of foreclosure cases, be concluded within 18 months (548 days) of the filing date. The time standard for foreclosure cases is 24 months from case filing. In order to achieve this goal, the Circuit Court is committed to resolving different categories of cases within a regular and predictable time frame warranted by the needs of those cases. For simpler and many typical cases, the warranted timeframe may be shorter than 18 months.

The DCM Plan for civil case types does not include family or domestic relations case types.<sup>1</sup> Civil cases with claims greater than \$5,000, up to \$30,000, may be filed in the District or Circuit Court.

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<sup>1</sup> See Family DCM template for all civil domestic case types.

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Cases with claims greater than \$30,000 must be filed in Circuit Court. Formal rules of procedure and of evidence apply in civil cases. Either side may demand a jury trial in cases with claims greater than \$15,000.00 (Md. Code, Courts & Judicial, § 4-402). If a jury trial is requested, the case must be heard in Circuit Court. A jury trial may be requested at any stage of the process, up to the trial and judgment.

### **Case Management**

Until such time as this Court may hire a Civil Case Administrator, the policies and procedures outlined in this Plan shall be implemented by the County Administrative Judge and/or Court Administrator and his or her back-up and their respective staff. The Court Administrator reports to the County Administrative Judge. The County Administrative Judge supervises all aspects of civil case management, and is ultimately responsible for the implementation of this Civil DCM Plan, pursuant to Md. Rule 16-302(b). The County Administrative Judge designates certain judges to hear the various civil matters, and makes final decisions about whether and to whom a case should be assigned, when necessary.

The County Administrative Judge shall have and exercise authority over such civil case issues and matters and shall monitor the implementation and effectiveness of the DCM Plan.

All judges are responsible to comply with and implement in their rulings the provisions of this Plan. Individual judges are responsible for the effective management of cases assigned to them; however, the scheduling of assigned cases must always be coordinated with the Assignment Office and the jury office. Assigned cases should be managed to the extent possible consistent with the provisions of this Plan, including adherence to the Case Time Standards.

### **Civil Tracks**

A civil case may follow four potential tracks to resolution. Tracks are defined based on the case subtype. Tracks define expected case processing events, the timing of events, assignment, and the expectations for case duration. The caseflow time standard for Circuit Court civil cases is 18 months [548 days] and 24 months for foreclosure cases, for 98% of dispositions; but expected case duration is based on time needed to reach resolution, which may be less than the time standard.

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**Table 1.1 – Civil Tracks Case types and Outcomes**

<i>Track</i>	<i>Case Subtypes</i>	<i>Expected Case Duration and Notes</i>
<b>Track 1 Civil Expedited</b>	<ol style="list-style-type: none"> <li>1. Confessed Judgments</li> <li>2. Administrative Agency Appeals</li> <li>3. Mechanic’s Liens</li> <li>4. Tax Sales</li> <li>5. Certiorari</li> <li>6. Contempt</li> <li>7. Habeas corpus</li> <li>8. Name change</li> <li>9. Maryland Automobile Insurance Fund</li> </ol> <hr/> <ol style="list-style-type: none"> <li>10. Attachment Before Judgment</li> <li>11. Declaratory Judgment (no discovery)</li> <li>12. District Court Appeals De Novo</li> <li>13. District Court Jury Trial Prayers</li> <li>14. Injunctions</li> <li>15. Mandamus</li> <li>16. Name Change</li> <li>17. Orphan’s Court Appeal (no CIF)</li> <li>18. Restraining Orders</li> <li>19. Tort (no discovery)</li> <li>20. Contract (no discovery)</li> <li>21. Forfeiture (money or vehicle)</li> </ol>	<p>Date of filing + 90 days</p> <p>Tort = personal injury, property damage, and negligence</p> <p>Contract = breach of contract, due on promissory note, and others</p> <p>Case types 1-9 do not require a case information sheet to be filed with the complaint or the Answer.</p> <p>Case types 10-21 require a case information sheet to be filed with the complaint and Answer.</p>
<b>Track 2 Civil Standard</b>	<ol style="list-style-type: none"> <li>1. Condemnation</li> <li>2. Contract (discovery)</li> <li>3. Fraud and Misrepresentation</li> <li>4. Intentional Tort (discovery)</li> <li>5. Motor Tort (discovery)</li> <li>6. Other Tort (discovery)</li> <li>7. Personal Injury (discovery)</li> <li>8. Worker's Compensation</li> <li>9. Business and Technology (expedited)</li> <li>10. Science and Technology ASTAR (expedited)</li> <li>11. Other Civil Cases (discovery)</li> </ol>	<p>Date of filing + 210 days = 240 days</p> <p>No maximum or minimum claim amounts.</p>
<b>Track 3 Civil Complex</b>	<ol style="list-style-type: none"> <li>1. Medical Malpractice</li> <li>2. Legal Malpractice</li> <li>3. Mass Tort</li> <li>4. Lead Paint</li> <li>5. Business and Technology (complex)</li> <li>6. Science and Technology ASTAR (standard)</li> <li>7. Contract (major construction)</li> <li>8. Major Product Liability</li> <li>9. Toxic Tort Claims (designated)</li> <li>10. Class Actions Suits or other Complex Cases</li> </ol>	<p>Date of filing + 480 days</p> <p>5% of caseload; specially assigned and custom managed; trial &gt;3 days</p>
<b>Track 4 Foreclosure</b>	Foreclosure cases	548 days

