

## Civil Differentiated Case Management Plan

This Civil Differentiated Case Management (DCM) Plan is established in accordance with Md. Rule 16-302(b) which requires the County Administrative Judge to develop and, upon approval by the Chief Judge of the Maryland Court of Appeals, implement and monitor a case management plan for the prompt and efficient scheduling and disposition of actions in the Circuit Court.

The DCM plan for civil case types does not include family or domestic relations case types.<sup>1</sup> 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. Courts and Judicial Proceedings Code Art. § 4-402). If a jury trial is requested, the case must be heard in Circuit Court. A jury trial may be requested, pursuant to Md. Rule 2-325.

### General Information

This case management plan applies to all non-family law civil matters, including, but not limited to the following types of cases:

- Tort or contract actions
- Non-family equity actions
- Worker's Compensation appeals
- Medical malpractice
- Complex litigation
- Condemnations
- Declaratory judgments
- Landlord-tenant jury prayers

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<sup>1</sup> See Family DCM template for all civil domestic case types.

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- Mechanics liens
- Administrative appeals
- Certiorari in Circuit Court
- Confessed judgment (Rule 2-611)
- District Court appeals (de novo and record appeals)
- Foreclosures
- Forfeitures
- Habeas corpus
- Inmate grievances
- Liquor Board appeals
- Orphans Court proceedings

This Plan does not apply to cases which are governed by the Family Law Differentiated Case Management Plan, nor does this Plan apply to criminal actions.

### **Civil Case Management Personnel**

The policies and procedures outlined in this plan are implemented by the following personnel of the Circuit Court for Harford County:

**Civil Assignment Coordinator.** All cases subject to this plan shall be managed by the civil assignment coordinator upon first service or a responsive pleading by any defendant. The coordinator sets all appropriate cases for a scheduling conference or pretrial conference. The civil assignment coordinator manages all civil Alternative Dispute Resolution (ADR) programs as well implements and monitors this plan. The civil assignment coordinator also schedules all proceedings before a judge of the circuit court. These include: scheduling conferences, motions hearings, pretrial conferences and merits trials.

**County Administrative Judge.** The County Administrative Judge (CAJ) supervises all aspects of civil case management, and is ultimately responsible for the implementation of

this plan. The CAJ designates judges to hear the various civil matters, and makes final decisions about whether and to whom a case should be specially assigned, when necessary.

**Other Judges.** All judges are responsible to comply with and implement in their rulings the provisions of this Plan, when serving in their capacity as chambers judge. Judges of the circuit court preside at motions hearings and all merits trials. When appropriate, a case may be specially assigned to a circuit court judge by the CAJ. Individual judges are responsible for the effective management of cases specially assigned to them; however, the scheduling of specially assigned cases must always be coordinated with the civil assignment coordinator in order to ensure judicial availability. Specially assigned cases should be managed to the extent possible consistent with the provisions of this Plan, including adherence to the case time standards.

### **Judicial Assignment in Civil Matters**

The CAJ shall designate judges of this bench to handle the responsibility for various matters required for the efficient management of this Plan, including the designation of a CAJ with appropriate backup judges. The CAJ shall also designate which judges shall have the primary responsibility for the handling of Scheduling Conferences and the Pretrial Settlement Conference docket.

### **Civil Tracks**

A civil case may follow four potential tracks to resolution. Tracks are defined at filing based on the case subtype. Tracks define expected case processing events, the timing of events, assignment, and the expectations for case duration.

### **Track Designations Set at Filing**

Track designations are automatically set at filing. The plaintiff, or plaintiff's attorney, is required to designate a track for selected case types that may have two different track options. The track designation will be made on the Circuit Court Civil Case Information form required to accompany the filing.

If an attorney or party disagrees with the designated track assignment, the attorney or party may submit to the civil assignment coordinator, with notice to the other side, a request in writing to change the track, stating the reason(s) why a different track assignment is needed. All requests to change the track designation must be made within 15 days of first answer. The civil assignment coordinator will then notify all attorneys or unrepresented parties in the case to see if they concur with the request to change the track assignment. If the attorneys/parties cannot come to an agreement on a track assignment, the CAJ will decide on a particular track based on track assignment guidelines. The civil assignment coordinator will assign all civil cases under the DCM plan to one of the four tracks.

#### **Counter or Cross Claims**

Counter or cross claimants do not have the right to challenge a track designation, if their counter- or cross-complaint is consolidated with the original case.

