

IN THE SUPREME COURT OF MARYLAND

R U L E S O R D E R

This Court's Standing Committee on Rules of Practice and Procedure having submitted its Two Hundred and Fifteenth Report to the Supreme Court of Maryland, recommending amendments to Rules 1-101.1, 1-105, 1-325.1, 1-332, 1-333, 2-124, 2-551, 2-623, 2-703, 3-124, 3-632, 3-731, 4-271, 4-333, 4-408, 4-502, 5-201, 6-464, 7-111, 7-509, 8-101, 8-102, 8-111, 8-112, 8-131, 8-201, 8-204, 8-301, 8-302, 8-304, 8-305, 8-402, 8-421, 8-425, 8-432, 8-502, 8-503, 8-504, 8-511, 8-521, 8-522, 8-523, 8-605.1, 8-606, 8-608, 8-611, 9-205.2, 12-211, 15-205, 15-312, 15-1103, 15-1104, 16-101, 16-102, 16-103, 16-104, 16-105, 16-106, 16-107, 16-108, 16-109, 16-110, 16-111, 16-201, 16-203, 16-204, 16-205, 16-207, 16-208, 16-307, 16-308, 16-401, 16-402, 16-403, 16-404, 16-505, 16-601, 16-605, 16-701, 16-702, 16-801, 16-802, 16-803, 16-804, 16-806, 16-902, 16-903, 16-911, 16-913, 16-917, 16-918, 16-931, 16-932, 16-1001, 16-1002, 16-1003, 17-101, 17-205, 17-206, 17-208, 17-304, 17-401, 17-405, 17-406, 17-603, 18-100.1, 18-100.2, 18-103.15, 18-104.1, 18-203.15, 18-302, 18-303, 18-306, 18-307, 18-402, 18-407, 18-408, 18-409.1, 18-411, 18-412, 18-422, 18-428, 18-435, 18-436, 18-437, 18-438, 18-441, 18-442, 18-501, 18-601, 18-602, 18-603, 18-604, 19-101, 19-105, 19-208, 19-212, 19-214, 19-218, 19-219, 19-222, 19-300.1, 19-308.1, 19-308.5, 19-402, 19-409, 19-411, 19-501, 19-502, 19-503, 19-603,

19-604, 19-605, 19-606, 19-607, 19-608, 19-610, 19-611, 19-701, 19-702, 19-703, 19-704, 19-705, 19-706, 19-707, 19-709, 19-712, 19-717.1, 19-721, 19-722, 19-723, 19-724, 19-725, 19-727, 19-728, 19-731, 19-732, 19-733, 19-735, 19-736, 19-737, 19-738, 19-739, 19-740, 19-741, 19-742, 19-743, 19-751, 19-752, 19-761, 19-801, 20-101, 20-102, 20-103, 20-104, 20-109, 20-201, 20-402, 20-502, and 20-503 of the Maryland Rules of Procedure, all as posted for comment on the website of the Maryland Judiciary; and

This Court having considered the proposed Rules changes, together with comments received, at an open meeting, notice of which was posted as prescribed by law, making on its own motion certain amendments to the proposed Rules changes, and finding that exigent circumstances exist with reference to the effective date of the proposed Rules changes, it is this 21st day of April, 2023, *nunc pro tunc* to April 1, 2023,

ORDERED, by the Supreme Court of Maryland, that amendments to Rules 1-101.1, 1-105, 1-325.1, 1-332, 1-333, 2-124, 2-551, 2-623, 2-703, 3-124, 3-632, 3-731, 4-271, 4-333, 4-408, 4-502, 5-201, 6-464, 7-111, 7-509, 8-101, 8-102, 8-111, 8-112, 8-131, 8-201, 8-204, 8-301, 8-302, 8-304, 8-305, 8-402, 8-421, 8-425, 8-432, 8-502, 8-503, 8-504, 8-511, 8-521, 8-522, 8-523, 8-605.1, 8-606, 8-608, 8-611, 9-205.2, 12-211, 15-205, 15-312, 15-1103, 15-1104, 16-101, 16-102, 16-103, 16-104, 16-105, 16-106, 16-107,

16-108, 16-109, 16-110, 16-111, 16-201, 16-203, 16-204, 16-205, 16-207, 16-208, 16-307, 16-308, 16-401, 16-402, 16-403, 16-404, 16-505, 16-601, 16-605, 16-701, 16-702, 16-801, 16-802, 16-803, 16-804, 16-806, 16-902, 16-903, 16-911, 16-913, 16-917, 16-918, 16-931, 16-932, 16-1001, 16-1002, 16-1003, 17-101, 17-205, 17-206, 17-208, 17-304, 17-401, 17-405, 17-406, 17-603, 18-100.1, 18-100.2, 18-103.15, 18-104.1, 18-203.15, 18-302, 18-303, 18-306, 18-307, 18-402, 18-407, 18-408, 18-409.1, 18-411, 18-412, 18-422, 18-428, 18-435, 18-436, 18-437, 18-438, 18-441, 18-442, 18-501, 18-601, 18-602, 18-603, 18-604, 19-101, 19-105, 19-208, 19-212, 19-214, 19-218, 19-219, 19-222, 19-300.1, 19-308.1, 19-308.5, 19-402, 19-409, 19-411, 19-501, 19-502, 19-503, 19-603, 19-604, 19-605, 19-606, 19-607, 19-608, 19-610, 19-611, 19-701, 19-702, 19-703, 19-704, 19-705, 19-706, 19-707, 19-709, 19-712, 19-717.1, 19-721, 19-722, 19-723, 19-724, 19-725, 19-727, 19-728, 19-731, 19-732, 19-733, 19-735, 19-736, 19-737, 19-738, 19-739, 19-740, 19-741, 19-742, 19-743, 19-751, 19-752, 19-761, 19-801, 20-101, 20-102, 20-103, 20-104, 20-109, 20-201, 20-402, 20-502, and 20-503 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that the Rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after April 1, 2023,

and, insofar as practicable, to all actions then pending; and it is further

ORDERED that a copy of this Order be posted promptly on the website of the Maryland Judiciary.

/S/ Matthew J. Fader
Matthew J. Fader

/S/ Shirley M. Watts
Shirley M. Watts

/S/ Michele D. Hotten
Michele D. Hotten

/S/ Brynja M. Booth
Brynja M. Booth

/S/ Jonathan Biran
Jonathan Biran

/S/ Steven B. Gould
Steven B. Gould

/S/ Angela M. Eaves
Angela M. Eaves

Filed: April 21, 2023

/S/ Gregory Hilton
Clerk
Supreme Court of Maryland

Pursuant to the Maryland Uniform Electronic Legal Materials Act (§§ 10-1601 et seq. of the State Government Article) this document is authentic.



Gregory Hilton, Clerk

MARYLAND RULES

TITLE 1 - GENERAL PROVISIONS

CHAPTER 100 - APPLICABILITY AND CITATION

AMEND Rule 1-101.1 by deleting the last sentence of the Committee note following section (b), as follows:

Rule 1-101.1. NAMES OF APPELLATE COURTS; RULES OF CONSTRUCTION

(a) Generally

From and after December 14, 2022, any reference in these Rules or, in any proceedings before any court of the Maryland Judiciary, any reference in any statute, ordinance, or regulation applicable in Maryland to the Court of Appeals of Maryland shall be deemed to refer to the Supreme Court of Maryland, and any reference to the Court of Special Appeals of Maryland shall be deemed to refer to the Appellate Court of Maryland. Unless otherwise specified, any reference in these Rules to the Supreme Court shall be deemed to refer to the Supreme Court of Maryland, and any reference in these Rules to the Appellate Court shall be deemed to refer to the Appellate Court of Maryland.

(b) Terminology - Appellate Court

In these Rules, wherever the term appellate court appears with initial capital letters ("Appellate Court"), the term means

the Appellate Court of Maryland. Wherever the term appellate court appears with lower case initial letters ("appellate court"), the term, as applicable under the circumstances, may refer to any court that is exercising appellate jurisdiction.

Committee note: By 2021 Maryland Laws, Chapters 82 and 83, the General Assembly proposed amendments to the Maryland Constitution to change the name of the Court of Appeals of Maryland to the Supreme Court of Maryland and to change the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. On December 14, 2022, the Governor certified that those amendments were adopted by the voters in the 2022 general election and took effect as of the date of his certification. ~~There are hundreds of references to the former names of those courts throughout the Maryland Rules, and the process of updating those references to conform to this Rule is underway.~~

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 1 - GENERAL PROVISIONS

CHAPTER 100 - APPLICABILITY AND CITATION

AMEND Rule 1-105 by replacing "Court of Appeals and the Court of Special Appeals" with "Supreme Court, the Appellate Court, or either of those Courts under their former names" in section (a) and the Committee note following section (a); by replacing "Court of Appeals" with "Supreme Court" in the Committee note following section (a), section (b), the Committee note following section (b), and subsections (c) (1), (c) (2) (A), (c) (2) (B), and (c) (3) (B); by replacing "Court of Special Appeals" with "Appellate Court" in the cross reference following section (a) and in subsections (c) (1), (c) (2) (A), and (c) (2) (B); by correcting a cross reference; and by making stylistic changes, as follows:

Rule 1-105. OFFICIAL RECORD OF MARYLAND RULES AND APPELLATE DECISIONS

(a) Applicability; Definitions

This Rule applies to decisions of the ~~Court of Appeals and the Court of Special Appeals~~ Supreme Court, the Appellate Court, or either of those Courts under their former names and to the Maryland Rules of Procedure. In this Rule, (1) "decision"

means an opinion or order of the ~~Court of Appeals or Court of Special Appeals~~ Supreme Court, the Appellate Court, or either of those Courts under their former names, (2) "MDEC action" has the meaning stated in Rule 20-101, and (3) the definitions in Code, State Government Article, § 10-1601 shall apply.

Committee note: Code, State Government Article, §§ 10-1601 through 10-1611 deal with "legal material," which includes the Maryland Rules and reported decisions of the ~~Court of Appeals and Court of Special Appeals~~ Supreme Court, the Appellate Court, or either of those Courts under their former names. The word "decision" is not defined in the statute. In relevant part, the statute declares the ~~Court of Appeals~~ Supreme Court to be the official publisher of the Maryland Rules and reported decisions of the two appellate courts. As such, the statute requires the court to determine whether the official record of those documents is to be the electronic version or the paper version of that legal material, and, if it determines the electronic version to be the official record, to assure the authenticity, preservation, and security of the documents. Because there should be no difference between what constitutes the official record of reported and unreported decisions, this Rule applies to both.

Cross reference: See Rule 8-605.1, concerning designation for reporting of opinions of the ~~Court of Special Appeals~~ Appellate Court.

(b) Maryland Rules

The official record of the Maryland Rules is the paper record maintained by the Clerk of the ~~Court of Appeals~~ Supreme Court pursuant to Rule 16-802. The paper or electronic version of a Rule posted on the Judiciary website or contained in a published codification of the Maryland Rules approved by the ~~Court of Appeals~~ Supreme Court may be cited in accordance with Rule 1-103 as evidence of the text of the Rule.

Committee note: The Maryland Rules of Procedure maintained by the Clerk of the ~~Court of Appeals~~ Supreme Court consists of multiple bound volumes of the Rules Orders issued by the Court, together with the text of the Rules adopted in those Orders. They constitute the most authoritative version of the Rules, as adopted in those Orders. Those volumes do not constitute a code of the Rules, however, but are comparable to the Session Laws enacted by the General Assembly, and, where Rules have been amended or repealed, may not constitute a practical source for determining the current or former version of any particular Rule. That is why the text of a Rule as it appears on the Judiciary website or in published codified form approved by the ~~Court of Appeals,~~ Supreme Court may be cited as evidence of the Rule. In the event of any dispute regarding the accuracy of the online or codified version, the text of the Rule as it appears in the relevant Rules Order(s) will prevail. Compare Code, Courts Article, § 10-201.

(c) Decisions

(1) In a Non-MDEC Action

The official record of a decision of the ~~Court of Appeals~~ Supreme Court or the ~~Court of Special Appeals~~ Appellate Court in a non-MDEC action is the paper slip opinion or order filed with the Clerk of that Court. The decision may be cited as provided in subsection (c) (3) of this Rule.

(2) In an MDEC Action

(A) The official record of a decision of the ~~Court of Appeals~~ Supreme Court or the ~~Court of Special Appeals~~ Appellate Court in an MDEC action shall be the electronic record of the decision filed in the MDEC system.

(B) Notwithstanding the provisions of Rule 20-301, prior to July 1, 2018, the official record of a decision of the ~~Court of Appeals~~ Supreme Court or the ~~Court of Special Appeals~~

Appellate Court shall be the paper slip opinion or order filed with the Clerk of that Court. Regardless of whether the official record of a decision in an MDEC action is in electronic or paper form, the decision may be cited as provided in subsection (c) (3) of this Rule.

Cross reference: For the definition of "MDEC action," see Rule ~~20-201~~ 20-101.

(3) Citation of Decisions

(A) A decision as reported in the Maryland Reports or the Maryland Appellate Reports may be cited as evidence of the text of the decision. The citation shall state the name of the case, the year of the decision, and the volume and page number of the Maryland Reports or Maryland Appellate Reports in which the decision appears.

(B) Subject to Rule 1-104, a decision that is published in any other commercial or governmental publication approved by the ~~Court of Appeals~~ Supreme Court may be cited as evidence of the text of the decision, provided that, if the decision also has been reported in the Maryland Reports or Maryland Appellate Reports, the citation also shall contain the volume and page number of the Maryland Reports or Maryland Appellate Reports in which it appears.

(C) Subject to Rule 1-104, if a decision is not, or has not yet been, reported in the Maryland Reports or the Maryland

Appellate Reports, the decision may be cited as it appears on the Judiciary website.

Cross reference: See Md. Constitution, Art. IV, § 16 and Code, Courts Article, §§ 13-201 through 13-204 regarding the reporting of appellate decisions.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 300 - GENERAL PROVISIONS

AMEND Rule 1-325.1 by replacing "Court of Appeals" with "Supreme Court" in section (a) and subsections (b) (1), (c) (1) (B), and (c) (2) (C); by replacing "Court of Special Appeals" with "Appellate Court" in section (a) and subsection (b) (1); and by making stylistic changes, as follows:

Rule 1-325.1. WAIVER OF PREPAID APPELLATE COSTS IN CIVIL ACTIONS

(a) Scope

This Rule applies (1) to an appeal from an order or judgment of the District Court or an orphans' court to a circuit court in a civil action, and (2) to an appeal as defined in subsection (b) (1) of this Rule seeking review in the ~~Court of Appeals~~ Supreme Court or the ~~Court of Special Appeals~~ Appellate Court of an order or judgment of a lower court in a civil action.

(b) Definitions

In this Rule, the following definitions apply:

(1) Appeal

"Appeal" means an appeal, an application for leave to appeal to the ~~Court of Special Appeals~~ Appellate Court, and a

petition for certiorari or other extraordinary relief filed in the ~~Court of Appeals~~ Supreme Court.

(2) Clerk

"Clerk" includes a Register of Wills.

(3) Prepaid Costs

"Prepaid costs" means (A) the fee charged by the clerk of the lower court for assembling the record, (B) the cost of preparation of a transcript in the District Court, if a transcript is necessary to the appeal, and (C) the filing fee charged by the clerk of the appellate court.

Cross reference: See the schedule of appellate court fees following Code, Courts Article, § 7-102 and the schedule of circuit court fees following Code, Courts Article, § 7-202.

(c) Waiver

(1) Generally

Waiver of prepaid costs under this Rule shall be governed generally by section (d) or (e) of Rule 1-325, as applicable, except that:

(A) the request for waiver of both the lower and appellate prepaid costs shall be filed in the lower court with the notice of appeal;

(B) a request to waive prepayment of the fee for filing a petition for certiorari or other extraordinary relief in the ~~Court of Appeals~~ Supreme Court shall be filed in, and determined by, that Court;

(C) waiver of the fee charged for assembling the record shall be determined in the lower court;

(D) waiver of the appellate court filing fee shall be determined by the appellate court, but the appellate court may rely on a waiver of the fee for assembling the record ordered by the lower court;

(E) both fees shall be waived if (i) the appellant received a waiver of prepaid costs under ~~section (d)~~ of Rule 1-325 (d) and will be represented in the appeal by an eligible attorney under that section, (ii) the attorney certifies that the appellant remains eligible for representation in accordance with Rule 1-325 (d), and (iii) except for an attorney employed or appointed by the Office of the Public Defender in a civil action in which that Office is required by statute to represent the party, the attorney further certifies that to the best of the attorney's knowledge, information, and belief there is good ground to support the appeal and it is not interposed for any improper purpose or delay; and

(F) if the appellant received a waiver of prepaid costs under ~~section (e)~~ of Rule 1-325 (e), the lower court and appellate court may rely on a supplemental affidavit of the appellant attesting that the information supplied in the affidavit provided under Rule 1-325 (e) remains accurate and

that there has been no material change in the appellant's financial condition or circumstances.

(2) Procedure

(A) If an appellant requests the waiver of the prepaid costs in both the lower and appellate courts, the lower court, within five days after the filing of the request, shall act on the request for waiver of its prepaid cost and transmit to the appellate court the request for waiver of the appellate court prepaid cost, together with a copy of the request and order regarding the waiver of the lower court prepaid cost.

(B) The appellate court shall act on the request for the waiver of its prepaid cost within five business days after receipt of the request from the lower court.

(C) If either court denies, in whole or in part, a request for the waiver of its prepaid cost, it shall permit the appellant, within 10 days, to pay the unwaived prepaid cost. If, within that time, the appellant pays the full amount of the unwaived prepaid cost, the appeal shall be deemed to have been filed on the day the request for waiver was filed in the lower court or, as to a petition for certiorari or other extraordinary relief, in the ~~Court of Appeals~~ Supreme Court. If the unwaived prepaid costs are not paid in full within the time allowed, the court shall enter an order dismissing the appeal.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 300 - GENERAL PROVISIONS

AMEND Rule 1-332 by replacing "Court of Appeals" with
"Supreme Court" in subsection (b)(1), as follows:

Rule 1-332. ACCOMMODATION UNDER THE AMERICANS WITH DISABILITIES
ACT

. . .

(b) Accommodation Under the ADA

(1) Notification of Need for Accommodation

A person requesting an accommodation under the ADA, for
an attorney, a party, a witness, a victim, a juror, or a
prospective juror shall notify the court promptly. To the
extent practicable, a request for an accommodation shall be (1)
presented on a form approved by administrative order of the
~~Court of Appeals~~ Supreme Court and available from the clerk of
the court and on the Judiciary website and (2) submitted not
less than 30 days before the proceeding for which the
accommodation is requested.

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MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 300 - GENERAL PROVISIONS

AMEND Rule 1-333 by replacing "Chief Judge of the Court of Appeals" with "Chief Justice of the Supreme Court" in subsection (a) (5), as follows:

Rule 1-333. COURT INTERPRETERS

(a) Definitions

In this Rule, the following definitions apply except as otherwise expressly provided or as necessary implication requires:

. . .

(5) Proceeding

"Proceeding" means (A) any trial, hearing, argument on appeal, or other matter held in open court in an action, and (B) an event not conducted in open court that is in connection with an action and is in a category of events for which the court is required by Administrative Order of the ~~Chief Judge of the Court of Appeals~~ Chief Justice of the Supreme Court to provide an interpreter for an individual who needs an interpreter.

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MARYLAND RULES OF PROCEDURE

TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT

CHAPTER 100 - COMMENCEMENT OF ACTION AND PROCESS

AMEND Rule 2-124 by replacing "Court of Appeals" with "Supreme Court" in sections (j) and (k), as follows:

Rule 2-124. PROCESS—PERSONS TO BE SERVED

. . .

(j) State of Maryland

Service is made upon the State of Maryland by serving the Attorney General or an individual designated by the Attorney General in a writing filed with the Clerk of the ~~Court of Appeals~~ Supreme Court. In any action attacking the validity of an order of an officer or agency of this State not made a party, the officer or agency shall also be served.

(k) Officer or Agency of the State of Maryland

Service is made on an officer or agency of the State of Maryland by serving (1) the resident agent designated by the officer or agency, or (2) the Attorney General or an individual designated by the Attorney General in a writing filed with the Clerk of the ~~Court of Appeals~~ Supreme Court. If service is made on the Attorney General or a designee of the Attorney General and the officer or agency is not ordinarily represented by the

Attorney General, the Attorney General or designee promptly shall forward the process and papers to the appropriate officer or agency.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT

CHAPTER 500 - TRIAL

AMEND Rule 2-551 by replacing "Court of Special Appeals"
with "Appellate Court" in section (h), as follows:

Rule 2-551. IN BANC REVIEW

. . .

(h) Further Review

Any party who seeks and obtains review under this Rule
has no further right of appeal. The decision of the panel does
not preclude an appeal to the ~~Court of Special Appeals~~ Appellate
Court by an opposing party who is otherwise entitled to appeal.

Source: This Rule is new, is consistent with Md. Const., Art.
IV, § 22, and replaces former Rule 510.

MARYLAND RULES OF PROCEDURE

TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT

CHAPTER 600 - JUDGMENT

AMEND Rule 2-623 by replacing "Court of Appeals" with "Supreme Court" and "Court of Special Appeals" with "Appellate Court" in subsection (a) (1), as follows:

Rule 2-623. RECORDING OF A JUDGMENT OF ANOTHER COURT AND DISTRICT COURT NOTICE OF LIEN

(a) Judgment of Another Court

(1) Generally

Subject to subsection (a) (2) of this Rule, upon receiving a copy of a judgment of another court, certified or authenticated in accordance with these Rules or statutes of this State, or of the United States, the clerk shall record and index the judgment if it was entered by (A) the ~~Court of Appeals~~ Supreme Court, (B) the ~~Court of Special Appeals~~ Appellate Court, (C) another circuit court of this State, (D) a court of the United States, or (E) any other court whose judgments are entitled to full faith and credit in this State. Upon recording a judgment received from a person other than the clerk of the court of entry, the receiving clerk shall notify the clerk of the court of entry.

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MARYLAND RULES OF PROCEDURE

TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT

CHAPTER 700 - CLAIMS FOR ATTORNEYS' FEES AND RELATED EXPENSES

AMEND Rule 2-703 by replacing "Court of Appeals" with "Supreme Court" in the Committee note following subsection (f) (3) (L), as follows:

Rule 2-703. ATTORNEYS' FEES ALLOWED BY LAW

. . .

(f) Determination of Award

(1) If No Award Permitted

. . .

(3) Factors to Be Considered

. . .

(L) awards in similar cases.

Committee note: The factors listed in subsection (f) (3) of this Rule have been approved by the ~~Court of Appeals~~ Supreme Court in statutory fee-shifting cases, where the "lodestar method" is applied in determining an award. See *Monmouth Meadows v. Hamilton*, 416 Md. 325, 333-34 (2010). See Rule 2-705 (f) for the factors to be applied in contractual fee-shifting actions.

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MARYLAND RULES OF PROCEDURE

TITLE 3 - CIVIL PROCEDURE - DISTRICT COURT

CHAPTER 100 - COMMENCEMENT OF ACTION AND PROCESS

AMEND Rule 3-124 by replacing "Court of Appeals" with "Supreme Court" in sections (j) and (k), as follows:

Rule 3-124. PROCESS—PERSONS TO BE SERVED

. . .

(j) State of Maryland

Service is made upon the State of Maryland by serving the Attorney General or an individual designated by the Attorney General in a writing filed with the Clerk of the ~~Court of Appeals~~ Supreme Court. In any action attacking the validity of an order of an officer or agency of this State not made a party, the officer or agency shall also be served.

(k) Officer or Agency of the State of Maryland

Service is made on an officer or agency of the State of Maryland by serving (1) the resident agent designated by the officer or agency, or (2) the Attorney General or an individual designated by the Attorney General in a writing filed with the Clerk of the ~~Court of Appeals~~ Supreme Court. If service is made on the Attorney General or a designee of the Attorney General and the officer or agency is not ordinarily represented by the

Attorney General, the Attorney General or designee promptly shall forward the process and papers to the appropriate officer or agency.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 3 - CIVIL PROCEDURE - DISTRICT COURT

CHAPTER 600 - JUDGMENT

AMEND Rule 3-632 by replacing "Court of Special Appeals" with "Appellate Court" in section (d), as follows:

Rule 3-632. STAY OF ENFORCEMENT

. . .

(d) Pending Appeal

Except as provided in this section and in section (e) of this Rule, a stay pending appeal is governed by the procedures set forth in Rules 8-422 through 8-424. References in those Rules to the ~~Court of Special Appeals~~ Appellate Court shall be regarded as references to the circuit court having jurisdiction of the appeal. If the court determines that because of the nature of the action enforcement of the judgment should not be stayed by the filing of a supersedeas bond or other security, it may enter an order denying a stay or permitting a stay only on the terms stated in the order.

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MARYLAND RULES OF PROCEDURE

TITLE 3 - CIVIL PROCEDURE - DISTRICT COURT

CHAPTER 700 - SPECIAL PROCEEDINGS

AMEND Rule 3-731 by replacing "Chief Judge of the Court of Appeals" with "Chief Justice of the Supreme Court" in section (b), as follows:

Rule 3-731. PEACE ORDERS

. . .

(b) Form of Petition

A petition for relief under the statute shall be substantially in the form approved by the State Court Administrator and the ~~Chief Judge of the Court of Appeals~~ Chief Justice of the Supreme Court, posted on the judiciary website, and available in the offices of the clerks of the District Court.

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MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-271 by replacing "Chief Judge of the Court of Appeals" with "Chief Justice of the Supreme Court" and "Judge" with "Justice" in subsection (a)(2), as follows:

Rule 4-271. TRIAL DATE

(a) Trial Date in Circuit Court

(1) The date for trial in the circuit court shall be set within 30 days after the earlier of the appearance of counsel or the first appearance of the defendant before the circuit court pursuant to Rule 4-213, and shall be not later than 180 days after the earlier of those events. When a case has been transferred from the District Court because of a demand for jury trial, and an appearance of counsel entered in the District Court was automatically entered in the circuit court pursuant to Rule 4-214 (a), the date of the appearance of counsel for purposes of this Rule is the date the case was docketed in the circuit court. On motion of a party, or on the court's initiative, and for good cause shown, the county administrative judge or that judge's designee may grant a change of a circuit court trial date. If a circuit court trial date is changed, any

subsequent changes of the trial date may be made only by the county administrative judge or that judge's designee for good cause shown.

(2) Upon a finding by the ~~Chief Judge of the Court of Appeals~~ Chief Justice of the Supreme Court that the number of demands for jury trial filed in the District Court for a county is having a critical impact on the efficient operation of the circuit court for that county, the Chief ~~Judge~~ Justice, by Administrative Order, may exempt from this section cases transferred to that circuit court from the District Court because of a demand for jury trial.

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MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 300 - TRIAL AND SENTENCING

AMEND Rule 4-333 by replacing "Court of Appeals" with "Supreme Court" and "Court of Special Appeals" with "Appellate Court" in section (b) and the Committee note following section (b) and by making a stylistic change, as follows:

Rule 4-333. MOTION TO VACATE JUDGMENT OF CONVICTION OR PROBATION BEFORE JUDGMENT

. . .

(b) Filing

The motion shall be filed in the criminal action in which the judgment of conviction or probation before judgment was entered. If the action is then pending in the ~~Court of Appeals~~ Supreme Court or ~~Court of Special Appeals~~ Appellate Court, that Court may stay the appeal and remand the case to the trial court for it to consider the State's Attorney's motion.

Committee note: Code, Criminal Procedure Article, § 8-301.1(a) permits the State's Attorney to file the motion "at any time after the entry of a probation before judgment or judgment of conviction," and permits "the court with jurisdiction over the case" to act on it. If an appeal is pending in the ~~Court of Appeals~~ Supreme Court or ~~Court of Special Appeals~~ Appellate Court when the motion is filed, that Court would have jurisdiction over the case but no practical ability to take evidence with regard to the State's Attorney motion. If the appeal is successful, it could make the motion moot, but if the

motion were to be granted and the State's Attorney then enters a nolle prosequi, the appeal may become moot, at least with respect to the judgments vacated. The simplest solution in most cases would be for the appellate court to remand the case for the trial court to consider the motion. Rule 8-604 (d) permits the appellate courts to remand cases "where justice will be served by permitting further proceedings."

. . .

MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 400 - POST CONVICTION PROCEDURE

AMEND Rule 4-408 by replacing "Court of Special Appeals"
with "Appellate Court," as follows:

Rule 4-408. APPLICATION FOR LEAVE TO APPEAL

An application for leave to appeal to the ~~Court of Special Appeals~~ Appellate Court shall be governed by Rule 8-204.

Source: This Rule is derived from former Rule BK46.

MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 500 - EXPUNGEMENT OF RECORDS

AMEND Rule 4-502 by replacing "Court of Appeals" with "Supreme Court" and "Court of Special Appeals" with "Appellate Court" in section (c), as follows:

Rule 4-502. EXPUNGEMENT DEFINITIONS

. . .

