

Civil Differentiated Case Management Plan

July 1, 2018 (Revised)



Circuit Court for Worcester County, Maryland

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Civil Differentiated Case Management Plan

This Civil 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 action in the Circuit Court.

Statement of Purpose

From the commencement of litigation to its resolution, whether by trial or settlement, any elapsed time other than reasonably required for pleadings, discovery, and Court events, is unacceptable and should be eliminated. To enable just and efficient resolution of cases, the Court, not the lawyers or litigants, should control the pace of litigation. A strong judicial commitment is essential to reducing delay and once achieved, maintaining a current docket. (Standard 250, ABA Standards Relating to Court Delay Reduction)

It is the purpose of this DCM Plan to provide an effective case management system which will assure:

1. Equal treatment of all litigants by the Court;
2. Timely disposition consistent with the circumstances of the individual case;
3. Enhancement of the quality of the litigation process; and
4. Public confidence in the Court as an institution.

Consistent with the case time standards adopted by the Judicial Council, Constitutional requirements, and applicable Maryland Rules, it is the goal of this Plan to ensure that all civil cases, jury and non-jury, be concluded within 18 months (548 days) of the filing date.

The DCM plan for civil case types does not include family or domestic relations case types. Family Services of the Circuit Court has a separate DCM plan. 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 (Courts and Judicial Proceedings § 4-402). If a jury trial is requested, the case

must be heard in Circuit Court. A jury trial may be requested at any stage of the process, up to the trial and judgment.

Case Management

The assigned judge shall have and exercise authority over such civil case issues and matters as designated by the administrative judge; and shall monitor the implementation and effectiveness of the Civil DCM Plan. Assigned cases should be managed to the extent possible consistent with the provisions of this Plan, including adherence to the case time standards.

Case Types Summary

A civil case may follow four potential tracks to resolution. Tracks are defined at filing based on the case subtype, or by a judge upon review. Tracks define expected case processing events, the timing of events, assignment, and the expectations for case duration. The caseflow time standard for Circuit Court civil cases is 18 months [548 days] for 98% of dispositions, but expected case duration is based on time needed to reach resolution, which may be less than the time standard. Counter or cross claimants do not have the right to challenge a track designation, if their case is consolidated with the original case.

Table 1.1 – Civil Tracks Casetypes and Outcomes

<i>Track</i>	<i>Case Subtypes</i>	<i>Expected Case Duration and Notes</i>
Track 1 Civil Expedited Cases	<ol style="list-style-type: none"> 1. Confessed Judgments 2. Administrative Agency Appeals 3. Mechanic’s Liens 4. Tax Sales 5. Certiorari 6. Contempt 7. Habeas corpus 8. Name change 9. Maryland Automobile Insurance Fund <hr/> <ol style="list-style-type: none"> 10. Attachment Before Judgment 11. Declaratory Judgment (no discovery) 12. District Court Appeals De Novo 13. District Court Jury Trial Prayers 14. Injunctions 15. Mandamus 16. Orphan’s Court Appeal 	<p>Answer + 90 days = 120 days</p> <p>Tort = personal injury, property damage, and negligence</p> <p>Contract = breach of contract, due on promissory note, and others</p> <p>Casetypes 1-9 do not require a case information sheet to be filed with the complaint or the answer.</p>

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	17. Restraining Orders 18. Tort (no discovery) 19. Contract (no discovery) 20. Forfeiture (money or vehicle)	Casetypes 10-20 require a case information sheet to be filed with the complaint and answer.
Track 2 Civil Standard Cases	1. Condemnation 2. Contract (discovery) 3. Fraud and Misrepresentation 4. Intentional Tort (discovery) 5. Motor Tort (discovery) 6. Other Tort (discovery) 7. Personal Injury (discovery) 8. Worker's Compensation 9. Business and Technology (expedited) 10. Science and Technology ASTAR (expedited) 11. Other Civil Cases (discovery)	Answer + 210 days = 240 days
Track 3 Civil Complex Cases	1. Medical Malpractice 2. Legal Malpractice 3. Mass Tort 4. Lead Paint 5. Business and Technology (complex) 6. Science and Technology ASTAR (standard) 7. Contract (major construction) 8. Major Product Liability 9. Toxic Tort Claims (designated) 10. Class Actions Suits or other Complex Cases	480 days
Track 4 Foreclosure Cases	Foreclosure cases	730 days

Case Events

Case Initiation

The following steps are required to file a civil case:

(a) **File a complaint**, attaching a completed [Case Information Form or required E-Filing in the case of an Attorney](#).