### **Track Designations Set at Filing**

Track designations are automatically set at filing. The plaintiff, or plaintiff's attorney, is required to designate a track for selected case types that may have two different track options. The track designation will be made on the Circuit Court Civil Non-Domestic Case Information report required to accompany the filing.

### **Counter or Cross Claims**

Counter or cross claimants do not have the right to challenge a track designation, if their case is consolidated with the original case.

The diagram on the following page illustrates the events and times required for civil case processing tracks.

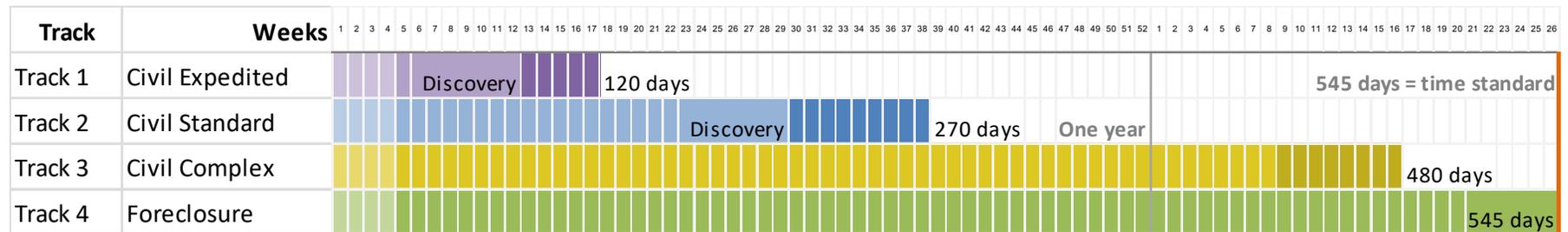
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**Table 1.2 – Civil DCM Track Guidelines**

		Complaint Filed	Plaintiff's Expert Reports	Defendant's Expert Reports	Discovery	ADR/Mediation Complete	Motions Filed *	Pretrial Settlement Conference	Attorneys Exchange Exhibit List
Track 1	Civil Expedited	Start	As outlined in the Trial Assignment						
Track 2	Civil Standard	Start	As outlined in the Scheduling Order and Mediation Order						
Track 3	Civil Complex	Start	As outlined in the Scheduling Order and Mediation Order						
Track 4	Foreclosure	Start							