(c) Court

"Court" means the ~~Court of Appeals~~ Supreme Court, ~~Court of Special Appeals~~ Appellate Court, any circuit court, and the District Court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 5 - EVIDENCE

CHAPTER 200 - JUDICIAL NOTICE

AMEND Rule 5-201 by replacing "Court of Special Appeals" with "Appellate Court" and "Court of Appeals" with "Supreme Court" in section (a), as follows:

Rule 5-201. JUDICIAL NOTICE OF ADJUDICATIVE FACTS

(a) Scope of Rule

This Rule governs only judicial notice of adjudicative facts. Sections (d), (e), and (g) of this Rule do not apply in the ~~Court of Special Appeals~~ Appellate Court or the ~~Court of Appeals~~ Supreme Court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 400 - ADMINISTRATION OF ESTATES

AMEND Rule 6-464 by replacing "Court of Special Appeals" with "Appellate Court" in section (a), as follows:

Rule 6-464. STRIKING OF NOTICE OF APPEAL BY ORPHANS' COURT

(a) Generally

On motion or on its own initiative, the orphans' court may strike a notice of appeal (1) that has not been filed within the time prescribed by Rule 6-463, (2) if the Register of Wills has prepared the record pursuant to Code, Courts Article, §§ 12-501 and 12-502 and the appellant has failed to pay for the record, (3) if the appellant has failed to deposit with the Register of Wills the filing fee required by Code, Estates and Trusts Article, § 2-206, unless the fee has been waived by an order of court or by the Register of Wills pursuant to Code, Estates and Trusts Article, § 2-206(a), (4) the appeal has been taken to the ~~Court of Special Appeals~~ Appellate Court and the appellant has failed to deposit with the Register of Wills the transcript costs, or (5) if by reason of any other neglect on the part of the appellant the record has not been transmitted to

the court to which the appeal has been taken within the time prescribed in Code, Courts Article, § 12-502.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 7 - APPELLATE AND OTHER JUDICIAL REVIEW IN CIRCUIT COURT

CHAPTER 100 - APPEALS FROM THE DISTRICT COURT

TO THE CIRCUIT COURT

AMEND Rule 7-111 by replacing "Court of Special Appeals" with "Appellate Court" and by making a stylistic change, as follows:

Rule 7-111. STAY OF ENFORCEMENT OF JUDGMENT; BOND

The procedures set forth in Rules 8-422, 8-423, and 8-424 apply to appeals from the District Court. References in those ~~rules~~ Rules to the ~~Court of Special Appeals~~ Appellate Court shall be regarded as references to the circuit court having jurisdiction of the appeal.

Source: This Rule is derived from former Rule 1317.

MARYLAND RULES OF PROCEDURE

TITLE 7 - APPELLATE AND OTHER JUDICIAL REVIEW IN CIRCUIT COURT

CHAPTER 500 - APPEALS FROM THE ORPHANS' COURT

TO THE CIRCUIT COURT

AMEND Rule 7-509 by replacing "Court of Special Appeals" with "Appellate Court" in the Committee note, as follows:

Rule 7-509. NOTICE OF CIRCUIT COURT JUDGMENT

The clerk of the circuit court shall promptly send notice of the circuit court judgment to the Register of Wills, who shall enter the notice on the docket.

Committee note: As to further appeal from the judgment of the circuit court to the ~~Court of Special Appeals~~ Appellate Court, see *Jennings v. Jennings*, 20 Md. App. 369, 371 n.4 (1974), cert. denied, 271 Md. 738 (1974) and *Carrick v. Henley*, 44 Md. App. 124 (1979).

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

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MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 8-101 by replacing "Court of Appeals and the Court of Special Appeals" with "Supreme Court and the Appellate Court," as follows:

Rule 8-101. APPLICABILITY

The Rules in this Title govern appellate procedure in the ~~Court of Appeals and the Court of Special Appeals~~ Supreme Court and the Appellate Court.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 8-102 by replacing "each appellate court" with "the Supreme Court and the Appellate Court" in section (a) and by making a stylistic change, as follows:

Rule 8-102. TERM OF COURT

(a) For accounting and statistical reporting purposes, ~~each appellate court~~ the Supreme Court and the Appellate Court shall each have one term annually, beginning on September 1 of each year and continuing until the following August 31.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 8-111 by replacing "Court of Appeals" with "Supreme Court" in subsection (a)(2), by replacing "Court of Special Appeals" with "Appellate Court" in subsection (a)(2) and section (c), and by making a stylistic change, as follows:

Rule 8-111. DESIGNATION OF PARTIES; REFERENCES

(a) Formal Designation

(1) No Prior Appellate Decision

When no prior appellate decision has been rendered, the party first appealing the decision of the trial court shall be designated the appellant and the adverse party shall be designated the appellee. Unless the Court orders otherwise, the opposing parties to a subsequently filed appeal shall be designated the cross-appellant and cross-appellee.

(2) Prior Appellate Decision

In an appeal to the ~~Court of Appeals~~ Supreme Court from a decision by the ~~Court of Special Appeals~~ Appellate Court or by a circuit court exercising appellate jurisdiction, the party seeking review of the most recent decision shall be designated

the petitioner and the adverse party shall be designated the respondent. Except as otherwise specifically provided or necessarily implied, the term "appellant" as used in the ~~rules~~ Rules in this Title shall include a petitioner and the term "appellee" shall include a respondent.

. . .

(c) Victims and Victims' Representatives

Although not a party to a criminal or juvenile proceeding, a victim of a crime or a delinquent act or a victim's representative may: (1) file an application for leave to appeal to the ~~Court of Special Appeals~~ Appellate Court from an interlocutory or a final order under Code, Criminal Procedure Article, § 11-103 and Rule 8-204; or (2) participate in the same manner as a party regarding the rights of the victim or victim's representative.

Cross reference: See Rule 1-326 for service and notice to attorneys for victims and victims' representatives regarding the rights of victims and representatives.

Source: This Rule is derived as follows:
Section (a) is derived in part from former Rule 827 and in part new.
Section (b) is derived from Fed. R. App. P. 28 (d).
Section (c) is new.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 8-112 by replacing "Court of Appeals" with
"Supreme Court" in subsection (c)(1) and by making stylistic
changes, as follows:

Rule 8-112. FORM OF COURT PAPERS

. . .

(c) Printed and Computer-Generated Papers - Proportionally
Spaced Type

(1) Type Size and Font

Proportionally spaced type (such as produced by
commercial printers and many computer printers) in the text and
footnotes shall be in a font approved by the ~~Court of Appeals~~
Supreme Court and shall not be smaller than 13 point. The ~~Court~~
~~of Appeals~~ Supreme Court shall approve, from time to time, a
list of fonts that comply with the requirements of this Rule.
Upon the docketing of an appeal, the appellate clerk ~~of the~~
~~appellate court~~ shall send the approved list to all parties or
their attorneys.

(2) Spacing

Papers prepared with proportionally spaced type shall have double spacing between lines, except that headings, indented quotations, and footnotes may be single-spaced.

. . .

(f) Effect of Noncompliance

For noncompliance with this Rule, ~~the~~ an appellate court may enter any appropriate order, including an order that an improperly prepared brief be corrected at the expense of the attorney for the party for whom the brief was filed.

Cross reference: With respect to exhibits, see Rules 1-301 (e) and 8-501 (i).

Source: This Rule is new but is derived in part from former Rules 831 a and 1031 a.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 8-131 by replacing "Court of Appeals" with "Supreme Court" in the tagline of section (b), by replacing "Court of Appeals" with "Supreme Court" and "Court of Special Appeals" with "Appellate Court" in subsections (b)(1) and (b)(2), and by making stylistic changes, as follows:

Rule 8-131. SCOPE OF REVIEW

(a) Generally

The issues of jurisdiction of the trial court over the subject matter and, unless waived under Rule 2-322, over a person may be raised in and decided by ~~the~~ an appellate court whether or not raised in and decided by the trial court. Ordinarily, ~~the~~ an appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court, but the Court may decide such an issue if necessary or desirable to guide the trial court or to avoid the expense and delay of another appeal.

(b) In ~~Court of Appeals~~ Supreme Court - Additional
Limitations

(1) Prior Appellate Decision

Unless otherwise provided by the order granting the writ of certiorari, in reviewing a decision rendered by the ~~Court of Special Appeals~~ Appellate Court or by a circuit court acting in an appellate capacity, the ~~Court of Appeals~~ Supreme Court ordinarily will consider only an issue that has been raised in the petition for certiorari or any cross-petition and that has been preserved for review by the ~~Court of Appeals~~ Supreme Court. Whenever an issue raised in a petition for certiorari or a cross-petition involves, either expressly or implicitly, the assertion that the trial court committed error, the ~~Court of Appeals~~ Supreme Court may consider whether the error was harmless or non-prejudicial even though the matter of harm or prejudice was not raised in the petition or in a cross-petition.

Committee note: The last sentence of subsection (b) (1) of this Rule amends the holding of *Coleman v. State*, 281 Md. 538 (1977), and its progeny.

(2) No Prior Appellate Decision

Except as otherwise provided in Rule 8-304 (c), when the ~~Court of Appeals~~ Supreme Court issues a writ of certiorari to review a case pending in the ~~Court of Special Appeals~~ Appellate Court before a decision has been rendered by that Court, the ~~Court of Appeals~~ Supreme Court will consider those issues that would have been cognizable by the ~~Court of Special Appeals~~ Appellate Court.

(c) Action Tried Without a Jury

When an action has been tried without a jury, ~~the~~ an appellate court will review the case on both the law and the evidence. It will not set aside the judgment of the trial court on the evidence unless clearly erroneous, and will give due regard to the opportunity of the trial court to judge the credibility of the witnesses.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 200 - OBTAINING REVIEW IN ~~COURT OF SPECIAL APPEALS~~
THE APPELLATE COURT

AMEND Rule 8-201 by replacing "Court of Special Appeals" with "the Appellate Court" in the name of the Rule and by replacing "Court of Special Appeals" with "Appellate Court" in sections (a) and (c), as follows:

Rule 8-201. METHOD OF SECURING REVIEW - ~~COURT OF SPECIAL APPEALS~~ THE APPELLATE COURT

(a) By Notice of Appeal

Except as provided in Rule 8-204, the only method of securing review by the ~~Court of Special Appeals~~ Appellate Court is by the filing of a notice of appeal within the time prescribed in Rule 8-202. The notice shall be filed with the clerk of the lower court or, in an appeal from an order or judgment of an Orphans' Court, with the register of wills. The clerk or register shall enter the notice on the docket. It is sufficient that the notice be substantially in the following form:

(Caption)

NOTICE OF APPEAL

_____ notes an appeal to the ~~Court of Special Appeals~~ Appellate Court in the above-captioned action.

(Signature and Certificate of Service)

. . .

(c) Transmittal of Record

After all required fees have been deposited, the clerk shall transmit the record as provided in Rules 8-412 and 8-413. The clerk shall enter on the docket a statement of the fees paid, and, if the lower court is a circuit court in a non-MDEC county or an orphans' court, forward the filing fee with the record to the Clerk of the ~~Court of Special Appeals~~ Appellate Court.

Committee note: When a notice of appeal is filed, the clerk should check the docket to see if it contains the entry of a judgment in compliance with Rules 2-601 and 2-602, and if not, advise the parties and the court. This note is not intended to authorize the clerk to reject a notice of appeal, to place a mandatory duty on the clerk, or to relieve counsel of their responsibility to assure that there is an appealable order or judgment properly entered on the docket before noting an appeal.

Source: This Rule is derived from former Rule 1011 with the exception of the first sentence of (a) which is derived from former Rule 1010, and former Form 22.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF~~

~~SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 200 - OBTAINING REVIEW IN ~~COURT OF SPECIAL APPEALS~~

THE APPELLATE COURT

AMEND Rule 8-204 by replacing "Court of Special Appeals" with "the Appellate Court" in the name of the Rule and in the tagline of section (g) and by replacing "Court of Special Appeals" with "Appellate Court" in sections (a), (b), (c), (d), (e), and (f), as follows:

Rule 8-204. APPLICATION FOR LEAVE TO APPEAL TO ~~COURT OF SPECIAL APPEALS~~ THE APPELLATE COURT

(a) Scope

This Rule applies to applications for leave to appeal to the ~~Court of Special Appeals~~ Appellate Court.

. . .

(b) Application

(1) How Made

An application for leave to appeal to the ~~Court of Special Appeals~~ Appellate Court shall be filed in duplicate with the clerk of the lower court.

. . .

(c) Record on Application

(1) Time for Transmittal

The clerk of the lower court shall transmit the record, together with the application, to the ~~Court of Special Appeals~~ Appellate Court within (A) five days after the filing of an application by a victim for leave to file an interlocutory appeal pursuant to Code, Criminal Procedure Article, § 11-103, (B) 30 days after the filing of an application for leave to appeal in any other case, or (C) such shorter time as the appellate court may direct. The clerk shall notify each party of the transmittal.

. . .

(d) Response

Within 15 days after the clerk of the lower court sends the notice that the record and application have been transmitted to the ~~Court of Special Appeals~~ Appellate Court, any other party may file a response in the ~~Court of Special Appeals~~ Appellate Court stating why leave to appeal should be denied or granted, except that any response to an application for leave to appeal with regard to bail pursuant to Code, Courts Article, § 3-707 or with regard to an interlocutory appeal by a victim pursuant to Code, Criminal Procedure Article, § 11-103 shall be filed within five days after service of the application.

(e) Additional Information

Before final disposition of the application, the ~~Court of Special Appeals~~ Appellate Court may require the clerk of the lower court to submit any portion of the stenographic transcript of the proceedings below and any additional information that the Court may wish to consider.

(f) Disposition

On review of the application, any response, the record, and any additional information obtained pursuant to section (e) of this Rule, without the submission of briefs or the hearing of argument, the Court shall:

- (1) deny the application;
- (2) grant the application and affirm the judgment of the lower court;
- (3) grant the application and reverse the judgment of the lower court;
- (4) grant the application and remand the judgment to the lower court with directions to that court; or
- (5) grant the application and order further proceedings in the ~~Court of Special Appeals~~ Appellate Court in accordance with section (g) of this Rule.

The Clerk of the ~~Court of Special Appeals~~ Appellate Court shall send a copy of the order disposing of the application to the clerk of the lower court.

(g) Further Proceedings in ~~Court of Special Appeals~~ the
Appellate Court

. . .

Source: This Rule is derived as follows:

Section (a) is new.

Section (b) is derived from former Rules 1093 a, 1095 a 1, 2 and 4, and 1096 a 1, 2, and 4.

Section (c) is derived from former Rules 1093 b, 1095 a 3, and 1096 a 3.

Section (d) is new.

Section (e) is derived from former Rules 1093 c, 1095 b, and 1096 b.

Section (f) is new.

Section (g) is derived from former Rules 1093 d, 1095 c, and 1096 c.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 300 - OBTAINING ~~APPELLATE~~ REVIEW IN ~~COURT OF APPEALS~~
THE SUPREME COURT

AMEND Rule 8-301 by replacing "Court of Appeals" with "the Supreme Court" in the name of the Rule; by replacing "Court of Appeals" with "Supreme Court" in section (a), the cross reference following section (a), the tagline of section (b), and sections (b) and (c); by replacing "Court of Special Appeals" with "Appellate Court" in section (b); by making stylistic changes; and by correcting a cross reference, as follows:

Rule 8-301. METHOD OF SECURING REVIEW - ~~COURT OF APPEALS~~ THE
SUPREME COURT

(a) Generally

Appellate review by the ~~Court of Appeals~~ Supreme Court may be obtained only:

- (1) by direct appeal where allowed by law;
- (2) pursuant to the Maryland Uniform Certification of Questions of Law Act;
- (3) by writ of certiorari upon petition filed pursuant to Rules 8-302 and 8-303; or

(4) by writ of certiorari issued on the Court's own initiative.

Cross reference: For Code provisions governing direct appeals to the ~~Court of Appeals~~ Supreme Court, see Code, Election Law Article, § 12-203 concerning appeals from circuit court decisions regarding contested elections; Code, Election Law Article, § ~~16-1003~~ 16-1004 concerning appeals from circuit court decisions regarding injunctive relief sought for certain violations of election law; and Code, Financial Institutions Article, § 9-712(d)(2) concerning appeals from circuit court decisions approving transfer of assets of savings and loan associations. For the Maryland Uniform Certification of Questions of Law Act, see Code, Courts Article, §§ 12-601 through 12-613. For the authority of the Court to issue a writ of certiorari on its own initiative, see Code, Courts Article, § 12-201.

(b) Direct Appeals to ~~Court of Appeals~~ Supreme Court

A direct appeal to the ~~Court of Appeals~~ Supreme Court allowed by law is governed by the other ~~rules~~ Rules of this Title applicable to appeals, or by the law authorizing the direct appeal. In the event of a conflict, the law authorizing the direct appeal shall prevail. Except as otherwise required by necessary implication, references in those ~~rules~~ Rules to the ~~Court of Special Appeals~~ Appellate Court shall be regarded as references to the ~~Court of Appeals~~ Supreme Court.

(c) Certification of Questions of Law

Certification of questions of law to the ~~Court of Appeals~~ Supreme Court pursuant to the Maryland Uniform Certification of Questions of Law Act is governed by Rule 8-305.

Source: This Rule is in part derived from Rule 810 and in part new.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF~~
~~SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 300 - OBTAINING ~~APPELLATE~~ REVIEW IN ~~COURT OF APPEALS~~
THE SUPREME COURT

AMEND Rule 8-302 by replacing "Court of Special Appeals" with "the Appellate Court" in the tagline of section (a) and by replacing "Court of Special Appeals" with "Appellate Court" in section (a), as follows:

Rule 8-302. PETITION FOR WRIT OF CERTIORARI - TIMES FOR FILING

(a) From Appeal to ~~Court of Special Appeals~~ the Appellate Court

If a notice of appeal to the ~~Court of Special Appeals~~ Appellate Court has been filed pursuant to Rule 8-201, a petition for a writ of certiorari may be filed either before or after the ~~Court of Special Appeals~~ Appellate Court has rendered a decision, but not later than the later of 15 days after the ~~Court of Special Appeals~~ Appellate Court issues its mandate or 30 days after the filing of that court's opinion.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 300 - OBTAINING ~~APPELLATE REVIEW IN COURT OF APPEALS~~
THE SUPREME COURT

AMEND Rule 8-304 by replacing "Court of Special Appeals" with "the Appellate Court" in the name of the Rule, by replacing "Court of Special Appeals" with "Appellate Court" in sections (a) and (c), and by replacing "Court of Appeals" with "Supreme Court" in sections (a), (c), and (d), as follows:

Rule 8-304. CERTIFICATION FROM ~~COURT OF SPECIAL APPEALS~~ THE
APPELLATE COURT

(a) Initiation

At any time before issuance of a mandate, the ~~Court of Special Appeals~~ Appellate Court or the panel of that Court to which the action has been assigned may certify a question of law or the entire action to the ~~Court of Appeals~~ Supreme Court. Upon transmission to the ~~Court of Appeals~~ Supreme Court, a copy of the certification shall be forwarded to the Chief Judge of the ~~Court of Special Appeals~~ Appellate Court and to the parties. The ~~Court of Appeals~~ Supreme Court may consider the

certification pursuant to its authority to issue a writ of certiorari on its own motion.

. . .

(c) Disposition of Certification

The ~~Court of Appeals~~ Supreme Court may refuse the certification or may issue a writ of certiorari that (1) accepts the certification as submitted, (2) modifies the questions of law certified, (3) includes the entire action although only a question of law was certified, or (4) limits review to only a question of law although the entire action was certified. The Clerk of the ~~Court of Appeals~~ Supreme Court shall send the order refusing the certification or the writ of certiorari to the ~~Court of Special Appeals~~ Appellate Court and to the parties.

(d) Record Extract and Briefs

If the ~~Court of Appeals~~ Supreme Court issues a writ of certiorari, the filing of a record extract and briefs shall be governed by Rules 8-501 through 8-511 unless the Court orders otherwise.

Source: This Rule is derived from former Rules 1015 and 815.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF~~

~~SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 300 - OBTAINING ~~APPELLATE~~ REVIEW IN ~~COURT OF APPEALS~~

THE SUPREME COURT

AMEND Rule 8-305 by replacing "Court of Appeals" with "Supreme Court" in the name of the Rule and throughout the Rule, as follows:

Rule 8-305. CERTIFICATION OF QUESTIONS OF LAW TO THE ~~COURT OF APPEALS~~ SUPREME COURT

(a) Certifying Court

"Certifying court" as used in this Rule means a court authorized by Code, Courts Article, § 12-603 to certify a question of law to the ~~Court of Appeals~~ Supreme Court of Maryland.

Committee note: Necessary implication requires that the definition of "court" set forth in Rule 1-202 does not apply in this Rule.

(b) Certification Order

In disposing of an action pending before it, a certifying court, on motion of any party or on its own initiative, may submit to the ~~Court of Appeals~~ Supreme Court a question of law of this State, in accordance with the Maryland Uniform

Certification of Questions of Law Act, by filing a certification order. The certification order shall be signed by a judge of the certifying court and state the question of law submitted, the relevant facts from which the question arises, and the party who shall be treated as the appellant in the certification procedure. The original order shall be forwarded to the ~~Court of Appeals~~ Supreme Court by the clerk of the certifying court under its official seal, together with the filing fee for docketing regular appeals, payable to the Clerk of the ~~Court of Appeals~~ Supreme Court.

(c) Proceeding in the ~~Court of Appeals~~ Supreme Court

The filing of the certification order in the ~~Court of Appeals~~ Supreme Court shall be the equivalent of the transmission of a record on appeal. The ~~Court of Appeals~~ Supreme Court may request, in addition, all or any part of the record before the certifying court. Upon request, the certifying court shall file the original or a copy of the parts of the record requested together with a certificate, under the official seal of the certifying court and signed by a judge or clerk of that court, stating that the materials submitted are all the parts of the record requested by the ~~Court of Appeals~~ Supreme Court.

(d) Decision by the ~~Court of Appeals~~ Supreme Court

The written opinion of the ~~Court of Appeals~~ Supreme Court stating the law governing the question certified shall be sent by the Clerk of the ~~Court of Appeals~~ Supreme Court to the certifying court. The Clerk of the ~~Court of Appeals~~ Supreme Court shall certify, under seal of the Court, that the opinion is in response to the question of law of this State submitted by the certifying court.

Cross reference: Code, Courts Article, §§ 12-601 through 12-609.

Source: This Rule is derived from former Rule 896.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 400 - PRELIMINARY PROCEDURES

AMEND Rule 8-402 by replacing "Court of Special Appeals and the Court of Appeals" with "Appellate Court and the Supreme Court" in section (b); by replacing "Court of Special Appeals" with "Appellate Court" in sections (c) and (e); by replacing "Court of Appeals" with "Supreme Court" in sections (c), (d), and (e); by updating a cross reference; and by correcting an internal reference, as follows:

Rule 8-402. APPEARANCE

. . .

(b) Continuance of Appearance from Lower Court

The appearance of an attorney entered in a lower court shall continue in the ~~Court of Special Appeals and the Court of Appeals~~ Appellate Court and the Supreme Court unless (1) the attorney's appearance has been stricken in the lower court pursuant to Rule 2-132 or 4-214, (2) the attorney notifies the Clerk of the appellate court in writing not to enter the attorney's appearance in the appellate court and sends a copy of the notice to the clerk of the lower court and the client, or

(3) the attorney's appearance has automatically terminated pursuant to section (g) of this Rule.

(c) New Appearance

An attorney newly appearing on appeal may enter an appearance by filing a written request (1) in the ~~Court of Special Appeals~~ Appellate Court if the record on appeal has already been filed in that Court, (2) in the ~~Court of Appeals~~ Supreme Court if a petition for a writ of certiorari has been filed or the Court has issued a writ on its own initiative, or (3) in the lower court in all other cases.

(d) In Certification Cases

In a proceeding pursuant to Rule 8-305, the appearance of an attorney entered in the certifying court shall continue in the ~~Court of Appeals~~ Supreme Court if the attorney has been admitted to practice law in this State. An attorney newly appearing in the case may enter an appearance by filing a written request in the ~~Court of Appeals~~ Supreme Court at any time after the certification order is filed.

Cross reference: For special admission of an out-of-state attorney, see Bar Admission Rule ~~19-214~~ 19-217.

(e) When Entered by Clerk

The Clerk of the appellate court shall formally enter the appearance of the attorney (1) in the ~~Court of Special Appeals~~ Appellate Court when the record on appeal is filed, (2) in the

~~Court of Appeals~~ Supreme Court when a petition for a writ of certiorari is filed or, if the Court issues the writ on its own initiative, when the writ is issued, or (3) when properly requested pursuant to section ~~(b) or (c)~~ or (d) of this Rule.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 400 - PRELIMINARY PROCEDURES

AMEND Rule 8-421 by replacing "Court of Special Appeals"
with "Appellate Court" in section (a), as follows:

Rule 8-421. DOCKETING OF APPEALS

(a) Generally

The Clerk need not docket an appeal until the record in
the action has been received in the Clerk's office. In the
~~Court of Special Appeals~~ Appellate Court the Clerk need not

docket the appeal until the filing fee provided by Rule 8-201

(b) has been received by the Clerk or waived. When the record
is received on or after March first in any term, the Clerk shall
place the appeal on the docket for the next term.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 400 - PRELIMINARY PROCEDURES

AMEND Rule 8-425 by replacing "Court of Special Appeals" with "Appellate Court" in sections (a), (c), and (e); by replacing "Court of Appeals" with "Supreme Court" in sections (a), (c), (e), and (f); by replacing "Court of Special Appeals" with "the Appellate Court" in the tagline of section (e); by replacing "Court of Appeals" with "the Supreme Court" in the tagline of section (f); by replacing "Judge" with "Justice" and "judge" with "justice" in section (f); and by making stylistic changes, as follows:

Rule 8-425. INJUNCTION PENDING APPEAL

(a) Generally

During the pendency of an appeal, the ~~Court of Special Appeals~~ Appellate Court or the ~~Court of Appeals~~ Supreme Court may issue (1) an order staying, suspending, modifying, or restoring an order entered by the lower court or (2) an injunction, even if injunctive relief was sought and denied in the lower court.

. . .

(c) Motion in an Appellate Court

If a motion under Rule 2-632 is not practicable or such a motion was denied by the circuit court or not ruled upon within a reasonable time, the party may file a motion under this Rule in the ~~Court of Special Appeals~~ Appellate Court, or in the ~~Court of Appeals~~ Supreme Court when it has assumed jurisdiction. The motion shall include the reason why it is impracticable to seek the relief in the circuit court or, if a motion seeking the relief was considered by the circuit court, any reason given by that court for denying or not affording the relief.

(d) Affidavit

A motion or a response filed in ~~the~~ an appellate court that is based on facts not contained in the papers or record on file in that Court shall be supported by affidavit or accompanied by the papers or the part of the record on which it is based.

(e) Decision - ~~Court of Special Appeals~~ the Appellate Court

A motion filed in the ~~Court of Special Appeals~~ Appellate Court ordinarily will be decided by a panel of that Court. In exceptional cases, when that is impracticable because of time constraints, the Chief Judge, or, in the absence of the Chief Judge, any other judge of that Court may rule on the motion. The decision of an individual judge shall be reviewed promptly by a panel of the ~~Court of Special Appeals~~ Appellate Court. An

order of the ~~Court of Special Appeals~~ Appellate Court granting or denying the motion or the failure of that Court to rule on the motion within a reasonable time may be reviewed by the ~~Court of Appeals~~ Supreme Court on petition of a party.

(f) Decision - ~~Court of Appeals~~ the Supreme Court

A motion filed in the ~~Court of Appeals~~ Supreme Court pursuant to section (c) of this Rule and a petition for review filed pursuant to section (e) of this Rule ordinarily will be decided by the entire Court. In exceptional cases, when that is impracticable because of time constraints, the Chief ~~Judge~~ Justice, or, in the absence of the Chief ~~Judge~~ Justice, any other ~~judge~~ justice of that Court may rule on the motion or petition. The decision of an individual ~~judge~~ justice shall be reviewed promptly by the Court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF~~

~~SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 400 - PRELIMINARY PROCEDURES

AMEND Rule 8-432 by adding new subsection (a) (1) concerning procedures for entry of an order in the Supreme Court, by creating new subsection (a) (2) containing the provisions in current section (a), by replacing "Court of Special Appeals" with "the Appellate Court" in the tagline of section (b), by replacing "Court of Special Appeals" with "Appellate Court" in section (b), and by making stylistic changes, as follows:

Rule 8-432. ENTRY OF ORDER

(a) By Court

(1) Supreme Court

Unless concurrence of two or more justices is required, an order of the Supreme Court may be entered by the Chief Justice, or in the absence of the Chief Justice, by any other justice of the Court.

(2) Appellate Court

Unless concurrence of two or more judges is required, an order of the Appellate Court may be entered by the Chief Judge,

or in the absence of the Chief Judge, by any other judge of the Court.

(b) By Clerk - Extensions of Time in ~~Court of Special Appeals~~
the Appellate Court

When authorized by an administrative order of the ~~Court of Special Appeals~~ Appellate Court, the Clerk of that Court may enter an order on behalf of the Court granting a motion to extend the time for filing a record or brief if

(1) the motion is in proper form,

(2) a timely response in opposition to the motion has not been filed or all parties have agreed not to oppose the granting of the motion, and

(3) granting the motion will not require a rescheduling of oral argument.

Cross reference: Md. Const., Art. IV, § 14; Code, Courts Art., § 1-403; Rules 8-425 and 8-602.

Source: This Rule is derived from former Rules 1056 and 856.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 500 - RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-502 by replacing "Court of Special Appeals" with "Appellate Court" in the tagline of subsection (a)(8), subsection (a)(8), the tagline of subsection (a)(9), subsection (a)(9), the Committee note following subsection (a)(9), the tagline of subsection (b)(2), subsection (b)(2), and section (c); by replacing "Court of Appeals" with "Supreme Court" in the tagline of subsection (b)(1), subsection (b)(1), and section (c); and by making stylistic changes, as follows:

Rule 8-502. FILING OF BRIEFS

(a) Duty to File; Time

. . .

(8) ~~Court of Special Appeals~~ Review of Discharge for Unconstitutionality of Law by the Appellate Court

No briefs need be filed in a review by the ~~Court of Special Appeals~~ Appellate Court under Code, Courts Article, § 3-706.

(9) Informal Briefing in the ~~Court of Special Appeals~~ Appellate Court

For cases in which at least one party is self-represented, the Chief Judge of the ~~Court of Special Appeals~~ Appellate Court, by administrative order, may authorize informal briefing in one or more categories of appeals in that Court. The administrative order shall: (A) list the categories of appeals to which it applies⁷; (B) state the protocols to be followed, including protocols to remove a case from informal briefing by stipulation of the parties or order of the Court⁷; and (C) promulgate forms to be used. The administrative order shall be posted on the Judiciary website, and paper copies of it shall be available to the public in the Office of the Clerk of the ~~Court of Special Appeals~~ Appellate Court. A case designated for informal briefing is not subject to the requirements of Rules 8-501 through 8-504, except to the extent a Rule is incorporated into the informal briefing protocols set forth in the administrative order.

