

This Civil Non-Domestic DCM Plan is established in accordance with Md. Rule 16-302(b)(1)(A) which requires the County Administrative Judge to develop and, upon approval by the Chief Judge of the Court of Appeals of Maryland, implement and monitor a case management plan for the prompt and efficient scheduling and disposition of action in the Circuit Court. The plan shall include a system of differentiated case management in which actions are classified according to complexity and priority. This plan serves as a guide to the management of cases in Queen Anne's County and is a product of the collaborative effort of the county administrative judge, court administrator, and clerk of the circuit court. The provisions set forth in this plan are intended to serve as a general guide for the processing of cases which come before the Circuit Court for Queen Anne's County. The provisions are not intended to be rigid, given that circumstances related to any particular case may require flexibility to ensure fairness and efficiency. Further, the Civil DCM Plan is prepared within the confines of case time standards. The Plan does not purport to override any requirements of the Md. Rules or the Annotated Code of Maryland.

The purpose of a DCM Plan is to provide just and efficient resolution of cases. The court, not the lawyers or litigants, must 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). An effective case management system should assure: equal treatment of all litigants by the court; timely disposition consistent with the circumstances of the individual case; enhancement of the quality of the litigation process; and public confidence in the court as an institution.

## **I. CIVIL NON-DOMESTIC**

Consistent with the Case Time Standards adopted by the Judicial Council, Constitutional requirements and applicable Md. Rules, it is the goal of this plan to ensure that all civil (non-domestic) cases, jury and non-jury, be concluded within 18 months (548 days) of the filing date. To achieve this goal, the Circuit Court for Queen Anne's County is committed to resolving different categories of cases within a regular and predictable time frame warranted by the needs of those cases. The expected time frame for the conclusion of cases will be less than 18 months in the vast majority of civil (non-domestic) cases.

Civil cases with claims greater than \$5,000, up to \$30,000, may be filed in the District or Circuit Court. 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 (*Md. Code Ann., Cts. & Jud. Proc. § 4-402*). If a jury trial is requested, the case must be heard in Circuit Court.

The County Administrative Judge supervises all aspects of civil (non-domestic) case management and is ultimately responsible for the implementation of this Civil DCM Plan, pursuant to Md. Rule 16-302(b). The administrative judge shall exercise authority over such civil case issues and matters and shall monitor the implementation and effectiveness of the Civil DCM Plan.

When a civil non-domestic case is filed with the clerk's office, appropriate summon(es) is/are issued and requisite notices are sent. The clerk's office identifies those cases in which there has been no activity for 60 days and notice is issued advising the moving party of the need to timely take further action. If no action is taken in response to the notice, the matter is referred to the assignment commissioner for scheduling of a status conference before judge or the matter is dismissed, depending on the circumstances of the case.

#### **A. SCHEDULING CONFERENCE**

Once the matter is at issue by virtue of the filing of the appropriate answer(s) to the complaint or other responsive pleading, the assignment commissioner shall assign the matter for scheduling conference within the next thirty (30) days in accordance with Md. Rule 16-302(c)(3). A notice for scheduling conference is generated and issued.

At the scheduling conference, counsel is required to appear in person or *via* Courtcall. The presiding judge engages in a discussion to confirm the nature and extent of the case and to establish deadlines for designation of expert witnesses, discovery, motions, the naming of additional parties, amendments to the pleadings, referral to alternative dispute resolution (ADR), and to schedule a settlement conference and address any other issues that may affect case scheduling. Motions to dismiss may also be addressed. Following the scheduling conference, a Scheduling Order and an ADR order are issued. The latter establishes a deadline for ADR that is no later than 10 days following the close of discovery.

#### **B. SETTLEMENT CONFERENCE**

In accordance with Md. Rule 2-504.2, the court will direct all parties to appear for a pretrial conference before trial. Each party shall file not later than five (5) business days before the conference a settlement conference statement. All parties and their trial counsel must attend the settlement conference, together with any claims representative, as applicable, who must have full authority to settle the case. Continuing a settlement conference is strongly discouraged and will only be permitted in extreme circumstances. Following a settlement conference, in cases which have not been fully settled, the parties shall immediately appear before the presiding judge for a discussion of the issues and scheduling of the trial date(s) to occur no more than 90 days after the settlement conference. In cases that are fully settled at the settlement conference, whether or not the terms of the agreement are placed on the record before the presiding judge, a status conference shall be scheduled within 45 days to allow for the submission of a consent order or stipulation of dismissal.

#### **C. FORECLOSURES**

Generally, mortgage foreclosures and foreclosures of the equity of redemption require close monitoring. The Clerk's Office monitors such cases and, if there has not been activity for at least 90 days or the level of progress generally expected has not been achieved, the county administrative judge and/or assignment commissioner determines if a status conference is necessary. If a status conference is found to be necessary, it is generally scheduled within thirty (30) days and the procedures identified hereinabove are followed. During the course of the

proceedings, status conferences may be scheduled for lack of service, subsequent requests for order of publication, ratification of sales, failure timely to file a deed, delay in filing an audit, and any other delays in the proceedings. When all of the prerequisites have been met for ratifying a foreclosure sale, the court reviews the pleadings to determine that all requirements have been met, and, if the sales price is insufficient and will cause a substantial deficiency, the court may issue a show cause order and require a written response and/or schedule the matter for evidentiary hearing.

