

IN THE COURT OF APPEALS OF MARYLAND

INTERIM ADMINISTRATIVE ORDER OF DECEMBER 27, 2021

RESTRICTING STATEWIDE JUDICIARY OPERATIONS

IN LIGHT OF THE OMICRON VARIANT OF THE COVID-19 EMERGENCY

WHEREAS, Pursuant to the Maryland Constitution, Article IV, § 18, the Chief Judge of the Court of Appeals is granted authority as the administrative head of the Judicial Branch of the State; and

WHEREAS, Chapter 1000 of Title 16 of the Maryland Rules of Practice and Procedure sets forth the emergency powers of the Chief Judge of the Court of Appeals; and

WHEREAS, Due to the outbreak of the novel coronavirus, COVID-19, and consistent with guidance issued by the Centers for Disease Control and Prevention (CDC) and the Maryland Department of Health (MDH), an emergency exists for which measures continue to be required to mitigate potential for exposure to individuals visiting a court or judicial facility and judicial personnel; and

WHEREAS, The administration of justice necessarily has been affected by the pandemic and will continue to require the professionalism, courtesy, and cooperation of the members of the bench and the bar in navigating the changes to practices and procedures; and

WHEREAS, Remote proceedings have proved to be useful and effective in facilitating the courts' performance of core functions during the COVID-19 emergency and will continue to be necessary; and

WHEREAS, The rapid emergence of the Omicron variant during the COVID-19 emergency requires the Judiciary to restrict operations for a limited period in order to maintain essential functions, while employing appropriate safety measures and monitoring

local health conditions to continue to support the health and safety of Maryland residents and Judiciary personnel; and

WHEREAS, The *Amended Administrative Order on the Progressive Resumption of Full Function of Judiciary Operations Previously Restricted Due to the COVID-19 Emergency*, filed June 3, 2020, provided for five phases of a progressive return to operations, and provided further that these phases would be utilized should a change in the level of operations be necessary during the remainder of the COVID-19 emergency; and

WHEREAS, Although vaccination efforts have made significant progress and infection rates had previously fallen, the emergence of the highly contagious Delta variant and now the substantially more contagious Omicron variant and the attendant risk posed to those who are vaccinated and those who have not completed the vaccination process require the return to a more restrictive Phase of emergency operations,

NOW, THEREFORE, I, Joseph M. Getty, 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 27th day of December 2021, effective December 29, 2021, as follows:

- (a) Due to the emergence of the highly contagious Omicron variant, the Judicial branch will revert, on an interim basis from December 29, 2021, through February 8, 2022, pending further order, to Phase III emergency operations as described in the Exhibit appended to this Administrative Order. Additionally:
 - (1) More flexible alternative work arrangements for certain employees shall be permitted beginning December 29, 2021, through February 8, 2022, subject to direction from the Human Resources Department of the Administrative Office of the Courts,
 - (2) Courts seeking to stagger personnel reporting in person temporarily during Phase III operations shall do so consistent with the guidance

provided by the Administrative Office of the Courts' Department of Human Resources; and

- (b) Pending further order of the Chief Judge of the Court of Appeals, the courts are authorized and may conduct remote proceedings to the greatest extent possible during the health emergency, using communication platforms consistent with the *Administrative Order on the Implementation of Remote Electronic Participation in Judicial Proceedings*, filed June 18, 2018, and the *Amended Administrative Order on Remote Proceedings Held During the COVID-19 Emergency*, filed May 1, 2020, and the relevant Maryland Rules, including amendments that took effect on July 1, 2020; and
- (c) Jury trials that have already commenced as of the date of this Order shall proceed to conclusion.
- (d) Jury trials scheduled to commence between December 29, 2021, and February 8, 2022, shall be rescheduled in accordance with the terms and conditions established by the *Fourth Amended Administrative Order on Lifting the Statewide Suspension of Jury Trials and Maintaining Grand Juries*, filed August 6, 2021; and
- (e) Statutory and rules deadlines related to the adjudication of pending criminal matters that are rescheduled pursuant to this order shall not count against the time remaining for the start of a criminal jury trial. The resumption date of criminal jury trials further shall serve as the resumption date for days to be counted toward any adjusted deadline for the start of any trial pursuant to Section 6-103 of the Criminal Procedure Article and Rule 4-271(a)(1), commonly known as the *Hicks* date. There further shall be an additional tolling of thirty days from the time that jury trials resume on February 9, 2022 to allow the Circuit Courts to conduct status hearings and reschedule jury trials as appropriate.