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The diagram illustrates the events and times required for civil case processing tracks.

**Civil Tracks Case types and Outcomes**

<i>Track</i>	<i>Case Subtypes</i>		<i>Expected Case Duration and Notes</i>
<b>Track 1 Civil Expedited</b>	<ol style="list-style-type: none"> <li>1. Confessed Judgments</li> <li>2. Administrative Agency Appeals</li> <li>3. Mechanic’s Liens</li> <li>4. Tax Sales</li> <li>5. Certiorari</li> <li>6. Contempt</li> <li>7. Habeas corpus</li> <li>8. Attachment Before Judgment</li> <li>9. Declaratory Judgment (no discovery)</li> <li>10. District Court Appeals De Novo</li> <li>11. District Court Jury Trial Prayers</li> <li>12. Injunctions</li> <li>13. Mandamus</li> <li>14. Orphan’s Court</li> <li>15. Restraining Orders</li> <li>16. Tort (no discovery)</li> <li>17. Contract (no discovery)</li> <li>18. Forfeiture (money or vehicle)</li> </ol>	CJ AA ML  HC  AN JT IJ  OA  CN FF	Answer + 90 days = 120 days  Tort = personal injury, property damage, and negligence  Contract = breach of contract, due on promissory note, and others  Case types 1-9 do not require a case information sheet to be filed with the complaint or the answer.  Case types 10-21 require a case information sheet to be filed with the complaint and answer.
<b>Track 2 Civil Standard</b>	<ol style="list-style-type: none"> <li>1. Condemnation</li> <li>2. Contract (discovery)</li> <li>3. Fraud and Misrepresentation</li> <li>4. Intentional Tort (discovery)</li> <li>5. Motor Tort (discovery)</li> <li>6. Other Tort (discovery)</li> <li>7. Personal Injury (discovery)</li> <li>8. Worker's Compensation</li> <li>9. Business and Technology (expedited)</li> <li>10. Science and Technology ASTAR (expedited)</li> <li>11. Other Civil Cases (discovery)</li> </ol>	CD CN  MT OT  OC	Answer + 210 days = 240 days  No maximum or minimum claim amounts.

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<b>Track 3 Civil Complex</b>	1. Medical Malpractice	MM	480 days 5% of caseload; specially assigned and custom managed; trial >3 days
	2. Legal Malpractice		
	3. Mass Tort		
	4. Lead Paint		
	5. Business and Technology (complex)		
	6. Science and Technology ASTAR (standard)		
	7. Contract (major construction)	CN	
	8. Major Product Liability		
	9. Toxic Tort Claims (designated)		
	10. Class Actions Suits or other Complex Cases		

**Civil DCM Track Guidelines**

		Complaint Filed	Plt's Expert Reports	Dft's Expert Reports	Discovery	ADR/ Mediation Complete	Motions Filed *	Pretrial Settlement Conference	Attorneys Exchange Exhibit List	Trial	Notes	
Track 1	Civil Expedited	Start	NA	NA	80 days	NA	90 days	100 days	NA	120 days	PTSC on DC JTPs only; trial date set per Scheduling Order	
Track 2	Civil Standard	Start	90 days	120 days	150 days	150 days	130 days	200 days	-20 days before trial	290 days	Trial date is set at PTSC	
Track 3	Civil Complex	Start	Specially assigned, custom managed								480 days	Trial date set per Scheduling Order

\*Except motions *in limine*

**Track 1 - Civil Expedited**

Court Event	Timing
Case Initiation	Case filing in Circuit Court
Discovery	40 days prior to trial
Trial	Within 120 days of filing

**Track 2 – Civil Standard**

<b>Court Event</b>	<b>Timing</b>
Case Initiation	Case filing in Circuit Court
Motions Hearings/Discovery Complete	Within 180 days of filing
Pretrial Settlement Conference	Within 200 days of filing
Trial	Within 290 days of filing

**Track 3 – Civil Complex**

<b>Court Event</b>	<b>Timing</b>
Case Initiation	Case filing in Circuit Court
Motions Hearings/Discovery Complete	Specially assigned
Pretrial Settlement Conference	Specially assigned
Trial	Within 480 of filing