\*Except motions *in limine*

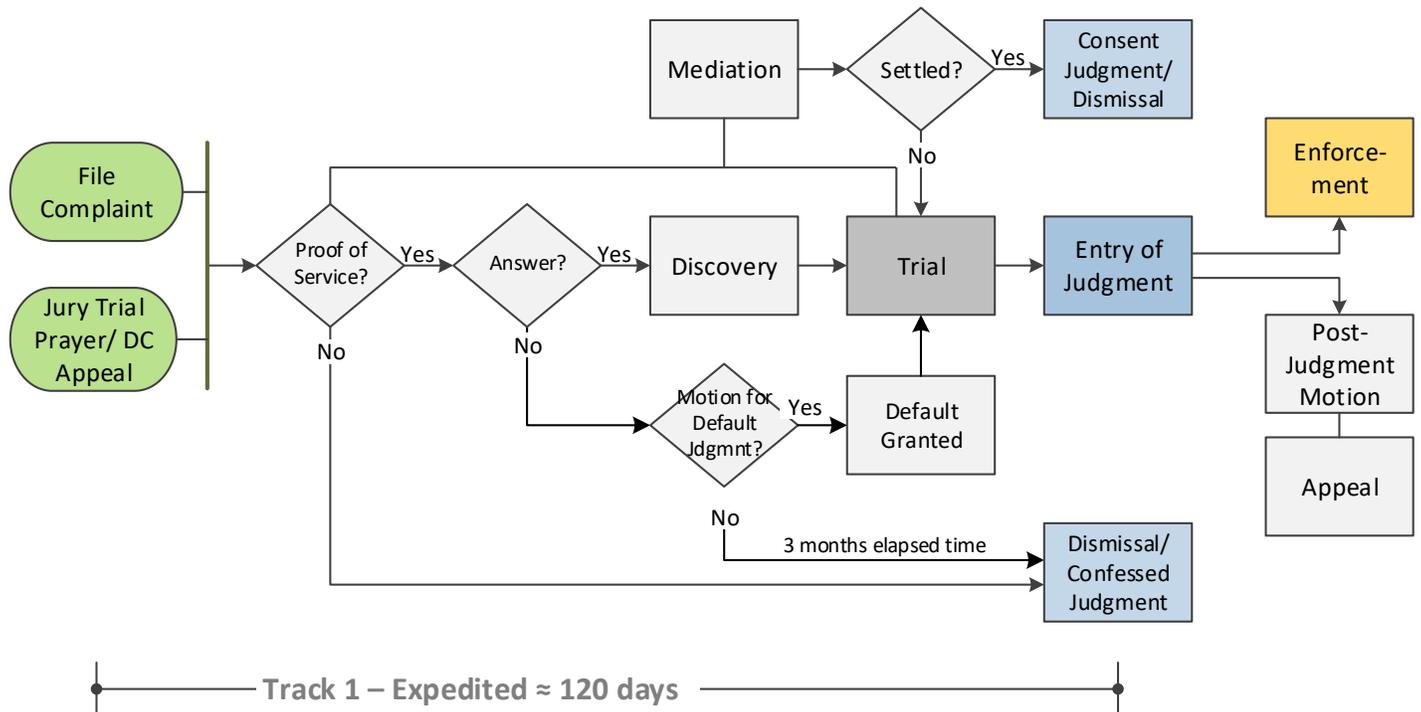
**Table 1.3 – Circuit Court Civil DCM Track Diagram**



## Track 1 – Civil Expedited Cases

The diagram below illustrates case processing events for civil expedited cases.

**Diagram 1.1 – Civil Expedited Case Processing**



### File a Case

The following steps are required to file a civil case:

- (a) **File a complaint**, attaching a completed Civil Non-Domestic [Case Information Report](#) (CC-DCM-002), with the Court (Md. Rule 2-111) for most civil case subtypes. The civil case subtypes under Table 1.1, Track 1, 1-9 do not require a case information report.
- (b) **Pay the filing fee**. Refer to the [Summary of Charges, Costs, and Fees of the Clerks of the Circuit Court](#) for fees. The filing fee for most civil complaints is \$165.00. (See *Civil, New Case*.) In those counties where MDEC has been implemented, cases may be filed (mandatory for attorneys) and fees paid electronically. Please check with the Clerk of Court to determine the exact date electronic filing will be accepted. Prepayment of filing fees and other costs may be waived by the Court, based on the following conditions:

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- ✓ Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089);
- ✓ Representation by a civil legal aid lawyer; and/or
- ✓ Other determination by the Court.

If the Court does not grant the request to waive prepaid costs, the plaintiff has 10 days to pay the filing and other required fees (prepaid costs).

(c) **Notify the other party (Defendant).** The plaintiff is required to attempt to notify the defendant that a complaint (lawsuit) has been filed against the defendant. The clerk will issue a summons to officially notify the defendant that a suit has been filed (Md. Rule 2-112). The summons has to be served on the defendant within 60-days. After the time limit has expired, the summons is no longer valid, unless renewed by motion of the plaintiff. The following documents must be delivered to the defendant: original complaint, summons, and case information report. There are four legal ways to deliver these documents to the defendant: 1) Certified Mail, 2) Private Process; 3) Constable (not available in Allegany County); and 4) Sheriff.

(d) **Proof of Service.** The Court requires that the plaintiff fill out an [Affidavit of Service of \(Private Process\)](#) (CC-DR-55) or [Affidavit of Service](#) (Certified Mail) (CC-DR-56) form to prove that the other side has been notified, or served. If the Court does not receive proof of service within the time allotted for the defendant to file an Answer, the plaintiff may not be able to present their case on the trial date.