- (f) For all criminal cases that were pending or initiated on December 29, 2021, through February 8, 2022, the deadline to conduct preliminary hearings in the District Court pursuant to Maryland Rule 4-221(b) is extended to February 9, 2022, pending further Order; and
- (g) All extant Administrative Orders on the COVID - 19 Emergency shall remain in effect, except that to the extent that this Administrative Order conflicts with extant Administrative Orders, local administrative orders or policies, or the Exhibit appended to this Order, this Administrative Order shall prevail; and
- (h) This Administrative Order will be revised as circumstances warrant.

/s/ Joseph M. Getty
Joseph M. Getty
Chief Judge
Court of Appeals of Maryland

Filed: December 27, 2021

/s/ Suzanne C. Johnson
Suzanne C. Johnson
Clerk
Court of Appeals of Maryland

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



Suzanne C. Johnson, Clerk

EXHIBIT TO THE INTERIM ADMINISTRATIVE ORDER OF DECEMBER 27, 2021
RESTRICTING STATEWIDE JUDICIARY OPERATIONS
IN LIGHT OF THE OMICRON VARIANT OF THE COVID-19 EMERGENCY

PHASE III

This exhibit to the *Interim Administrative Order of December 27, 2021 Restricting Statewide Judiciary Operations in Light of the Omicron Variant of the COVID-19 Emergency*, incorporates Phase I, Phase II, and Phase III from the extant order entitled *In the Court of Appeals of Maryland Third Amended Administrative Order Expanding Statewide Judiciary Operations in Light of the COVID-19 Emergency*, filed August 6, 2021. To the extent that matters may be handled remotely, courts are encouraged to do so. The court shall notify all participants necessary to the proceeding.

Courts will hear a range of matters, including certain criminal trials in the District Court and the Circuit Courts, with limited in-person services to be offered as determined by the administrative judge and posted electronically and in the court facility.

PHASE III: COURT OF APPEALS

Fully operational. The Chief Judge may determine whether to hold proceedings in person or remotely. All matters related to the Court of Appeals' regulatory authority over the practice of law and judicial conduct. Approval and promulgation of the rules of practice and procedure in the Maryland state courts.

PHASE III: COURT OF SPECIAL APPEALS

Fully operational. The Chief Judge may determine whether to hold proceedings in person or remotely.

PHASE III: CIRCUIT COURTS

CIVIL:

- (1) emergency evaluation petitions
- (2) quarantine and isolation petitions
- (3) emergency Habeas Corpus petitions
- (4) body attachments
- (5) temporary restraining orders
- (6) scheduling conferences
- (7) status conferences
- (8) on the record appeals
- (9) motions requiring witness testimony
- (10) settlement hearings
- (11) attorney disciplinary proceedings
- (12) any other matters that can be handled remotely or without testimony or both

CRIMINAL:

- (1) bail reviews, bail reconsiderations, and bench warrants including matters involving locally incarcerated defendants, consistent with the *Administrative Order Guiding the Response of the Trial Courts of Maryland to the COVID-19 Emergency as it Relates to Those Persons who are Incarcerated or Imprisoned*, filed April 14, 2020
- (2) arraignments for detained defendants
- (3) extradition cases
- (4) matters addressing competency; criminal responsibility issues not requiring witness testimony status; and discovery and *Hicks* issues
- (5) plea agreements without recommendations for sentences of incarceration
- (6) motions
- (7) expungements

- (8) violation of probation hearings
- (9) non-jury trials
- (10) jury prayer status hearings
- (11) sentencings previously deferred
- (12) any other matters that can be handled remotely or without testimony or both

FAMILY:

- (1) scheduling conferences
- (2) status conferences
- (3) uncontested divorces and other uncontested family law matters
- (4) domestic violence protective orders
- (5) domestic violence, peace, and extreme risk protective order appeals
- (6) family law emergencies that have been determined to require an expedited hearing, including time urgent matters related to special juvenile immigrant status
- (7) emergency issues in guardianship matters
- (8) temporary restraining orders
- (9) default hearings
- (10) exceptions hearings not requiring witness testimony (uncontested or consented to or requiring legal argument only)
- (11) resume handling of temporary domestic violence protective order petitions during court hours
- (12) motions requiring witness testimony
- (13) pendente lite hearings
- (14) contempt proceedings
- (15) adoptions
- (16) guardianship – non-emergency
- (17) child support matters: establishment
- (18) settlement hearings
- (19) court-ordered mediations