**Postponements**

Except as provided below, requests for the postponement of any civil proceedings, shall be made by motion pursuant to Rules 2-508 and 2-311. Postponements also shall be granted in accordance with the priority protocol set forth in Chief Judge Robert C. Murphy’s Revised Administrative Order for Continuance for Conflicting Case Assignments or Legislative Duties, effective May 15, 1995. Requests must be made on the approved Civil Motion for Postponement Form. These requests will be considered, in accordance with the provisions of this Plan, by the DCM judge or his/her designee. A strict postponement policy will be followed since parties and counsel will have had the opportunity to provide input on scheduling at the time of the Scheduling or Pretrial Conference. Cases will not be postponed merely by the consent of the parties or because discovery has not been completed. Any request for postponement must be timely made. Last minute requests for postponement, absent good cause, shall be denied. Before the Court will consider any request for postponement the moving party or counsel must coordinate with civil assignment coordinator a proposed re-set date, consistent with the case time standards. Failure to

coordinate this date may result in the postponement not being considered. Compliance with this procedure does not guarantee that any postponement will be granted. Do not send original Motions for Postponement directly to the CAJ. Courtesy copies may be provided once the original motion is filed with the coordinator's office. The motion should include specific reasons for the postponement and if possible the position of all other parties.

If a postponement is granted, the provisions of the Pretrial Order shall remain in effect except as may be amended by the terms of the postponement order. The Court shall determine the future scheduling of the case consistent with the intent and purposes of this Plan. If a case has been specially assigned, postponement requests shall be directed to the specially assigned judge. The standards for postponement of the trial date shall remain the same as for cases not specially assigned.

#### **Good Cause Requirement**

The following shall generally be considered good cause for postponement:

- Trial date conflict. The first case set takes precedence;
- Serious illness of, or death in the family of a party, counsel, or necessary witness;
- Vacation(s) scheduled prior to any assigned trial or hearing date. For vacations, requests for postponement must be made within 10 calendar days of notification of the scheduled event;
- Counsel is in trial in another matter that carries over to cause a conflict with the Harford County date;
- A party did not receive notice of the hearing or trial, through no fault of the party or their counsel; or
- Facts or circumstances arising or becoming apparent too late in the proceedings to be corrected in advance of the hearing, and which, in the view of the Court, would likely cause undue hardship or a possible miscarriage of justice if the hearing or trial proceeded as scheduled.



The following are generally NOT considered good cause for postponement:

- Vacations(s) scheduled after establishing a trial or motion date;
- Consent of counsel without compelling reason or a substantive basis;
- The matter has not previously been postponed (no peremptory postponements);
- Any matter known or which should have been known when the trial date became firm;
- New counsel has entered an appearance or a party wishes to change counsel;
- Discovery is incomplete or was just provided;
- A party wishes to conduct further investigation; or
- A party or counsel is unprepared to try to case for reasons including, but not limited to, the party's failure to cooperate with or maintain necessary contact with counsel.

### **Interpreters**

If any party becomes aware of the need for an interpreter for any party or witness, the party shall promptly notify the court by downloading and completing the Request for Spoken Language Interpreter, available at:

<http://mdcourts.gov/courtforms/joint/ccdc041.pdf>. **At least 30 days prior to trial,**

the party(ies) must file this request to the Civil Department. An interpreter will be approved and appointed to the case.

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.

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. If a request for interpreter is not cancelled at least 48 hours in advance of the trial or hearing, the Court will be billed for the interpreter's services. If the Court is billed for an interpreter needlessly as a result of 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.

Unless the Court is advised that a case will be a definite trial and its duration, the Court will only hire interpreters for a single morning or afternoon session.

## Forms

The following forms may be required to be attached to a complaint in civil cases, or to complete a filing and service.

- CC-DCM 002 [Civil Non-Domestic Case Information Report](#)
- CC-DR-55 [Affidavit of Service \(Private Process\)](#)
- CC-DR-56 [Affidavit of Service \(Certified Mail\)](#)
- CC-DC-089 [Request for Waiver of Prepaid Costs](#)

The following form is used to request a change in a scheduled hearing or trial at the Circuit Court.

- CC-DC-070 [Motion for Postponement](#)

This Plan is subject to modification by the Court and must be read in conjunction with the Maryland Rules.