Committee note: Informal briefing in the ~~Court of Special Appeals~~ Appellate Court is intended to provide meaningful review of issues raised by self-represented parties without requiring compliance with the technical requirements of Rules 8-501 through 8-504. Informal briefing does not preclude the Court from dismissing an appeal pursuant to Rule 8-602 for a reason other than failure to comply with a Rule made inapplicable by this Rule.

(b) Extension of Time

(1) In the ~~Court of Appeals~~ Supreme Court

In the ~~Court of Appeals~~ Supreme Court, the time for filing a brief may be extended by (A) joint stipulation of the

parties filed with the clerk so long as the appellant's brief and the appellee's brief are filed at least 30 days, and any reply brief is filed at least ten days, before the scheduled argument, or (B) order of the Court entered on its own initiative or on motion filed pursuant to Rule 1-204.

(2) In the ~~Court of Special Appeals~~ Appellate Court

Subsection (b) (2) of this Rule governs extensions of time for filing briefs in the ~~Court of Special Appeals~~ Appellate Court.

. . .

(c) Filing and Service

In an appeal to the ~~Court of Special Appeals~~ Appellate Court, eight copies of each brief and eight copies of each record extract shall be filed, unless otherwise ordered by the court. Unless filing an informal brief pursuant to subsection (a) (9) of this Rule, incarcerated or institutionalized parties who are self-represented shall file eight copies of each brief and eight copies of each record extract. In the ~~Court of Appeals~~ Supreme Court, eight copies of each brief and record extract shall be filed, unless otherwise ordered by the court. Two copies of each brief and record extract shall be served on each party pursuant to Rule 1-321.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 500 - RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-503 by replacing "Court of Special Appeals" with "Appellate Court" in subsections (c)(1), (d)(1), (d)(2), (d)(3), and (d)(4)(A) and section (e) and by replacing "Court of Appeals" with "Supreme Court" in subsections (c)(2), (d)(1), (d)(2), (d)(3), and (d)(4)(B) and section (e), as follows:

Rule 8-503. STYLE AND FORM OF BRIEFS

. . .

(c) Covers

A brief shall have a back and cover of the following color:

(1) In the ~~Court of Special Appeals~~ Appellate Court:

(A) appellant's brief - yellow;

(B) appellee's brief - green;

(C) reply brief - light red;

(D) amicus curiae brief - gray.;

(E) cross-appellant's reply brief - purple;

(F) briefs of incarcerated or institutionalized parties who are self-represented - white.

(2) In the ~~Court of Appeals~~ Supreme Court:

(A) appellant's brief - white;

(B) appellee's brief - blue;

(C) reply brief - tan;

. . .

(d) Length

(1) Principal Briefs of Parties

Except as otherwise provided in section (e) of this Rule or with permission of the Court, the principal brief of an appellant or appellee shall not exceed 9,100 words in the ~~Court of Special Appeals~~ Appellate Court or 13,000 words in the ~~Court of Appeals~~ Supreme Court. This limitation does not apply to (A) the table of contents and citations required by Rule 8-504 (a) (1); (B) the information required by Rule 8-504 (a) (10); or (C) a Certification of Word Count and Compliance with Rule 8-112 required by Rule 8-504 (a) (9).

(2) Motion to Dismiss

Except with permission of the Court, any portion of a party's brief pertaining to a motion to dismiss shall not exceed an additional 2,600 words in the ~~Court of Special Appeals~~ Appellate Court or 6,500 words in the ~~Court of Appeals~~ Supreme Court.

(3) Reply Brief

Any reply brief shall not exceed 3,900 words in the ~~Court of Special Appeals~~ Appellate Court or 6,500 words in the ~~Court of Appeals~~ Supreme Court.

(4) Amicus Curiae Brief

Except with the permission of the Court, an amicus curiae brief:

(A) if filed in the ~~Court of Special Appeals~~ Appellate Court, shall not exceed 3,900 words; and

(B) if filed in the ~~Court of Appeals~~ Supreme Court, shall not exceed 6,500 words, except that an amicus curiae brief supporting or opposing a petition for certiorari or other extraordinary writ shall not exceed 3,900 words.

(e) Briefs of Cross-Appellant and Cross-Appellee

In cases involving cross-appeals, the principal brief filed by the appellee/cross-appellant shall not exceed 13,000 words. The reply brief filed by the appellant/cross-appellee shall not exceed (1) 13,000 words in the ~~Court of Appeals~~ Supreme Court or (2) in the ~~Court of Special Appeals~~ Appellate Court (A) 9,100 words if no reply to the appellee's answer is included or (B) 13,000 words if a reply is included. The reply brief filed by the cross-appellant shall not exceed 3,900 words in the ~~Court of Special Appeals~~ Appellate Court or 6,500 words in the ~~Court of Appeals~~ Supreme Court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 500 - RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-504 by replacing "Court of Special Appeals"
with "Appellate Court" in subsection (a)(8), as follows:

Rule 8-504. CONTENTS OF BRIEF

(a) Contents

A brief shall comply with the requirements of Rule 8-112
and include the following items in the order listed:

. . .

(8) In the ~~Court of Special Appeals~~ Appellate Court, a
statement as to whether the party filing the brief requests oral
argument.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 500 - RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-511 by replacing "Court of Appeals" with "Supreme Court" in subsections (e) (1) and (e) (3) (A) and by replacing "Court of Special Appeals" with "Appellate Court" in subsections (e) (1) and (e) (3) (B), as follows:

Rule 8-511. AMICUS CURIAE

. . .

(e) Brief Supporting or Opposing Discretionary Review

(1) Motion Not Required

An amicus curiae brief may be filed in the ~~Court of Appeals~~ Supreme Court on the question of whether the Court should issue a writ of certiorari or other extraordinary writ, or in the ~~Court of Special Appeals~~ Appellate Court on the question of whether the Court should grant an application for leave to appeal. A motion requesting permission to file such an amicus brief is not required, provided that the amicus curiae brief is signed by an attorney pursuant to Rule 1-311.

(2) Required Contents

A brief filed pursuant to subsection (e) (1) of this Rule shall state whether, if the writ is issued or application is granted, the amicus curiae intends to seek consent of the parties or move for permission to file an amicus curiae brief on the issues before the Court.

(3) Time for Filing

(A) Unless the Court orders otherwise, an amicus curiae brief on the question of whether the ~~Court of Appeals~~ Supreme Court should issue a writ of certiorari or other extraordinary writ shall be filed within seven days after the petition is filed.

(B) Unless the Court orders otherwise, an amicus curiae brief on the question of whether the ~~Court of Special Appeals~~ Appellate Court should grant an application for leave to appeal shall be filed within 15 days after the record is transmitted pursuant to Rule 8-204 (c) (1).

(4) Length

A brief filed pursuant to subsection (e) (1) of this Rule shall not exceed 1,900 words.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 500 - RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-521 by replacing "Court of Appeals" with "Supreme Court" in the tagline of subsection (a) (1) and subsection (a) (1) and by replacing "Court of Special Appeals" with "Appellate Court" in the tagline of subsection (a) (2) and subsection (a) (2), as follows:

Rule 8-521. ASSIGNMENT OF CASES

(a) Regular Order

(1) In the ~~Court of Appeals~~ Supreme Court

In the ~~Court of Appeals~~ Supreme Court, unless advanced or postponed pursuant to this Rule, cases ordinarily will be assigned for successive sessions of the Court on the basis of their numerical order as they appear on the court docket, but the cases assigned for any session may be assigned for argument at that session without regard to their numerical order. Upon request of the Clerk, a party shall furnish an estimate of the time required for that party's argument. Argument shall be held on the day scheduled, unless postponed pursuant to this Rule.

(2) In the ~~Court of Special Appeals~~ Appellate Court

In the ~~Court of Special Appeals~~ Appellate Court, unless advanced or postponed pursuant to this Rule, cases ordinarily will be assigned to successive sessions of the Court after the record is complete and the appellee's brief has been filed or, if no appellee's brief has been filed, after the time for filing the appellee's brief has expired.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF~~

~~SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 500 - RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-552 by replacing "Court of Special Appeals" with "Appellate Court" in sections (a) and (c) and by replacing "Court of Appeals" with "Supreme Court" in section (a), as follows:

Rule 8-522. ORAL ARGUMENT

(a) Time Limit

Except with permission of the Court, oral argument is limited to 20 minutes for each side in the ~~Court of Special Appeals~~ Appellate Court and 30 minutes for each side in the ~~Court of Appeals~~ Supreme Court. A party who believes that additional time is necessary for the adequate presentation of oral argument, may request, by letter addressed to the Court, the additional time deemed necessary. The request shall be made no later than ten days after the filing of the appellee's brief.

. . .

(c) Number of Counsel

Except with permission of the Court, not more than two attorneys may argue for a side. In granting a request for oral

argument pursuant to Rule 8-523 (b) (2), the ~~Court of Special Appeals~~ Appellate Court may direct that only one attorney may argue for a side. When more than one attorney will argue for a side, the time allowed for the side may be divided as they desire.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 500 - RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-523 by replacing "Court of Special Appeals" with "the Appellate Court" in the tagline of subsection (a)(1) and the tagline of section (b), by replacing "Court of Special Appeals" with "Appellate Court" in subsections (a)(1) and (b)(1), by replacing "Court of Appeals" with "the Supreme Court" in the tagline of subsection (a)(2), and by replacing "Court of Appeals" with "Supreme Court" in subsection (a)(2), as follows:

Rule 8-523. CONSIDERATION ON BRIEF

(a) Submission on Brief by Party

(1) In ~~Court of Special Appeals~~ the Appellate Court

In the ~~Court of Special Appeals~~ Appellate Court, a party to a case the Court has scheduled for argument may submit for consideration on brief by filing a notice with the Clerk at least ten days prior to argument. Before filing a notice submitting on brief, a party shall attempt to ascertain whether any other parties to the appeal also will submit on brief and state the position of those other parties in the notice. The

Court may require oral argument from either side or both sides, notwithstanding the submission on brief.

(2) In ~~Court of Appeals~~ the Supreme Court

In the ~~Court of Appeals~~ Supreme Court a party may not submit an appeal for consideration on brief except with permission of the Court. A request to submit on brief shall be made in writing at least 15 days before argument.

(b) Directed by ~~Court of Special Appeals~~ the Appellate Court

(1) When Directed

In the ~~Court of Special Appeals~~ Appellate Court, if all the judges of the panel to which an appeal has been assigned conclude, after the filing of the appellant's brief, that oral argument would not be of assistance to the Court because of the nature of the questions raised, the Court shall direct that the appeal be considered on brief without oral argument. The Clerk shall promptly mail notice to all parties that the Court has directed consideration of the appeal on brief.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 600 - DISPOSITION

AMEND Rule 8-605.1 by replacing "Court of Special Appeals" with "Appellate Court" in the name of the Rule, section (a), and section (b), as follows:

Rule 8-605.1. REPORTING OF OPINIONS OF THE ~~COURT OF SPECIAL
APPEALS~~ APPELLATE COURT

(a) Reporting of Opinions

The ~~Court of Special Appeals~~ Appellate Court shall designate for reporting only those opinions that are of substantial interest as precedents.

(b) Request for Reporting of Unreported Opinion

At any time before the mandate issues, the ~~Court of Special Appeals~~ Appellate Court, on its own initiative or at the request of a party or nonparty filed before the date on which the mandate is due to be issued, may designate for reporting an opinion previously designated as unreported. An unreported opinion may not be designated for reporting after the mandate has issued.

Cross reference: See Rule 1-104.

Source: This Rule is derived as follows:
Section (a) is derived from Rule 8-113 (a).
Section (b) is new.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 600 - DISPOSITION

AMEND Rule 8-606 by replacing "Court of Special Appeals" with "the Appellate Court" in the taglines of subsections (b) (3) and (d) (2) and by replacing "Court of Special Appeals" with "Appellate Court" and "Court of Appeals" with "Supreme Court" in subsection (d) (2), as follows:

Rule 8-606. MANDATE

. . .

(b) When Issued

(1) Generally

Subject to subsections (b) (2), (3), and (4) of this Rule, unless the Court orders otherwise, the Clerk shall issue the mandate upon the expiration of 30 days after the filing of the Court's opinion or entry of the Court's order.

(2) Voluntary Dismissal

Upon a voluntary dismissal, the Clerk shall issue the mandate immediately.

(3) ~~Court of Special Appeals~~ The Appellate Court - Expedited Appeal

. . .

(d) Transmission - Mandate and Record

(1) Generally

Except as provided in subsection (d) (2) of this Rule, upon issuance of the mandate, the Clerk shall transmit it to the appropriate lower court. Unless the appellate court orders otherwise, the original papers comprising the record shall be transmitted with the mandate. If the proceeding emanated from a non-MDEC court, the mandate shall be transmitted to the lower court in paper form.

(2) ~~Court of Special Appeals~~ The Appellate Court - Delayed Return

If a petition for a writ of certiorari is filed pursuant to Rule 8-303 while the record is in the possession of the ~~Court of Special Appeals~~ Appellate Court, the Clerk of the ~~Court of Special Appeals~~ Appellate Court shall not return the record to the lower court until (A) the petition is denied, or (B) if the petition is granted, the ~~Court of Special Appeals~~ Appellate Court takes action in accordance with the mandate of the ~~Court of Appeals~~ Supreme Court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 600 - DISPOSITION

AMEND Rule 8-608 by replacing "Court of Appeals" with "Supreme Court" in sections (a) and (c), by replacing "Court of Special Appeals" with "Appellate Court" in section (a), and by making a stylistic change, as follows:

Rule 8-608. COMPUTATION OF COSTS

(a) Costs Generally Allowed

The Clerk shall include in the costs the allowance determined pursuant to section (c) of this Rule for reproducing the briefs, the record extract, and any necessary appendices to briefs and any other costs prescribed by these ~~rules~~ Rules or other law. Unless the case is in the ~~Court of Appeals~~ Supreme Court and was previously heard and decided by the ~~Court of Special Appeals~~ Appellate Court, the Clerk shall also include the amount paid by or on behalf of the appellant for the original and the copies of the stenographic transcript of testimony furnished pursuant to section (a) of Rule 8-411. If the transcript was paid for by the Office of the Public Defender, the Clerk shall so state.

. . .

(c) Allowance for Reproduction

The Clerk shall determine the allowance for reproduction by multiplying the number of pages in the briefs, the record extract, and any necessary appendices to briefs by the standard page rate established from time to time by the ~~Court of Appeals~~ Supreme Court.

Source: This Rule is derived from former Rules 1080, 880, 1081, and 881.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE ~~COURT OF APPEALS AND COURT OF
SPECIAL APPEALS~~ SUPREME COURT AND THE APPELLATE COURT

CHAPTER 600 - DISPOSITION

AMEND Rule 8-611 by adding "an" to the tagline of section (a), by replacing "The" with "An" in section (a), by adding "a" to the tagline of section (b), and by making a stylistic change in section (b), as follows:

Rule 8-611. ENFORCEMENT

(a) By an Appellate Court

~~The~~ An appellate court may enforce its judgment by appropriate order.

(b) By a Trial Court

After the clerk of the trial court enters the mandate on the docket: (1) a party entitled to costs under the mandate may file a motion in the trial court specifying the amount of costs due and requesting that a judgment in that amount be entered by the trial court and that it be recorded and indexed as provided by Rule 2-601 (c); (2) the judgment of the appellate court is enforceable by process issued by the trial court; and (3) the judgment of the trial court may be recorded in another court and enforced by process issued by that other court pursuant to the

~~rules~~ Rules applicable to an original judgment of the trial court.

Source: This Rule is in part derived from former Rules 1078 and 878 and in part new.

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 200 - DIVORCE, ANNULMENT, ALIMONY, CHILD SUPPORT,
AND CHILD CUSTODY

AMEND Rule 9-205.2 by replacing "Judge" with "Justice" and "Court of Appeals" with "Supreme Court" in subsection (k)(1), as follows:

Rule 9-205.2. PARENTING COORDINATION

. . .

(k) Fees

(1) Fee Schedules

Subject to the approval of the Chief ~~Judge~~ Justice of the ~~Court of Appeals~~ Supreme Court, the county administrative judge of each circuit court may develop and adopt maximum fee schedules for parenting coordinators. In developing the fee schedules, the county administrative judge shall take into account the availability of qualified individuals willing to provide parenting coordination services and the ability of litigants to pay for those services. A parenting coordinator appointed by the court may not charge or accept a fee for parenting coordination services in that action in excess of the fee allowed by the applicable schedule. Violation of this

subsection shall be cause for removal from all lists maintained pursuant to section (d) of this Rule, Rule 9-205, and the Rules in Title 17.

. . .

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 12 - PROPERTY ACTIONS

CHAPTER 200 - CONDEMNATION

AMEND Rule 12-211 by replacing "Court of Special Appeals" with "Appellate Court" and "Court of Appeals" with "Supreme Court" in subsection (b) (3) and by making a stylistic change, as follows:

Rule 12-211. ABANDONMENT

. . . .

(b) When Not Allowed

An action for condemnation may not be abandoned:

- (1) after taking has occurred; or
- (2) more than 120 days after the entry of judgment unless an appeal is taken; or
- (3) if an appeal was taken, more than 120 days after the receipt by the clerk of the lower court of a mandate of the ~~Court of Special Appeals~~ Appellate Court or, if the ~~Court of Appeals~~ Supreme Court assumes jurisdiction, of the ~~Court of Appeals~~ Supreme Court evidencing (A) the dismissal of the appeal by the Court, (B) the affirmance of the judgment, (C) the entry of judgment pursuant to Rule 8-604 (e), or (D) the modification of the judgment without the award of a new trial. For purposes

of this subsection, an appeal taken by the plaintiff that is stricken pursuant to Rule 8-203 or voluntarily dismissed shall be treated as if not taken, and the time allowed for abandonment shall be determined in accordance with subsections ~~(1) and (2)~~ of this section (b) (1) and (b) (2) of this Rule.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 15 - OTHER SPECIAL PROCEEDINGS
CHAPTER 200 - CONTEMPT

AMEND Rule 15-205 by replacing "Court of Appeals or the Court of Special Appeals" with "Supreme Court or the Appellate Court" in subsection (b) (3) (A) and section (d), as follows:

Rule 15-205. CONSTRUCTIVE CRIMINAL CONTEMPT; COMMENCEMENT;
PROSECUTION

. . .

(b) Who May Institute

(1) The court may initiate a proceeding for constructive criminal contempt by filing an order directing the issuance of a summons or warrant pursuant to Rule 4-212.

(2) The State's Attorney may initiate a proceeding for constructive criminal contempt committed against a trial court sitting within the county in which the State's Attorney holds office by filing a petition with that court.

(3) The Attorney General may initiate a proceeding for constructive criminal contempt committed (A) against the ~~Court of Appeals or the Court of Special Appeals~~ Supreme Court or the Appellate Court, or (B) against a trial court when the Attorney General is exercising the authority vested in the Attorney

General by Maryland Constitution, Art. V, § 3, by filing a petition with the court against which the contempt was allegedly committed.

. . .

(d) Contents; Service

An order filed by the court pursuant to section (b)(1) of this Rule and a petition filed by the State's Attorney, the Attorney General, or the State Prosecutor shall contain the information required by Rule 4-202 (a). The order or petition shall be served, along with a summons or warrant, in the manner specified in Rule 4-212 or, if the proceeding is in the ~~Court of Appeals or the Court of Special Appeals~~ Supreme Court or the Appellate Court, in the manner directed by that court.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 15 - OTHER SPECIAL PROCEEDINGS
CHAPTER 300 - HABEAS CORPUS

AMEND Rule 15-312 by replacing "Court of Special Appeals"
with "Appellate Court," as follows:

Rule 15-312. DISCHARGE ON GROUND OF UNCONSTITUTIONALITY--REVIEW

When an individual is released or discharged under a writ of habeas corpus on the ground that all or part of the statute or law under which the individual was convicted is unconstitutional, the memorandum or the transcription required by Rule 15-311 shall be filed by the judge within five days after the judge orders the release or discharge. The clerk shall promptly transmit the record to the Clerk of the ~~Court of Special Appeals~~ Appellate Court for further proceedings.

Cross reference: See Code, Courts Article, § 3-706 and Rule 8-413.

Committee note: The provisions of Title 8 are applicable to proceedings under this Rule except to the extent otherwise provided.

Source: This Rule is derived from former Rule Z56.

MARYLAND RULES OF PROCEDURE

TITLE 15 - OTHER SPECIAL PROCEEDINGS

CHAPTER 1100 - CATASTROPHIC HEALTH EMERGENCY

AMEND Rule 15-1103 by replacing "Chief Judge of the Court of Appeals" with "Chief Justice of the Supreme Court" in section (b), as follows:

Rule 15-1103. INITIATION OF PROCEEDING TO CONTEST ISOLATION OR QUARANTINE

. . .

(b) Order Assigning Judge and Setting Hearing

The County Administrative Judge or that judge's designee shall enter an order (1) assigning the matter to a judge and (2) setting the date, time, and location of a hearing on the petition or directing the clerk to promptly set the hearing and notify the parties. The clerk shall provide a copy of the order to all parties, the State Court Administrator, and the ~~Chief Judge of the Court of Appeals~~ Chief Justice of the Supreme Court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 15 - OTHER SPECIAL PROCEEDINGS

CHAPTER 1100 - CATASTROPHIC HEALTH EMERGENCY

AMEND Rule 15-1104 by replacing "Court of Appeals" with "Supreme Court" in section (a), as follows:

Rule 15-1104. PROCEEDINGS IN THE CIRCUIT COURT

(a) Appointment of Counsel

If a petition has been filed pursuant to Rule 15-1103 by an individual or group not represented by counsel and the petitioner does not decline court-appointed counsel, the circuit court shall appoint counsel in accordance with Code, Health-General Article, § 18-906(c), or the ~~Court of Appeals~~ Supreme Court shall appoint counsel in accordance with Code, Public Safety Article, § 14-3A-05(f)(2). The court making the appointment may order the Secretary to pay reasonable fees and costs of the court-appointed counsel.

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MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION

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MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE

AMEND Rule 16-101 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in sections (a), (e), and (f); by replacing "Court of Special Appeals" with "Appellate Court" in sections (b) and (g); and by replacing "Court of Appeals" with "Supreme Court" in section (g), as follows:

Rule 16-101. GENERAL ADMINISTRATIVE STRUCTURE

The administrative structure of the Maryland Judiciary consists of the following:

(a) The Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, exercising the administrative powers conferred by the Maryland Constitution, the Maryland Code, and the Maryland Rules and fulfilling the duties imposed thereby;

(b) The Chief Judge of the ~~Court of Special Appeals~~ Appellate Court, exercising the administrative powers conferred upon the Chief Judge by the Maryland Code and the Maryland Rules and fulfilling the duties imposed thereby;

(c) Circuit and County Administrative Judges of the circuit courts, exercising the administrative powers conferred upon them

by the Maryland Code and the Maryland Rules and fulfilling the duties imposed thereby;

(d) The Chief Judge and Administrative Judges of the District Court, exercising the administrative powers conferred upon them by the Maryland Constitution, the Maryland Code, and the Maryland Rules and fulfilling the duties imposed thereby;

(e) The Maryland Judicial Council, fulfilling the duties imposed upon the Council by the Maryland Rules and Administrative Orders of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court;

(f) The State Court Administrator and the Administrative Office of the Courts, exercising the administrative powers conferred and fulfilling the duties imposed upon them by the Maryland Code, the Maryland Rules, and Administrative Orders and directives of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court;

(g) The Clerks of the ~~Court of Appeals~~ Supreme Court, the ~~Court of Special Appeals~~ Appellate Court, the circuit courts, and the District Court, exercising the administrative powers conferred and fulfilling the duties imposed upon them by the Maryland Constitution, the Maryland Code, and the Maryland Rules;

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MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE

AMEND Rule 16-102 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in the name of the Rule and the preamble and by replacing "Judge" with "Justice" in the preamble and section (b), as follows:

Rule 16-102. ~~CHIEF JUDGE OF THE COURT OF APPEALS~~ JUSTICE OF THE SUPREME COURT

The Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court is the administrative head of the Maryland judicial system and has overall responsibility for the administration of the courts of this State. In the execution of that responsibility, the Chief ~~Judge~~ Justice:

- (a) may exercise the authority granted by the Maryland Constitution, the Maryland Code, the Maryland Rules, or other law;
- (b) shall appoint a State Court Administrator to serve at the pleasure of the Chief ~~Judge~~ Justice;
- (c) may delegate administrative duties to other persons within the judicial system, including senior judges recalled pursuant to Code, Courts Article, § 1-302; and

(d) may assign judges pursuant to Rule 16-108 (b).

Source: This Rule is derived from former Rule 16-101 a (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE

AMEND Rule 16-103 by replacing "Court of Appeals" with "Appellate Court" in the name of the Rule and in the body of the Rule and by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in the body of the Rule, as follows:

Rule 16-103. CHIEF JUDGE OF THE ~~COURT OF SPECIAL APPEALS~~
APPELLATE COURT

Subject to the provisions of this Chapter, other applicable law, and the direction of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, the Chief Judge of the ~~Court of Special Appeals~~ Appellate Court is responsible for the administration of the ~~Court of Special Appeals~~ Appellate Court and, with respect to that court and to the extent applicable, has the authority of a County Administrative Judge. In the absence of the Chief Judge of the ~~Court of Special Appeals~~ Appellate Court, the provisions of this Rule shall be applicable to the senior judge present in the ~~Court of Special Appeals~~ Appellate Court.

Cross reference: For the definition of a "senior judge" as used in this Rule, see Rule 1-202 (aa) (1).

Source: This Rule is derived from former Rule 16-101 b (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE

AMEND Rule 16-104 by replacing references to the Chief Judge of the Court of Appeals with references to the Chief Justice of the Supreme Court in sections (a) and (b), as follows:

Rule 16-104. CIRCUIT COURT - CIRCUIT ADMINISTRATIVE JUDGE

(a) Designation

The Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court shall designate, from among the incumbent judges in each judicial circuit, a Circuit Administrative Judge for each judicial circuit, to serve in that capacity at the pleasure of the Chief ~~Judge~~ Justice. The Circuit Administrative Judge shall serve also as the County Administrative Judge of the circuit court for the county within which the judge resides.

(b) Duties

Subject to the provisions of this Chapter and to the direction of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, the Circuit Administrative Judge is generally responsible for the overall administration of the circuit courts within the judicial circuit, and for matters that may affect

more than one of those courts. In carrying out those responsibilities, the Circuit Administrative Judge:

(1) may perform, on a temporary basis, any of the duties of a County Administrative Judge for a circuit court within the judicial circuit in the absence of the County Administrative Judge or acting County Administrative Judge for that court;

. . . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE

AMEND Rule 16-105 by replacing references to the Chief Judge of the Court of Appeals with references to the Chief Justice of the Supreme Court in section (a), the stem of section (b), subsection (b) (11), and subsection (d) (2) and by replacing "Court of Appeals" with "Supreme Court" in subsection (b) (11), as follows:

Rule 16-105. CIRCUIT COURT - COUNTY ADMINISTRATIVE JUDGE

(a) Designation

After considering the recommendation of the Circuit Administrative Judge, the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court shall designate a County Administrative Judge for each circuit court, to serve in that capacity at the pleasure of the Chief ~~Judge~~ Justice. Except as permitted by Rule 16-104 (b) (1), the County Administrative Judge shall be a judge of that circuit court.

(b) Duties

Subject to the provisions of this Chapter, other applicable law, the general supervision of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, and the

general supervision of the Circuit Administrative Judge, the County Administrative Judge is responsible for the administration of the circuit court, including:

. . .

(11) implementation and enforcement of all administrative policies, rules, orders, and directives of the ~~Court of Appeals~~ Supreme Court, the ~~Chief Judge of the Court of Appeals~~ Justice of the Supreme Court, the State Court Administrator, and the Circuit Administrative Judge of the judicial circuit; and

(12) performance of any other administrative duties necessary to the effective administration of the internal management of the court and the prompt disposition of litigation in it.

. . .

(d) Delegation of Authority

(1) A County Administrative Judge may delegate one or more of the administrative duties and functions imposed by this Rule to (A) another judge or a committee of judges of the court, including by designation of another judge of the court to serve as acting County Administrative Judge during a temporary absence of the County Administrative Judge, or (B) one or more other officials or employees of the court.

(2) Except as provided in subsection (d)(3) of this Rule, in the implementation of Code, Criminal Procedure Article, § 6-103

and Rule 4-271 (a), a County Administrative Judge may (A) with the approval of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, authorize one or more judges to postpone criminal cases on appeal from the District Court or transferred from the District Court because of a demand for jury trial, and (B) authorize not more than one judge at a time to postpone all other criminal cases.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE

AMEND Rule 16-106 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in sections (a) and (b), as follows:

Rule 16-106. CHIEF JUDGE OF THE DISTRICT COURT

(a) Generally

Subject to the provisions of this Chapter and to the direction of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, the Chief Judge of the District Court is the chief administrative officer of that court and is responsible for the maintenance, administration, and operation of the court in all its locations throughout the State.

(b) Administrative Regulations

The Chief Judge of the District Court may adopt administrative regulations for the governance of the District Court, subject to and not inconsistent with the Maryland Rules, other applicable law, or with administrative orders issued by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court.

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MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE

AMEND Rule 16-107 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in section (a), as follows:

Rule 16-107. ADMINISTRATIVE JUDGES OF THE DISTRICT COURT

(a) Designation

Subject to the approval of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, the Chief Judge of the District Court shall designate a District Court judge in each district as the administrative judge for that district.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE

AMEND Rule 16-108 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in the tagline of section (b) and in section (b), as follows:

Rule 16-108. ASSIGNMENT OF JUDGES

. . .

