

IN THE COURT OF APPEALS OF MARYLAND
ADMINISTRATIVE ORDER ON THE IMPLEMENTATION OF
REMOTE ELECTRONIC JUDICIAL PROCEEDINGS

WHEREAS, The 2018 Chapter 800 of Title 2 (Chapter 800) of the Maryland Rules (2-801 through 2-806) consolidated existing Rules dealing with remote electronic participation in judicial proceedings; and

WHEREAS, Chapter 800 is intended to take advantage of the technology that allows for reliable interactive communications to provide more efficient access to the courts without sacrificing the required fairness in judicial proceedings in circuit court civil proceedings; and

WHEREAS, Remote electronic participation can occur in two contexts: (1) where one or more parties, witnesses, or attorneys participate by remote electronic means, or (2) where the entire proceeding is conducted by remote electronic means; and

WHEREAS, Both evidentiary and non-evidentiary proceedings may be conducted electronically, with additional safeguards necessary when an evidentiary proceeding is conducted remotely; and

WHEREAS, The COVID-19 health emergency prompted the Maryland Judicial branch to revise, implement, and refine policies and practices for remote electronic proceedings, including evaluating electronic platforms for sufficient security and applicability to judicial proceedings; and

WHEREAS, The Joint Subcommittee on Post-COVID Judicial Operations reviewed remote proceedings to develop recommendations regarding which innovations implemented during the health emergency might have lasting benefits for the administration of justice after the emergency; and

WHEREAS, The use of remote proceedings provided access to justice with increased efficiency and convenience for litigants, their counsel, and the courts during the COVID-19 emergency and is recommended to be continued to provide access to justice and to address backlogs that accumulated during the emergency; and

WHEREAS, The State Court Administrator has developed, and will continue to develop, standards for the process, connections, software, and equipment to be used

for electronic participation in remote electronic judicial proceedings; and

WHEREAS, The process, connections, software, and equipment to be used must comply with standards developed by the State Court Administrator and approved by the Chief Judge of the Court of Appeals; and

WHEREAS, The State Court Administrator, in conjunction with the Court Technology Committee, has developed and will continue to develop and publish best practices to be followed when conducting remote electronic judicial proceedings,

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 28th day of March 2022, that:

1. The use of remote proceedings is encouraged to be utilized as a robust component of efficient case management in all trial courts; and
2. All remote electronic proceedings shall be conducted using equipment and software either provided by the Judiciary or otherwise meeting the minimum requirements specified in the Rules and approved by the State Court Administrator as being capable of reliably providing clear audio and clear visual images of all participants, including features deemed necessary for the recording of the proceedings. Control functions shall not be shared with participants; and
3. During electronic judicial proceedings, the presiding judge or other judicial officer shall ensure the availability of a person or persons trained in use of the equipment and software to assist in the proceeding; and
4. Telephonic electronic participation may be conducted using ordinary telephonic technology, but the presiding judge or other judicial officer may require that the participant dial-in via a remote platform call-in telephone number; and
5. Where reference to documents is necessary, the transmission of documents between locations may be by facsimile, e-mail, file-sharing programs, or video transmission of sufficient resolution for legibility.
6. The presiding judge, judicial officer, or magistrate shall follow the best

practices for remote electronic judicial proceedings as, from time to time, they are developed by the State Court Administrator pursuant to this Order, unless unforeseeable exigent circumstances necessitate, consistent with the interests of justice, the holding of a remote judicial proceeding for which some or all of the best practice requirements cannot be met; and

7. In any remote judicial proceeding, the presiding judge, judicial officer, or magistrate shall make the determination as to whether the equipment and software used in the proceeding meets the best practices requirements for remote judicial proceedings and, where it does not, make a record of the circumstances that necessitated holding the proceeding.
8. The *Administrative Order on the Implementation of Remote Electronic Participation in Judicial Proceedings*, filed June 18, 2018, shall be and hereby is rescinded, effective immediately.

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

Filed: March 28, 2022

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

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Suzanne C. Johnson, Clerk