## All Civil Cases (Case Initiation)

### File a Case

The following steps are required to file a civil case:

- (a) **File a complaint**, attaching a completed [Case Information Form](#) (CC-DCM-002), with the court (Md. Rule 2-111) for most civil case subtypes. The Case Information Form shall be filed in all civil (non-family) matters with the exception of the case types noted in the "Committee Note" accompanying Md. Rule 2-111(a).
- (b) **Pay the filing fee**. Refer to the [Summary of Charges, Costs, and Fees of the Clerks of the Circuit Court](#) for fees. The filing for most civil complaints is \$165.00. (See *Civil, New Case*.) If/when electronic filing is available in this jurisdiction, a plaintiff may also electronically file a case and pay the filing fee using the Maryland Electronic Courts (MDEC), if registered. Attorneys are required to electronically file. Filing fees may be waived by the Court, based on the following conditions:
  - ✓ Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089);
  - ✓ Representation by a civil legal aid lawyer;  
and/or
  - ✓ Other determination by the Court.

If the Court does not grant the request to waive prepaid costs, the plaintiff has 10 days to pay the filing and other required fees (prepaid costs).

- (c) **Notify the other party (Defendant)**. The plaintiff is required to attempt to notify the defendant that a complaint (lawsuit) has been filed against the defendant. The coordinator will issue a summons to officially notify the defendant that a suit has been filed (Md. Rule 2-112). There is a 60-day time limit to serve the summons on the defendant. After the time limit has expired, the summons is no longer valid, unless renewed by written request of the plaintiff. The original complaint, summons, and Case Information Form must be delivered to the defendant. There

are three primary ways to deliver these documents to the defendant: 1) Certified Mail, 2) Private Process; and 3) Sheriff.

(d) **Proof of Service.** The court requires that the plaintiff fill out an [Affidavit of Service](#) (CC-DR-55 or CC-DR-56) form to prove that the other side has been notified, or served. If the court does not receive proof of service within the time allotted (30 days, see Answer below) for the defendant to file an Answer, the plaintiff may not be able to present his or her case on the scheduled trial date.

(e) **Lack of Jurisdiction.** Between the filing of the complaint and service, the Court may dismiss cases for lack of jurisdiction. If the defendant has not been served after 120 days, the Clerk's office sends notices to the parties that they have 30 days to file a request to reissue service, or a motion to vacate or defer the order of dismissal, or the case will be dismissed without prejudice. After 30 days, the Clerk's office reviews the case, and it is presented to a judge who signs an order dismissing the case. A motion docket entry is made that the case is dismissed for lack of jurisdiction.

### **Answer**

The defendant must file an affirmative Answer, typically within 30 days after receiving a summons, for most circuit court civil case subtypes (Md. Rule 2-321).<sup>2</sup> These cases are considered by the court to be at issue, and the case shall proceed (Md. Rule 2-323). In addition, if the defendant seeks to modify any information on the original case information report, or expects to file a counterclaim, crossclaim, or third-party claim, the defendant is required to file with the Answer a defendant's information report.

**Lack of Prosecution.** Following service, the Court actively dismisses cases for lack of prosecution after one year under Md. Rule 2-507, although the majority of dismissals occur after the answers have been filed. See *Answer* above. Following service, if an answer has

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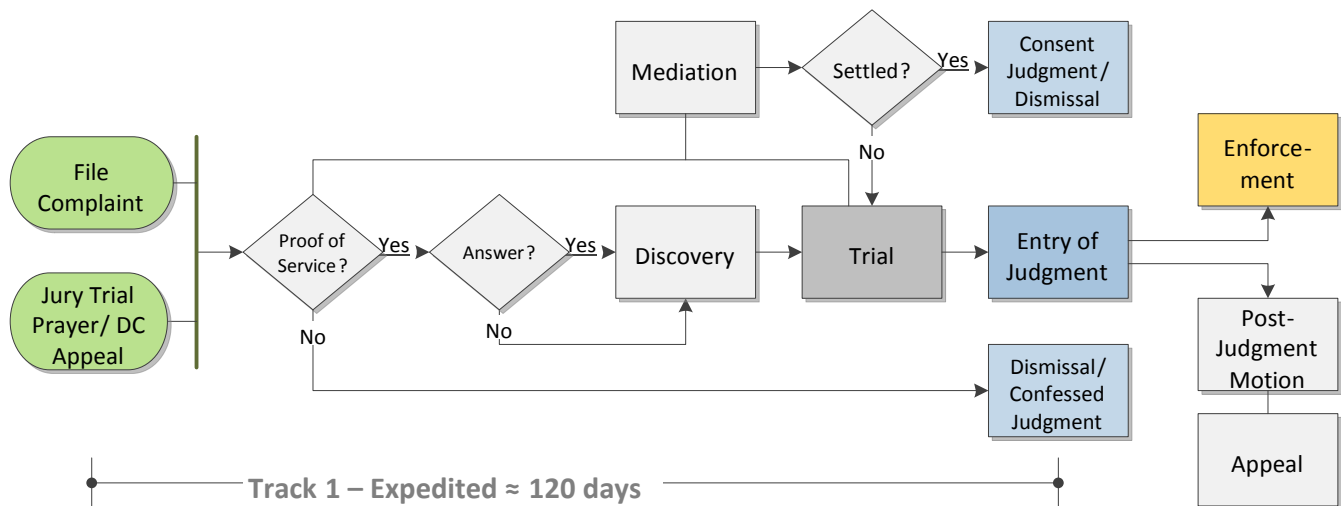
<sup>2</sup> Exceptions include defendants who live outside the State of Maryland, resident agents, officers or agencies of the U.S. government, among others. See Md. Rule 2-321.