(b) Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court

The Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, by order, may assign (1) a judge of the District Court, a circuit court, or an appellate court to sit temporarily in another court other than an Orphans' Court, or (2) a judge of an Orphans' Court of a county to sit temporarily in an Orphans' Court of another county in accordance with Code, Estates and Trusts Article, § 2-106(i). The order shall specify the court in which the judge is to sit and the duration of the assignment. While so assigned, the judge shall possess all of the power and authority of a judge of a court to which the judge is assigned.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE

AMEND Rule 16-109 by replacing "judges" with "justices," "Court of Appeals" with "Supreme Court," "Court of Special Appeals" with "Appellate Court," and "Judge of the Court of Appeals" with "Justice of the Supreme Court" in section (a); by adding "judges of the" in section (a); and by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" and "Judge" with "Justice" in section (c), as follows:

Rule 16-109. MARYLAND JUDICIAL CONFERENCE

(a) Existence; Membership; Chair; Secretariat

There is a Maryland Judicial Conference which consists of the ~~judges~~ justices of the ~~Court of Appeals~~ Supreme Court, the ~~judges of the Court of Special Appeals~~ Appellate Court, the ~~judges of the~~ circuit courts, and the judges of the District Court. The Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court is the Chair of the Conference. The Administrative Office of the Courts is the secretariat for the Conference.

. . .

(c) Sessions

Unless otherwise ordered by the Chief ~~Judge of the Court~~
~~of Appeals~~ Justice of the Supreme Court, the Conference shall
meet in general session periodically at the time and place
designated by the Chief ~~Judge~~ Justice. Each session of the
Conference shall be for the number of days determined by the
Chief ~~Judge~~ Justice. Educational programs conducted during a
meeting of the Judicial Conference shall be under the auspices
of the Judiciary's education committee created by Administrative
Order.

Source: This Rule is derived in part from former Rule 16-802
(2016) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE

AMEND Rule 16-110 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in subsection (b) (1), subsection (b) (11), the Committee note following subsection (b) (11), subsection (c) (1), subsection (d) (1), section (e), and subsection (f) (1); by replacing "Court of Special Appeals" with "Appellate Court" in subsection (b) (2); by replacing "Court of Appeals" with "Supreme Court" in subsection (b) (8); and by replacing "Judge" with "Justice" in the Committee note following subsection (b) (8) and subsections (c) (2), (d) (1), and (d) (2), as follows:

Rule 16-110. JUDICIAL COUNCIL

(a) Existence

There is a Judicial Council.

(b) Membership; Chair

The Judicial Council consists of:

(1) the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, who is the Chair of the Judicial Council;

(2) the Chief Judge of the ~~Court of Special Appeals~~ Appellate Court;

- (3) the Chair and Vice Chair of the Conference of Circuit Judges;
- (4) the Chief Judge of the District Court;
- (5) the State Court Administrator;
- (6) the Chair and Vice Chair of the Conference of Circuit Court Clerks;
- (7) the Chair and Vice Chair of the Conference of Circuit Court Administrators;
- (8) the Chair of the ~~Court of Appeals~~ Supreme Court Standing Committee on Rules of Practice and Procedure;
- (9) the Chief Clerk of the District Court; and
- (10) the Chair of the Senior Judges Committee; and
- (11) three circuit court judges, three District Court judges, and two District Administrative Clerks appointed by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court.

Committee note: The Conference of Circuit Court Clerks and the Conference of Circuit Court Administrators are created and exist only by Administrative Order of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court. The inclusion of their Chairs or Vice Chairs on the Judicial Council is not intended to affect the authority of the Chief ~~Judge~~ Justice to alter or revoke those Administrative Orders.

(c) Terms of Appointed Members; Vacancies

- (1) The term of each member appointed by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court is two years, subject to reappointment for one additional term of two years.

(2) If a vacancy occurs because an appointed member dies, resigns, or leaves the judicial office or office as an administrative clerk that the member occupied when appointed to the Judicial Council, the Chief ~~Judge~~ Justice may appoint a successor to serve for the balance of the unexpired term.

(d) Duties; Authority

(1) The Judicial Council serves as the principal advisory body to the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court with respect to the exercise of the Chief ~~Judge's~~ Justice's authority as the administrative head of the State judicial system.

Cross reference: See Article IV, § 18 of the Maryland Constitution.

(2) The Chief ~~Judge~~ Justice, as Chair of the Judicial Council, may create committees, subcommittees, and work groups:

(A) to consider matters relevant to the functioning and improvement of the Maryland Judiciary and the administration of justice in the State; and

(B) to make appropriate recommendations to the Judicial Council.

(3) The Chair of the Judicial Council shall make an annual report.

(e) Secretary

The Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court shall designate an individual to serve as Secretary to the Judicial Council.

(f) Meetings

(1) The Judicial Council shall meet on the call of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court.

(2) Unless impracticable due to exigent circumstances, the Secretary to the Judicial Council shall cause notice of all meetings of the Council to be posted on the Judiciary's website, and, subject to reasonable space limitations, all such meetings shall be open to the public. Minutes shall be kept of all meetings and posted on the Judiciary website.

Source: This Rule is derived from former Rule 16-802 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE

AMEND Rule 16-111 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in subsection (a) (1), subsection (a) (2), and section (b), as follows:

Rule 16-111. STATE COURT ADMINISTRATOR; ADMINISTRATIVE OFFICE OF THE COURTS

(a) State Court Administrator

The State Court Administrator:

(1) ~~subject to the authority of the Chief Judge of the Court of Appeals~~ Justice of the Supreme Court, is the head of the Administrative Office of the Courts; and

(2) shall perform the duties required by the Maryland Code, the Maryland Rules, and administrative orders or directives of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court.

Cross reference: Code, Courts Article, §§ 7-102, 7-202, 13-101.

(b) Administrative Office of the Courts

The Administrative Office of the Courts shall perform the duties required by the Maryland Code, the Maryland Rules, and administrative orders or directives issued by the Chief ~~Judge of~~

~~the Court of Appeals~~ Justice of the Supreme Court and the directives of the State Court Administrator.

Cross reference: Code, Courts Article, § 13-101; Family Law Article, § 4-512.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURTS

AMEND Rule 16-201 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in subsection (a) (2), subsection (b) (1), and section (c) and by replacing "Judge" with "Justice" in subsection (a) (2), as follows:

Rule 16-201. COURT SESSIONS

(a) In General

The courts of this State shall be open each day throughout the year from Monday through Friday except:

(1) on days designated pursuant to State law for the observance of legal holidays by State employees; or

(2) when closed because of emergency, inclement weather, or other good cause by order of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court or an individual designated by the Chief ~~Judge~~ Justice.

Cross reference: For the definition of "holiday," see Rule 1-202 and Code, State Personnel and Pensions Article, § 9-201.

(b) Proceedings When Courts Closed

No trials or other court proceedings shall be conducted when the court is closed pursuant to section (a) of this Rule except when ordered by (1) the Chief ~~Judge of the Court of~~

~~Appeals~~ Justice of the Supreme Court or (2) a judge of the particular court in an emergency or as the public welfare may require.

(c) Public or Catastrophic Health Emergency

When required to deal with the effects of a public emergency or a catastrophic health emergency declared by the Governor, the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court may order that one or more courts remain open or reopen, including on a holiday or weekend.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURTS

AMEND Rule 16-203 by replacing "Court of Appeals" with "Supreme Court" in subsection (b)(2); by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in sections (c), (d), and (e); by correcting a cross reference after section (c); and by replacing "Judge" with "Justice" in section (d), as follows:

Rule 16-203. ELECTRONIC FILING OF PLEADINGS, PAPERS, AND REAL PROPERTY INSTRUMENTS

. . .

(b) Submission of Plan

. . .

(2) District Court

The Chief Judge of the District Court may submit to the ~~Court of Appeals~~ Supreme Court for approval a detailed plan for a pilot project for the electronic filing of pleadings and papers. In developing the plan, the Chief Judge shall consult with the District Administrative Judge and the District Administrative Clerk of each district included in the plan, the District Court Chief Clerk, appropriate vendors, the State Court

Administrator, and any other judges, court clerks, members of the bar, vendors of electronic filing systems, and interested persons that the Chief Judge chooses, to ensure that the criteria set forth in section (c) of this Rule are met.

(c) Criteria for Adoption of Plan

. . . .

(6) the court can discard or replace the system during or at the conclusion of a trial period without undue financial or operational burden.

The State Court Administrator shall review the plan and make a recommendation to the ~~Chief Judge of the Court of Appeals~~ Justice of the Supreme Court with respect to it.

Cross reference: For the definition of "public record," see Code, General Provisions Article, § 4-101 ~~(h)~~. See also Rules 16-901 - 16-934 (Access to Judicial Records).

(d) Approval and Duration of Plan

A plan may not be implemented unless approved by administrative order of the ~~Chief Judge of the Court of Appeals~~ Justice of the Supreme Court. The plan shall terminate two years after the date of the administrative order unless the ~~Chief Judge~~ Justice terminates it earlier or modifies or extends it by a subsequent administrative order.

(e) Evaluation

The ~~Chief Judge of the Court of Appeals~~ Justice of the Supreme Court may appoint a committee consisting of one or more

judges, court clerks, attorneys, legal educators, bar association representatives, and other interested and knowledgeable individuals to monitor and evaluate the plan. Before the expiration of the two-year period set forth in section (d) of this Rule, the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, after considering the recommendations of the committee, shall evaluate the operation of the plan.

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MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURTS

AMEND Rule 16-204 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in subsection (a) (1) and by replacing "Judge" with "Justice" in the cross reference following subsection (a) (1), as follows:

Rule 16-204. REPORTING OF CRIMINAL AND MOTOR VEHICLE INFORMATION

(a) Reporting Requirements

A clerk or the Judicial Information Systems unit of the Administrative Office of the Courts, from data retrieved from the trial courts case management systems, shall:

(1) report to the Central Repository of Criminal History Record Information of the Department of Public Safety and Correctional Services reportable events, as defined in Code, Criminal Procedure Article, § 10-215, with respect to the list of offenses agreed to by the Secretary of the Department of Public Safety and Correctional Services and the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court; and

Cross reference: See Code, Criminal Procedure Article, § 10-217 regarding agreement between the Secretary and the Chief ~~Judge~~ Justice.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURTS

AMEND Rule 16-205 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in subsection (a) (2), subsection (c) (1), and section (d), as follows:

Rule 16-205. DISPOSITION OF RECORDS

(a) Applicability

. . .

(2) This Rule applies to records in the custody of a circuit court or the District Court that (A) for a circuit court are subject to a Records Retention and Disposal Schedule for the Circuit Courts adopted by the Records Management Division of the Department of General Services and approved by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, or (B) for the District Court, are subject to a District Court Records Retention and Storage Manual adopted by the Chief Judge of that Court and approved by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court.

. . .

(c) Circuit Court Records

(1) Duty of Clerk and County Administrative Judge

Except as otherwise required by law, each custodian of records of a circuit court and the county administrative judge of that court shall dispose of the records in their custody in accordance with the procedures, schedules, forms, and exhibits set forth in the Records Retention and Disposal Schedule for the Circuit Courts of Maryland most recently adopted by the Records Management Division of the Department of General Services and approved by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court.

. . .

(d) District Court Records

The Chief Clerk of the District Court and the Chief Judge of the District Court shall dispose of records of the District Court in accordance with the procedures, schedules, forms, and exhibits set forth in the District Court Records Retention and Storage Manual most recently adopted by the Chief Judge of the District Court and approved by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court.

Cross reference: See Code, Courts Article, §§ 1-605 (d)(6) and 2-205; Code, Family Law Article, § 7-106; and Code, State Government Article, Title 10, Subtitle 6, Part III, concerning destruction of records.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURTS

AMEND Rule 16-207 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in section (d) and subsections (h) (2) (A) and (h) (2) (B), as follows:

Rule 16-207. PROBLEM-SOLVING COURT PROGRAMS

. . .

(d) Approval of Plan

After review of the plan and consultation with such other judicial entities as the State Court Administrator may direct, the Office of Problem-Solving Courts shall submit the plan, together with any comments and a recommendation, to the State Court Administrator. The State Court Administrator shall review the materials and make a recommendation to the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court. The program shall not be implemented until it is approved by order of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court.

. . .

(h) Continued Program Operation

(1) Monitoring

Each problem-solving court program shall provide the Office of Problem-Solving Courts with the information requested by that Office regarding the program.

(2) Report and Recommendation

(A) The Office of Problem-Solving Courts shall submit to the Chief Judge of the Court of Appeals Justice of the Supreme Court, through the State Court Administrator, annual reports and recommendations as to the status and operations of the various problem-solving court programs. The Office of Problem-Solving Courts shall provide to the Chief Judge of the District Court a copy of each report and recommendation that pertains to a problem-solving court program in the District Court.

(B) The Chief Judge of the Court of Appeals Justice of the Supreme Court may require information regarding the status and operation of a problem-solving court program and may direct that a program be altered or terminated.

Source: This Rule is derived from former Rule 16-206 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURTS

AMEND Rule 16-208 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in subsection (d) (3), as follows:

Rule 16-208. CELL PHONES; OTHER ELECTRONIC DEVICES; CAMERAS

. . .

(d) Notice

Notice of the provisions of sections (b) and (c) of this Rule shall be:

- (1) posted prominently at the court facility;
- (2) included on the main Judiciary website and the website of each court; and
- (3) disseminated to the public by any other means approved in an administrative order of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court.

Source: This Rule is derived from former Rule 16-110 (2016).

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION AND CASE
MANAGEMENT

AMEND Rule 16-307 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in subsection (a) (4) (D), the tagline of subsection (b) (4), and subsection (b) (4), as follows:

Rule 16-307. FAMILY DIVISION AND SUPPORT SERVICES

(a) Family Division

. . .

(4) Responsibilities of the County Administrative Judge

The County Administrative Judge of the Circuit Court for each county having a family division shall:

. . .

(D) prepare and submit to the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, no later than October 15 of each year, a written report that includes a description of family support services provided by the court's family division in the preceding fiscal year.

(b) Circuit Courts Without a Family Division

. . .

(4) Report to the Chief ~~Judge of the Court of Appeals~~
Justice of the Supreme Court

The County Administrative Judge shall prepare and submit to the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, no later than October 15 of each year, a written report that includes a description of the family support services provided by the court in the preceding fiscal year.

Source: This Rule is derived from former Rule 16-204 (2016).

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION AND CASE
MANAGEMENT

AMEND Rule 16-308 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in section (b), as follows:

Rule 16-308. BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM

. . .

(b) Program Established

Subject to the availability of fiscal and human resources, a program approved by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court shall be established to enable each circuit court to handle business and technology matters in a coordinated, efficient, and responsive manner and to afford convenient access to attorneys and litigants in business and technology matters. The program shall include:

(1) a program track within the differentiated case management system established under Rule 16-302;

(2) a procedure by which an action is assigned to the program;

(3) program judges who are specially trained in business and technology; and

(4) ADR proceedings conducted by individuals qualified under Title 17 of these Rules and specially trained in business and technology.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 400 - CIRCUIT COURTS - CLERKS' OFFICES

AMEND Rule 16-401 by replacing "Judge" with "Justice" in the tagline of subsection (a) (3) and by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in subsections (a) (3) and (b) (2) (A), as follows:

Rule 16-401. PERSONNEL

(a) Chief Deputy Clerk

(1) Appointment

The clerk of each circuit court may appoint a chief deputy clerk for that court. The appointment is not subject to section (b) of this Rule.

(2) Tenure

Subject to subsection (a) (3) of this Rule, a chief deputy clerk serves at the pleasure of the clerk.

(3) Approval of Chief ~~Judge~~ Justice

The appointment, retention, and removal of a chief deputy clerk shall be subject to the approval of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, after consultation with the County Administrative Judge and the State Court Administrator.

(b) Other Employees

(1) Authorization to Fill Vacancy

If a vacancy occurs in a clerk's office, the clerk shall seek authorization from the State Court Administrator to fill the vacancy.

(2) Personnel System

(A) Generally

The selection and appointment of other employees in the clerk's office and the promotion, classification and reclassification, transfer, demotion, suspension, discharge, and other discipline of such employees shall be subject to and conform with the standards and procedures set forth in a personnel system developed by the State Court Administrator and approved by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court. The personnel system shall (i) provide for equal opportunity, (ii) be based on merit principles, (iii) include appropriate job classifications and compensation scales, and (iv) include a grievance procedure in conformance with subsection (b) (2) (B) of this Rule.

(B) Grievance Procedure

The clerk shall resolve a grievance within the clerk's office, but the grievance procedure shall permit an aggrieved party to appeal from the decision of the clerk to the State Court Administrator or his or her designee. The decision of the

State Court Administrator or designee shall constitute the final administrative decision. During the pendency of an appeal, the State Court Administrator may grant interim relief which, after consultation with the county administrative judge of each affected court, may include a transfer of an employee.

Committee note: The State Court Administrator may seek appropriate judicial relief to enforce a final determination and directive. See Rule 1-201 (a).

(3) Review for Compliance

The State Court Administrator may review the selection, promotion, or discipline of an employee to ensure compliance with the standards and procedures in the personnel system.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 400 - CIRCUIT COURTS - CLERKS' OFFICES

AMEND Rule 16-402 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in sections (b) and (d), as follows:

Rule 16-402. OPERATIONS

. . .

(b) General Operations

The State Court Administrator shall develop policies, procedures, and standards for all judicial and non-judicial operations of the clerks' offices, including case processing, records management, forms control, accounting, budgeting, inventory, and data processing. The data processing systems in Baltimore City, Prince George's County, and Montgomery County in effect on July 1, 2016 shall not be replaced, other than by MDEC, except by order of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court.

. . .

(d) Submission of Budget

Each clerk shall submit an annual budget to the State Court Administrator for review and approval by the Chief ~~Judge~~

~~of the Court of Appeals~~ Justice of the Supreme Court. The budget shall be submitted at the time specified by the State Court Administrator and shall be in the form prescribed by the Secretary of Budget and Management.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 400 - CIRCUIT COURTS - CLERKS' OFFICES

AMEND Rule 16-403 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in subsection (a) (2) and section (b), as follows:

Rule 16-403. HOURS

(a) Generally

Except as provided in section (b) of this Rule, the office of each clerk of a circuit court shall be open to the public throughout the year for the transaction of all business of the court from at least 8:30 a.m. to 4:30 p.m. Monday through Friday of each week, except:

(1) on days designated pursuant to State law for the observance of legal holidays by State employees; or

(2) on days when the court is closed because of an emergency, inclement weather, or other good cause by order of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, the County Administrative Judge, or the Circuit Administrative Judge for the judicial circuit.

(b) Public or Catastrophic Health Emergency

The clerk's office shall be open on each day that the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court orders the court to be open pursuant to Rule 16-201 (c) (Public or Catastrophic Health Emergency).

Source: This Rule is derived from former Rule 16-304 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 400 - CIRCUIT COURTS - CLERKS' OFFICES

AMEND Rule 16-404 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court," as follows:

Rule 16-404. DOCKETS

The clerks of the circuit courts shall maintain dockets in the form and containing the information prescribed by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court.

Source: This Rule is derived from former Rule 16-305 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 500 - RECORDING OF PROCEEDINGS

AMEND Rule 16-505 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in sections (a) and (c), as follows:

Rule 16-505. ADMINISTRATION OF CIRCUIT COURT RECORDING PROCESS

(a) Regulations and Standards

The Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, by administrative order, shall prescribe regulations and standards regarding the court recording process and the person responsible for recording proceedings in the courts of the State. The regulations and standards may include:

- (1) the selection, qualifications, and responsibilities of persons recording court proceedings;
- (2) preparation, typing, and format of transcripts;
- (3) charges for transcripts and copies;
- (4) preservation and maintenance of reporting notes and records, however recorded;
- (5) equipment and supplies utilized in reporting; and
- (6) procedures for filing and maintaining administrative records and reports.

. . .

(c) Supervision of Court Reporters

Subject to the general supervision of the Chief ~~Judge of~~
~~the Court of Appeals~~ Justice of the Supreme Court, the County
Administrative Judge shall have the supervisory responsibility
for the court reporters and persons responsible for recording
court proceedings in that county. The County Administrative
Judge may delegate supervisory responsibility to the supervisory
court reporter or a person responsible for recording court
proceedings, including the assignment of court reporters or
other persons responsible for recording court proceedings.

Cross reference: Rule 16-914 (h) provides that backup audio
recordings made by any means, computer disks, and notes of a
court reporter that have not been filed with the clerk or are
not part of the official court record are not ordinarily subject
to public inspection.

Source: This Rule is derived from former Rule 16-404 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 600 - EXTENDED COVERAGE OF COURT PROCEEDINGS

AMEND Rule 16-601 by adding "Justice or Chief" and "justice or" to the definition contained in subsection (e) (3), as follows:

Rule 16-601. DEFINITIONS

. . .

(e) Presiding Judge

(1) "Presiding judge" means a judge designated to preside over a proceeding which is, or is intended to be, the subject of extended coverage.

(2) Where action by a presiding judge is required by the Rules in this Chapter, and no judge has been designated to preside over the proceeding, "presiding judge" means the Local Administrative Judge.

(3) In an appellate court, "presiding judge" means the Chief Justice or Chief Judge of that court or the senior justice or judge of a panel of which the Chief Justice or Chief Judge is not a member.

Cross reference: For the definition of a "senior judge" as used in this Rule, see Rule 1-202 (aa) (1).

Source: This Rule is derived from former Rule 16-109 a (2016.)

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 600 - EXTENDED COVERAGE OF COURT PROCEEDINGS

AMEND Rule 16-605 by replacing "Court of Appeals or Court of Special Appeals" with "Supreme Court or the Appellate Court" in subsection (a)(4), as follows:

Rule 16-605. ACTION ON REQUEST

(a) When Permission Prohibited

. . .

(4) Consent of the parties is not required for extended coverage of a proceeding in the ~~Court of Appeals or Court of Special Appeals~~ Supreme Court or the Appellate Court, but any party may, at any time, move to terminate or limit extended coverage.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 700 - MISCELLANEOUS JUDICIAL UNITS

AMEND Rule 16-701 by replacing "Court of Appeals" with "Supreme Court" in sections (a), (b), and (c), subsection (d) (2), and section (g) and by replacing "Court of Special Appeals" with "Appellate Court" in section (b), as follows:

Rule 16-701. RULES COMMITTEE

(a) Existence

There is a Standing Committee on Rules of Practice and Procedure to assist the ~~Court of Appeals~~ Supreme Court in the exercise of its Constitutional and statutory rule-making authority.

Cross reference: Code, Courts Article, § 13-301.

(b) Membership

The Committee shall consist of one incumbent judge of the ~~Court of Special Appeals~~ Appellate Court, three incumbent circuit court judges, three incumbent judges of the District Court, one member of the State Senate, one member of the House of Delegates, one clerk of a circuit court, and such other individuals determined by the ~~Court of Appeals~~ Supreme Court.

All members shall be appointed by the ~~Court of Appeals~~ Supreme Court.

(c) Chair and Vice Chair

The ~~Court of Appeals~~ Supreme Court shall designate one member of the Committee as Chair of the Committee and may designate one member as Vice Chair. The Chair shall preside at meetings of the Committee and, with the assistance of the Reporter, generally supervise the work of the Committee. The Vice Chair shall perform the duties of the Chair in the absence of the Chair.

(d) Terms

(1) Generally

Except as otherwise provided in subsection (d)(2) of this Rule, in an Order appointing or reappointing a member of the Rules Committee effective on or after July 1, 2016:

. . .

(2) Members with No Terms

(A) The Chair and the members appointed from the State Senate and the House of Delegates have no terms and serve at the pleasure of the ~~Court of Appeals~~ Supreme Court.

(B) The State Court Administrator has no term.

. . .

(g) Duties of Committee

The Rules Committee shall keep abreast of emerging trends and new developments in the law that may affect practice and procedure in the Maryland courts. It shall review relevant new legislation, Executive initiatives, judicial decisions, and proposals from persons and groups interested in the Maryland judicial system to determine whether any new Rules of Procedure or changes to existing Rules may be advisable. Unless the ~~Court of Appeals~~ Supreme Court determines otherwise, every suggestion made to it for the adoption, amendment, or rescission of a Maryland Rule shall be referred to the Rules Committee for consideration.

Source: This Rule is derived in part from former Rule 16-801 (b) (2016) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 700 - MISCELLANEOUS JUDICIAL UNITS

AMEND Rule 16-702 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in subsection (d) (2), in the tagline of subsection (d) (3), and in subsection (d) (3), as follows:

Rule 16-702. CONFERENCE OF CIRCUIT JUDGES

. . .

(d) Duties

. . .

(2) Consultants

With the approval of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, the Conference may retain consultants in matters relating to the circuit courts.

(3) Consultation With Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court

The Conference may nominate to the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court circuit court judges for membership on committees and bodies of interest to the circuit courts.

(4) Majority Vote

The Conference and the Executive Committee of the Conference each shall carry out its duties pursuant to a majority vote of its authorized membership.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 800 - MISCELLANEOUS COURT ADMINISTRATION MATTERS

AMEND Rule 16-801 by replacing "Court of Appeals" with "Supreme Court" in subsections (a) (1), (a) (4) (B), and (a) (4) (C) and section (c); by replacing "Court of Special Appeals" with "Appellate Court" in subsection (a) (1) and section (c); by replacing "Judge" with "Justice" in subsection (a) (4) (B); and by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in section (c), as follows:

Rule 16-801. COMPLIANCE WITH BUDGET, PROCUREMENT, AND PERSONNEL STANDARDS

(a) Applicability

This Rule applies to:

- (1) the Office of Clerks of the ~~Court of Appeals~~ Supreme Court, the ~~Court of Special Appeals~~ Appellate Court, and the circuit courts,
- (2) the District Court,
- (3) the Administrative Office of the Courts, and
- (4) units, other than courts, that are not part of the Executive or Legislative Branch of the State; and

(A) that are funded, in whole or in part, through appropriations to the Judicial Branch;

(B) whose budgets are subject to approval by the ~~Court of Appeals~~ Supreme Court or the Chief Judge Justice of that Court; or

(C) that are subject to audit by the ~~Court of Appeals~~ Supreme Court, the Administrative Office of the Courts, or the State Court Administrator.

. . .

(c) Other Supervisory and Approval Authority

This Rule is not intended to limit any other supervisory or approval authority of the ~~Court of Appeals~~ Supreme Court, the Chief Judge ~~of the Court of Appeals~~ Justice of the Supreme Court, the Chief Judge of the ~~Court of Special Appeals~~ Appellate Court, the Chief Judge of the District Court, the Circuit and County Administrative Judges of the Circuit Courts, the State Court Administrator, or the Administrative Office of the Courts over units of the Judiciary subject to that authority.

Source: This Rule is derived from former Rule 16-101 (e) (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 800 - MISCELLANEOUS COURT ADMINISTRATION MATTERS

AMEND Rule 16-802 by replacing "Court of Appeals" with "Supreme Court" in sections (a), (b), and (c), subsections (d) (1) (A) and (d) (2) (A), section (e), subsection (f) (2), and section (h), as follows:

Rule 16-802. PROMULGATION OF RULES

(a) Report of Rules Committee

All recommendations by the Standing Committee on Rules of Practice and Procedure for new Rules or changes to existing Rules shall be transmitted to the ~~Court of Appeals~~ Supreme Court in a consecutively numbered report or supplement thereto setting forth the changes proposed and the reasons for the proposed changes. A proposed new Rule shall show in plain type the text of the proposed Rule. Proposed amendments to existing Rules shall show in plain type the current Rule with proposed deletions indicated by strikeouts and proposed additions indicated by underlined language.

(b) Posting of Report; Opportunity for Comment

The Reporter to the Committee shall cause all reports and supplements to them that transmit proposed additions or changes

to the Maryland Rules, together with the text of the changes proposed, to be posted for comment on the Judiciary website. Unless otherwise directed by the ~~Court of Appeals~~ Supreme Court, the comment period ordinarily shall be 30 days.

(c) Written Comments

Unless otherwise directed or approved by the ~~Court of Appeals~~ Supreme Court, comments to proposed additions or changes shall (1) be in writing, (2) identify the individual or group making the comment, and (3) be sent to the Reporter to the Committee within the time specified in the notice posted on the Judiciary website. At the conclusion of the comment period, the Reporter shall collect and promptly transmit the comments to the Court. Comments not sent to the Reporter in accordance with this section ordinarily will not be considered by the Court.

(d) Court Proceedings

(1) Generally

(A) The ~~Court of Appeals~~ Supreme Court shall conduct all proceedings involving the exercise of its authority under Article IV, Section 18 (a) of the Maryland Constitution to adopt or modify Rules of Procedure at a meeting open to the public. The meeting may consist of a public hearing pursuant to subsection (d) (2) of this Rule or be limited to specific presentations invited by the Court and discussion and voting by the Court. The meeting may be in the courtroom, in the Court's

conference room, or at any other suitable place designated by the Court. Advance notice of the meeting shall be given in the manner designated by the Court.

(B) The Clerk of the Court shall serve as recording secretary at all public hearings and open meetings. The Clerk shall monitor an audio recording of the proceedings, which the Clerk shall retain as a permanent record and make available upon request. Recording of the proceedings by other persons in attendance is prohibited.

(C) In order to furnish easy access to Rules proceedings, doors to the court or conference room shall remain open at all times during all public hearings and open meetings.

(2) Public Hearing

(A) Unless, for good cause, the ~~Court of Appeals~~ Supreme Court orders otherwise, the Court, upon the expiration of any comment period, shall hold a public hearing on all proposed additions or changes to the Maryland Rules.

. . .

(e) Rules Order

New Rules and the amendment or rescission of existing Rules adopted by the ~~Court of Appeals~~ Supreme Court shall be by a Rules Order of the Court.

(f) Effective Date

(1) Stated in Rules Order

The Rules Order shall state the effective date of the changes and the extent to which those changes will apply to proceedings pending on that date.

(2) Minimum Delay; Exception

Unless the ~~Court of Appeals~~ Supreme Court determines that, due to exigent circumstances, Rules changes should take effect sooner, Rules changes shall become effective no earlier than the later of:

. . .

(h) Record of Rules

The Clerk of the ~~Court of Appeals~~ Supreme Court shall maintain a separate record designated as the "Maryland Rules of Procedure," which shall contain all Rules and amendments adopted by the Court.