(b) **Pay the filing fee**-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](#) ;and/or

- ✓ 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 clerk will issue a summons to officially notify the defendant that a suit has been filed (Md. Rule 2-112). The summons has a 60-day time limit to serve the defendant. After the time limit has expired, the summons is no longer valid, unless renewed by request of the plaintiff. The following documents must be delivered to the defendant: original complaint, summons, and Case Information Form. There are three legal 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 of Process](#) 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 for the defendant to file an Answer, the plaintiff may not be able to present their case on the 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 motion to vacate or defer the Order of Dismissal, or the case will be dismissed without prejudice. Forty-five days after the Clerk's notice is sent out, the Clerk's Office reviews the case, and it is presented to a judge who signs an Order dismissing the case. An event entry is made that the case is dismissed for lack of jurisdiction. A copy of the Order is mailed to all parties.

Answer

The defendant must file an Answer, within 30 days for in-state, 60 days for out-of-state and 90 days for out-of-country after they have received a summons, for most Circuit Court civil case subtypes.

Lack of Prosecution. Following service, the Court actively dismisses cases for lack of prosecution after one year. Following service, if an answer has not been filed or, your answer has been filed but no other action has been taken on the case after one year, the Clerk's Office sends a Notice of Contemplated Dismissal 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. Forty-five days after the Clerk's notice is sent out, if no motion or pleading is filed, the Clerk's Office reviews and dismisses the case. An event entry is made that the case is dismissed without prejudice for lack of prosecution.

Assignment

A judge will be assigned to the case for the trial at the filing of the Answer. The trial judge will be the designated judge for the motions hearings. The trial judge will not be the designated facilitator for a settlement conference.

Alternative Dispute Resolution

Forms of alternative dispute resolution (ADR) are informal, formal, and court-sponsored or self-initiated. In accordance with Title 17 of the Maryland Rules of Procedure, the Court has adopted an Alternative Dispute Resolution Plan (ADR) which is incorporated herein as part of this Civil DCM Plan. It is the goal of this Plan that every case be considered for ADR and that ADR occur as early in the process as possible.

Pretrial Settlement Conference

A Pretrial Settlement Conference shall be conducted in accordance with Md. Rule 2-504.2, on Tracks 2 and 3 cases and on Track 1 District Court appeals. 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. The settlement Judge will not be the same judge as the trial judge, unless requested by both parties.

Trial

Trials, and all court proceedings, are set on a date certain by Scheduling Order when the answer is filed. The Worcester County Circuit Court will permit only one postponement of the trial date for possible settlement. At trial, both parties should be prepared to present witnesses, evidence or exhibits to prove or defend a claim. If the trial date is postponed for good cause, a new trial date will be rescheduled within 30 days on the calendar of the originally assigned trial judge.

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;
- c) By designation of the administrative judge; or
- d) Earlier availability of another court room.

Judgment

The judgment is entered by the Clerk's Office following a trial, usually the same day. Types of judgments include: judgment, consent judgment, confessed judgment, and summary judgment.

Post-Judgment

The parties have 10 days to file a motion to alter or amend a judgment (Md. Rule 2-534); and 30 days to file an appeal. On appeal, a Circuit Court case will be reviewed in the Court of Special Appeals.

Enforcement

After the Court issues a judgment and it is entered into the record by the Clerk's Office, both parties will receive a copy of the judgment by mail. The Court will not collect the money owed to the prevailing party. To begin an enforcement action, the prevailing party will have to complete and file more forms with the Court, pay the required filing fees and appear in court for additional hearings

Policies and Other Procedures

The administrative judge shall designate judges of this bench to handle the responsibility for various matters required for the efficient management of this Plan.

Postponements

Except as provided below, requests for the postponement of any civil proceeding shall be made by motion pursuant to Md. Rules 2-508 and 2-311. These requests will be considered, in accordance with the provisions of this Plan. The First Judicial Circuit has a complete Postponement Policy Listed on the Court's website.

Status Conference Postponements

Requests for postponement of a Status Conference will be reasonably granted, and an effort made to reset the matter within 30 days of the original conference date. Counsel or parties wishing to reset a Status Conference should contact the assignment office.

Interpreters

If any party becomes aware of the need for an interpreter for any party or witness, the party shall promptly notify the Court through the Clerk's Office by using the Request for Interpreter Form, at least 30 days prior to the court date. 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. The interpreter will submit an invoice for approval. Once approved, the assignment office is responsible for submitting the invoice to the Administrative Office of the Courts.

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.

Remote Hearings

Pursuant to the Maryland Court Rules, Title 21, Remote Electronic Participation in Judicial Proceedings, remote hearings are conducted at the discretion of the presiding judge. Requests for remote hearings must be submitted in writing.