not been filed or, following answer, no other action has been taken on the case after one year, the Clerk’s office sends notices to the parties that they have 30 days to file a motion to vacate or defer the order of dismissal, or the case will be dismissed without prejudice. After 30 days, the Clerk’s office reviews and dismisses the case. A motion docket entry is made that the case is dismissed without prejudice for lack of prosecution.

### Track 1 – Civil Expedited Cases

The diagram below illustrates case processing events for civil expedited cases.

**Diagram 1.1 – Civil Expedited Case Processing**



### Scheduling Order

Following filing of a complaint and the first answer, the civil assignment coordinator reviews all case filings and case information sheets and issues scheduling orders for expedited cases that includes dates certain for significant events and hearings. No scheduling conference is typically held. Attorneys and parties are notified of scheduling orders by mail. Following issuance of the scheduling order, parties or counsel have up to 15 days to request a change of the scheduling order upon administrative review by the County Administrative Judge. Changes may include any of the milestones in the order, e.g. discovery deadline, the pretrial settlement conference or trial date, or the track assignment.

Up to 30 days before trial, the County Administrative Judge reviews scheduling order change requests and may grant changes for good cause.

### **Discovery**

Discovery is informal for expedited civil cases. No expert reports should be filed by either party. If expert reports are filed, the case may be transferred to another track for case management. Procedural and discovery motions may be filed up no later than 21 days prior to trial. Typically, the assignments and dockets are set by the civil assignment coordinator with the approval of the County Administrative Judge.

### **Alternative Dispute Resolution**

Forms of alternative dispute resolution (ADR) are informal, formal, and court-sponsored or initiated. If a case has been filed, all forms of ADR may involve the court, if the parties choose to seek a court order or judgment that is enforceable. Forms of ADR, after the filing of a case, include the following:

- (a) **Settlement.** Two parties may settle a case at any time leading up to the trial date. When a case has been settled the dispute is resolved, although the agreement between the two parties is only enforceable if both parties file a consent agreement with a request for judgment.
  
- (b) **Mediation.** For all civil expedited case types, mediation is voluntary by the parties. Mediation is a confidential process. Anything discussed in mediation cannot be used in court. There are a few exceptions when it comes to child abuse, imminent threats of harm to a person, or allegations of duress or fraud. But any discussions, and if all parties choose, even some agreements reached can be kept confidential. Most mediation is court-ordered and should take place by the date that motions are due. An agreement following mediation can result in the dismissal of the case or in a consent judgment. An agreement is not enforceable following dismissal of a case, and the creditor party may be required to file an affidavit for judgment, if the party is unable to enforce an agreement.

### Pretrial Settlement Conference

Parties and attorneys must submit a trial readiness checklist at the pretrial settlement conference or at least 3 weeks before trial to the coordinator’s office. The trial readiness checklist should include an acknowledgement that all discovery has been completed, court-ordered mediation has been completed, and that all motions have been filed.