Source: This Rule is derived from former Rule 16-801 (c) through (j) (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 800 - MISCELLANEOUS COURT ADMINISTRATION MATTERS

AMEND Rule 16-803 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in sections (a) and (b), by replacing "Court of Special Appeals" with "Appellate Court" in section (a), and by replacing "Court of Appeals" with "Supreme Court" in the Committee note following section (b), as follows:

Rule 16-803. CONTINUITY OF OPERATIONS PLAN

(a) Duty to Prepare, Monitor, and Test

With the assistance of the Administrative Office of the Courts, the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, the Chief Judge of the ~~Court of Special Appeals~~ Appellate Court, the County Administrative Judge of each circuit court in consultation with the Circuit Administrative Judge for the judicial circuit, and the Chief Judge of the District Court shall be responsible for:

(1) preparing a detailed plan for the continuity of operations of their respective courts in the event of a public emergency or catastrophic health emergency and assuring that the

judges of their respective courts and other necessary judicial and non-judicial personnel are familiar with the plan; and

(2) monitoring, periodically testing, and updating the plan and certifying to the State Court Administrator on or before January 1 and July 1 of each year that they have complied with this section.

(b) Conformance to AOC Guidelines and Emergency Orders

The plan shall conform to guidelines established by the Administrative Office of the Courts and is subject to emergency orders issued by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court pursuant to Rules 16-1001 through 16-1003.

The plan and any amendments to it shall be submitted to the State Court Administrator.

Committee note: Jury plans are governed in part by Code, Courts Article, Title 8, Subtitle 2, but the ~~Court of Appeals~~ Supreme Court may adopt Rules to govern the provisions and implementation of those plans. See Code, Courts Article, § 8-202. Jury plans proposed by the circuit courts are subject to approval by the ~~Court of Appeals~~ Supreme Court. See Code, Courts Article, § 8-203.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 800 - MISCELLANEOUS COURT ADMINISTRATION MATTERS

AMEND Rule 16-804 by replacing "Court of Appeals" with "Supreme Court" and "Court of Special Appeals" with "Appellate Court" in subsection (d)(3), as follows:

Rule 16-804. CONTINUANCES OR POSTPONEMENTS FOR CONFLICTING CASE ASSIGNMENTS OR LEGISLATIVE DUTIES

. . .

(d) Priorities Where Conflicting Assignments Exist

. . .

(3) Conflicts Between Appellate and Trial Court Proceedings

In the event of a conflict in a hearing or trial date or time between an action or proceeding pending in (A) the ~~Court of Appeals of Maryland~~ Supreme Court, the ~~Court of Special Appeals~~ Appellate Court, or the United States Court of Appeals for the Fourth Circuit, and (B) a Federal or State trial court, the appellate proceeding shall be given priority over the trial court proceeding unless otherwise agreed by the respective appellate and trial courts.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 800 - MISCELLANEOUS COURT ADMINISTRATION MATTERS

AMEND Rule 16-806 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in the tagline of section (c) and in section (c) and by replacing "Judge" with "Justice" in section (c), as follows:

Rule 16-806. JUDICIAL PERSONNEL POLICIES AND PROCEDURES

. . .

(c) Approval by Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court

The State Court Administrator or the county administrative judge who developed the policies and procedures required by this Rule shall submit them for consideration by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court. The policies and procedures shall take effect upon approval as directed by the Chief ~~Judge~~ Justice.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 900 - ACCESS TO JUDICIAL RECORDS
DIVISION 1. GENERAL PROVISIONS

AMEND Rule 16-902 by replacing "Court of Appeals" with "Supreme Court" in section (a) and the Committee note following section (a) and by updating a reference in the Committee note following section (a), as follows:

Rule 16-902. PREAMBLE

(a) Constitutional Authority

Article IV, § 18(a) of the Md. Constitution authorizes the ~~Court of Appeals~~ Supreme Court to adopt Rules concerning the practice and procedure in and the administration of the courts of this State that have the force of law. Control over access to judicial records in the custody of judicial agencies, special judicial units, or judicial personnel is an integral part of the practice and procedure in and administration of the courts.

Committee note: The Public Information Act (Code, General Provisions Article, § 4-301(a)(2)(iii)) recognizes that authority by requiring a custodian of a public record to deny inspection of a public record if inspection would be contrary to a Rule adopted by the ~~Court of Appeals~~ Supreme Court.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 900 - ACCESS TO JUDICIAL RECORDS
DIVISION 1. GENERAL PROVISIONS

AMEND Rule 16-903 by replacing "Court of Appeals" with "Supreme Court" in subsection (a) (2) (B), subsection (b) (2) (I), and section (f); by replacing a reference to the Chief Judge of the Court of Appeals with a reference to the Chief Justice of the Supreme Court in subsection (b) (2) (I); by replacing "Court of Special Appeals" with "Appellate Court of Maryland" in section (f); and by adding "of Maryland" after "circuit court" in section (f), as follows:

Rule 16-903. DEFINITIONS

In this Chapter, the following definitions apply except as otherwise expressly provided or as necessary implication requires:

(a) Access; Remote Access

(1) Access

"Access" means the right to inspect, search, or obtain a copy of a judicial record. "Access" and "Inspection" are used interchangeably.

Cross reference: For courthouse computer terminals or kiosks available for use by the public, see Rule 16-918 (c).

(2) Remote Access

(A) Generally

"Remote access" means the ability to inspect, search, or obtain a copy of a judicial record by electronic means from a device not under the control of the Maryland Judiciary.

(B) Case Records

Remote access to information in case records means access through the CaseSearch program operated by the Administrative Office of the Courts or through the MDEC System established by the ~~Court of Appeals~~ Supreme Court. Access to electronic case records through a terminal or kiosk located in a courthouse of the District Court, a circuit court, or an appellate court of this State and made available by the court for public access does not constitute remote access.

Cross reference: See Title 20 of the Maryland Rules.

. . .

(b) Administrative Record

. . .

(2) "Administrative record" includes:

. . .

(I) policies, procedures, and plans adopted or approved by the SCA, the ~~Court of Appeals~~ Supreme Court, the Chief ~~Judge~~ Justice of that Court, the administrative judge of a circuit

court, the Chief Judge of the District Court, an orphans' court, or a register of wills pursuant to the Maryland Constitution, a Maryland Rule, or a statute;

. . .

(f) Court

"Court" means the ~~Court of Appeals~~ Supreme Court of Maryland, the ~~Court of Special Appeals~~ Appellate Court of Maryland, a circuit court of Maryland, the District Court of Maryland, and an orphans' court of Maryland.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 900 - ACCESS TO JUDICIAL RECORDS
DIVISION 2. LIMITATIONS ON ACCESS

AMEND Rule 16-911 by replacing "Court of Appeals" with "Supreme Court" in subsection (a)(4) and the Committee note following section (f) and by making stylistic changes, as follows:

Rule 16-911. REQUIRED DENIAL OF INSPECTION - IN GENERAL

(a) When Inspection Would be Contrary to Federal Law, Certain Maryland Law, Maryland Rules, or Court Order

A custodian shall deny inspection of a judicial record or any part of a judicial record if inspection would be contrary to:

(1) the Constitution of the United States, a Federal statute, or a Federal regulation adopted under a Federal statute and that has the force of law;

(2) the Maryland Constitution;

(3) a provision of the PIA that is made applicable to judicial records by the Rules in this Chapter;

(4) a Rule adopted by the ~~Court of Appeals~~ Supreme Court; or

. . .

(f) Security of Judicial Facilities, Equipment, Operations,
Personnel

A custodian shall deny inspection of:

- (1) a continuity of operations plan; and
- (2) judicial records or parts of judicial records that consist of or describe policies, procedures, directives, or designs pertaining to the security or safety of judicial facilities, equipment, operations, or personnel, or of the members of the public while in or in proximity to judicial facilities or equipment.

Cross reference: For an example of a statute enacted by the General Assembly other than the PIA that restricts inspection of a case record, see Code, Criminal Procedure Article, Title 10, Subtitle 3.

Committee note: Subsection (a)(5) of this Rule allows a court to seal a record or otherwise preclude its disclosure. So long as a judicial record is under seal or subject to an order precluding or limiting disclosure, it may not be disclosed except in conformance with the court's order. The authority to seal a judicial record must be exercised in conformance with the general policy of these Rules and with supervening standards enunciated in decisions of the Supreme Court of the United States ~~Supreme Court~~ and the ~~Maryland Court of Appeals~~ Supreme Court of Maryland. See *Baltimore Sun Co. v. Colbert*, 323 Md. 290 (1991).

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 900 - ACCESS TO JUDICIAL RECORDS
DIVISION 2. LIMITATIONS ON ACCESS

AMEND Rule 16-913 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in section (f), as follows:

Rule 16-913. ACCESS TO ADMINISTRATIVE RECORDS

. . .

(f) Procurement Records

Inspection of judicial records in the form of procurement documents shall be governed exclusively by the Procurement Policy of the Judiciary approved by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court and posted on the Judiciary website. This Rule applies whether the procurement is funded by the federal, State, or local government.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 900 - ACCESS TO JUDICIAL RECORDS
DIVISION 2. LIMITATIONS ON ACCESS

AMEND Rule 16-917 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in sections (a) and (d), as follows:

Rule 16-917. CONVERSION OF PAPER RECORDS

(a) Construction of Rule

This Rule is subject to and shall be construed harmoniously with the other Rules in this Chapter, the Rules in Title 20, other applicable law, and administrative orders of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court.

. . .

(d) Current Programs Providing Electronic Access to Databases

Any electronic access to a database of judicial records that is provided by a court or other judicial agency and is in effect on July 1, 2016 may continue in effect, subject to review by the SCA for consistency with the Rules in this Chapter. After review, the SCA may recommend to the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court any changes that

the SCA concludes are necessary to make the electronic access consistent with the Rules in this Chapter.

Source: This Rule is derived from former Rule 16-909 (2019).

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 900 - ACCESS TO JUDICIAL RECORDS
DIVISION 2. LIMITATIONS ON ACCESS

AMEND Rule 16-918 by replacing "Court of Appeals or Court of Special Appeals" with "Supreme Court or the Appellate Court" in subsection (b) (2) (B) (ii) and by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in section (c), as follows:

Rule 16-918. ACCESS TO ELECTRONIC RECORDS

. . .

(b) Denial of Access

. . .

(2) Certain Identifying Information

. . .

(B) Exceptions

(i) Unless shielded by a protective order, the name, office address, office telephone number and office e-mail address, if any, relating to law enforcement officers, other public officials or employees acting in their official capacity, and expert witnesses, may be remotely accessible.

(ii) Subsection (b) (2) of this Rule does not apply to briefs, appendices, petitions for writ of certiorari, motions, and oppositions filed in the ~~Court of Appeals or Court of Special Appeals~~ Supreme Court or the Appellate Court.

. . .

(c) Availability of Computer Terminals

Clerks shall make available at convenient places in the courthouses computer terminals or kiosks that the public may use to access judicial records and parts of judicial records that are open to inspection, including judicial records as to which remote access is otherwise prohibited. To the extent authorized by administrative order of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, computer terminals or kiosks may be made available at other facilities for that purpose.

Cross reference: Rule 20-109.

Committee note: Although use of a courthouse computer terminal or kiosk is free of charge, the cost of obtaining a copy of the records is governed by Rule 16-905.

Source: This Rule is derived from former Rule 16-910 (2019).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 900 - ACCESS TO JUDICIAL RECORDS

DIVISION 4. RESOLUTION OF DISPUTES

AMEND Rule 16-931 by replacing "Court of Appeals" with "Supreme Court" in the Committee note, as follows:

Rule 16-931. EXCLUSIVE METHOD TO RESOLVE DISPUTES OVER ACCESS

Except as provided in Rule 16-919, the Rules in this Division constitute the exclusive methods of resolving disputes regarding access to judicial records. The provisions of Code, General Provisions Article, Title 4, Subtitles 1A and 1B and § 4-362 are not applicable.

Committee note: As noted in Rule 16-902 (a), pursuant to its Constitutional Rule-making authority, the ~~Court of Appeals~~ Supreme Court has created a dispute resolution process that is efficient and credible and relies on the administrative expertise of judicial officials, with ultimate judicial review. There is no need in that process for actions for monetary damages, costs, and attorneys' fees against custodians.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 900 - ACCESS TO JUDICIAL RECORDS
DIVISION 4. RESOLUTION OF DISPUTES

AMEND Rule 16-932 by replacing "chief judge of an appellate court or" with "Chief Justice of the Supreme Court, the Chief Judge of the Appellate Court, and the chief judge of" in section (a), as follows:

Rule 16-932. ADMINISTRATIVE REVIEW

(a) Definition

In this Rule, "administrative judge" includes the ~~chief judge of an appellate court or~~ Chief Justice of the Supreme Court, the Chief Judge of the Appellate Court, and the chief judge of an orphans' court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 1000 - EMERGENCY POWERS OF ~~THE CHIEF JUDGE OF COURT OF~~
~~APPEALS~~ JUSTICE OF THE SUPREME COURT

AMEND Rule 16-1001 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in section (b), section (c), and the Committee note following section (c); by replacing "Judge" with "Justice" in section (c); and by replacing "Court of Appeals" with "Supreme Court" in the Committee note following section (c), as follows:

Rule 16-1001. APPLICABILITY OF CHAPTER

. . .

(b) Other Events Affecting the Judiciary

The authority granted specifically by these Rules and by Article IV, Section 18 of the Maryland Constitution generally may be exercised, to the extent necessary, by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court in the event of a natural or other event that significantly affects access to or the operations of one or more courts or other judicial facilities of the State or the ability of the Maryland Judiciary to operate effectively.

. . .

(c) Supplemental; Conflict

The Rules in this Chapter are in addition to and supplement the authority of administrative judges granted in other Chapters of this Title and to the Rules in Chapter 1100 of Title 15, but, to the extent of any conflict, the exercise by the ~~Chief Judge of the Court of Appeals~~ Justice of the Supreme Court or a designee of the ~~Chief Judge~~ Justice of any authority provided in this Chapter shall prevail.

Committee note: The Rules in this Chapter are based on three core Constitutional principles: (1) that the Judiciary is a Constitutionally created co-equal branch of the State Government, and, to assure the liberty of the People under both the Maryland and United States Constitutions, must be permitted to operate as effectively and efficiently as possible, even under adverse conditions; (2) the authority of the ~~Court of Appeals~~ Supreme Court under Art. IV, § 18(a) of the Md. Constitution to adopt Rules, having the force of law, to govern practice and procedure in, and the administration of, the Maryland courts; and (3) the Constitutional designation of the ~~Chief Judge of the Court of Appeals~~ Justice of the Supreme Court by Art. IV, § 18(b) as the administrative head of the Judicial system of the State. The Rules recognize that, in the event of an emergency declared by the Governor, the authority granted under these Rules must be exercised in harmony with lawful directives of the Governor and other Executive Branch officials to the maximum extent practicable.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 1000 - EMERGENCY POWERS OF THE CHIEF ~~JUDGE OF COURT OF~~

~~APPEALS~~ JUSTICE OF THE SUPREME COURT

AMEND Rule 16-1002 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court," as follows:

Rule 16-1002. COORDINATION WITH GOVERNOR

Upon the declaration of any emergency by the Governor pursuant to Code, Title 14 of the Public Safety Article, the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, directly or through designees, shall, to the extent practicable, consult with the Governor, the Governor's designees, the Maryland Emergency Management Agency, and, as appropriate, other Executive Branch officials, in order to coordinate Judicial and Executive Branch responses to the emergency.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 1000 - EMERGENCY POWERS OF THE CHIEF ~~JUDGE OF COURT OF~~
APPEALS JUSTICE OF THE SUPREME COURT

AMEND Rule 16-1003 by replacing "Judge" with "Justice" in the name of the Rule, the stem of section (a), subsection (a) (8), section (b), the tagline of section (c); by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in section (a); by replacing "Judge" with "Justice" and "judge" with "justice" in section (c); by replacing "Court of Appeals" with "Supreme Court" in section (c); and by making stylistic changes, as follows:

Rule 16-1003. AUTHORITY OF CHIEF ~~JUDGE~~ JUSTICE

(a) Generally

Upon a determination by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court that an emergency declared by the Governor or an event within the scope of Rule 16-1001 (b) significantly affects access to or the operations of one or more courts or other judicial facilities of the State or the ability of the Maryland Judiciary to operate effectively, the Chief ~~Judge~~ Justice, by Administrative Order, may, to the extent necessary:

(1) amend and superintend the implementation of continuity of operations plans adopted pursuant to Rule 16-803;

. . .

(8) suspend any judicial business that is deemed not essential by the Chief ~~Judge~~ Justice or close a court entirely when necessary;

. . .

(b) Duration; Compatibility with Governor's Directives

The authority granted in section (a) of this Rule may be implemented only as necessary during the emergency or its immediate aftermath and, if exercised following an emergency declared by the Governor, shall, to the extent practicable, be compatible with directives and orders issued by the Governor. Promptly upon termination of the emergency, the Chief ~~Judge~~ Justice shall review all directives issued pursuant to this Rule and determine a reasonable schedule for the rescission of those directives.

. . . .

(c) Inability of Chief ~~Judge~~ Justice

During any period in which the Chief ~~Judge~~ Justice is unable to exercise the authority granted in section (a) of this Rule, that authority may be exercised by the ~~judge~~ justice on the ~~Court of Appeals~~ Supreme Court most senior in length of service on that Court, unless the Chief ~~Judge~~ Justice has

designated another ~~judge~~ justice of the Court to exercise that authority or the Governor has designated another ~~judge~~ justice of the Court to serve as Acting Chief ~~Judge~~ Justice during that period.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION

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MARYLAND RULES OF PROCEDURE

TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 17-101 by replacing "Court of Special Appeals"
with "Appellate Court" in section (f), as follows:

Rule 17-101. APPLICABILITY

. . .

(f) Applicability of Chapter 400

The Rules in Chapter 400 apply to civil appeals pending
in the ~~Court of Special Appeals~~ Appellate Court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION

CHAPTER 200 - PROCEEDINGS IN CIRCUIT COURT

AMEND Rule 17-205 by replacing "Court of Appeals" with "Supreme Court" in subsection (a)(6) and by replacing "Court of Special Appeals" with "Appellate Court" in section (f), as follows:

Rule 17-205. QUALIFICATIONS OF COURT-DESIGNATED MEDIATORS

(a) Basic Qualifications

A mediator designated by the court shall:

(1) unless waived by the parties, be at least 21 years old;

. . .

(6) abide by mediation standards adopted by Administrative Order of the ~~Court of Appeals~~ Supreme Court and posted on the Judiciary website;

. . .

(f) Experience Requirement

The experience requirements in this Rule may be met by mediating in the District Court or the ~~Court of Special Appeals~~ Appellate Court.

Source: This Rule is derived in part from former Rule 17-104 (a), (c), (d), (e), and (f) (2012) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION

CHAPTER 200 - PROCEEDINGS IN CIRCUIT COURT

AMEND Rule 17-206 by replacing "Court of Appeals" with "Supreme Court" in subsection (a)(1), as follows:

Rule 17-206. QUALIFICATIONS OF COURT-DESIGNATED ADR PRACTITIONERS OTHER THAN MEDIATORS

(a) Generally

Except as provided in section (b) of this Rule, an ADR practitioner designated by the court to conduct ADR other than mediation shall, unless the parties agree otherwise:

(1) abide by applicable standards adopted by Administrative Order of the ~~Court of Appeals~~ Supreme Court and posted on the Judiciary website;

. . . .

MARYLAND RULES OF PROCEDURE

TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION

CHAPTER 200 - PROCEEDINGS IN CIRCUIT COURT

AMEND Rule 17-208 by replacing "Chief Judge of the Court of Appeals" with "Chief Justice of the Supreme Court" in section (a), as follows:

Rule 17-208. FEE SCHEDULES

(a) Authority to Adopt

Subject to the approval of the ~~Chief Judge of the Court of Appeals~~ Chief Justice of the Supreme Court, the county administrative judge of each circuit court shall develop and adopt maximum hourly rate fee schedules for court-designated individuals conducting each type of fee-for-service ADR. In developing the fee schedules, the county administrative judge shall take into account the availability of qualified individuals willing to provide those services and the ability of litigants to pay for them.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION

CHAPTER 300 - PROCEEDINGS IN THE DISTRICT COURT

AMEND Rule 17-304 by replacing "Court of Appeals" with "Supreme Court" in subsections (a) (9) and (b) (3) (A), as follows:

Rule 17-304. QUALIFICATIONS AND SELECTION OF MEDIATORS AND SETTLEMENT CONFERENCE CHAIRS

. . .

(a) Qualifications of Court-Designated Mediator

To be designated by the court as a mediator, an individual shall:

. . .

(9) abide by mediation standards adopted by Administrative Order of the ~~Court of Appeals~~ Supreme Court and posted on the Judiciary website;

. . .

(b) Qualifications of Court-Designated Settlement Conference Chair

To be designated by the court as a settlement conference chair, an individual shall be:

(1) a judge of the District Court;

(2) a senior judge; or

(3) an individual who, unless the parties agree otherwise, shall:

(A) abide by applicable standards adopted by Administrative Order of the ~~Court of Appeals~~ Supreme Court and posted on the Judiciary website;

. . .

MARYLAND RULES OF PROCEDURE

TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION

CHAPTER 400 - PROCEEDINGS IN THE ~~COURT OF SPECIAL APPEALS~~

APPELLATE COURT

AMEND Rule 17-401 by replacing "Court of Special Appeals" with "Appellate Court" in subsection (a)(1), section (b), and subsections (c)(1) and (c)(2) and by making a stylistic change, as follows:

Rule 17-401. GENERAL PROVISIONS

(a) Applicability of Chapter

(1) Generally

This Chapter applies to appeals to the ~~Court of Special Appeals~~ Appellate Court in civil actions for which ~~an information report~~ a Civil Appeal Information Report is required by Rule 8-205.

(2) Scheduling Conference

Nothing in this Chapter precludes the Court from conducting scheduling conferences pursuant to Rule 8-206 in any appeal to the Court.

(b) ADR Programs

The ~~Court of Special Appeals~~ Appellate Court may create and implement a prehearing conference program and a mediation program in accordance with the Rules in this Chapter.

(c) ADR Division

(1) Creation

The Chief Judge of the ~~Court of Special Appeals~~ Appellate Court may create, as a unit of the Court, an ADR Division to be headed by a Director appointed by and serving at the pleasure of the Chief Judge.

(2) Duties

Subject to supervision by the Chief Judge, the ADR Division is responsible for administering the ADR programs of the ~~Court of Special Appeals~~ Appellate Court, as set forth in the Rules in this Chapter.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION

CHAPTER 400 - PROCEEDINGS IN THE ~~COURT OF SPECIAL APPEALS~~

APPELLATE COURT

AMEND Rule 17-405 by replacing "Court of Special Appeals" with "Appellate Court" in subsections (a)(1), (a)(3), and (b)(2); by replacing "Court of Appeals" with "Supreme Court" in subsections (a)(1) and (b)(1); and by adding a cross reference following subsection (a)(1), as follows:

Rule 17-405. QUALIFICATIONS OF COURT-DESIGNATED MEDIATORS

(a) Initial Approval

To be approved as a mediator by the Chief Judge, an individual shall:

(1) be (A) an incumbent judge of the ~~Court of Special Appeals~~ Appellate Court; (B) a senior judge of the ~~Court of Appeals~~ Supreme Court, the ~~Court of Special Appeals~~ Appellate Court, a circuit court, or the District Court; (C) a staff attorney from the ~~Court of Special Appeals~~ Appellate Court designated by the Chief Judge; or (D) a retired circuit court magistrate;

Cross reference: See Rule 1-202 for the definition of "senior judge."

(2) have (A) completed at least 40 hours of basic mediation training in a program meeting the requirements of Rule 17-104, or (B) conducted at least two Maryland appellate mediations prior to January 1, 2014 and completed advanced mediation training approved by the ADR Division;

(3) unless waived by the ADR Division, have observed at least two ~~Court of Special Appeals~~ Appellate Court mediation sessions and have participated in a debriefing with a staff mediator from the ADR Division after the mediations; and

(4) be familiar with the Rules in Titles 8 and 17 of the Maryland Rules.

(b) Continued Approval

To retain approval as a mediator by the Chief Judge, an individual shall:

(1) abide by mediation standards adopted by Administrative Order of the ~~Court of Appeals~~ Supreme Court and posted on the Judiciary website;

(2) comply with mediation procedures and requirements established by the ~~Court of Special Appeals~~ Appellate Court;

(3) submit to periodic monitoring by the ADR Division of mediations conducted by the individual; and

(4) unless waived by the Chief Judge, complete in each calendar year four hours of continuing mediation-related

education in one or more topics set forth in Rule 17-104 or any other advanced mediation training approved by the ADR Division.

Source: This Rule is derived from former Rule 17-403 (a) (2015).

MARYLAND RULES OF PROCEDURE

TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION

CHAPTER 400 - PROCEEDINGS IN THE ~~COURT OF SPECIAL APPEALS~~

APPELLATE COURT

AMEND Rule 17-406 by replacing "Court of Special Appeals" with "Appellate Court," as follows:

Rule 17-406. NO FEE FOR COURT-ORDERED ADR

Subject to Rules 17-403 (e) and 17-404 (g), ~~Court of Special Appeals~~ Appellate Court litigants and their attorneys shall not be required to pay a fee or additional court costs for participating in a prehearing conference or mediation ordered by the Court.

Source: This Rule is derived from former Rule 17-404 (2015).

MARYLAND RULES OF PROCEDURE

TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION

CHAPTER 600 - PROCEEDINGS IN ORPHANS' COURT

AMEND Rule 17-603 by correcting the numbering of a subsection and by replacing "Court of Appeals" with "Supreme Court" in subsection (a) (5) and renumbered subsection (b) (4), as follows:

Rule 17-603. QUALIFICATIONS OF COURT-DESIGNATED ADR PRACTITIONERS

(a) Court-Designated Mediators

A mediator designated by the court pursuant to Rule 17-602 (e) (1) (B) shall:

(1) unless waived by the parties, be at least 21 years old;

. . . .

(5) abide by mediation standards adopted by Administrative Order of the ~~Court of Appeals~~ Supreme Court and posted on the Judiciary website; and

(6) submit to periodic monitoring of court-ordered mediations by a qualified mediator designated by the Chief Judge.

(b) Court-Designated Settlement Conference Presiders

An individual designated as a settlement conference presider shall:

(1) be a member in good standing of the Maryland Bar and have at least three years of experience in the active practice of law;

(2) be familiar with the rules, statutes, and procedures governing wills, the administration of estates, the authority of orphans' courts and registers of wills, and appropriate settlement conference procedures;

(3) have conducted at least three settlement conferences as a judge, senior judge, or magistrate, or pursuant to a designation by a Maryland court; and

~~(5)~~(4) abide by applicable standards adopted by Administrative Order of the ~~Court of Appeals~~ Supreme Court and posted on the Judiciary website.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 100 - MARYLAND CODE OF JUDICIAL CONDUCT

AMEND Rule 18-100.1 by replacing "Court of Appeals" with "Supreme Court" in the Committee note after section (a), as follows:

Rule 18-100.1. GENERAL PROVISIONS

(a) Source and Structure of the Code

The substantive provisions and much of the structure of this Code are based in large part on the 2007 Model Code of Judicial Conduct proposed by the American Bar Association (ABA Model Code), although some of those provisions and some of the style and organization of this Code differ from the ABA Model Code. Most of the differences are necessary for consistency with the Maryland Constitution, Maryland statutes, and other Maryland Rules.

Committee note: This Code is divided into five parts: an introductory part consisting of Rules 18-100.1 through 18-100.4; a part consisting of Rules 18-101.1 through 18-101.3 that deal with judicial integrity and the avoidance of impropriety; a part consisting of Rules 18-102.1 through 18-102.16 that deal with the performance of judicial duties; a part consisting of Rules 18-103.1 through 18-103.15 that deal generally with extrajudicial activities; and a part consisting of Rules 18-104.1 through 18-104.6 that deal with political activity.

This structure conforms generally to that of the ABA Model Code but differs from the ABA Model Code in the following principal respects:

. . .

(4) The 2007 ABA Code contains provisions regarding political activity and financial disclosure by judges. This Code reorganizes those provisions and conforms them to the different methods by which judges in Maryland are selected and retained and to requirements enacted by the Maryland General Assembly or adopted by the ~~Court of Appeals~~ Supreme Court. The intent is to make more clear to each judge and candidate for judicial office what is allowed and what is not allowed.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 100 - MARYLAND CODE OF JUDICIAL CONDUCT

AMEND Rule 18-100.2 by replacing "judges" with "justices," "Court of Appeals" with "Supreme Court," and "Court of Special Appeals" with "Appellate Court" in section (a), by adding a cross reference at the end of the Rule, and by making stylistic changes, as follows:

Rule 18-100.2. SCOPE

The Rules in this Chapter apply to:

(a) Incumbent ~~judges~~ justices of the ~~Court of Appeals~~ Supreme Court, judges of the Court of Special Appeals Appellate Court, judges of the circuit courts, and judges of the District Court;

(b) Except as otherwise expressly provided in specific Rules, incumbent judges of the Orphans' Courts;

(c) Except as otherwise expressly provided in specific Rules, senior judges; and

(d) Candidates and applicants for judicial office as defined in Rule 18-104.1, to the extent that a Rule expressly applies to such candidates or applicants.

Cross reference: For the definitions of "Judge" and "Senior Judge; Senior Justice," see Rule 1-202.

Source: This Rule is derived from paragraph A-109 of former Rule 16-813 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 100 - MARYLAND CODE OF JUDICIAL CONDUCT

AMEND Rule 18-103.15 by replacing "Court of Appeals" with "Supreme Court," as follows:

Rule 18-103.15. REPORTING REQUIREMENTS (ABA RULE 3.15)

A judge shall accurately complete and timely file an annual Financial Disclosure Statement on the form and as otherwise prescribed by the ~~Court of Appeals~~ Supreme Court pursuant to Rule 18-603.

Source: This Rule is derived from former Rule 3.15 of Rule 16-813 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 100 - MARYLAND CODE OF JUDICIAL CONDUCT

AMEND Rule 18-104.1 by replacing "judge of the Court of Appeals or Court of Special Appeals" with "justice of the Supreme Court or judge of the Appellate Court" in subsection (c) (1) (C), as follows:

Rule 18-104.1. DEFINITIONS (ABA RULE 4.1)

. . .