(e) **Lack of Jurisdiction.** Between the filing of the complaint and service, the Court may dismiss cases for lack of jurisdiction, and following service for lack of prosecution, or these cases are withdrawn. If the defendant has not been served after 120 days, the Clerk's Office sends notices to the parties that they have 30 days to file a motion to vacate or defer the order of dismissal, or the case will be dismissed without prejudice. After the 30 day expiration, the Clerk's Office reviews the case, and it is presented to a judge who signs an order dismissing the case. A motion docket entry is made that the case is dismissed for lack of jurisdiction.

## **Answer**

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The defendant must file an affirmative Answer, typically within 30 days after they have received a summons, for most Circuit Court civil case subtypes (Md. Rule 2-321).<sup>2</sup> See exceptions in (a) and Table 1.1 above. These cases are considered by the Court to be at issue, and the case shall proceed (Md. Rule 2-323). In addition, if the defendant seeks to modify any information on the original case information report, or expects to file a counterclaim, cross-claim, or third-party claim, he or she is required to file with the Answer a defendant's information report.

**Lack of Prosecution.** Following service, the Court actively dismisses cases for lack of prosecution after one year under Md. Rule 2-507, although the majority of dismissals occur after the Answers have been filed. See *Answer* above. Following service, if an Answer has not been filed or, following Answer, no other action has been taken on the case after one year, the Clerk's Office sends notices to the parties that they have 30 days to file a motion to vacate or defer the order of dismissal, or the case will be dismissed without prejudice. After the 30-day expiration, the Clerk's Office reviews and dismisses the case. A motion docket entry is made that the case is dismissed without prejudice for lack of prosecution.

### Scheduling

Following filing of a complaint and the Answer, the Assignment Clerk reviews all case filings and case information sheets and issues a trial assignment that includes dates certain for trial and Settlement/Pre-Trial Conference. Attorneys and parties are notified by U.S. mail or by placing the trial assignment in the attorney's mailbox located in the Clerk's Office. If a postponement is needed, a written Motion must be filed with the Court and the judge assigned to the case will make a ruling. If the postponement is granted, the file will be forwarded to the Assignment Office for rescheduling.

The Clerk's Office periodically conducts a review of all open cases. If a case is not progressing through the process, the Clerk's Office requests the Assignment Office to schedule a Status Conference Hearing.

### Discovery

Discovery is informal for expedited civil cases. No expert reports should be filed by either party. If expert reports are filed, the case may be transferred to another track for case management.

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<sup>2</sup> Exceptions include defendants who live outside the State of Maryland, resident agents, officers or agencies of the U.S. government, among others. See Md. Rule 2-321.

## **Trial**

Trials, and all Court events, are set on a date certain by trial assignment when the Answer is filed. At trial, both parties should be prepared to present any witnesses, evidence or exhibits to prove or defend against a claim. If the trial date is postponed for good cause, a new trial date will be rescheduled on the calendar of the originally assigned trial judge.

## **Tracks 2 and 3 – Civil Standard and Complex Cases**

The diagram on the following page illustrates case processing events for civil standard and complex cases.