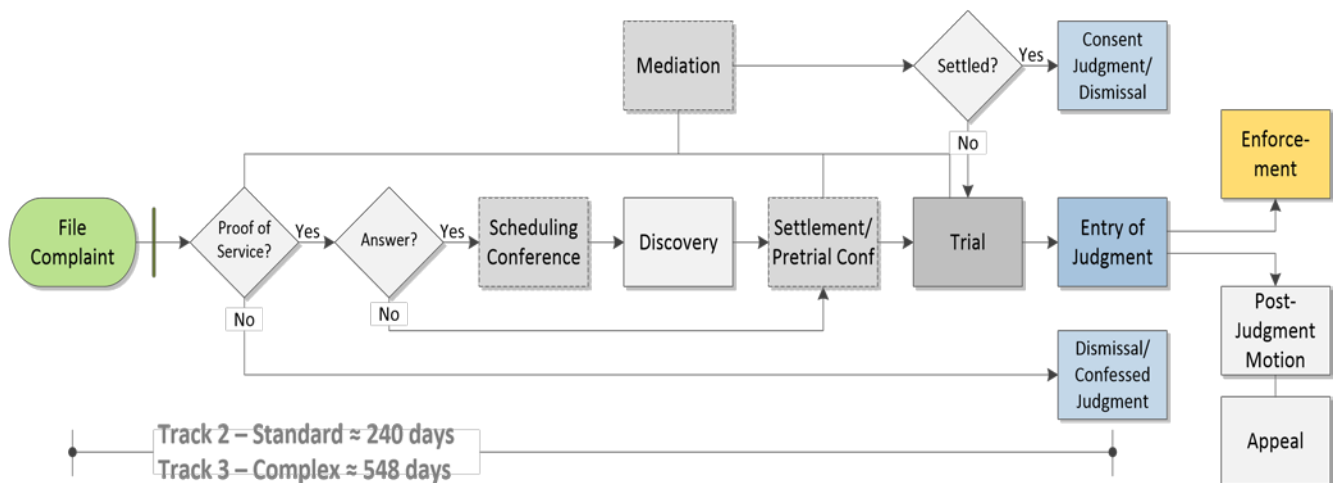
### Trial

Trials, and all court events, are set on a date certain by scheduling order when the answer is filed. At trial, both parties should be prepared to present any witnesses, evidence, or exhibits to prove or defend against a claim. If the trial date is postponed for good cause, a new trial date will be chosen within 15 days and set on the calendar of the originally assigned trial judge, to the extent possible.

### Tracks 2 and 3 – Civil Standard and Complex Cases

The diagram below illustrates case processing events for civil standard and complex cases.

**Diagram 1.2 – Civil Track 2 Standard and Track 3 Complex Case Processing**



### **Special Assignment**

The special assignment of all civil matters is the responsibility of the County Administrative Judge. At the request of any party or if the magistrate or judge determines it is appropriate that a case be specially [not randomly] assigned for the purposes of litigation management and trial, such request or recommendation shall be forwarded to the County Administrative Judge.

When appropriate, a case may be specially assigned to a judge by the County Administrative Judge. Individual judges are responsible for the effective management of cases specially assigned to them. However, the scheduling of specially assigned cases must always be coordinated with the CAJ in order to ensure judicial availability. Specially assigned cases should be managed to the extent possible consistent with the provisions of this plan, including adherence to the case time standards.

Special assignment does not guarantee priority status on the court's docket. If the case is specially assigned, subsequent case management decisions and the selection of a trial date will be made by the specially assigned judge consistent with the case time standards and in accordance with the basic plan procedures outlined herein. The scheduling or re-scheduling of all specially assigned cases must be cleared with the civil assignment coordinator in advance in order to ensure judicial availability.

### **Scheduling Conference (Mandatory for Tracks 2 and 3)**

Scheduling conferences are scheduled and noticed by the civil assignment coordinator at filing of the Answer, typically set 30 days after the Answer. The goals of a scheduling conference include the following:

- (a) Provide an early opportunity for the parties to settle any of the issues in their case;
- (b) Determine the contested issues in each case;
- (c) Determine the need for mediation, arbitration, or any other intervention by the court; and



- (d) Review complex cases with both parties to define time limits for discovery, or if multiple parties will join the case.

Consistent with Md. Rule 2-504.1, a Scheduling Conference is held within 90 days after filing of the complaint. The parties are to confer prior to the Scheduling Conference on issues including, but not limited to, discovery issues, expert designations, scheduling and trial length. The Scheduling Conference may take place in person or over the phone at the discretion of the Court. At the Scheduling Conference, the judge will:

- (a) Determine whether all parties have been served. Where no parties have been served, the Court will reset the Scheduling Hearing within 30 days, order that summonses be reissued if needed, and remind the plaintiff that the deadline to file a Motion for Alternative Service is 120 days after filing (Day 121). The Court will provide the same reminder where some parties remain unserved.
- (b) Determine if the track is appropriate.
- (c) Establish the length of trials, review pending issues and discovery matters.
- (d) Verify that the plaintiff's experts have been timely identified.
- (e) Finalize and effectuate a Scheduling Order and an Order for Pretrial Hearing consistent with Md. Rules 2-504 and 2-504.2.
- (f) Determine whether settlement has been discussed and whether it is likely.
- (g) The Court may issue an ADR order and encourage the parties to participate in ADR as early in the case as possible.
- (h) Distribute Scheduling Order
- (i) Rule on any motions as appropriate.

