

IN THE COURT OF APPEALS OF MARYLAND

ADMINISTRATIVE ORDER ON CONCLUSION OF VIDEO CONFERENCING PILOT PROGRAMS

WHEREAS, By an Administrative Order, dated May 21, 2009, the Court of Appeals instituted a video conferencing Pilot Program process for the purposes of regulating the use of video conferencing in the trial courts and studying the efficacy of video conferencing for certain types of hearings; and

WHEREAS, Since the promulgation of that Order, the State Court Administrator has approved the establishment of Pilot Programs, in the circuit courts and the District Court, using video conferencing for Inmate Grievance Appeal Hearings, Ex Parte Temporary Protective Order Hearings, Consults with Children in Need of Assistance (CINA), Bail Review Hearings, as well as Body Attachment, Bench Warrant and Arraignment Hearings; and

WHEREAS, The collective experiences in operating the Pilot Programs are sufficient to conclude that the video conferencing of certain hearings, when properly designed and monitored, can provide a means by which to effectively and fairly deliver justice; and

WHEREAS, The Order also required the State Court Administrator, at the request of the Chief Judge of the Court of Appeals, to prepare a report and recommendation on the efficacy of the Pilot Programs instituted, and the propriety of referral to the Standing Committee on Rules of Practice and Procedure for preparation of a rule, and if so, what the rule should contain; and

WHEREAS, The Court of Appeals, on November 6, 2013, adopted an amendment to Maryland Rule 4-231(d)(4) to permit both the initial appearance of the defendant and the bail review proceeding to be conducted by video conferencing, changing the former policy, which allowed either the initial appearance or the bail review hearing, but not both, to be conducted by video conferencing.

NOW, THEREFORE, I, Mary Ellen Barbera, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order this 18th day of December 2013, effective immediately:

1. Review of Report of State Court Administrator.

I have reviewed the Report of the State Court Administrator, which summarized the results of each of the Pilot Programs that had been established pursuant to the Administrative Order dated May 21, 2009, according to the criteria set forth in that Order, and have concluded that each of the Pilot Programs has delivered justice fairly and effectively. Accordingly, I approve the use of video conferencing.

2. Continuation of Video Conferencing Programs in Existence.

An existing video conferencing program may continue unless or until the governing law or policy changes, either by statute, Rule or Administrative Order, in a way contrary to the operation of the program.

3. New Video Conferencing Programs.

a. As of the effective date of this Order, new video conferencing programs may be established in court proceedings with the prior approval of the State Court Administrator, in accordance with criteria to be established by the State Court Administrator, which may be updated from time to time, in the best interest of the Judicial system.

b. The Administrative Order of May 21, 2009 is hereby rescinded.

/s/ Mary Ellen Barbera
Mary Ellen Barbera
Chief Judge of the Court of Appeals

Filed: December 18, 2013

/s/ Bessie M. Decker
Bessie M. Decker
Clerk
Court of Appeals of Maryland