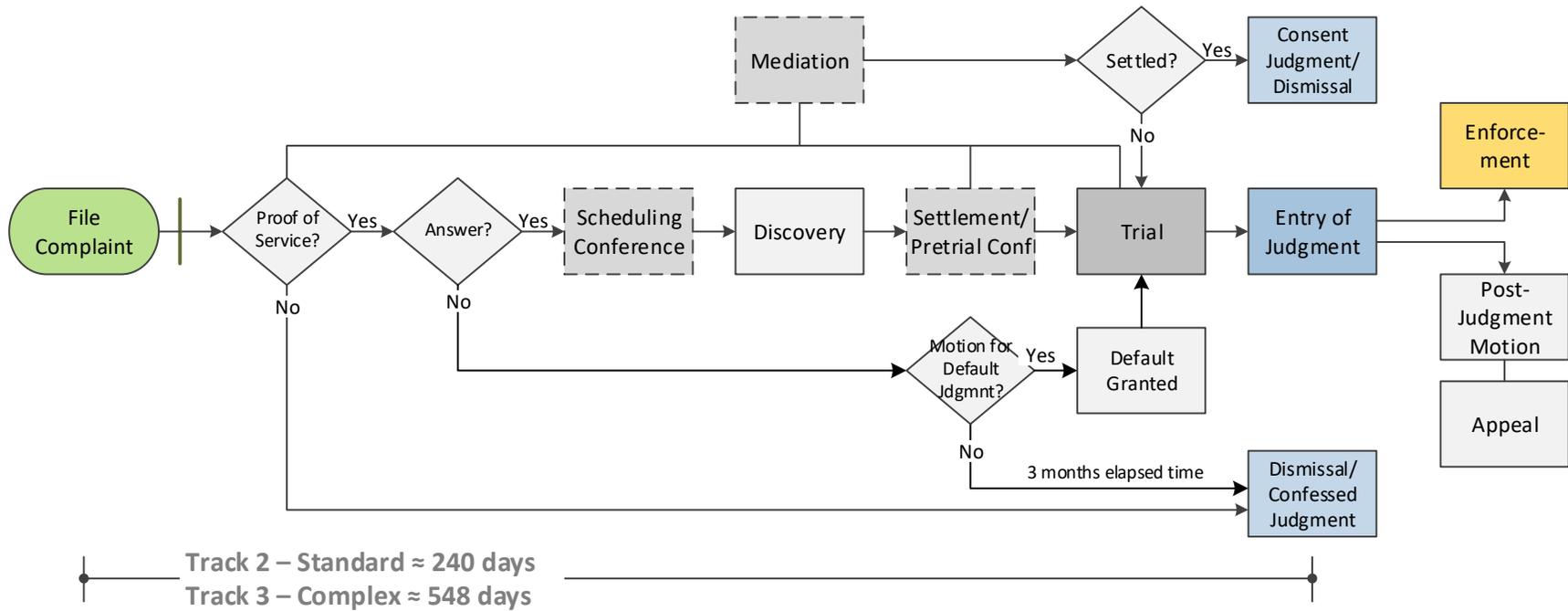
## **File a Case**

The following steps are required to file a civil case:

- (a) **File a complaint**, attaching a completed Civil Non-Domestic [Case Information Report](#) (CC-DCM-002), with the Court (Md. Rule 2-111) for most civil case subtypes. The case information report shall be filed in all civil (non-family) matters with the exception of the case types noted in the "Committee Note" accompanying Md. Rule 2-111.
  
- (b) **Pay the filing fee**. Refer to the [Summary of Charges, Costs, and Fees of the Clerks of the Circuit Court](#) for fees. The filing fee for most civil complaints is \$165.00. (See *Civil, New Case*.) In those counties where MDEC has been implemented, cases may be filed (mandatory for attorneys) and fees paid electronically. Please check with the Clerk of Court to determine the exact date electronic filings will be accepted. Filing fees may be waived by the Court, based on the following conditions:
  - ✓ Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089); and/or
  - ✓ Representation by a civil legal aid lawyer; and/or
  - ✓ Other determination by the Court.

If the Court does not grant the request to waive prepaid costs, the plaintiff has 10 days to pay the filing and other required fees (prepaid costs).

**Diagram 1.2 – Civil Track 2 Standard and Track 3 Complex Case Processing**



- (c) **Notify the other party (Defendant).** The plaintiff is required to attempt to notify the defendant that a complaint (lawsuit) has been filed against the defendant. The clerk will issue a summons to officially notify the defendant that a suit has been filed (Md. Rule 2-112). The summons has to be served on the defendant within 60-days. After the time limit has expired, the summons is no longer valid, unless renewed by motion of the plaintiff. The following documents must be delivered to the defendant: original complaint, summons, and case information report. There are four legal ways to deliver these documents to the defendant: 1) Certified Mail, 2) Private Process; 3) Constable (not available in Allegany County); and 4) Sheriff.
- (d) **Proof of Service.** The Court requires that the plaintiff fill out an [Affidavit of Service \(Private Process\)](#) (CC-DR-55) or [Affidavit of Service](#) (Certified Mail) (CR-DR 56) form to prove that the other side has been notified, or served. If the Court does not receive proof of service within the time allotted (30 days, see *Answer* below) for the defendant to file an Answer, the plaintiff may not be able to present his or her case on the trial date.
- (e) **Lack of Jurisdiction.** Between the filing of the complaint and service, the Court may dismiss cases for the following reasons 1) lack of jurisdiction, 2) following service for lack of prosecution, or 3) if a case is withdrawn by the plaintiff. If the defendant has not been served after 120 days, the Clerk's Office sends notices to the parties that they have 30 days to file a motion to vacate or defer the order of dismissal, or the case will be dismissed without prejudice. If a request to set aside the default is not filed upon the expiration of 30 days, the clerk administratively dismisses the case for lack of jurisdiction.

## **Answer**

The defendant must file an affirmative Answer, typically within 30 days after he or she has received a summons, for most Circuit Court civil case subtypes (Md. Rule 2-321).<sup>3</sup> See exceptions in (a) and Table 1.1 above. These cases are considered by the Court to be at issue, and the case shall proceed (Md. Rule 2-323). In addition, if the defendant seeks to modify any information on the original case information report, or expects to file a counterclaim, cross-claim, or third-party claim, he or she is required to file with the Answer a defendant's information report.