If the entire case is not settled at the conference, agreed dates are obtained from the attorneys and parties for filing motions, discovery, the settlement conference, and trial. A Scheduling Order will then be generated and distributed at the time of the conference. Scheduling Conferences should not be postponed unless there are exceptional circumstances. Failure to serve defendant(s) will not be the basis for postponing a Scheduling Conference. Settlement Conference hearing dates established at the time of the

conference shall not be postponed except for extraordinary reasons. Trial dates for specially assigned cases will be assigned to the specially assigned judge. Trial dates will be set as soon as practicable, but no later than 60 days for non-jury trials. The trial date is a firm date and counsel and the parties must be ready to proceed at that time.

### **Re-Scheduling Conferences (Postponements)**

If a party and/or attorney is unable to attend a Scheduling Conference, they **MUST** contact the assigned judge's chambers at least seven days in advance to obtain a new date/time. Failure to notify the Court or failure to appear at the Scheduling Conference may result in a Scheduling Order date being re-scheduled without any opportunity to be modified.

The assigned judge will direct the civil assignment coordinator to provide the party/attorney seeking to modify the date with new available dates to reschedule the conference. That party/attorney must contact all parties or attorneys in the case and get an agreed date. The new date for the conference must be set within 21 days of the originally scheduled conference date. If the parties/attorneys cannot agree on a new date within this timeframe, the party/attorney seeking to change the originally scheduled date will need to submit in writing to the assigned judge a Request to Reschedule Settlement/Scheduling Conference. The Request shall contain the reason for the postponement and why a new date cannot be set within the 21-day timeframe. The request will be reviewed and ruled upon by the assigned judge, CAJ or her/his designee.

### **Discovery**

Procedural, discovery and dispositive motions may be filed in accordance with the Scheduling Order. For most evidentiary and dispositive motions, or if requested by one of the parties, a case will be set for a motions hearing. Typically, the assignments and dockets are set by the civil assignment coordinator. Procedural discovery and dispositive motions shall be filed in accordance with the scheduling order and the Maryland Rules.

The deadline for the disclosure of plaintiff's experts coincides with the Scheduling Order. Given the early stage of discovery, while disclosure of the area of expertise is expected,

some flexibility will be applied as to the specific opinion of the expert. The obligation to supplement the information provided by this deadline continues and must be provided without delay as soon as it is known to the plaintiff, but no later than 30 days after the Scheduling Conference without the Court's approval, including any substance of the findings and opinions, grounds for each opinion on which the expert is expected to testify, as well as copies of all reports received from each expert witness. Under no circumstances may this information be withheld. The defendant's expert witnesses must be identified within 60 days of the disclosure of the plaintiff's experts. These expert disclosure deadlines do not apply to rebuttal witnesses. In counter complaints, counter-experts shall be disclosed within 30 days of the filing of the counter complaint.

### **Alternative Dispute Resolution**

The Court encourages the use of Alternative Dispute Resolution (ADR) to resolve cases short of trial. The Court will develop and maintain a list of qualified neutrals to assist parties in resolving cases through ADR. Forms of ADR are informal, formal, and court-sponsored or initiated. If a case has been filed, all forms of ADR may involve the court, if the parties choose to seek a court order or judgment that is enforceable. Forms of ADR, after the filing of a case, include the following:

- (a) **Settlement.** The parties may settle a case at any time leading up to the trial date. When a case has been settled, the dispute is resolved, and the agreement between the parties is enforceable if the parties file a consent agreement with a request for judgment.
- (b) **Settlement Conference.** A settlement conference is a formal event at court with the goal of seeking a settlement prior to going to trial. See description below.
- (c) **Mediation.** Mediation is voluntary by the parties or may be requested at the Scheduling Conference. Mediation is a confidential process. Anything discussed in mediation cannot be used in court. There are a few exceptions when it comes

to, imminent threats of harm to a person, or allegations of duress or fraud. But any discussions, and if all parties choose, even some agreements reached can be kept confidential. Mediation should take place by the date that motions are due. An agreement following mediation can result in the dismissal of the case or in a consent judgment.