(c) Candidate for Election

(1) "Candidate for election" means an individual who:

(A) seeks initial election to a circuit court or an Orphans' Court;

(B) is an incumbent judge of a circuit court or Orphans' Court and seeks to retain that office through an election conducted pursuant to Article IV, § 3, 5, or 40 of the Maryland Constitution; or

(C) is an incumbent ~~judge of the Court of Appeals or Court of Special Appeals~~ justice of the Supreme Court or judge of the Appellate Court and seeks to retain that office through a retention election conducted pursuant to Article IV, § 5A of the Maryland Constitution.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 200 - MARYLAND CODE OF CONDUCT FOR JUDICIAL APPOINTEES

AMEND Rule 18-203.15 by replacing "Court of Appeals" with "Supreme Court," as follows:

Rule 18-203.15. REPORTING REQUIREMENTS

A judicial appointee must accurately complete and timely file an annual Financial Disclosure Statement on the form and as otherwise prescribed by the ~~Court of Appeals~~ Supreme Court pursuant to Rule 18-604.

Source: This Rule is derived from former Rule 3.15 of Rule 16-814 (2016).

MARYLAND RULES OF PROCEDURE
TITLE 18 - JUDGES AND JUDICIAL APPOINTEES
CHAPTER 300 - JUDICIAL ETHICS COMMITTEE

AMEND Rule 18-302 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in section (b) and subsection (c)(1) and by replacing "Court of Special Appeals" with "Appellate Court" in subsection (b)(1), as follows:

Rule 18-302. EXISTENCE; MEMBERSHIP; TERMS

(a) Creation

There is a Judicial Ethics Committee.

(b) Membership

The Committee consists of 15 members appointed by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court. Of the 15 members:

(1) one shall be a judge of the ~~Court of Special Appeals~~ Appellate Court;

(2) three shall be circuit court judges;

(3) two shall be judges of the District Court;

(4) one shall be a judge of an orphans' court;

(5) four shall be senior judges;

(6) one shall be a clerk of a circuit court;

(7) one shall be a judicial appointee as defined in Rule 18-200.3; and

(8) two shall not be a judge or other official or employee of the Judicial Branch of the State government or an attorney.

(c) Terms

(1) The term of a member is three years and begins on July 1, except that the senior judges appointed pursuant to subsection (b) (5) of this Rule shall not have a term and shall serve at the pleasure of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 300 - JUDICIAL ETHICS COMMITTEE

AMEND Rule 18-303 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in section (a), as follows:

Rule 18-303. CHAIR; VICE CHAIR; STAFF

(a) Chair; Vice Chair

The Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court shall designate one judicial member as the Chair of the Committee and one judicial member as the Vice Chair. The Vice Chair shall perform the duties of the Chair whenever the Chair is disqualified or otherwise unable to act.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 18 - JUDGES AND JUDICIAL APPOINTEES
CHAPTER 300 - JUDICIAL ETHICS COMMITTEE

AMEND Rule 18-306 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in subsection (a) (2), as follows:

Rule 18-306. REQUEST FOR OPINION

(a) Who May Request

A request for the opinion of the Committee may be made only by:

(1) a State official in the Judicial Branch, as to the proper interpretation of an ethics provision as applied to that State official; or

(2) the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, as to the proper interpretation of an ethics provision.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 18 - JUDGES AND JUDICIAL APPOINTEES
CHAPTER 300 - JUDICIAL ETHICS COMMITTEE

AMEND Rule 18-307 by replacing "Court of Appeals" with
"Supreme Court" in section (e), as follows:

Rule 18-307. OPINION; LETTER OF ADVICE

. . .

(e) Confidentiality

The following material is confidential and, unless
ordered otherwise by the ~~Court of Appeals~~ Supreme Court or
required by law, does not constitute public information:

. . .

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 400 - JUDICIAL DISABILITIES AND DISCIPLINE

DIVISION 1. GENERAL PROVISIONS

AMEND Rule 18-402 by replacing "judges of the Court of Appeals" with "justices of the Supreme Court" and "Court of Special Appeals" with "Appellate Court" in the Committee note following section (a), by replacing "Court of Appeals" with "Supreme Court" in section (c), by replacing "judge of the Court of Appeals" with "justice of the Supreme Court" and "Court of Special Appeals" with "Appellate Court" in section (k), and by making stylistic changes, as follows:

Rule 18-402. DEFINITIONS

The following definitions apply in this Chapter except as otherwise expressly provided or as necessary implication requires:

(a) Address of Record

"Address of record" means (1) if a judge is an attorney, the address that the judge has designated as the judge's preferred address in the Attorney Information System (AIS), and (2) if the judge is not an attorney, the judge's current home address or another address designated in writing by the judge.

Committee note: All ~~judges of the Court of Appeals~~ justices of the Supreme Court, judges of the Court of Special Appeals Appellate Court, judges of the circuit courts, and judges of the District Court are attorneys. Some judges of the Orphans' Courts are not attorneys.

. . .

(c) Censure

"Censure" means a formal public sanction by the ~~Court of Appeals~~ Supreme Court based on a finding that the judge committed sanctionable conduct that justifies more than a reprimand but was not so egregious as to justify suspension or removal.

. . .

(k) Judge

"Judge" means (1) a ~~judge of the Court of Appeals~~ justice of the Supreme Court, a judge of the Court of Special Appeals Appellate Court, a judge of a circuit court, a judge of the District Court, ~~or~~ and a judge of an orphans' court, and (2) includes a senior judge.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 400 - JUDICIAL DISABILITIES AND DISCIPLINE

DIVISION 1. GENERAL PROVISIONS

AMEND Rule 18-407 by replacing "Court of Appeals" with "Supreme Court" in the tagline of subsection (a) (5), in subsection (a) (5), and in subsection (b) (5); by replacing references to the Chief Judge or a judge of the Court of Appeals with references to the Chief Justice or a justice of the Supreme Court in the tagline of and throughout subsection (b) (3); by adding "Justice or Chief" to subsection (b) (5); and by making a stylistic change, as follows:

Rule 18-407. CONFIDENTIALITY

(a) Generally

Except as otherwise expressly provided by these Rules, proceedings and information relating to a complaint or charges shall be open to the public or confidential and not open to the public, as follows:

. . . .

(5) Proceedings in the ~~Court of Appeals~~ Supreme Court

Unless otherwise ordered by the ~~Court of Appeals~~ Supreme Court, the record of Commission proceedings filed with that

Court and any proceedings before that Court on charges of sanctionable conduct shall be open to the public. The record of Commission proceedings filed with that Court and any proceedings before that Court on charges of disability or impairment shall be confidential. An order of retirement by the Court shall be public.

(b) Permitted Release of Information by Commission

(1) Written Waiver

The Commission may release confidential information upon written waiver by the subject judge, except that those matters listed in subsection (a) (4) of this Rule shall remain confidential notwithstanding a waiver by the judge.

. . .

(3) To Chief ~~Judge of Court of Appeals~~ Justice of the Supreme Court

(A) Upon request by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, the Commission shall disclose to the Chief ~~Judge~~ Justice:

(i) whether a complaint is pending against the judge who is the subject of the request; and

(ii) the disposition of each complaint that has been filed against the judge within the preceding five years.

(B) The Chief ~~Judge~~ Justice may disclose this information to the incumbent ~~judges of the Court of Appeals~~ justices of the

Supreme Court in connection with the exercise of any administrative matter over which the Court has jurisdiction. Each ~~judge~~ justice who receives information pursuant to subsection (b) (3) of this Rule shall maintain the applicable level of confidentiality of the information otherwise required by the Rules in this Chapter.

. . .

(5) Finding of Disability or Impairment

The Commission may disclose any final disposition imposed against a judge related to charges of disability or impairment to the applicable administrative judge or Chief Justice or Chief Judge of the disabled or impaired judge's court or, if the disabled or impaired judge is a recalled senior judge, to the ~~Court of Appeals~~ Supreme Court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 400 - JUDICIAL DISABILITIES AND DISCIPLINE

DIVISION 1. GENERAL PROVISIONS

AMEND Rule 18-408 by replacing "Court of Appeals" with "Supreme Court" in section (a) and the Committee note following section (b) and by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in the Committee note following section (b), as follows:

Rule 18-408. COSTS

(a) Generally

The ~~Court of Appeals~~ Supreme Court may assess reasonable and necessary costs in favor of the prevailing party in proceedings under this Chapter. If the Court assesses costs, the Court shall determine who is the prevailing party.

(b) Costs Defined

. . .

Committee note: No provision is made in this Rule for assessing the cost of transcripts. Rule 18-435 (e) (2) requires the Commission to cause a transcript of all proceedings at Commission hearings to be prepared and included in the record submitted to the ~~Court of Appeals~~ Supreme Court. Pursuant to an Administrative Order of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, the record from the Commission must be submitted through MDEC. As a party, the judge would have free remote access to the electronic version of the transcript. The Rule contemplates that the cost of deposition

transcripts and the cost of ordering daily transcripts of Commission hearings would be paid by the party who orders those transcripts and not be subject to assessment.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 400 - JUDICIAL DISABILITIES AND DISCIPLINE

DIVISION 1. GENERAL PROVISIONS

AMEND Rule 18-409.1 by replacing "Court of Appeals" with "Supreme Court" in subsection (a)(6)(A), as follows:

Rule 18-409.1. SUBPOENAS

(a) Investigative Subpoenas

. . .

(6) Confidentiality

(A) Court Files and Records

Files and records of the court pertaining to any motion filed with respect to the subpoena shall be sealed and shall be open to inspection only upon order of the ~~Court of Appeals~~ Supreme Court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 400 - JUDICIAL DISABILITIES AND DISCIPLINE

DIVISION 2. STRUCTURE

AMEND Rule 18-411 by replacing "Court of Appeals" with "Supreme Court" in section (a), subsection (e)(1), subsection (f)(2), and section (i) and by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in subsection (d)(2) and section (h), as follows:

Rule 18-411. COMMISSION ON JUDICIAL DISABILITIES

(a) Chair and Vice Chair

The ~~Court of Appeals~~ Supreme Court shall designate a judicial member to serve as a Chair of the Commission and another judicial member to serve as Vice Chair. In making those designations, the Court may consider recommendations from the Commission. The Vice Chair shall perform the duties of the Chair whenever the Chair is disqualified or otherwise unable to act. The Chair and Vice Chair shall serve in those capacities at the pleasure of the Court.

. . .

(d) Executive Counsel

(1) Appointment; Compensation

The Commission may select an attorney as Executive Counsel. The Executive Counsel shall serve at the pleasure of the Commission and receive the compensation set forth in the budget of the Commission.

(2) Duties

The Executive Counsel shall: (A) receive documents that are filed with the Commission and maintain the records of the Commission; (B) prepare the agenda of meetings of the Commission and before each meeting send to each Commission member a copy of the agenda and meeting materials; (C) attend meetings of the Commission and the Inquiry Board, keep minutes of those meetings, and retain the minutes, subject to the retention schedule approved by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court; (D) serve as attorney to the Commission; (E) serve as liaison to the Board and to Investigative Counsel; and (F) have such other administrative powers and duties assigned by the Commission, other than duties committed to Investigative Counsel by these Rules.

. . .

(e) Investigative Counsel; Assistants

(1) Appointment; Compensation

Subject to approval by the ~~Court of Appeals~~ Supreme Court, the Commission shall appoint an attorney with substantial trial experience and familiarity with these Rules and the Code

of Judicial Conduct as Investigative Counsel. Before appointing Investigative Counsel, the Commission shall notify bar associations and the general public of the vacancy and shall consider any recommendations that are timely submitted. Investigative Counsel shall serve at the pleasure of the Commission and shall receive the compensation set forth in the budget of the Commission.

. . .

(f) Quorum

(1) Generally

The presence of a majority of the members of the Commission constitutes a quorum for the transaction of business, provided that at least one judge, one attorney, and one public member are present unless, by reason of vacancies or recusals, the presence of at least one judge, one attorney, and one public member is not possible. At a hearing on charges held pursuant to Rule 18-434, a Commission member is present only if the member is physically present. Under all other circumstances, a member may be physically present or present by telephone, video, or other electronic conferencing. Other than adjournment of a meeting for lack of a quorum, no action may be taken by the Commission without the concurrence of a majority of members of the Commission.

(2) Special Designation of Substitute Member

If, by reason of vacancies or recusals, the quorum in a particular proceeding would not include at least one judge, one attorney, and one public member, the ~~Court of Appeals~~ Supreme Court, only with the written consent of the judge who is the subject of the proceeding, may designate a judge, including a senior judge, an attorney, or a member of the public, as needed, for the composition of a quorum in that proceeding, to serve as a substitute member of the Commission.

. . .

(h) Records

The Commission shall keep a record of all documents filed with the Commission and all proceedings conducted by the Commission concerning a judge, subject to a retention schedule approved by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court.

(i) Annual Report

Not later than September 1 of each year, the Commission shall submit an annual report to the ~~Court of Appeals~~ Supreme Court regarding its operations. The Report shall include statistical data with respect to complaints received and processed but shall not include material declared confidential under Rule 18-407.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 400 - JUDICIAL DISABILITIES AND DISCIPLINE

DIVISION 2. STRUCTURE

AMEND Rule 18-412 by replacing "Court of Appeals" with "Supreme Court" in subsection (a)(1)(A), section (c), and subsection (d)(2) and by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in section (f), as follows:

Rule 18-412. JUDICIAL INQUIRY BOARD

(a) Appointment; Composition; Qualifications; Terms

(1) Appointment; Composition

(A) The ~~Court of Appeals~~ Supreme Court shall appoint a Judicial Inquiry Board consisting of two judges, two attorneys, and three public members who are not attorneys or judges. No individual may serve on the Commission and the Board concurrently.

. . .

(c) Chair and Vice Chair

The ~~Court of Appeals~~ Supreme Court shall designate a judicial member of the Board to serve as Chair of the Board and the other judicial member to serve as Vice Chair. The Vice

Chair shall perform the duties of the Chair whenever the Chair is disqualified or otherwise unable to act.

(d) Recusal, Removal, or Replacement

. . .

(2) The ~~Court of Appeals~~ Supreme Court may remove or replace members of the Board at any time, and may temporarily replace a member of the Board with a former member of the Board or Commission for purposes of maintaining a quorum.

. . .

(f) Records

Subject to a retention schedule approved by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, the Board shall keep a record of all documents filed with the Board and all proceedings conducted by the Board concerning a judge.

Source: This Rule is derived from former Rule 18-403 (2018).

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 400 - JUDICIAL DISABILITIES AND DISCIPLINE

DIVISION 3. ADMINISTRATIVE PROCEDURE

AMEND Rule 18-422 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in section (c), as follows:

Rule 18-422. INVESTIGATION BY INVESTIGATIVE COUNSEL

. . .

(c) Records

Subject to a retention schedule approved by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court, Investigative Counsel shall keep a record of the investigation.

Source: This Rule is in part derived from former Rule 18-404 (e) and (f) (2018) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 400 - JUDICIAL DISABILITIES AND DISCIPLINE

DIVISION 4. DISPOSITION OTHER THAN FILING OF CHARGES

AMEND Rule 18-428 by replacing "Court of Appeals" with "Supreme Court" in section (a) and the cross reference following subsection (c) (2), as follows:

Rule 18-428. RETIREMENT AS A DISPOSITION

(a) Applicability

This Rule applies to a retirement ordered by the ~~Court of Appeals~~ Supreme Court as a disposition upon a finding of disability. It does not apply to a voluntary retirement by the Judge.

. . .

(c) Effect

(1) Retirement under this Rule is permanent. A judge who is retired under this Rule may not be recalled to sit on any court, but the judge shall lose no other retirement benefit to which he or she is entitled by law.

(2) Retirement under this Rule does not constitute discipline.

Cross reference: See Rule 18-441 dealing with special procedures in disability cases. See also Md. Const., Art. IV, §

4B(a) (2), authorizing the Commission to recommend to the ~~Court of Appeals~~ Supreme Court retirement of a judge "in an appropriate case" and Rule 19-717.1 authorizing a comparable disposition for attorneys who have a disability.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 400 - JUDICIAL DISABILITIES AND DISCIPLINE

DIVISION 5. FILING OF CHARGES; PROCEEDINGS BEFORE COMMISSION

AMEND Rule 18-435 by replacing "Court of Appeals" with "Supreme Court" in sections (a), (b), (c), the tagline of section (e), and section (e), as follows:

Rule 18-435. COMMISSION FINDINGS AND ACTION

(a) Finding of Disability

If the Commission finds that the judge has a disability, it shall refer the matter to the ~~Court of Appeals~~ Supreme Court, whether or not the Commission also finds that the judge committed sanctionable conduct.

(b) Finding of Impairment

If the Commission finds that the judge has an impairment and a conditional diversion agreement has not been signed pursuant to Rule 18-426, the Commission shall refer the matter to the ~~Court of Appeals~~ Supreme Court, whether or not the Commission also finds that the judge committed sanctionable conduct.

(c) Finding of Sanctionable Conduct

If the Commission finds that the judge has committed sanctionable conduct and that dismissal, with or without a letter of cautionary advice, or a conditional diversion agreement is not appropriate but does not find that the judge has a disability or impairment, it shall either issue a reprimand to the judge, if the proceeding was conducted pursuant to Rule 18-427 (b) (2) (A) or (B), or refer the matter to the ~~Court of Appeals~~ Supreme Court.

. . .

(e) Duties of Commission on Referral to ~~Court of Appeals~~ Supreme Court

If the Commission refers the case to the ~~Court of Appeals~~ Supreme Court, the Commission shall:

(1) make written findings of fact and conclusions of law with respect to the issues of fact and law in the proceeding, state its recommendations, and enter those findings and recommendations in the record;

(2) cause a transcript of all proceedings at the hearing to be prepared and included in the record;

(3) make the transcript available for review by the judge and the judge's attorney or, at the judge's request, provide a copy to the judge at the judge's expense;

Cross reference: See Rule 18-408.

(4) file with the ~~Court of Appeals~~ Supreme Court, under seal if related to charges of disability or impairment, the entire hearing record, which shall be certified by the Chair of the Commission and shall include the transcript of the proceedings, all exhibits and other papers filed or marked for identification in the proceeding, and all dissenting or concurring statements by Commission members;

. . .

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 400 - JUDICIAL DISABILITIES AND DISCIPLINE

DIVISION 5. FILING OF CHARGES; PROCEEDINGS BEFORE COMMISSION

AMEND Rule 18-436 by replacing "Court of Appeals" with "Supreme Court" in subsection (b)(2)(F), the Committee note following subsection (b)(2)(F), the tagline of section (c), section (c), and the Committee note following section (c) and by making a stylistic change, as follows:

Rule 18-436. CONSENT TO DISPOSITION

. . .

(b) Form of Consent

(1) Generally

A consent shall be in the form of a written agreement between (A) the judge and Investigative Counsel if charges were not yet directed to be filed, or (B) the judge and the Commission if charges have been directed to be filed.

(2) If Charges Directed to Be Filed

If the agreement is executed after charges have been directed to be filed, it shall contain:

(A) an admission by the judge to all or part of the charges or an acknowledgment that there is sufficient evidence

from which the Commission could find all or part of the charges sustained;

. . .

(F) a waiver by the judge of the right to further proceedings before the Commission and, unless the Court orders otherwise, to participate in subsequent proceedings before the ~~Court of Appeals~~ Supreme Court.

Committee note: If the agreement is entered into after charges were filed and the agreed disposition is one that only the ~~Court of Appeals~~ Supreme Court can make, the agreement must be submitted to the Court for approval under section (c) of this Rule, but under that section, the waiver is deemed withdrawn if the Court rejects the agreement. It is possible that the Court will want to have argument on the question of whether to approve the agreement, and, if it does so, the waiver should not prevent the judge from participating in that argument.

(3) If Charges Not Yet Directed to Be Filed

Unless the consent is to a dismissal accompanied by a letter of cautionary advice or a reprimand, if the agreement is executed before charges have been directed to be filed, it shall contain a statement by the Commission of the charges that would have been filed but for the agreement and the consents and admissions required in subsection (b) (2) of this Rule shall relate to that statement.

(c) Submission to ~~Court of Appeals~~ Supreme Court

An agreement for a disposition that can be made only by the ~~Court of Appeals~~ Supreme Court shall be submitted to the Court, which shall either approve or reject the agreement.

Until approved by the ~~Court of Appeals~~ Supreme Court, the agreement is confidential and privileged. If the Court approves the agreement and enters the stated disposition, the Commission shall notify the complainant and the agreement shall be made public, except that any portion of the agreement and stated disposition that relates to charges of disability or impairment shall be confidential. If the Court rejects the stated disposition, the proceeding shall resume as if no consent had been given, and all admissions and waivers contained in the agreement are withdrawn and may not be admitted into evidence.

Committee note: Because the Commission has the authority, on its own, to dismiss a complaint accompanied by a letter of cautionary advice, to issue a reprimand, and to enter into a conditional diversion agreement, a consent to those dispositions need not be submitted to the ~~Court of Appeals~~ Supreme Court for approval. See, however, Rule 18-407 (b) (3).

. . .

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 400 - JUDICIAL DISABILITIES AND DISCIPLINE

DIVISION 5. FILING OF CHARGES; PROCEEDINGS BEFORE COMMISSION

AMEND Rule 18-437 by replacing "Court of Appeals" with "Supreme Court" in the name of the Rule, sections (a), (b), and (c), subsection (f)(1), and sections (g), (i), and (j) and by updating an internal reference, as follows:

Rule 18-437. PROCEEDINGS IN ~~COURT OF APPEALS~~ SUPREME COURT

(a) Expedited Consideration

Upon receiving the hearing record file pursuant to Rule 18-435, the Clerk of the ~~Court of Appeals~~ Supreme Court shall docket the case for expedited consideration.

(b) Exceptions

The judge may except to the findings, conclusions, or recommendation of the Commission by filing exceptions with the ~~Court of Appeals~~ Supreme Court within 30 days after service of the notice of filing of the record and in accordance with Rule 20-405. The exceptions shall set forth with particularity all errors allegedly committed by the Commission and the disposition sought. A copy of the exceptions shall be served on the Commission in accordance with Rules 1-321 and 1-323.

(c) Response

The Commission shall file a response within 30 days after service of the exceptions in accordance with Rule 20-405. The Commission shall be represented in the ~~Court of Appeals~~ Supreme Court by its Executive Counsel or such other attorney as the Commission may appoint. A copy of the response shall be served on the judge in accordance with Rules 1-321 and 1-323.

. . .

(f) Disposition

(1) The ~~Court of Appeals~~ Supreme Court may (A) impose the disposition recommended by the Commission or any other disposition permitted by law, including an order directing the judge to undergo specified evaluations, participate meaningfully in specified therapeutic, educational, or behavior modification programs, and to make a written apology to specified persons or groups of persons harmed by the judge's misconduct; (B) dismiss the proceeding; or (C) remand for further proceedings as specified in the order of remand.

(2) If the disposition includes a suspension of the judge from his or her judicial duties, the order imposing the suspension shall state the duration of the suspension, which may be indefinite or for a fixed period, and whether the suspension (A) is to be with or without compensation, (B) is to be served on consecutive dates, (C) prohibits the judge from conducting

any official business during the period of suspension and may establish parameters or conditions governing the judge's presence in any courthouse location, and (D) is subject to any conditions precedent to reinstatement.

Committee note: A judge who has been suspended from the performance of judicial duties does not cease to be a judge by reason of the suspension and remains subject to the Code of Judicial Conduct. Any violation of the Code of Judicial Conduct during the period of suspension may subject the judge to additional charges.

Cross reference: For rights and privileges of the judge after disposition, see Md. Const., Art. IV, § 4B (b).

(g) Order

The decision shall be evidenced by an order of the ~~Court of Appeals~~ Supreme Court, which shall be certified under the seal of the Court by the Clerk. An opinion shall accompany the order or be filed at a later date. Unless the case is remanded to the Commission, the record shall be retained by the Clerk of the ~~Court of Appeals~~ Supreme Court.

. . .

(i) Confidentiality

All proceedings in the ~~Court of Appeals~~ Supreme Court related to charges of disability or impairment shall be confidential and remain under seal unless otherwise ordered by the ~~Court of Appeals~~ Supreme Court.

(j) Public Inspection

Subject to section ~~(h)~~ (i) of this Rule or any other shielding of confidential material by the ~~Court of Appeals~~ Supreme Court, the Court shall permit public inspection of the record filed with it.

Source: This Rule is derived in part from former Rule 18-408 (2018) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 400 - JUDICIAL DISABILITIES AND DISCIPLINE

DIVISION 5. FILING OF CHARGES; PROCEEDINGS BEFORE COMMISSION

AMEND Rule 18-438 by replacing "Court of Appeals" with "Supreme Court" in section (a), as follows:

Rule 18-438. SUSPENSION OF EXECUTION OF DISCIPLINE

(a) Authority

In imposing discipline upon a judge pursuant to the Rules in this Chapter, whether pursuant to an agreement between the judge and the Commission or otherwise, the ~~Court of Appeals~~ Supreme Court, in its Order, may suspend execution of all or part of the discipline upon terms it finds appropriate.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 400 - JUDICIAL DISABILITIES AND DISCIPLINE

DIVISION 6. SPECIAL PROCEEDINGS

AMEND Rule 18-441 by replacing "Court of Appeals" with "Supreme Court" in section (e), as follows:

Rule 18-441. CASES OF ALLEGED OR APPARENT DISABILITY OR IMPAIRMENT

. . .

(e) Interim Measure

If a disability or impairment proceeding is initiated pursuant to section (b) of this Rule, the Commission immediately shall notify the ~~Court of Appeals~~ Supreme Court which, after an opportunity for a hearing, may place the judge on temporary administrative leave pending further order of the Court and further proceedings pursuant to the Rules in this Chapter.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 400 - JUDICIAL DISABILITIES AND DISCIPLINE

DIVISION 6. SPECIAL PROCEEDINGS

AMEND Rule 18-442 by replacing "Court of Appeals" with "Supreme Court" in section (b), in the Committee note following section (b), and in section (c), as follows:

Rule 18-442. INTERIM SUSPENSION; ADMINISTRATIVE LEAVE

. . .

(b) Interim Suspension

The ~~Court of Appeals~~ Supreme Court may immediately place a judge on interim suspension pending further order of the Court upon written notice by the Commission that (1) the judge has been indicted for a serious crime, or (2) as a result of a disciplinary proceeding or a finding of impairment, the judge was ordered by the Court to take certain remedial action or to refrain from certain action or conduct and, after a hearing or the opportunity for a hearing, the Commission found that the judge willfully violated that order. An order of interim suspension under this section does not preclude other proceedings or sanctions against the judge.

Committee note: An interim suspension under section (b) of this Rule may be with or without compensation, in whole or in part as directed by the ~~Court of Appeals~~ Supreme Court.

(c) Administrative Leave

The ~~Court of Appeals~~ Supreme Court may place a judge on interim administrative leave with compensation pending further order of the Court upon written notice by the Commission that (1) after the filing of charges against the judge and a hearing or the opportunity for a hearing, the Commission has found that (A) the judge has a disability or is impaired and, at least temporarily, is unable to perform properly the duties of judicial office, or (B) the judge has committed sanctionable conduct warranting a suspension or removal from office, or (2) the judge has been charged by indictment or criminal information with criminal misconduct for which incarceration is a permissible penalty and poses a substantial threat of serious harm to the public, to any person, or to the administration of justice.

. . . .

MARYLAND RULES OF PROCEDURE
TITLE 18 - JUDGES AND JUDICIAL APPOINTEES
CHAPTER 500 - MARRIAGE CEREMONIES

AMEND Rule 18-501 by replacing "Court of Special Appeals" with "Appellate Court" and "Court of Appeals" with "Supreme Court" in section (a) and by making stylistic changes to section (a), as follows:

Rule 18-501. SCOPE OF CHAPTER

The Rules in this Chapter apply to:

- (a) judges of the District Court, judges of a circuit court, judges of the Court of Special Appeals Appellate Court, and justices of the Court of Appeals Supreme Court; and
- (b) senior judges.

Cross reference: See Code, Family Law Article, § 2-406, which also contains a list of other officials authorized to perform marriage ceremonies.

Source: This Rule is derived from former Rule 16-821 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 600 - MISCELLANEOUS PROVISIONS

AMEND Rule 18-601 by replacing "judges of the Court of Appeals," with "justices of the Supreme Court and judges of" in section (a), by replacing "Court of Special Appeals" with "Appellate Court" in section (a), by replacing "Court of Appeals" with "Supreme Court" in section (b), by adding "Justice or" to subsection (h)(1)(A), and by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in the tagline of section (k) and in section (k), as follows:

Rule 18-601. JUDICIAL LEAVE

(a) Scope of Rule; Definitions

This Rule applies to ~~judges of the Court of Appeals,~~ justices of the Supreme Court and judges of the Court of Special Appeals Appellate Court, a circuit court, and the District Court. In this Rule, (1) "qualifies" or "qualified" means when a judge, having received a commission, timely takes the oath of office and signs the appropriate test book; and (2) "Policy on Judicial Absences" means the policy on judicial absences approved in accordance with section (b) of this Rule.

(b) Policy on Judicial Absences

The State Court Administrator shall develop and submit to the ~~Court of Appeals~~ Supreme Court for its consideration and approval a Policy on Judicial Absences. Upon approval by the Court, the Policy shall be implemented.

. . .

(h) When Annual or Personal Leave May be Taken; Exercise of Discretion

(1) Generally

A judge's annual leave and personal leave shall be taken at the time or times prescribed or permitted:

(A) if the judge is a judge of an appellate court, by the Chief Justice or Judge of that court;

(B) if the judge is a judge of a circuit court, by the Circuit Administrative Judge; or

(C) if the judge is a judge of the District Court, by the Chief Judge of that court.

. . .

(k) Supervision by Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court

The operation of this Rule is at all times subject to the supervision and control of the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court.

Source: This Rule is derived from former Rule 16-104 (2016).