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<sup>3</sup> Exceptions include defendants who live outside the State of Maryland, resident agents, officers or agencies of the U.S. government, among others. See Md. Rule 2-321.

**Lack of Prosecution.** Following service, the Court actively dismisses cases for lack of prosecution after one year under Md. Rule 2-507, although the majority of dismissals occur after the Answers have been filed. See *Answer* above. Following service, if an Answer has not been filed or, following Answer, no other action has been taken on the case after one year, the Clerk's Office sends notices to the parties that they have 30 days to file a motion to vacate or defer the order of dismissal, or the case will be dismissed without prejudice. After 30 days, the Clerk's Office reviews and dismisses the case. A motion docket entry is made that the case is dismissed without prejudice for lack of prosecution.

### **Assignment**

A judge will be assigned to the case for the trial at the filing of the complaint. The trial judge will not be the designated judge for the settlement/pre-trial. The trial judge will be responsible for tracking and managing the case through all subsequent events, up to, and including the trial, regardless of which judges are assigned to subsequent hearings. The Assignment Office is responsible for assigning a trial date and notifying all parties via a Scheduling Order. The Scheduling Order will also state the date and time for the Settlement/Pre-Trial Conference. If a postponement of the trial date and/or Settlement/Pre-Trial Conference date is required, the requesting party must file a written notice with the Court. The judge assigned to the case will make a ruling on the motion. If the motion is granted, the file will be forwarded to the Assignment Office for rescheduling.

### **Scheduling Conference**

The Court does not conduct scheduling conferences.

### **Discovery**

Procedural, discovery, and dispositive motions may be filed as outlined in the Scheduling Order. The judge assigned to the case is responsible for the ruling on all motions. For most evidentiary and dispositive motions, or if requested by one of the parties, a case may be set for a Motions Hearing. The deadline for disclosure of expert witnesses by all parties is also outlined in the Scheduling Order.

### **Alternative Dispute Resolution**

In accordance with Title 17 of the Maryland Rules of Procedure, the Court has adopted an Alternative Dispute Resolution (ADR) program. All non-family civil cases in which all parties are represented by counsel are automatically assigned to mediation. The mediation program is administered by the Court Administrator. The mediation program is a litigant paid program, with the parties paying directly to the mediator the hourly rate, which is outlined in the Mediation Scheduling Order with no more than two hours of mediation unless otherwise agreed to by the parties. If the parties jointly request additional mediation, the mediator may not increase the mediation hourly fee. Costs will be equally divided between the parties unless otherwise ordered by the Court. All fees shall be paid as of the date of the Mediation Conference. If the parties cancel the mediation session due to settlement of the case and the mediator has expended time to coordinate the mediation session or correspond with counsel, an administrative fee as outlined in the Court's Mediation Scheduling Order shall be paid to the mediator. Costs will be equally divided between the parties unless otherwise ordered by the Court. This administrative fee shall be paid within 10 days of notification to the mediator that settlement has occurred.

### **Pretrial Settlement Conference**

A Pretrial Settlement Conference shall be conducted in accordance with Md. Rule 2-504.2. The purpose of the Pretrial Settlement Conference is to reach a settlement on a case, or to confirm that a case is ready to go to trial. Counsel or the parties shall be directed to prepare and file, no later than five business days prior to the Pretrial Settlement Conference, a written statement in accordance with Md. Rule 2-504.2. All parties and their counsel must be prepared to discuss all aspects of the case in anticipation of settlement. The settlement judge will not be the same judge as the trial judge.

Counsel of record, who will try the case if it goes to trial, must appear at the Pretrial Settlement Conference unless excused by the judge who is conducting the Pretrial Settlement Conference. For those cases that go to trial, a Pretrial Order governing the further pretrial matters and the trial shall be prepared using the Civil Pretrial Order form. If the case is not ready for trial, it is within the discretion of the settlement judge to resolve any open issues or reset the Pretrial Settlement Conference with any appropriate directions or orders regarding the completion of such matters as will make the case ready for trial. Some complex or specially assigned cases may require a more extensive and lengthy Pretrial Settlement Conference, either for settlement purposes or for

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consideration of other pretrial matters. Any such special assignment shall be made with the approval of the County Administrative Judge.

If a settlement is reached, the settlement judge will enter a corresponding order, or the agreement will be placed on the record that day by the settlement judge. Counsel will be instructed, if necessary, to file an order or line of dismissal and pay any open costs within a specified time period.

