

IN THE COURT OF APPEALS OF MARYLAND
FIFTH AMENDED ADMINISTRATIVE ORDER
EXPANDING STATEWIDE JUDICIARY OPERATIONS
IN LIGHT 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, an emergency exists; 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 may continue; and

WHEREAS, COVID-19 continues to require the Judiciary to monitor the current phase of operations in the phased approach, moving toward full operational functions, while employing 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

WHEREAS, The emergence of the highly infectious Omicron variant in the latter part of 2021 required a return to modified Phase III operations; and,

WHEREAS, Jury trials that were scheduled to commence between November 16, 2020, through April 23, 2021, and between December 29, 2021, through March 6, 2022, by previous orders were postponed and rescheduled in accordance with the date established by the *Sixth Amended Administrative Order on Lifting the Statewide Suspension of Jury Trials and Maintaining Grand Juries*, filed March 1, 2022; and

WHEREAS, infection rates have now fallen allowing the return to operations in Phase V, the Centers for Disease Control and Prevention having issued revised protocols on the wearing of masks on February 25, 2022, and the majority of local jurisdictions having emerged or emerging from mandatory health mandates related to the surge in COVID-19 infections due to the Omicron variant,

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 1st day of March 2022, effective March 7, 2022, as follows:

- (a) Effective March 7, 2022, courts shall resume operations under Phase V, including jury trials as described in the Exhibit to this Order. Phase V may require continued restrictions to limit the concentration of individuals and allow social distancing as necessary; and
- (b) Should the Centers for Disease Control and Prevention (CDC) or the Maryland Department of Health (MDH) protocols require a return to restricted emergency

operations during the COVID-19 emergency, the policy of the Maryland Judiciary shall be, consistent with the measures taken since March 12, 2020, a progressive, phased return to full operations; and

- (c) Emergency operations consist of five phases, each progressive phase representing an increase in the level of operation within court locations. As the COVID-19 profile changes it may become necessary to retreat from a later to an earlier phase, or to adjust the phase in one or more specific jurisdictions within the state, as determined by the Chief Judge of the Court of Appeals, with any required changes in phases to be announced as soon as feasible; and
- (d) Pending further order of the Chief Judge of the Court of Appeals, Phase V emergency operations shall proceed; and
- (e) The Chief Judge of the Court of Appeals will review this Administrative Order on a four-week interval; and
- (f) 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 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
- (g) The courts are to provide services consistent with, but not limited to, self-help centers, alternative dispute resolution programs, family division services, law libraries, and childcare for litigants, witnesses, and those who have business in the court; and
- (h) No person who has been diagnosed with and remains ill with COVID-19, or who has not been fully vaccinated and is aware of having been exposed to a person

infected with COVID-19 and is within the applicable quarantine period, may enter a Judicial Branch facility; and

- (i) No persons who have been advised by a doctor, hospital, or local health department to self-quarantine or ordered to quarantine may enter a Judicial Branch facility during their applicable quarantine period; and
- (j) Any such persons and their attorneys under Sections (h) and (i) who have scheduled proceedings, events, or services in a Judicial Branch facility must contact the appropriate office regarding their status; and
- (k) Effective March 7, 2022, pending further order of the Chief Judge of the Court of Appeals, the wearing of face masks in courthouses and Judiciary facilities is voluntary, unless otherwise ordered in Section (l) of this Order. Unvaccinated employees and visitors are encouraged to wear masks in all courthouses and judicial facilities; and
- (l) The administrative judges of the Circuit Court and the District Court located in each County or Baltimore City shall determine together whether they will require social distancing or other health measures consistent with local conditions and pursuant to appropriate public health guidance and shall so advise the public and members of the bar by way of administrative orders to be effective March 7, 2022; and
- (m) Judiciary personnel who are not vaccinated will no longer be required to provide weekly negative COVID-19 PCR tests to report to work effective March 7, 2022; and
- (n) Judiciary personnel, members of the bar, and members of the public shall comply with health measures as required by local administrative orders issued pursuant to Section (l); and

