

IN THE SIXTH DISTRICT COURT OF MARYLAND FOR MONTGOMERY COUNTY

Administrative Order
(Protocol for scheduling long criminal/traffic trials)

Whereas new docketing structures have been devised to ensure compliance with safety and distance requirements imposed by the Court of Appeals' June 3, 2020 order on reopening and by Federal, State, and local public health conditions, and

Whereas, because court sessions are scheduled in hourly increments, lengthy criminal and traffic trials may not be reached in the normal course of a routinely scheduled docket absent the ability of a backup courtroom to assist or absent other scheduled matters being handled briefly/summarily within a docket session, and

Whereas, the ability of a backup courtroom is contingent not only on the availability of a judge, court staff, and any language interpreter, but on the reasonable ability of the State's Attorney's office to competently staff a backup courtroom, and

Whereas, pursuant to Maryland Courts and Judicial Proceedings Code, Ann. Section 1-607 the District administrative judge is statutorily responsible for the administration, operation, and maintenance of the District Court and for the conduct of the District Court's business in the District,


It is, this 4th day of September 2020 **ORDERED** that the following protocol shall be followed for scheduling of lengthy criminal trials:

1. The restructured dockets identify 3 days weekly for trials requiring greater than 60 minutes:
 - i. Monday/Silver Spring/Hearing Room 303 at 10, 11, 1:30, 2:30
 - ii. Thursday/Silver Spring/Hearing Room 303 at 10, 11, 1:30, 2:30
 - iii. Friday/Rockville/Courtroom 414 at 10, 11; 1:30, 2:30

2. To establish a pre-trial process for scheduling lengthy criminal/traffic matters the following process should be used:
 - i. When parties can confirm in advance that a specific case is a certain trial that will require over 60 minutes, the State's Attorney and/or defense counsel shall file with the clerk's office a Motion to Specially Assign Trial Date.
 - ii. Where practicable, it is preferred that said motion be filed jointly. Where there is not agreement, said motion may be filed by either party, with service to the other in accordance with Maryland Rule 1-321.
 - iii. The motion should be filed no later than seven days before the first trial date to permit counsel reasonable time to notify witnesses, as appropriate.
 - iv. Parties must confirm that the motion is based on their professional ethical representation/s that all reasonable plea negotiations have been exhausted, that the case is a confirmed trial, and that the trial requires the dedication of the specific block of court trial time requested.
 - v. The motion shall contain the following information:
 - a. That all parties have fully complied with Maryland Rule 4-262;
 - b. A list of all anticipated witnesses except those not required by Rule 4-262 to be disclosed;

- c. List of all exhibits (excluding impeachment and rebuttal exhibits) prenumbered for identification;
 - d. List of any case law upon which either party may rely;
 - e. The need for any language/communication interpreters
 - f. The need for any reasonable accommodations because of disability;
 - g. An accurate estimate of total trial time, including cross examination;
3. The Administrative Judge or designee will rule on the motion.
 4. Once granted, and to the extent practicable, trial dates will be coordinated with counsel, through the Judges' Chambers and the Criminal/Traffic office.
 5. An Order and notice of trial date will be mailed to counsel confirming the date/time/location for the trial, the assigned time period for the trial, and the ongoing requirement to comply with section 2.v of this Administrative Order.
 6. Once the trial date is set, the case will not be continued absent bona fide emergency or extraordinary circumstances and then only upon motion to the Administrative Judge/designee.

The ability of the court to reliably schedule lengthy trials is contingent on the candor, preparation, and cooperation of all counsel as by the Court of Appeals June 3, 2020 *Amended Administrative Order On The Progressive Resumption Of Full Function Of Judiciary Operations Previously Restricted Due To The COVID-19 Emergency* and upon full compliance with Maryland Attorneys' Rules of Professional Conduct and particularly Rule 19-303.3. Candor Toward the Tribunal, Rule 19-303.4. Fairness to Opposing Party and Attorney.


Patricia Mitchell, Administrative Judge