Counsel who are designated to prepare any such final order must comply within the time frame established by the judge. Any disagreements between counsel regarding the language of the order must be resolved timely between counsel or by prompt notification to the Court. Any failure to comply with this provision may result in sanctions being imposed by the Court, including but not limited to monetary sanctions and/or counsel fees. Counsel for the parties, all representatives with full authority, and all parties may be required to appear in Court on a date to be determined solely in the discretion of the Court to explain the failure to timely file the appropriate order.

Cases that do not settle at the Pretrial Settlement Conference, will proceed to trial as outlined in the Scheduling Order issued in the matter.

### **Pretrial Order**

In every case that is not settled at the Pretrial Settlement Conference, the Court shall enter an order that recites in detail the decisions made at the Pretrial Settlement Conference. The order controls the subsequent course of the action, but may be modified by the Court to prevent manifest injustice. In completing the Civil Pretrial Order, the settlement judge shall specify the anticipated length of trial, number of witnesses, number of experts and number of jurors required, if appropriate. For jury trials, the Court shall determine the size of the jury panel required, as well as any issues regarding the number of strikes each party will be entitled to exercise. The Civil Pretrial Order shall set the deadline for filing and exchanging any *voir dire*, instructions, and verdict sheets.

### **Trial**

Trials, and all Court events, are set on a date certain by Scheduling Order when the Answer is filed. At trial, both parties should be prepared to present any witnesses, evidence or exhibits to prove or defend against a claim. If the trial date is postponed for good cause, a new trial date will be rescheduled by the Assignment Office after consulting with counsel to secure a date certain. The

procedures for seeking a postponement are below.

The trial judge will preside over the trial and any subsequent re-scheduled trial dates. A substitute trial judge may be designated for the following reasons: a) illness or other unforeseen absence on the trial date; b) backup where the trial judge is continuing an ongoing trial; or c) by designation of the County Administrative Judge.

## **Track 4 – Foreclosure Cases**

Foreclosure cases are scheduled for Status Conference if the Clerk of Court and Court believe the matter has become stale. Foreclosure cases are set for hearing if the pleadings filed require a hearing. These matters are scheduled within a relatively short of period of time via a trial assignment.

## **All Tracks – Civil Cases**

### **Judgment**

The judgment is entered by the clerk following a trial, as soon as is practicable. The order of the Court is signed on the same form as the original Complaint or Affidavit Judgment. The date of the judgment is the date the clerk enters the judgment on the electronic case management system docket (Md. Rule 2-601). Types of judgments include: judgment, consent judgment, and confessed judgment.

### **Post-Judgment**

On appeal, a Circuit Court case will be reviewed in the Court of Special Appeals.

### **Enforcement**

After the Court issues a judgment and it is entered into the record by the Clerk's Office, both parties will receive a copy of the judgment by mail. The Court will not collect the money owed to the prevailing party. To begin an enforcement action, the prevailing party will have to complete and file the required forms with the Court, pay the required filing fees and appear in Court for additional hearings. The prevailing party usually must wait 10 days before he or she can take further legal action to enforce the judgment. Once the waiting period passes, there are three different ways a creditor can collect on the judgment:

1. Garnishing the other person's wages;
2. Garnishing the other person's bank account; or
3. Seizing the other person's personal property or real estate.

The prevailing party must file documents with the Court and provide the other party with copies of all motions or correspondence filed with the Court in order to garnish or seize money or property. If the other person does not have a job, a bank account, real estate or other significant property, it may be difficult to collect on the judgment.

## **Civil Assignment and Scheduling**

All cases, when filed, are assigned a judge based on a rotational basis. The assigned judge will remain the assigned judge for that case, regardless of trial date postponements or motions that are filed after assignment. The assigned judge will be accountable for the outcome of cases assigned to him or her for trial.

### **Special Assignment**

The special assignment of all civil matters is the responsibility of the County Administrative Judge. At the request of any party or if the magistrate or judge determines it is appropriate that a case be specially assigned for the purposes of litigation management and trial, such request or recommendation shall be forwarded to the County Administrative Judge.

When appropriate, a case may be specially assigned to a Circuit Court judge by the Administrative Judge. Individual judges are responsible for the effective management of cases specially assigned to them; however, the scheduling of specially assigned cases must always be coordinated with the Assignment Office in order to ensure judicial availability. Specially assigned cases should be managed to the extent possible consistent with the provisions of this Plan, including adherence to the Case Time Standards.

Special assignment does not guarantee priority status on the Court's docket. If the case is specially assigned, subsequent case management decisions and the selection of a trial date will be made by the specially assigned judge consistent with the Case Time Standards and in accordance with the basic plan procedures outlined herein. The scheduling or re-scheduling of all specially assigned

cases must be cleared with the Assignment Office in advance in order to ensure judicial availability.