MARYLAND RULES OF PROCEDURE
TITLE 18 - JUDGES AND JUDICIAL APPOINTEES
CHAPTER 600 - MISCELLANEOUS PROVISIONS

AMEND Rule 18-602 by replacing "Judge of the Court of Appeals" with "Justice of the Supreme Court" in sections (a), (b), and (c), as follows:

Rule 18-602. REPORTS BY CIRCUIT COURT JUDGES

(a) Generally

Each judge of a circuit court shall submit the reports required from time to time by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court. The reports shall be submitted in the form and manner directed by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court.

(b) Reports to County Administrative Judge

Each judge of a circuit court shall submit to the County Administrative Judge of that judge's court such reports as the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court may require, on forms prescribed and supplied by the State Court Administrator and approved by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court.

(c) Reports by County Administrative Judge

Each Circuit and County Administrative Judge shall furnish such other reports required by the Chief ~~Judge of the Court of Appeals~~ Justice of the Supreme Court.

Source: This Rule is derived from former Rule 16-105 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 600 - MISCELLANEOUS PROVISIONS

AMEND Rule 18-603 by replacing "judge of the Court of Appeals" with "justice of the Supreme Court" and "Court of Special Appeals" with "Appellate Court" in section (a), by making stylistic changes in section (a), and by replacing "Court of Appeals" with "Supreme Court" in section (b), as follows:

Rule 18-603. FINANCIAL DISCLOSURE STATEMENT BY JUDGES

(a) Definitions

In this Rule, "judge" means (A) an incumbent ~~judge of the Court of Appeals~~ justice of the Supreme Court, judge of the Court of Special Appeals Appellate Court, judge of a circuit court, judge of the District Court, or judge of an orphans' court and (B) an individual who, in the preceding calendar year, served as an incumbent justice or judge of one of those courts or was a senior judge.

(b) Requirement

Each judge and senior judge shall file with the State Court Administrator a financial disclosure statement in the form prescribed by the ~~Court of Appeals~~ Supreme Court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 600 - MISCELLANEOUS PROVISIONS

AMEND Rule 18-604 by replacing "Court of Appeals" with "Supreme Court" in section (b), as follows:

Rule 18-604. FINANCIAL DISCLOSURE STATEMENT BY JUDICIAL APPOINTEES

. . .

(b) Requirement

Each judicial appointee shall file with the State Court Administrator a financial statement in the form prescribed by the ~~Court of Appeals~~ Supreme Court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 100 - STATE BOARD OF LAW EXAMINERS AND CHARACTER
COMMITTEES

AMEND Rule 19-101 by replacing "Court of Appeals" with
"Supreme Court" in section (d), as follows:

Rule 19-101. DEFINITIONS

In this Chapter and Chapter 200 of this Title, the following
definitions apply, except as expressly otherwise provided or as
necessary implication requires:

. . .

(d) Court

"Court" means the ~~Court of Appeals~~ Supreme Court of
Maryland.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 100 - STATE BOARD OF LAW EXAMINERS AND CHARACTER

COMMITTEES

AMEND Rule 19-105 by replacing "Court of Appeals" with "Supreme Court" in the tagline of section (d) and in subsections (d) (1), (d) (2) (A), (d) (3), and (d) (4), as follows:

Rule 19-105. CONFIDENTIALITY

. . .

(d) Proceedings and Access to Records in the ~~Court of Appeals~~
Supreme Court

(1) Subject to reasonable regulation by the ~~Court of Appeals~~
Supreme Court, Bar Admission ceremonies shall be open.

(2) Unless the Court otherwise orders in a particular case:

(A) hearings in the ~~Court of Appeals~~ Supreme Court shall
be open, and

(B) if the Court conducts a hearing regarding a bar
applicant, any report by the Accommodations Review Committee, a
Character Committee, or the Board filed with the Court, but no
other part of the applicant's record, shall be subject to public
inspection.

(3) The ~~Court of Appeals~~ Supreme Court may make any of the disclosures that the Board may make pursuant to section (c) of this Rule.

(4) Except as provided in subsections (d) (1), (2), and (3) of this Rule or as otherwise required by law, proceedings before the ~~Court of Appeals~~ Supreme Court and the related papers, evidence, and information are confidential and shall not be open to public inspection or subject to court process or compulsory disclosure.

Source: This Rule is derived from former Rule 19 of the Rules Governing Admission to the Bar of Maryland (2016).

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

AMEND Rule 19-208 by replacing "Court of Appeals" with "Supreme Court" in subsections (a)(1) and (a)(4), section (c), the tagline of section (d), and section (d), as follows:

Rule 19-208. APPEAL OF DENIAL OF ADA TEST ACCOMMODATION REQUEST

(a) Accommodations Review Committee

(1) Creation and Composition

There is an Accommodations Review Committee that shall consist of nine members appointed by the ~~Court of Appeals~~ Supreme Court. Six members shall be attorneys admitted to practice in Maryland who are not members of the Board. Three members shall be non-attorneys. Each non-attorney member shall be a licensed psychologist or physician who, during the member's term, does not serve the Board as a consultant or in any capacity other than as a member of the Committee. The Court shall designate one attorney as Chair of the Committee and one attorney as Vice Chair. In the absence or disability of the Chair or upon express delegation of authority by the Chair, the Vice Chair shall have the authority and perform the duties of the Chair.

. . .

(4) Removal

The ~~Court of Appeals~~ Supreme Court may remove a member of the Accommodations Review Committee at any time.

. . .

(c) Exceptions

Within 30 days after the report of the panel is filed with the Board, the applicant or the Board may file with the Chair of the Committee exceptions to the recommendation and shall transmit a copy of the exceptions to the other party. Upon receiving the exceptions, the Chair shall cause to be prepared a transcript of the proceedings and transmit to the ~~Court of Appeals~~ Supreme Court the record of the proceedings, which shall include the transcript and the exceptions. The Chair shall notify the applicant and the Board of the transmittal to the Court and provide to each party a copy of the transcript.

(d) Proceedings in the ~~Court of Appeals~~ Supreme Court

Proceedings in the ~~Court of Appeals~~ Supreme Court shall be on the record made before the panel. The Court shall require the party who filed exceptions to show cause why the exceptions should not be denied.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

AMEND Rule 19-212 by replacing "Court of Appeals" with "Supreme Court" in the tagline of section (d) and in section (d), as follows:

Rule 19-212. MARYLAND LAW COMPONENT

. . .

(d) Approval by ~~Court of Appeals~~ Supreme Court

The Board shall submit the general format of the Maryland Law Component to the ~~Court of Appeals~~ Supreme Court for its consideration and approval.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

AMEND Rule 19-214 by replacing "Judge of the Court of Appeals" with "justice of the Supreme Court" in section (b) and by replacing "Court of Appeals" with "Supreme Court" in section (c), as follows:

Rule 19-214. ORDER OF ADMISSION; TIME LIMITATION

. . .

(b) Administration of Oath

The oath shall be administered in open court, using the language specified in Code, Business Occupations and Professions Article, § 10-212. If administered in Maryland, the oath shall be administered by a ~~Judge of the Court of Appeals~~ justice of the Supreme Court or by the Clerk of that Court. If administered outside of Maryland, the oath shall be administered by a judge or clerk of a court of record who is authorized to administer oaths in the court where the administration occurs.

Cross reference: See Code, Business Occupations and Professions Article, § 10-212, requiring that the oath be taken in open court.

(c) Time Limitation for Taking Oath—Generally

An applicant or petitioner may not take the oath of admission to the Bar later than 24 months after the date that the ~~Court of Appeals~~ Supreme Court ratified the Board's report pursuant to Rule 19-211 or Rule 19-216 that includes the applicant or petitioner.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

AMEND Rule 19-218 by replacing "Court of Appeals" with "Supreme Court" in sections (c), (d), (e), and (f), as follows:

Rule 19-218. SPECIAL AUTHORIZATION FOR OUT-OF-STATE ATTORNEYS AFFILIATED WITH PROGRAMS PROVIDING LEGAL SERVICES TO LOW-INCOME INDIVIDUALS

. . .

(c) Proof of Eligibility

To obtain authorization to practice under this Rule, the out-of-state attorney shall file with the Clerk of the ~~Court of Appeals~~ Supreme Court a written request accompanied by (1) evidence of graduation from a law school as defined in Rule 19-201 (a) (2), (2) a certificate of the highest court of another state certifying that the attorney is a member in good standing of the Bar of that state, and (3) a statement signed by the Executive Director of the legal services program that includes (A) a certification that the attorney is currently employed by or associated with the program, (B) a statement as to whether the attorney is receiving any compensation other than reimbursement of reasonable and necessary expenses, and (C) an

agreement that, within ten days after cessation of the attorney's employment or association, the Executive Director will file the Notice required by section (e) of this Rule.

(d) Certificate of Authorization to Practice

Upon the filing of the proof of eligibility required by this Rule, the Clerk of the ~~Court of Appeals~~ Supreme Court shall issue a certificate under the seal of the Court certifying that the attorney is authorized to practice under this Rule, subject to the automatic termination provision of section (e) of this Rule. The certificate shall state (1) the effective date, (2) whether the attorney (A) is authorized to receive compensation for the practice of law under this Rule or (B) is authorized to practice exclusively as a pro bono attorney pursuant to Rule 19-504, and (3) any expiration date of the special authorization to practice. If the attorney is receiving compensation for the practice of law under this Rule, the expiration date shall be no later than two years after the effective date. If the attorney is receiving no compensation other than reimbursement of reasonable and necessary expenses, no expiration date shall be stated.

Cross reference: An attorney who intends to practice law in Maryland for compensation for more than two years should apply for admission to the Maryland Bar.

(e) Automatic Termination

Authorization to practice under this Rule is automatically terminated if the attorney ceases to be employed by or associated with the legal services program. Within ten days after cessation of the attorney's employment or association, the Executive Director of the legal services program shall file with the Clerk of the ~~Court of Appeals~~ Supreme Court notice of the termination of authorization.

(f) Disciplinary Proceedings in Another Jurisdiction

Promptly upon the filing of a disciplinary proceeding in another jurisdiction, an attorney authorized to practice under this Rule shall notify the Executive Director of the legal services program of the disciplinary matter. An attorney authorized to practice under this Rule who in another jurisdiction (1) is disbarred, suspended, or otherwise disciplined, (2) resigns from the bar while disciplinary or remedial action is threatened or pending in that jurisdiction, or (3) is placed on inactive status based on incapacity shall inform Bar Counsel and the Clerk of the ~~Court of Appeals~~ Supreme Court promptly of the discipline, resignation, or inactive status.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

AMEND Rule 19-219 by replacing "Court of Appeals" with "Supreme Court" in the stem of section (c), subsection (c)(4), section (d), subsection (e)(1), subsection (e)(2), and section (f), as follows:

Rule 19-219. SPECIAL AUTHORIZATION FOR MILITARY SPOUSE
ATTORNEYS

. . .

(c) Proof of Eligibility

To obtain authorization to practice under this Rule, the military spouse attorney shall file with the Clerk of the ~~Court of Appeals~~ Supreme Court a written request accompanied by:

(1) evidence of graduation from a law school meeting the requirements of Rule 19-201 (a)(2);

(2) a list of states where the military spouse attorney is admitted to practice, together with a certificate of the highest court of each such state certifying that the attorney is a member in good standing of the Bar of that state;

(3) a copy of the service member's military orders reflecting a permanent change of station to a military installation in Maryland or a state contiguous to Maryland;

(4) a certificate from or on behalf of the Department of Defense or a unit thereof acceptable to the Clerk of the ~~Court of Appeals~~ Supreme Court attesting that the military spouse attorney is the spouse of the service member;

. . .

(d) Certificate of Authorization to Practice

Upon the filing of the proof of eligibility required by this Rule, the Clerk of the ~~Court of Appeals~~ Supreme Court shall issue a certificate under the seal of the Court certifying that the attorney is authorized to practice under this Rule for a period not to exceed two years, subject to the automatic termination provisions of section (e) of this Rule. The certificate shall state the effective date and the expiration date of the special authorization to practice.

(e) Automatic Termination

(1) Cessation of Employment

Authorization to practice under this Rule is automatically terminated upon the earlier of (A) the expiration of two years from the issuance of the certificate of authorization, or (B) the expiration of ten days after the cessation of the military spouse attorney's employment by or

association with the supervising attorney's law firm or the agency or organization that employs the supervising attorney unless, within the ten day period, the military spouse attorney files with the Clerk of the ~~Court of Appeals~~ Supreme Court a statement signed by another supervising attorney who is a member of the Bar of this State in compliance with subsection (c)(6) of this Rule. Within ten days after cessation of the military spouse attorney's employment or association, the supervising attorney shall file with the Clerk of the ~~Court of Appeals~~ Supreme Court notice of the termination of authorization.

(2) Change in Status

A military spouse attorney's authorization to practice law under this Rule automatically terminates 30 days after (A) the service member spouse is no longer a member of the United States Armed Forces, (B) the service member and the military spouse attorney are divorced or their marriage is annulled, or (C) the service member receives a permanent transfer outside Maryland or a state contiguous to Maryland, except that a service member's assignment to an unaccompanied or remote assignment does not automatically terminate the military spouse attorney's authorization, provided that the military spouse attorney continues to reside in Maryland. The military spouse attorney promptly shall notify the Clerk of the ~~Court of Appeals~~ Supreme Court of any change in status that pursuant to this

subsection terminates the military spouse attorney's authorization to practice in Maryland.

Committee note: A military spouse attorney who intends to practice law in Maryland for more than two years should apply for admission to the Maryland Bar. The bar examination process may be commenced and completed while the military spouse attorney is practicing under this Rule.

(f) Disciplinary Proceedings in Another Jurisdiction

Promptly upon the filing of a disciplinary proceeding in another jurisdiction, a military spouse attorney shall notify the supervising attorney of the disciplinary matter. A military spouse attorney who in another jurisdiction (1) is disbarred, suspended, or otherwise disciplined, (2) resigns from the bar while disciplinary or remedial action is threatened or pending in that jurisdiction, or (3) is placed on inactive status based on incapacity shall inform Bar Counsel and the Clerk of the ~~Court of Appeals~~ Supreme Court promptly of the discipline, resignation, or inactive status.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

AMEND Rule 19-222 by replacing "Court of Appeals" with "Supreme Court," as follows:

Rule 19-222. SUSPENSION OR REVOCATION OF ADMISSION

If an attorney admitted to the Bar of this State is discovered to have been ineligible for admission under circumstances that do not warrant disbarment or other disciplinary proceedings, the ~~Court of Appeals~~ Supreme Court, upon a recommendation by the Board and after notice and opportunity to be heard, may suspend or revoke the attorney's admission. In the case of a suspension, the Court shall specify in its order the duration of the suspension and the conditions upon which the suspension may be lifted.

Source: This Rule is derived from former Rule 19-219 (2018).

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 300 - MARYLAND ATTORNEYS' RULES OF PROFESSIONAL CONDUCT

AMEND Rule 19-300.1 by replacing "Court of Appeals" with "Supreme Court" in paragraph [20], as follows:

Rule 19-300.1. PREAMBLE

. . .

SCOPE

. . .

[20] Violation of a Rule does not itself give rise to a cause of action against an attorney nor does it create any presumption that a legal duty has been breached. In addition, violation of a Rule does not necessarily warrant any other non-disciplinary remedy, such as disqualification of an attorney in pending litigation. The Rules are designed to provide guidance to attorneys and to provide a structure for regulating conduct through disciplinary agencies. They are not designed to be a basis for civil liability. Furthermore, the purpose of the Rules can be subverted when they are invoked by opposing parties as procedural weapons. The fact that a Rule is a just basis for an attorney's self-assessment, or for sanctioning an attorney under the administration of a disciplinary authority, does not imply that an antagonist in a collateral proceeding or transaction has standing to seek enforcement of the Rule. Nevertheless, in some circumstances, an attorney's violation of a Rule may be evidence of breach of the applicable standard of conduct. Nothing in this Preamble and Scope is intended to detract from the holdings of the ~~Court of Appeals~~ Supreme Court in *Post v. Bregman*, 349 Md. 142 (1998) and *Son v. Margolius, Mallios, Davis, Rider & Tomar*, 349 Md. 441 (1998).

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 300 - MARYLAND ATTORNEYS' RULES OF PROFESSIONAL CONDUCT

AMEND Rule 19-308.1 replacing "Court of Appeals" with
"Supreme Court" in Comment [2], as follows:

Rule 19-308.1. BAR ADMISSION AND DISCIPLINARY MATTERS (8.1)

. . .

COMMENT

. . .

[2] The ~~Court of Appeals~~ Supreme Court has considered this Rule applicable when information is sought by the Attorney Grievance Commission from any attorney on any matter, whether or not the attorney is personally involved. See *Attorney Grievance Commission v. Oswinkle*, 364 Md. 182 (2001).

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 300 - MARYLAND ATTORNEYS' RULES OF PROFESSIONAL CONDUCT

AMEND Rule 19-308.5 by replacing "Court of Appeals" with "Supreme Court" in section (a), as follows:

Rule 19-308.5. DISCIPLINARY AUTHORITY; CHOICE OF LAW (8.5)

(a) Disciplinary Authority

An attorney admitted by the ~~Court of Appeals~~ Supreme Court to practice in this State is subject to the disciplinary authority of this State, regardless of where the attorney's conduct occurs.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 400 - ATTORNEY TRUST ACCOUNTS

AMEND Rule 19-402 by replacing "Court of Appeals" with "Supreme Court" in section (b), as follows:

Rule 19-402. DEFINITIONS

. . .

(b) Attorney

"Attorney" means any individual admitted by the ~~Court of Appeals~~ Supreme Court to practice law.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 400 - ATTORNEY TRUST ACCOUNTS

AMEND Rule 19-409 by replacing "Court of Appeals" with "Supreme Court" in subsections (c) (5) (A), (c) (5) (C) (i), (c) (5) (D), (c) (5) (F), (c) (5) (G), and (c) (5) (I), as follows:

Rule 19-409. INTEREST ON FUNDS

. . .

(c) Duty to Report IOLTA Participation

(1) As a condition precedent to the practice of law, each attorney admitted to practice in Maryland shall report in accordance with this Rule information concerning all IOLTA accounts.

. . .

(5) Enforcement

(A) Notice of Default

As soon as practicable after February 10 of each year, AOC shall electronically notify each defaulting attorney of the attorney's failure to file the required Report. The notice shall (i) state that the attorney has not filed the required IOLTA Compliance Report and (ii) state that continued failure to file the Report may result in an order by the ~~Court of Appeals~~

Supreme Court prohibiting the attorney from practicing law in Maryland.

(B) Additional Discretionary Notice

In addition to the electronic notice, AOC may give additional notice in other ways to defaulting attorneys. This discretion shall be liberally construed with respect to notices given in 2019.

(C) List of Defaulting Attorneys

As soon as practicable after February 10 of each year but no later than March 10, AOC shall:

(i) prepare, certify, and, transmit to the ~~Court of Appeals~~ Supreme Court a list that includes the name and, unless the attorney has elected to keep the address confidential, the address of each attorney engaged in the practice of law who has failed to file the IOLTA Compliance Report for the preceding reporting period;

(ii) include with the list a proposed Decertification Order stating the name and, unless the attorney has elected to keep the address confidential, the address of each attorney who has failed to file the IOLTA Compliance Report; and

(iii) at the request of the Court, furnish additional information from its records or give further notice to the defaulting attorneys.

(D) Decertification Order

If satisfied that AOC has given the required notice to the attorneys named in the proposed decertification order, the ~~Court of Appeals~~ Supreme Court shall enter a decertification order prohibiting each of them from practicing law in Maryland until such time as a Recertification Order applicable to a listed attorney is entered pursuant to subsection (c)(4)(F) of this Rule. If the Court concludes that an attorney was not given the required notice, it shall delete that attorney's name from the proposed Order.

(E) Transmittal of Decertification Order

AOC shall transmit a copy of the decertification order to each attorney named in the Order.

(F) Recertification; Reinstatement

If a decertified attorney thereafter files the outstanding IOLTA Compliance Report, AOC shall inform the ~~Court of Appeals~~ Supreme Court and request the Court to enter an order that recertifies the attorney and terminates the decertification. Upon the entry of that order, AOC promptly shall transmit confirmation to the attorney. After an attorney is recertified, the fact that the attorney had been decertified need not be disclosed by the attorney in response to a request for information as to whether the attorney has been the subject of a disciplinary or remedial proceeding.

(G) Duty of Clerk of ~~Court of Appeals~~ Supreme Court

Upon entry of each Decertification Order and each Recertification Order entered pursuant to this Rule, the Clerk of the ~~Court of Appeals~~ Supreme Court shall comply with Rule 19-761.

(H) Certain Information Furnished to the Maryland Legal Services Corporation

AOC promptly shall submit to the Maryland Legal Services Corporation the data from the IOLTA Compliance Reports.

(I) Confidentiality

Except as provided in subsections (c) (4) (H) and (c) (4) (I) of this Rule, IOLTA Compliance Reports are confidential and are not subject to inspection or disclosure under Code, General Provisions Article, § 4-301. Neither AIS nor AOC shall release those Reports to any person, except as provided in this Rule or upon order of the ~~Court of Appeals~~ Supreme Court. Non-identifying information and data contained in an attorney's IOLTA Compliance Report are not confidential.

Cross reference: See Code, Business Occupations and Professions Article, § 10-103.

Source: This Rule is derived from former Rule 16-608 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 400 - ATTORNEY TRUST ACCOUNTS

AMEND Rule 19-411 by replacing "Court of Appeals" with "Supreme Court" in section (d), as follows:

Rule 19-411. APPROVAL OF FINANCIAL INSTITUTIONS

. . .

(d) Exceptions

Within 15 days after service of the notice of termination pursuant to subsection (c)(3) of this Rule, the institution may file with the ~~Court of Appeals~~ Supreme Court exceptions to the decision of the Commission. The institution shall file eight copies of the exceptions, which shall conform to the requirements of Rule 8-112. The Court shall set a date for oral argument, unless oral argument is waived by the parties. Oral argument shall be conducted in accordance with Rule 8-522. The decision of the ~~Court of Appeals~~ Supreme Court is final and shall be evidenced by an order of the Court.

Source: This Rule is derived from former Rule 16-610 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 500 - PRO BONO LEGAL SERVICES

AMEND Rule 19-501 by replacing "Court of Appeals" with "Supreme Court" in subsections (a) (1), (a) (2), (a) (4), (b) (1) (F), (b) (2), and (c) (1), in sections (d) and (e), and in the tagline of section (e), as follows:

Rule 19-501. STATE PRO BONO COMMITTEE AND PLAN

(a) Standing Committee on Pro Bono Legal Service

(1) Creation

There is a Standing Committee of the ~~Court of Appeals~~ Supreme Court on Pro Bono Legal Service.

(2) Members

The Standing Committee consists of the following members appointed by the ~~Court of Appeals~~ Supreme Court:

. . .

(4) Chair

The ~~Court of Appeals~~ Supreme Court shall designate one of the members as chair.

. . .

(b) Functions of the Standing Committee

(1) Required

The Standing Committee shall:

(A) develop standard forms for use by the Local Pro Bono Committees in developing and articulating the Local Pro Bono Action Plans and making their annual reports;

. . .

(F) file with the ~~Court of Appeals~~ Supreme Court an annual report and recommendations about the implementation and effectiveness of the Local Pro Bono Action Plans, the Rules in this Chapter, and Rule 19-306.1 (6.1) of the Maryland Attorneys' Rules of Professional Conduct; and

(G) prepare a State Pro Bono Action Plan as provided in section (c) of this Rule.

(2) Permitted

The Standing Committee may make recommendations to the ~~Court of Appeals~~ Supreme Court concerning the appointment and reappointment of its members.

. . .

(c) State Pro Bono Action Plan

(1) Generally

Within three years after the effective date of this Rule, the Standing Committee shall submit to the ~~Court of Appeals~~ Supreme Court a State Pro Bono Action Plan to promote increased efforts on the part of attorneys to provide legal

assistance to persons of limited means. In developing the Plan, the Standing Committee shall:

(A) review and assess the results of the Local Pro Bono Action Plans;

(B) assess the data generated by the reports required by Rule 19-503;

(C) gather and consider information pertinent to the existence, nature, and extent of the need for pro bono legal services in Maryland; and

(D) provide the opportunity for one or more public hearings.

(d) Posting

The Clerk of the ~~Court of Appeals~~ Supreme Court shall cause the State Action Plan submitted by the Standing Committee to be posted on the Judiciary website and shall establish a reasonable period for public comment.

(e) Consideration by the ~~Court of Appeals~~ Supreme Court

After the comment period, the ~~Court of Appeals~~ Supreme Court shall hold a public hearing and take appropriate action on the Plan.

Source: This Rule is derived from former Rule 16-901 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 500 - PRO BONO LEGAL SERVICES

AMEND Rule 19-502 by replacing "Court of Appeals" with "Supreme Court" in subsection (b)(5), as follows:

Rule 19-502. LOCAL PRO BONO COMMITTEES AND PLANS

. . .

(b) Duties of the Committee

The local pro bono committee shall:

(1) assess the needs in the county for pro bono legal service, including the needs of non-English speaking, minority, and isolated populations;

. . .

(5) in accordance with the policies and directives established by the Standing Committee or the ~~Court of Appeals~~ Supreme Court, implement or monitor the implementation of the Plan; and

(6) submit an annual report about the Plan to the Standing Committee by May 1.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 500 - PRO BONO LEGAL SERVICES

AMEND Rule 19-503 by replacing "Court of Appeals" with "Supreme Court" in subsections (c) (1), (c) (3) (A), (c) (4), (c) (6) (A), and (c) (7), in the taglines of subsections (c) (6) (A) and (c) (7), and in section (e), as follows:

Rule 19-503. REPORTING PRO BONO LEGAL SERVICE

. . .

(c) Enforcement

(1) Notice of Default

As soon as practicable after February 10 of each year, AOC shall electronically notify each defaulting attorney of the attorney's failure to file the Pro Bono Legal Service Report for the preceding fiscal year. The notice shall (A) state that the attorney has not filed the Report, and (B) state that continued failure to file the Report may result in the entry of an order by the ~~Court of Appeals~~ Supreme Court prohibiting the attorney from practicing law in Maryland.

(2) Additional Discretionary Notice of Default

In addition to the electronic notice, AOC may give additional notice in other ways to defaulting attorneys.

(3) List of Defaulting Attorneys

As soon as practicable after February 10 of each year but no later than March 10, AOC shall:

(A) prepare, certify, and transmit to the ~~Court of Appeals~~ Supreme Court a list that includes the name and, unless the attorney has elected to keep the address confidential, the address of each attorney engaged in the practice of law who has failed to file the Pro Bono Legal Service Report for the preceding reporting period;

(B) include with the list a proposed Decertification Order stating the name and, unless the attorney has elected to keep the address confidential, the address of each attorney who has failed to file the Pro Bono Legal Service Report; and

(C) at the request of the Court, furnish additional information from its records or give further notice to the defaulting attorneys.

(4) Decertification Order

If satisfied that AOC has given the required notice to the attorneys named in the proposed Decertification Order, the ~~Court of Appeals~~ Supreme Court shall enter a Decertification Order prohibiting each of them from practicing law in Maryland until such time as a Recertification Order applicable to a listed attorney is entered pursuant to subsection (c)(6) of this Rule. If the Court concludes that an attorney was not given the

required notice, it shall delete that attorney's name from the proposed Order.

(5) Transmittal of Decertification Order

AOC shall transmit a copy of the Decertification Order to each attorney named in the Order.

(6) Recertification; Reinstatement

(A) Notice to ~~Court of Appeals~~ Supreme Court

If a decertified attorney thereafter files the outstanding Pro Bono Legal Service Report, AOC shall inform the ~~Court of Appeals~~ Supreme Court and request the Court to enter an order that recertifies the attorney and terminates the decertification.

(B) Confirmation of Recertification

Upon entry of that order, AOC promptly shall transmit confirmation to the attorney. After an attorney is recertified, the fact that the attorney had been decertified need not be disclosed by the attorney in response to a request for information as to whether the attorney has been the subject of a disciplinary or remedial proceeding.

(7) Duty of Clerk of ~~Court of Appeals~~ Supreme Court

Upon entry of each Decertification Order and each Recertification Order entered pursuant to this Rule, the Clerk of the ~~Court of Appeals~~ Supreme Court shall comply with Rule 19-761.

. . .

(e) Confidentiality

Pro Bono Legal Service Reports are confidential and are not subject to inspection or disclosure under Code, General Provisions Article, § 4-301. Neither AIS nor AOC shall release those Reports to any person, except as provided in this Rule or upon order of the ~~Court of Appeals~~ Supreme Court. Non-identifying information and data contained in an attorney's Pro Bono Legal Service Report are not confidential.

Source: This Rule is derived from former Rule 16-903 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 600 - CLIENT PROTECTION FUND

AMEND Rule 19-603 by replacing "Court of Appeals" with "Supreme Court" in section (a), as follows:

Rule 19-603. APPOINTMENT, COMPENSATION, MEETINGS OF TRUSTEES

(a) Number of Trustees

The ~~Court of Appeals~~ Supreme Court shall appoint nine individuals to be the trustees of the Client Protection Fund. Eight of the trustees shall be members of the Maryland Bar. One individual shall not be an attorney.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 600 - CLIENT PROTECTION FUND

AMEND Rule 19-604 by replacing "Court of Appeals" with "Supreme Court" in subsections (a) (4), (a) (7), (a) (13), and (a) (14) and by replacing "Judge" with "Justice" in subsection (a) (14), as follows:

Rule 19-604. POWERS AND DUTIES OF TRUSTEES; TREASURER

(a) Trustees

The trustees have the following powers and duties:

(1) To elect, from among their membership, a chair, a treasurer, and such other officers as they deem necessary or appropriate.

. . .

(4) To adopt regulations for the administration of the Fund and the procedures for the presentation, consideration, recognition, rejection and payment of claims, and to adopt procedures for conducting business. A copy of the regulations shall be filed with the Clerk of the ~~Court of Appeals~~ Supreme Court, who shall mail a copy of them to the clerk of the circuit court for each county and to all Registers of Wills. The regulations shall be posted on the Judiciary website.

. . .