- (o) Any person who does not comply with this emergency order or local administrative orders issued pursuant to Section (l) shall be subject to removal from the courthouse or judicial facility and disciplinary action as appropriate; and
- (p) Pending further order of the Chief Judge of the Court of Appeals, during the emergency period, all incumbent Maryland judges, except those judges whose office is that of Orphans' Court, continue to be cross-designated to sit in any trial court in the State of Maryland; and
- (q) The *Twelfth Revised Administrative Order on the Emergency Tolling or Suspension of Statutes of Limitations and Statutory and Rules Deadlines Related to the Initiation of Matters and Certain Statutory and Rules Deadlines in Pending Matters*, filed March 1, 2022, (*Twelfth Revised Administrative Order on Emergency Tolling or Suspension*), issued pursuant to Maryland Rule 16-1003(a)(7), shall control as to statutory and rules deadlines for the initiation of matters and for conducting certain court proceedings, except that the deadline for the scheduling of criminal jury trials shall be governed by the *Sixth Amended Administrative Order on Lifting the Statewide Suspension of Jury Trials and Maintaining Grand Juries*, filed March 1, 2022; and
- (r) Regardless of phase, search warrants must be addressed on a 24-hour, 7-day per week basis. Search warrants shall be handled electronically to the greatest extent possible. The administrative judges of the Circuit Courts and the District Court each shall designate a judge responsible to cover search warrant duty for a specified timeframe; and
- (s) Application of case time standards shall be governed by the *First Amended Administrative Order on Case Time Standards and Related Reports for Fiscal Years 2020 and 2021 in Light of the COVID-19 Emergency*, filed February 2, 2021; and

- (t) The suspension of Maryland Rules 2-507 and 3-507 shall be governed by the *Twelfth Revised Administrative Order on Emergency Tolling or Suspension*; and
- (u) Pending further order of the Chief Judge of the Court of Appeals, during the emergency period, in Baltimore City and Prince George's County (non-MDEC jurisdictions) only, to the extent that any of these Courts determine to make a virtual drop box available for filings during the COVID-19 emergency period, such drop boxes may be utilized consistent with protocols adopted in an administrative order issued by that Court, announced electronically, and posted on that Court's website; and
- (v) Pending further order of the Chief Judge of the Court of Appeals, during the emergency period for pleadings not required to be filed electronically or where permitted by virtual drop box, filings will be received by mail and may be received via physical drop boxes installed at local courthouses:
 - (1) Filings subject to the *Twelfth Revised Administrative Order on Emergency Tolling or Suspension* shall have a filing date as determined by that Order, and
 - (2) For filings not controlled by the *Twelfth Revised Administrative Order on Emergency Tolling or Suspension*, effective June 1, 2021, the date that a mailed filing is stamped by the clerk's office will be considered the date that it has been filed or, if a filing is filed via a physical drop box, the previous business day, unless there is a timestamp on the drop box; and
- (w) Clerks of the Circuit Courts, the Court of Special Appeals, the Court of Appeals, and the District Court of Maryland shall continue to process MDEC filings, filings by virtual drop box where permitted, and paper filings; and
- (x) The *Third Amended Administrative Order Expanding Statewide Judiciary Operations in Light of the COVID-19 Emergency*, filed August 6, 2021, shall be and hereby is rescinded effective March 7, 2022; and

- (y) The *Fourth Amended Administrative Order Expanding Statewide Judiciary Operations in Light of the COVID-19 Emergency*, filed February 18, 2022, shall be and hereby is rescinded, effective immediately; and
- (z) The *Ninth Administrative Order Clarifying Covid-19 Health Measures in Courthouses and Judicial Branch Facilities*, filed August 6, 2021, shall be and hereby is rescinded effective March 7, 2022; and
- (aa) The *Administrative Order on COVID-19 Vaccination Requirements for Judiciary Personnel in Courthouses and Judicial Branch Facilities*, filed August 20, 2021, shall be and hereby is rescinded, including all requirements for weekly testing, effective March 7, 2022; and
- (bb) The *Extension of Interim Administrative Order of December 27, 2021 Restricting Statewide Operations in Light of the Omicron Variant of the COVID-19 Emergency*, filed January 14, 2022, shall be and hereby is rescinded effective March 7, 2022; and
- (cc) The Exhibit to this Order shall hereby be incorporated as part of this Order; and
- (dd) To the extent that this Administrative Order conflicts with extant Administrative Orders, local administrative orders or policies, this Administrative Order shall prevail; and
- (ee) This Administrative Order will be revised as circumstances warrant.

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

Filed: March 1, 2022

/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 MARCH 1, 2022

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PHASE V: October 5, 2020, through November 15, 2020; AND
April 26, 2021, through December 28, 2021; AND
March 7, 2022 –

In Phase V, all courts resume full operations, including jury trials in criminal and civil case types in the circuit courts. To the extent that Phase V Matters may be handled remotely, courts are encouraged to do so.

COURT OF APPEALS: Fully operational.

COURT OF SPECIAL APPEALS: Fully operational.

CIRCUIT COURTS: Fully operational, including jury trials in criminal and civil case types in the circuit courts.

DISTRICT COURT: Fully operational.