(d) **Arbitration.** Arbitration is a technique for the resolution of disputes outside the courts. The parties to a dispute refer it to arbitration by one or more persons (the “arbitrators,” “arbiters,” or “arbitral tribunal”), and agree to be bound to the arbitration decision (the “award”). A third party reviews the evidence in the case and imposes a decision that is legally binding on both sides and enforceable in the courts. An arbitration award is enforceable and may be reduced to a civil judgment.

(e) **Neutral Case Evaluation.** A Neutral Case Evaluation is a voluntary, non-binding process in which a neutral party examines all the evidence and gives an opinion of how the case will turn out.

### **Pretrial Settlement Conference**

A Pretrial Settlement Conference shall be conducted in accordance with Md. Rule 2-504.2. The purpose of the Pretrial Conference is to reach a settlement on a case, or to confirm that a case is ready to go to trial. Counsel or the parties shall be directed to prepare and file, no later than five business days prior to the Pretrial Settlement Conference, a written statement, in accordance with Md. Rule 2-504.2. All parties and their counsel must be prepared to discuss all aspects of the case in anticipation of settlement.

Counsel-of-record, who will try the case if it goes to trial, must appear at the Pretrial Conference unless excused by the CAJ or his/her designee. For those cases that go to trial, a Pretrial Order governing the further handling and trial shall be prepared. If the case is not ready for trial it is within the discretion of the CAJ or the assigned judge to resolve any open

issues or re-set the Pretrial Conference with any appropriate directions or orders regarding the completion of such matters as will make the case ready for trial.

If a settlement is reached, the assigned judge will enter a corresponding order, or the agreement will be placed on the record by the parties that day before the assigned judge. Counsel will be instructed, if necessary, to file an order or line of dismissal and pay any open costs within a specified time period.

Counsel who are designated to prepare any such final order must comply within the time frame established by the judge. Disagreements among counsel regarding the language of the order should be brought to the attention of the Court. Counsel for the parties, all representatives with full settlement authority, and all parties may be required to appear in court on a date to be determined solely in the discretion of the Court to explain the failure to timely file the appropriate order. Counsel should attempt to resolve disagreements concerning the language of the order by any means, including an examination of the record of the proceedings.

### **Pretrial Order**

In every case that is not settled at the Pretrial Conference, the Court shall enter an order that recites in detail the decisions made at the Pretrial Conference. The order controls the subsequent course of the action but may be modified by the Court to prevent manifest injustice. If the case has not been resolved by way of settlement or an agreement to have the issues submitted to some form of ADR, and the case is ready for trial, the assigned judge shall confirm the trial date set on the Scheduling Order and enter it into the order. In completing the Civil Pretrial Order, the assigned judge shall specify the anticipated length of trial, number of witnesses, number of experts and number of jurors required, if appropriate. For jury trials, the court shall determine the size of the jury panel required as well as any issues regarding the number of strikes each party will be entitled to exercise. The Civil Pretrial Order shall set the deadline for filing and exchanging any voir dire, instructions and verdict sheets.

## **Trial**

Trials, and all court events, are set on a date certain by scheduling order when the answer is filed. At trial, both parties should be prepared to present any witnesses, evidence, or exhibits to prove or defend against a claim. If the trial date is postponed for good cause, a new trial date will be rescheduled within 15 days on the calendar of the assigned trial judge. The procedures for seeking a postponement are found on page 7 of this Plan.

The trial judge will preside over the trial and any subsequent re-scheduled trial dates. A substitute trial judge may be designated for the following reasons: a) illness or other unforeseen absence on the trial date; b) backup where the trial judge is continuing an ongoing trial; or c) by designation of the CAJ.

## **All Civil Cases (Post-Trial)**

### **Judgment**

The judgment is entered by the Coordinator following a trial, usually the same day. The order of the court is signed on the same form as the original complaint or affidavit judgment. The date of the judgment is the date the Clerk's office enters the judgment on the electronic case management system docket (Md. Rule 2-601). Types of judgments included: judgment, consent judgment, and confessed judgment. Please see the definitions of these judgment types in the Appendix.

### **Post-Judgment**

The parties have post-trial rights as set forth in the Maryland Rules.

### **Enforcement**

The parties should consult the Maryland Rules and any applicable statutes for any enforcement mechanisms.