#### **D. MEDICAL MALPRACTICE TRACK**

Consistent with the requirements of *Md. Code Ann.*, Cts. & Jud. Proc., § 3-2A-06C(d-f) (2013, 2018 Supp.), the court, at or immediately after a scheduling conference, shall assign an ADR practitioner from the Statewide approved list to conduct an appropriate alternative dispute resolution session, unless the parties have already chosen such a qualified individual prior thereto. Unlike other civil cases, medical malpractice cases are typically assigned a trial date at the scheduling conference.

#### **E. BUSINESS & TECHNOLOGY/ASTAR TRACK**

In accordance with Md. Rule 16-308, cases may be referred to this track(s) by the request of the parties or by referral from a judge. In its determination to assign a case to a track, a judge will review the case using the factors set out in Md. Rule 16-308(c). In either case, the matter may be referred to the circuit administrative judge for special designation to the Business & Technology or ASTAR judge(s) within the circuit. Unless the matter is specially assigned, the matter shall be scheduled for scheduling conference, at which the presiding judge will discuss issues with the attorneys, including but not limited to: the need for motions hearing(s), the feasibility of ADR, and the trial date. The court, at or immediately after a scheduling conference, shall assign an ADR practitioner from the Statewide approved list to conduct an appropriate alternative dispute resolution session, unless the parties have already chosen a qualified individual prior thereto. Unlike other civil cases, medical malpractice cases are typically assigned a trial date at the scheduling conference.

### **II. POSTPONEMENT POLICY**

A party who desires a change of the time of any trial, hearing or conference shall immediately obtain several possible alternate times from the Assignment Commissioner and, within 5 days thereafter:

- (1) Attempt to secure the agreement of all other parties to one of those alternate times;  
and
- (2) File with the Clerk a written request for change to one of those alternate times.

On its own initiative, or if all parties are not agreed, the county administrative judge or his designee may act upon the request *ex parte* or submit the matter to conference under Md. Rule 2-504.1(b). Whether or not the parties have discussed and/or agreed upon an alternate date,

any existing Notice of Trial, Scheduling Order or Pretrial Order remains in full effect until the change has been approved *in writing* by the administrative judge or his designee. If a change of date is approved, all instructions or provisions of the original Notice or Order so modified remain fully applicable to the new date.

In considering all postponement or continuance requests, the court shall carefully apply all relevant sections of the Maryland Annotated Code and the Maryland Rules of Procedure, review possible effects of a postponement or continuance on the parties and witnesses in the case, and evaluate future scheduling issues. The court shall also consider Maryland Circuit Court Time Standards for processing cases.

### **III. ACCOMMODATION UNDER THE AMERICANS WITH DISABILITIES ACT**

The Circuit Court for Queen Anne's County is committed to ensuring that all people have reasonable access to the courthouse and the services provided therein. Accordingly, we encourage any person who requires an accommodation to inform courthouse staff either directly or through their representative as soon as the need for an accommodation is identified. The following Maryland Rule provides guidance in that regard.

According to Md. Rule 1-332(b):

- (1) *Notification of Need for Accommodation* - A person requesting an accommodation under the ADA, for an attorney, a party, a witness, a victim, a juror, or a prospective juror shall notify the court promptly. To the extent 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 on the Judiciary website and (2) submitted not less than 30 days before the proceeding for which the accommodation is requested.
- (2) *Sign Language Interpreter* - The court shall determine whether a sign language interpreter is needed in accordance with the requirements of the ADA; *Md. Code Ann.*, Cts. & Jud. Proc., § 9-114 (2013, 2018 Supp.); and *Md. Code Ann.*, Crim. Proc., § 1-202 and 3-103 (2018).
- (3) *Provision of Accommodation* - The court shall provide an accommodation if one is required under the ADA. If the accommodation is the provision of a sign language interpreter, the court shall appoint one in accordance with Rule 1-333(c).

### **IV. INTERPRETERS**

If any party becomes aware of the need for an interpreter for any party or witness, the party shall promptly notify the court through the clerk's office by using the Request for Spoken Language Interpreter form, at least 30 days prior to the court date. A delay in notifying the court of the need for an interpreter may result in the inability to handle a case on the scheduled date. Requests for interpreters must be specific as to the language and, if appropriate, the particular dialect that may be needed. The request must also specify for whom the interpreter is needed.

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The party requesting an interpreter shall remain responsible for confirming that an interpreter has been ordered and shall notify the court immediately if the need for the interpreter changes. According to Md. Rule 1-333(b)(5), Notice When Interpreter Is Not Needed - If an individual who needs an interpreter will not be present at a proceeding for which an interpreter had been requested, including a proceeding that had been postponed, the individual, the individual's attorney, or the party or attorney who subpoenaed or otherwise requested the appearance of the individual shall notify the court as far in advance as practicable that an interpreter is not needed for that proceeding. This court requires at least 48 business hours' notice to cancel a request for interpreter prior to a proceeding. If the court is billed for an interpreter needlessly as a result of the party or counsel's failure to advise the court that the interpreter will not be needed or because counsel or a litigant does not appear in court in a timely fashion, the court may assess the interpreter costs against the party or counsel causing the unnecessary expense.

**V. PLAN APPROVAL**

Maryland Rule 16-302(b)(1)(B), directs that the county administrative judge shall send a copy of the plan and all amendments to it to the state court administrator. The state court administrator shall review the plan or amendments and transmit the plan or amendments, together with any recommended changes, to the Chief Judge of the Court of Appeals. This plan was sent to the state court administrator on \_\_\_\_\_; accordingly, the forgoing plan is approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the undersigned:

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Lynn Knight  
County Administrative Judge  
Circuit Court for Queen Anne's County, Maryland