

# Petition for a Writ of Mandamus

File a Petition for a Writ of Mandamus when you want the circuit court to order a state or local government agency to take an action. There are two types of mandamus court actions: conventional mandamus and administrative mandamus. The person seeking the Writ of Mandamus must have exhausted any legal options for review of the government agency action before filing a Petition for a Writ of Mandamus.

## Types of Mandamus Actions

- A **Conventional Petition for a Writ of Mandamus** asks the court to order a public official or government entity to do something they are required to do as part of their job (a ministerial task). The task cannot be discretionary.
- An **Administrative Petition for a Writ of Mandamus** asks the court to review an administrative agency's decision when there is no other process for review of that decision. Most administrative agency decisions provide for some type of appeal. Do not file to request a mandamus if there is another way to appeal the agency decision.

## Watch the Video



## Step One: Is Mandamus Right for You?

- Find out if there are other legal avenues available to you before filing an action for mandamus.
- Consider if your case is a conventional or administrative mandamus.
- If your case is a conventional mandamus action, determine if the action is required (ministerial) or discretionary.
- If there are no other legal avenues available to you for review of the administrative decision and the action, if a conventional mandamus, was ministerial, consider filing a Petition for Writ of Mandamus. You may want to consult a lawyer first. You can speak to a lawyer for free at the [Maryland Court Help Center](https://www.mdcourts.gov/helpcenter) at 410-260-1392, or [mdcourts.gov/helpcenter](https://www.mdcourts.gov/helpcenter).

## Step Two: Filing the Petition

- File the Petition for a Writ of Mandamus at the circuit court. There is no form for filing a Petition for Writ of Mandamus.
- You may want to visit a [law library](#) to locate a sample of a Petition for a Writ of Mandamus. More information on the law libraries of Maryland can be found at [mdcourts.gov/ccll](https://www.mdcourts.gov/ccll).
- Maryland Rules of Procedure [7-401 to 7-403](#) and [15-701](#) control the procedure for filing a Petition for a Writ of Mandamus. An action for mandamus proceeds much like other civil cases, and other circuit court Rules of Procedure may apply.

## Step Three: Preparing for and Presenting Evidence at Trial

- The court will hold a trial in front of a judge. The rules of evidence will apply at trial. You are responsible for presenting the evidence necessary to prove your case.
- The rules of discovery apply to an action for a Writ of Mandamus. Discovery can help you prepare for trial.
- You may request a jury trial.



# Maryland Court Help

Free. Online. In Person. By Phone.

- If the judge agrees with you after trial, the court may issue a Writ of Mandamus directing the government agency to act or ordering a change in the agency's prior decision.