- (20) any other matters that can be handled remotely or without testimony or both

JUVENILE COURT: CINA (DEPENDENCY)

- (1) shelter care hearings
- (2) CINA matters, including, if not contested and/or by proffer, adjudications, dispositions, permanency plan, and permanency plan reviews
- (3) Termination of Parental Rights (TPR) by consent and/or by proffer
- (4) exceptions hearings (uncontested or consented to or requiring legal argument only)
- (5) Family Treatment/Recovery Court review hearings
- (6) guardianships under juvenile causes
- (7) adoptions concerning CINA and TPR juveniles
- (8) all matters and motions that are contested and/or requiring testimony
- (9) exceptions hearings requiring witness testimony
- (10) contested TPR proceedings
- (11) any other matters that can be handled remotely or without testimony or both

JUVENILE (DELINQUENCY), with priority scheduling for those juveniles: turning 21 within 90 days of the beginning of Phase III; returning from placement; with issues with permanency plans; closures of cases; and possible placement on the juvenile and/or adult sexual offender registries

- (1) juvenile detention hearings
- (2) peace order petitions (juvenile respondents only)
- (3) arraignments and first appearances
- (4) emergency delinquency hearings, including motions related to juveniles who are detained, committed pending placement, or committed, consistent with the *Administrative Order Guiding the Response of the Circuit Courts Sitting as Juvenile Courts to the COVID-19 Emergency as it Relates to Those Juveniles who are Detained, Committed Pending Placement or in Commitments*, filed April 13, 2020

- (5) adjudication with agreed to-plea and/or by proffer
- (6) disposition with consent and/or by proffer
- (7) disposition reviews
- (8) delinquency juvenile treatment plans and reviews
- (9) closure of probation and jurisdiction of Juvenile Court not requiring testimony
- (10) juvenile expungements
- (11) juvenile permanency plans and reviews, if not contested or by proffer or both
- (12) exceptions hearings
- (13) all matters that are contested and/or requiring testimony
- (14) motions
- (15) juvenile and adult sex offender registration matters
- (16) waiver hearings, including to and from Juvenile Court
- (17) any other matters that can be handled remotely or without testimony or both

PROBLEM-SOLVING COURTS, including drug, mental health, family/dependency recovery, DUI, veterans', juvenile drug, and truancy courts.

Any other matters that can be scheduled, heard, or resolved with this interim order are encouraged to be addressed by the circuit courts during Phase III.

PHASE III: DISTRICT COURT

CRIMINAL & TRAFFIC:

- (1) bail reviews and bail reconsiderations, bench warrants including matters involving locally incarcerated defendants, consistent with the *Administrative Order Guiding the Response of the Trial Courts of Maryland to the COVID-19 Emergency as it Relates to Those Persons who are Incarcerated or Imprisoned*, filed April 14, 2020
- (2) trials for incarcerated individuals
- (3) trials for other criminal actions alleging violent acts
- (4) trials for alcohol-related motor vehicle cases

- (5) guilty pleas, with deferral of any incarceration start date considered
- (6) hearings on petitions for mental health evaluations and competency to stand trial
- (7) preliminary hearings
- (8) hearings on petitions for violations of probation
- (9) juvenile waiver hearings
- (10) any other matters that can be handled remotely or without testimony or both

CIVIL:

- (1) emergency evaluation petitions
- (2) quarantine and isolation violation petitions
- (3) body attachments
- (4) temporary and final domestic violence, peace, and extreme risk protective orders and petitions during court hours
- (5) temporary restraining orders
- (6) any other matters that can be handled remotely or without testimony or both

LANDLORD/TENANT:

- (1) rent escrow actions, provided local inspection practices are capable of being conducted
- (2) tenant holding over actions and any associated warrants of restitution
- (3) any breach of lease actions and any associated warrants of restitution
- (4) any wrongful detainer actions and any associated warrants of restitution
- (5) processing of warrants of restitution for failure to pay rent actions

PROBLEM-SOLVING COURTS, including drug, mental health, DUI, veterans', re-entry courts and dockets

DISTRICT COURT COMMISSIONERS, fully operational including the continued acceptance of circuit court bail bonds

Any other matters that can be scheduled, heard, or resolved in accordance with this interim order are encouraged to be addressed by the District Court during Phase III.