## **Postponements**

Except as provided below, requests for the postponement of any civil proceedings, shall be made by motion pursuant to Md. Rules 2-508 and 2-311. These requests will be considered, in accordance with the provisions of this Plan, by the judge assigned to the case. A strict postponement policy will be followed. Cases will not be postponed merely by the consent of the parties or because discovery has not been completed. Any request for postponement must be timely made. Last minute requests for postponement, absent good cause, shall be denied. Before the Court will consider any request for postponement the moving party or counsel may coordinate with the Assignment Office to determine a proposed re-set date, consistent with the Case Time Standards. Compliance with this procedure does not guarantee that any postponement will be granted.

If a postponement is granted, the provisions of the Pretrial Order shall remain in effect except as may be amended by the terms of the postponement order. The Court shall determine the future scheduling of the case consistent with the intent and purposes of this Plan. If a case has been specially assigned, postponement requests shall be directed to the specially assigned judge. The standards for postponement of the trial date shall remain the same as for cases not specially assigned.

### **Good Cause Requirement**

The following shall generally be considered good cause for postponement:

- Trial date conflict. The first case set takes precedence;
- Serious illness of, or death in the family of a party, counsel, or necessary witness;
- Vacation(s) scheduled prior to any assigned trial or hearing date;
- A party did not receive notice of the hearing or trial, through no fault of the party or their counsel;
- Facts or circumstances arising or becoming apparent too late in the proceedings to be corrected in advance of the hearing, and which, in the view of the Court, would likely cause undue hardship or a possible miscarriage of justice if the hearing or trial proceeded as scheduled.

The following are generally NOT considered good cause for postponement:

- Vacations(s) scheduled after establishing a trial or motion date;

- Consent of counsel without compelling reason or a substantive basis;
- The matter has not previously been postponed (no peremptory postponements);
- Any matter known or which should have been known when the trial date became firm;
- New counsel has entered an appearance or a party wishes to change counsel;
- Discovery is incomplete or was just provided;
- A party wishes to conduct further investigation;
- A party or counsel is unprepared to try to case for reasons including, but not limited to, the party's failure to cooperate with or maintain necessary contact with counsel.

### **Pretrial Settlement Conference Postponements**

Requests for postponement of the Pretrial Settlement Conference will be reasonably granted, and an effort made to reset the matter within 30 days of the original conference date. Counsel or parties wishing to reset a Pretrial Settlement Conference should file a written motion for postponement.

The pretrial settlement judge will make a ruling on said motion. If granted, the file will be forwarded to the Assignment Office to reschedule the conference after consulting with counsel to establish a firm date. Requests not within these time parameters must be made pursuant to Md. Rule 2-508.

### **Interpreters**

Interpreters are available at no cost to a party or witness involved in a case. If a party or a witness in a case requests an interpreter, the file is forwarded to the Interpreter Coordinator for the purposes of securing the appearance of an interpreter at all Court proceedings. In addition to courtroom proceedings, individuals who may need the assistance of an interpreter in settings other than the courtroom, the Interpreter Coordinator is authorized to obtain interpreting services for any of the following court-ordered and court-offered services: ADR/mediations conducted by court-appointed mediators; and, free of charge events conducted by the Court to assist the public to access Court services such as workshops, walk-in clinics, self-help centers, etc.

The Court is an authorized State of Maryland Judiciary user of Video Remote Interpreting (VRI) services. VRI services are limited to bond hearings, emergency, or any short and non-complex

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**Civil Differentiated Case Management Plan**

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hearing where limited testimony will be given. In some instances, it may be used in the event the Court is unable to secure the physical presence of an interpreter. All VRI services are coordinated through the Court Interpreter Office.

In addition, interpreter assistance in the Clerk's Office at the counter and information desks is available via telephone through Language Line. Additional information about Language Line can be found in the Clerk's Office.

## **Forms**

The following forms may be required to be attached to a complaint in civil cases, or to complete a filing and service.

CC-DCM-002	<a href="#">Civil Non-Domestic Case Information Report</a>
CC-DR-55	<a href="#">Affidavit of Service (Private Service)</a>
CC-DR-56	Affidavit of Service (Certified Mail)
CC-DC-089	<a href="#">Request for Waiver of Prepaid Costs</a>

The following form is used to request a change in a scheduled hearing or trial at the Circuit Court:

CC-DC-070	<a href="#">Motion for Postponement</a>
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7.12.17