(7) To invest funds not needed for current use in such investments as they deem appropriate, consistent with an investment policy specified in regulations adopted by the trustees and approved by the ~~Court of Appeals~~ Supreme Court.

. . .

(13) To file with the ~~Court of Appeals~~ Supreme Court an annual report of the management and operation of the Fund and to arrange for an annual audit of the accounts of the Fund by state or private auditors. The cost of the audit shall be paid by the Fund if no other source of funds is available.

(14) To file additional reports and arrange for additional audits as the ~~Court of Appeals~~ Supreme Court or the Chief ~~Judge~~ Justice of that Court may order.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 600 - CLIENT PROTECTION FUND

AMEND Rule 19-605 by replacing "Court of Appeals" with "Supreme Court" in subsection (a)(1) and by correcting internal references, as follows:

Rule 19-605. OBLIGATION OF ATTORNEYS

(a) Conditions Precedent to Practice

(1) Generally

Except as otherwise provided in subsection (a)(2) of this Rule or Rule ~~19-215 (h)~~ 19-218 (h), each attorney admitted to practice law in Maryland or issued a certificate of special authorization under Rule ~~19-215~~ 19-218 or Rule ~~19-216~~ 19-219, as a condition precedent to the practice of law in Maryland, shall (A) provide to the treasurer of the Fund the attorney's social security number if the social security number has not already been provided to the Board of Law Examiners, (B) provide to the treasurer of the Fund the attorney's federal tax identification number or a statement that the attorney has no such number, and (C) no later than September 10 of each year, pay to the treasurer of the Fund the sum set by the ~~Court of Appeals~~ Supreme Court, and in the event of delinquent payment of that

sum, pay all applicable late charges, as set by the trustees.
Late charges set by the trustees are subject to the approval of
the ~~Court of Appeals~~ Supreme Court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 600 - CLIENT PROTECTION FUND

AMEND Rule 19-606 by replacing "Court of Appeals" with "Supreme Court" in subsections (a) (2), (b) (1), (b) (2), (c) (1), (c) (1) (B), and (c) (2); by replacing "Court of Special Appeals" with "Appellate Court" in subsection (b) (2); and by making stylistic changes, as follows:

Rule 19-606. ENFORCEMENT OF OBLIGATIONS

(a) Notice of Default

. . .

(2) Form and Content

The Notice of Default shall ~~(1)~~(A) be on a form created by the State Court Administrator and approved by the ~~Court of Appeals~~ Supreme Court, ~~(2)~~(B) identify the nature of the default and the amount, if any, owed to the Fund, and ~~(3)~~(C) warn that failure to cure the default will result in the entry of an order by the ~~Court of Appeals~~ Supreme Court prohibiting the attorney from practicing law in Maryland.

(b) Temporary Suspension

(1) Proposed Order

As soon as practicable after February 10 of each year but no later than March 10, the Fund shall transmit to the ~~Court of Appeals~~ Supreme Court a proposed Temporary Suspension Order stating the names and Fund account numbers of those attorneys who failed to cure the default stated in the Notice of Default. The Fund shall furnish to the Court such additional information from its records as the Court directs.

(2) Entry of Order

If satisfied that the Fund has given the required Notice of Default, the ~~Court of Appeals~~ Supreme Court shall enter a Temporary Suspension Order prohibiting the attorneys who are in default from practicing law in Maryland. The Court shall send electronically a copy of the Order to (A) each suspended attorney named in the Order, (B) the clerks of the ~~Court of Special Appeals~~ Appellate Court, each circuit court, the District Court of Maryland, the ~~United States~~ Supreme Court of the United States, the U.S. Court of Appeals for the Fourth Circuit, and the U.S. District Court for the District of Maryland and post notice of the Order on the Judiciary website.

. . .

(c) Termination of Temporary Suspension Order

(1) Duty of Trustees

Upon receipt of the attorney's social security number, federal tax identification number or statement that the attorney

has no such number, and all amounts due by the attorney, including all related costs prescribed by the ~~Court of Appeals~~ Supreme Court or the trustees, the trustees shall:

(A) remove the attorney's name from the list of attorneys in default;

(B) if a Temporary Suspension Order has been entered, inform the ~~Court of Appeals~~ Supreme Court that the social security number, federal tax identification number or statement that the attorney has no such number, and full payment have been received and request the Court to enter an order terminating the attorney's suspension; and

(C) if requested by the attorney, confirm that the trustees have complied with the requirements of subsections (c) (1) (A) and (B) of this Rule.

(2) Duty of Court

Upon receipt of the notice and request provided for in subsection (c) (1) (B) of this Rule, the ~~Court of Appeals~~ Supreme Court shall enter an order terminating the temporary suspension of the attorney and post notice of the Order on the Judiciary website.

Source: This Rule is derived from former Rule 16-811.6 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 600 - CLIENT PROTECTION FUND

AMEND Rule 19-607 by replacing "Court of Appeals" with "Supreme Court" in subsections (c) (1) and (c) (2) and by making stylistic changes, as follows:

Rule 19-607. DISHONORED CHECKS

. . .

(c) Temporary Suspension Order

(1) Notice by Treasurer

The treasurer of the Fund promptly, ~~but not more often than once each calendar quarter~~, shall submit to the ~~Court of Appeals~~ Supreme Court a proposed interim Temporary Suspension Order stating the name and account number of each attorney who remains in default of payment for a dishonored check and related charges.

(2) Entry and Service of Order

The ~~Court of Appeals~~ Supreme Court shall enter an Interim Temporary Suspension Order prohibiting the practice of law in the State by each attorney as to whom the Court is satisfied that the treasurer has made reasonable efforts to give notice concerning the dishonored check. The treasurer shall

mail by first class mail a copy of the interim Temporary Suspension Order to each attorney named in the order at the attorney's last address as it appears on the records of the trustees. The mailing by the treasurer of the copy constitutes service of the order on the attorney.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 600 - CLIENT PROTECTION FUND

AMEND Rule 19-608 by replacing "Court of Appeals" with "Supreme Court," as follows:

Rule 19-608. NOTICES CONCERNING TEMPORARY SUSPENSIONS

Upon entry of each Temporary Suspension Order and each order that terminates a temporary suspension and restores the attorney to good standing entered pursuant to the Rules in this Chapter, the Clerk of the ~~Court of Appeals~~ Supreme Court shall comply with Rule 19-761.

Source: This Rule is derived from former Rule 16-811.8 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 600 - CLIENT PROTECTION FUND

AMEND Rule 19-610 by replacing "Court of Special Appeals" with "Appellate Court" in section (b), as follows:

Rule 19-610. JUDICIAL REVIEW

. . .

(b) Standard of Review

In the action for judicial review, the decision of the trustees shall be deemed prima facie correct and shall be affirmed unless the decision was arbitrary, capricious, unsupported by substantial evidence on the record considered as a whole, beyond the authority vested in the trustees, made upon unlawful procedure, or unconstitutional or otherwise illegal. Any party, including the Fund, aggrieved by the judgment of the circuit court may appeal the judgment to the ~~Court of Special Appeals~~ Appellate Court.

Source: This Rule is derived from former Rule 16-811.10 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 600 - CLIENT PROTECTION FUND

AMEND Rule 19-611 by replacing "Court of Appeals" with "the Supreme Court" in the name of the Rule and by replacing "Court of Appeals" with "Supreme Court" in sections (a), (b), and (c), as follows:

Rule 19-611. SUPERVISORY AUTHORITY OF ~~COURT OF APPEALS~~ THE SUPREME COURT

(a) Audit

In addition to the authority of the trustees under Rule 19-604, the ~~Court of Appeals~~ Supreme Court may at any time arrange for an audit of the accounts of the Fund to be made by State or private auditors. The cost of any such audit shall be paid by the Fund if no other source of funds is available.

(b) Administrative Advice

The trustees may apply to the ~~Court of Appeals~~ Supreme Court, in its non-adjudicatory, supervisory capacity, for interpretation of these Rules and for advice as to their powers and as to the proper administration of the Fund. Any final order issued by the Court in response to any such application

shall determine all rights with respect to the matters covered and shall be binding.

(c) Dissolution

The ~~Court of Appeals~~ Supreme Court may provide for the dissolution and winding up of the affairs of the Fund.

Source: This Rule is derived from former Rule 16-811.11 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

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MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

GENERAL PROVISIONS

AMEND Rule 19-701 by replacing "Court of Appeals" with "Supreme Court" in sections (b), (j), and (w), as follows:

Rule 19-701. DEFINITIONS

In this Chapter, the following definitions apply except as otherwise expressly provided or as necessary implication requires:

. . .

(b) Attorney

"Attorney" means an individual admitted by the ~~Court of Appeals~~ Supreme Court to practice law in this State. For purposes of discipline or inactive status, the term also includes (1) an individual not admitted by the ~~Court of Appeals~~ Supreme Court but who engages in the practice of law in this State, holds himself or herself out as practicing law in this State, or who has the obligation of supervision or control over another attorney who engages in the practice of law in this State, and (2) an individual who is seeking reinstatement

pursuant to Rules 19-751 or 19-752 following the imposition of discipline or inactive status.

. . .

(j) Disbarment

"Disbarment" means the unconditional termination of any privilege to practice law in this State pursuant to Rule 19-741 and, when applied to an attorney not admitted by the ~~Court of Appeals~~ Supreme Court to practice law, means the unconditional exclusion from the admission to or the exercise of any privilege to practice law in this State.

. . .

(w) Suspension

"Suspension" means the temporary termination of the privilege to practice law, either for a fixed period or indefinitely and, when applied to an attorney not admitted by the ~~Court of Appeals~~ Supreme Court to practice law, means the temporary or indefinite exclusion from the admission to or the exercise of any privilege to practice law in this State.

Source: This Rule is derived in part from former Rule 16-701 (2016) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

GENERAL PROVISIONS

AMEND Rule 19-702 by replacing "Court of Appeals" with "Supreme Court" in sections (a), (d), and (f) and in subsections (h) (1), (h) (3), (h) (14), and (h) (15), as follows:

Rule 19-702. ATTORNEY GRIEVANCE COMMISSION

(a) Creation and Composition

There is an Attorney Grievance Commission which shall consist of 12 members appointed by the ~~Court of Appeals~~ Supreme Court. Nine members shall be attorneys and three members shall not be attorneys.

. . .

(d) Chair and Vice Chair

The ~~Court of Appeals~~ Supreme Court shall designate one attorney member as the Chair of the Commission and one attorney member as the Vice Chair. In the absence or disability of the Chair or upon an express delegation of authority by the Chair, the Vice Chair shall have the authority and perform the duties of the Chair.

. . .

(f) Removal of Commission Members

The ~~Court of Appeals~~ Supreme Court may remove a member of the Commission at any time.

. . .

(h) Powers and Duties

The Commission has the powers and duties to:

(1) recommend to the ~~Court of Appeals~~ Supreme Court the adoption of procedural and administrative guidelines and policies consistent with these Rules;

(2) employ and prescribe the compensation of the Executive Counsel and Director;

(3) with the approval of the ~~Court of Appeals~~ Supreme Court, appoint Bar Counsel;

. . .

(14) submit not later than October 15 of each year a report to the ~~Court of Appeals~~ Supreme Court accounting for the Disciplinary Fund, evaluating the effectiveness of the disciplinary system, and recommending any changes; and

(15) submit annually to the State Court Administrator for review and approval by the ~~Court of Appeals~~ Supreme Court a proposed budget for the disciplinary system.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

GENERAL PROVISIONS

AMEND Rule 19-703 by replacing "Court of Appeals" with "Supreme Court" in section (a), in subsections (b)(6) and (b)(13), and in the Committee note following subsection (b)(13) and by making a stylistic change, as follows:

Rule 19-703. BAR COUNSEL

(a) Appointment

Subject to approval by the ~~Court of Appeals~~ Supreme Court, the Commission shall appoint an attorney as Bar Counsel. Before appointing Bar Counsel, the Commission shall notify bar associations and the general public of the vacancy and consider any recommendations that are timely submitted. Bar Counsel shall serve at the pleasure of the Commission and shall receive the compensation set forth in the budget of the Commission.

(b) Powers and Duties

Subject to the supervision and approval, if required, of the Commission, Bar Counsel has the powers and duties to:

(1) investigate professional misconduct or incapacity on the part of an attorney;

. . .

(6) monitor and enforce compliance with all disciplinary and remedial orders of the ~~Court of Appeals~~ Supreme Court;

. . .

(13) consult with the State and local bar associations, public and private support groups, and other appropriate persons in an effort to identify programs or services that can (A) serve as a resource to assist attorneys who may come before Bar Counsel, the Commission, or the ~~Court of Appeals~~ Supreme Court, and (B) be considered when recommending or determining an appropriate disposition of complaints or charges against those attorneys. Those resources may include (A) treatment for emotional distress, mental disorders or disability, or dependence on alcohol, drugs, or other intoxicants, (B) assistance in law office management, including mentoring, accounting, bookkeeping, financial, and other professional assistance relevant to the handling of client or third-party funds, calendaring events and time deadlines, and other professional or business requirements related to the practice of law, and (C) monitoring services when required by Bar Counsel, the Commission, or the ~~Court of Appeals~~ Supreme Court; and

Committee note: Subsection (b) (13) of this Rule does not require Bar Counsel or the Commission to create or fund any of these programs or services or to require or recommend their use in any particular case. The Rules Committee is advised that programs and services of this kind do exist or can be created.

The Committee believes that identifying those that are reliable and available may permit a more effective disposition in particular cases by Bar Counsel, the Commission, and the ~~Court of Appeals~~ Supreme Court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

GENERAL PROVISIONS

AMEND Rule 19-704 by replacing "Court of Appeals" with "Supreme Court" in subsections (c) (1) and (c) (5), as follows:

Rule 19-704. PEER REVIEW COMMITTEE

. . .

(c) Individuals Ineligible for Appointment as an Attorney Member

The Commission may not appoint as an attorney member to the Peer Review Committee an individual who:

(1) is not admitted by the ~~Court of Appeals~~ Supreme Court to practice law in Maryland;

(2) has not actively and lawfully engaged in the practice of law in Maryland for at least five years;

(3) is a judge of a court of record;

(4) is the subject of a pending docketed complaint or petition for disciplinary or remedial action; or

(5) was ever disbarred or suspended by the ~~Court of Appeals~~ Supreme Court or by a disciplinary body or court of the United States or any state.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

GENERAL PROVISIONS

AMEND Rule 19-705 by replacing "Court of Appeals" with "Supreme Court" in sections (a) and (b), as follows:

Rule 19-705. DISCIPLINARY FUND

(a) Establishment; Nature

There is a Disciplinary Fund. The Fund is created and administered pursuant to the Constitutional authority of the ~~Court of Appeals~~ Supreme Court to regulate the practice of law in the State of Maryland and to implement and enforce the Maryland Attorneys' Rules of Professional Conduct adopted by the Court. The Fund consists of contributions made by attorneys pursuant to section (b) of this Rule, income from those contributions, and costs recovered pursuant to law or court order. It is dedicated entirely to the purposes established by the Rules in this Title.

(b) Payment by Attorneys

As a condition precedent to the practice of law, each attorney shall pay annually an amount prescribed by the ~~Court of Appeals~~ Supreme Court. The amount shall be in addition to and

paid by the same date as other sums required to be paid to the Client Protection Fund pursuant to Rule 19-605.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

GENERAL PROVISIONS

AMEND Rule 19-706 by replacing "Court of Appeals" with "Supreme Court" in subsections (a) (1), (a) (2), (a) (3), (a) (4), and (b) (1), as follows:

Rule 19-706. SANCTIONS AND REMEDIES

(a) For Professional Misconduct

An attorney who is found to have committed professional misconduct is subject to one or more of the following sanctions and remedies:

- (1) disbarment by the ~~Court of Appeals~~ Supreme Court;
- (2) suspension, for a fixed period or indefinitely, by the ~~Court of Appeals~~ Supreme Court;
- (3) probation under terms and conditions as specified by the ~~Court of Appeals~~ Supreme Court;
- (4) reprimand by the ~~Court of Appeals~~ Supreme Court or, with the attorney's consent, by the Commission;

. . .

(b) For Incapacity

An attorney who is found to have an incapacity is subject to the following:

(1) transfer to disability inactive status, subject to further order of the ~~Court of Appeals~~ Supreme Court;

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

GENERAL PROVISIONS

AMEND Rule 19-707 by replacing "Court of Appeals" with "Supreme Court" in subsections (b) (3), (b) (4), (b) (10), (b) (11), (c) (4), and (d) (1), in the tagline of section (e), and in section (e), as follows:

Rule 19-707. CONFIDENTIALITY

. . .

(b) Other Confidential Material

Except as otherwise provided in this Rule, the following records and proceedings are confidential and not open to public inspection and may not be disclosed by Bar Counsel, the staff and investigators of the Office of Bar Counsel, any member of the Commission, the staff of the Commission, any member of the Peer Review Committee, any attorney involved in the proceeding, or, in any civil action or proceeding, by the complainant or an attorney for or agent of the complainant:

(1) the records of an investigation by Bar Counsel, including the existence and content of any complaint or

response, until Bar Counsel files a petition for disciplinary or remedial action pursuant to Rule 19-721;

(2) information that is the subject of a protective order;

(3) the contents of a prior private reprimand or Bar Counsel reprimand pursuant to the Attorney Disciplinary Rules in effect prior to July 1, 2001, but the fact that a private or Bar Counsel reprimand was issued and the facts underlying the reprimand may be disclosed to a Peer Review Panel, a circuit court, and the ~~Court of Appeals~~ Supreme Court in a proceeding against the attorney alleging similar misconduct;

Committee note: Disclosure under subsection (b)(3) of this Rule is not dependent upon a finding of relevance under Rule 19-720 (c)(1).

(4) the contents of a prior warning issued by the Commission pursuant to the Attorney Disciplinary Rules in effect prior to October 1, 2021, but the fact that a warning was issued and the facts underlying the warning may be disclosed to a Peer Review Panel, a circuit court, and the ~~Court of Appeals~~ Supreme Court in a subsequent proceeding against the attorney when relevant to a complaint alleging similar conduct by the attorney;

. . .

(10) a Petition for Disciplinary or Remedial Action based solely on the alleged incapacity of an attorney and records and proceedings, other than the final order in proceedings in the ~~Court of Appeals~~ Supreme Court, on that petition; and

(11) a petition for an audit of an attorney's accounts filed pursuant to Rule 19-731 and records and proceedings, other than proceedings in the ~~Court of Appeals~~ Supreme Court, on that petition.

(c) Public Proceedings and Records

The following records and proceedings are public and open to inspection:

(1) except as otherwise provided in subsection (b)(10) of this Rule, a Petition for Disciplinary or Remedial Action, all proceedings on that petition, and all documents or other items admitted into evidence at any hearing on the petition;

. . . .

(4) except as otherwise provided by order of the ~~Court of Appeals~~ Supreme Court, all filings and proceedings under this Chapter in the ~~Court of Appeals~~ Supreme Court.

(d) Required Disclosures by Bar Counsel

(1) Reprimand by Commission

If an attorney is reprimanded by the Commission, Bar Counsel shall notify the Clerk of the ~~Court of Appeals~~ Supreme Court.

(2) Conviction of a Serious Crime

If Bar Counsel has received and verified information that an attorney has been convicted of a serious crime, Bar Counsel shall notify the Commission.

(e) Required Disclosures by Clerk of the ~~Court of Appeals~~
Supreme Court

If an attorney resigns or is reprimanded, convicted of a serious crime, or, by order of the ~~Court of Appeals~~ Supreme Court, disbarred, suspended, reinstated, or transferred to disability inactive status, the Clerk of the ~~Court of Appeals~~ Supreme Court of Maryland shall notify the National Lawyer Regulatory Data Bank of the American Bar Association and the disciplinary authority of every other jurisdiction in which the attorney is admitted to practice. In addition, the Clerk shall comply with Rule 19-761 upon entry of each order of the Court by which an attorney is disbarred, suspended, reinstated, or transferred to disability inactive status.

. . . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

GENERAL PROVISIONS

AMEND Rule 19-709 by replacing "Court of Appeals" with "Supreme Court" in section (a), subsection (b)(6), and section (d), as follows:

Rule 19-709. COSTS

(a) Generally

Except as provided in section (c) of this Rule, and unless the ~~Court of Appeals~~ Supreme Court orders otherwise, the prevailing party in proceedings under this Chapter is entitled to reasonable and necessary costs. By order, the Court may allocate costs among the parties.

(b) Costs Defined

Costs include:

(1) court costs;

. . .

(6) other reasonable and necessary expenses, excluding attorneys' fees, incurred in investigating the claims and in prosecuting or defending against the petition for disciplinary

or remedial action before the circuit court judge and in the
~~Court of Appeals~~ Supreme Court.

. . .

(d) Judgment

Costs of proceedings under this Chapter, including the
costs of all transcripts, shall be assessed by the Clerk of the
~~Court of Appeals~~ Supreme Court and included in the order as a
judgment. On motion, the Court may review the action of the
Clerk.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

ADMINISTRATIVE PROCEEDINGS

AMEND Rule 19-712 by replacing "Court of Appeals" with "Supreme Court" in subsections (f) (3), (h) (1), (h) (2), (h) (3), and (h) (5) and in the tagline of subsection (h) (3), as follows:

Rule 19-712. INVESTIGATIVE SUBPOENA

. . .

(f) Enforcement

(1) Order Enforcing Compliance

. . .

(3) Other Sanctions

If the person is the attorney who is the subject of the investigation, Bar Counsel may, in addition, (A) with the approval of the Chair of the Commission, file with the ~~Court of Appeals~~ Supreme Court a petition to suspend the attorney from practicing law pending compliance with the subpoena, and (B) file a statement of charges pursuant to Rule 19-718 for violation of Rule 19-308.1. The attorney may file a response to a petition for suspension within 15 days after service of the

petition. The Court may decide the issue on the papers filed or shall hold an expedited hearing on the petition.

. . .

(h) Petition for Disciplinary or Remedial Action

(1) Generally

If the circuit court makes a finding of contempt pursuant to Rule 15-206, Bar Counsel, with the approval of the Chair of the Commission, may file a Petition for Disciplinary or Remedial Action in the ~~Court of Appeals~~ Supreme Court pursuant to Rule 19-721 (a) (1). A certified copy of the order of contempt shall be attached to the Petition, and a copy of the Petition and order shall be served on the attorney in accordance with Rule 19-723.

(2) Show Cause Order

When a petition and certified copy of an order of contempt have been filed, the ~~Court of Appeals~~ Supreme Court shall order that the attorney, within 15 days from the date of the order, show cause in writing why the attorney should not be suspended immediately from the practice of law until the further order of the ~~Court of Appeals~~ Supreme Court.

(3) Action by the ~~Court of Appeals~~ Supreme Court

Upon consideration of the petition and any answer to the order to show cause, the ~~Court of Appeals~~ Supreme Court may enter an order (A) immediately suspending the attorney from the

practice of law, (B) designating a judge pursuant to Rule 19-722 to hold a hearing in accordance with Rule 19-727, or (C) containing any other appropriate provisions. The provisions of Rules 19-741 and 19-743 apply to an order under this section that suspends an attorney.

. . .

(5) Termination of Suspension

On notification by Bar Counsel that the attorney has purged the contempt, the ~~Court of Appeals~~ Supreme Court shall order the attorney reinstated to the practice of law, unless other grounds exist for the suspension to remain in effect.

(6) Other Disciplinary Proceedings

Proceedings under this Rule shall not preclude the use of the facts underlying the order of contempt when relevant to a pending or subsequent disciplinary proceeding against the attorney.

Source: This Rule is derived as follows:
Sections (a), (b), and (c) are derived in part from former Rule 16-732 (2016) and are in part new.
Sections (d), (e), and (g) are derived from former Rule 16-732 (2016).
Sections (f) and (h) are new.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

ADMINISTRATIVE PROCEEDINGS

AMEND Rule 19-717.1 by replacing "Court of Appeals" with "Supreme Court" in section (a), as follows:

Rule 19-717.1. PERMANENT RETIRED STATUS

(a) Purpose

Permanent retired status is intended to enable an attorney whose alleged conduct (1) meets the criteria set forth in section (b) of this Rule and (2) was predominantly the product of the attorney's ill health or decline, to retire permanently from the practice of law with dignity and to ensure the protection of the public. Permanent retired status is not a sanction, and no record of any investigation by Bar Counsel, documents associated therewith, or proceedings in connection with the determination that the attorney be placed on permanent retired status, shall be made public except with the written consent of the attorney, a duly authorized representative of the attorney, or, upon good cause shown, by the ~~Court of Appeals~~ Supreme Court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION
PROCEEDINGS ON PETITION FOR DISCIPLINARY OR REMEDIAL ACTION

AMEND Rule 19-721 by replacing "Court of Appeals" with
"Supreme Court" in subsections (a) (1) and (a) (2), as follows:

Rule 19-721. PETITION FOR DISCIPLINARY OR REMEDIAL ACTION

(a) Commencement of Action

(1) Upon Approval or Direction of the Commission

Upon approval or direction of the Commission, Bar
Counsel, on behalf of the Commission, shall file a Petition for
Disciplinary or Remedial Action in the ~~Court of Appeals~~ Supreme
Court.

(2) Conviction of Crime; Reciprocal Action

If authorized by Rule 19-737 or 19-738, Bar Counsel, on
behalf of the Commission, may file a Petition for Disciplinary
or Remedial Action in the ~~Court of Appeals~~ Supreme Court without
prior approval of the Commission. On review, the Commission may
direct the withdrawal of a petition filed pursuant to this
subsection, in which event, Bar Counsel shall withdraw the
petition.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION
PROCEEDINGS ON PETITION FOR DISCIPLINARY OR REMEDIAL ACTION

AMEND Rule 19-722 by replacing "Court of Appeals" with "Supreme Court" in section (a), subsection (b)(1), subsection (b)(2), and section (c) and by making a stylistic change, as follows:

Rule 19-722. ORDER DESIGNATING JUDGE AND CLERK

(a) Order

Upon the filing of a Petition for Disciplinary or Remedial Action, the ~~Court of Appeals~~ Supreme Court may enter an order designating (1) a judge of any circuit court to hear the action, and (2) the clerk responsible for maintaining the record. The order of designation shall require the judge, not later than 15 days after the date on which an answer is due, and after consultation with Bar Counsel and the attorney, to enter a scheduling order. The scheduling order shall set dates for the completion of discovery, designation of experts, the filing of motions, and a hearing on the petition. Subject to Rule 19-727 (a) and (e) and for good cause, the judge may amend the scheduling order.

(b) Transmittal of the Record; Summons

(1) Transmittal of the Record

Upon entry of an order under section (a) of this Rule, the clerk of the ~~Court of Appeals~~ Supreme Court shall send an electronic copy of the order to Bar Counsel and transmit the file to the designated clerk of the circuit court.

(2) Summons

Upon receipt of the record from the ~~Court of Appeals~~ Supreme Court, the clerk of the circuit court shall issue forthwith a summons for the respondent and shall deliver it, together with a copy of each paper filed, including the order entered under subsection (a) (1) of this Rule, to Bar Counsel for service on the attorney.

(c) Motion to Amend Order Designating Judge

Within 15 days after the respondent has been served, either party may file a motion in accordance with Rule 8-431 requesting that the ~~Court of Appeals~~ Supreme Court designate another judge. The motion shall not stay the time for filing an answer to the petition.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION
PROCEEDINGS ON PETITION FOR DISCIPLINARY OR REMEDIAL ACTION

AMEND Rule 19-723 by replacing "Court of Appeals" with
"Supreme Court," as follows:

Rule 19-723. SERVICE OF PETITION AND ORDER

A copy of a Petition for Disciplinary or Remedial Action filed pursuant to Rule 19-721, the order of the ~~Court of Appeals~~ Supreme Court entered pursuant to Rule 19-722 (a), and the summons issued by the circuit court pursuant to Rule 19-722 (b) shall be served on the attorney in the manner prescribed in Rule 2-121, or in any other manner directed by the ~~Court of Appeals~~ Supreme Court or the circuit court.

Source: This Rule is in part derived from former Rule 16-753 (2016) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION
PROCEEDINGS ON PETITION FOR DISCIPLINARY OR REMEDIAL ACTION

AMEND Rule 19-724 by replacing "Court of Appeals" with
"Supreme Court" in subsection (a)(2), as follows:

Rule 19-724. ANSWER

(a) Timing

The attorney shall file with the designated clerk and
serve on Bar Counsel an answer to the petition:

(1) within 15 days after service; or

(2) by such other time specified by the ~~Court of Appeals~~
Supreme Court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

PROCEEDINGS ON PETITION FOR DISCIPLINARY OR REMEDIAL ACTION

AMEND Rule 19-725 by replacing "Court of Appeals" with "Supreme Court" in section (a) and the Committee note at the end of the Rule, as follows:

Rule 19-725. PLEADINGS; AMENDMENTS; MOTIONS

(a) Pleadings

Except as provided in section (b) of this Rule or otherwise expressly permitted by these Rules or ordered by the ~~Court of Appeals~~ Supreme Court, the only pleadings permitted in an action for Disciplinary or Remedial Action are the petition and an answer.

. . .

Committee note: Proceedings on a Petition for Disciplinary or Remedial Action are conducted pursuant to the original jurisdiction of the ~~Court of Appeals~~ Supreme Court to regulate the practice of law and are not the place for collateral actions or such things as counterclaims. Moreover, because the authority of the circuit court judge designated by the ~~Court of Appeals~~ Supreme Court pursuant to Rule 19-722 is limited to taking evidence and making findings of fact and proposed conclusions of law, that judge is not empowered to dismiss a petition. Defenses to the petition may be raised in the answer and may be addressed by the designated judge, but only the ~~Court of Appeals~~ Supreme Court has authority to dismiss all or part of a petition.

Source: Sections (a) and (c) of this Rule are new. Section (b) is derived from former Rule 16-755 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION
PROCEEDINGS ON PETITION FOR DISCIPLINARY OR REMEDIAL ACTION

AMEND Rule 19-727 by replacing "Court of Appeals" with
"Supreme Court" in sections (d), (e), and (g), as follows:

Rule 19-727. JUDICIAL HEARING

. . .

(d) Time for Completion

Unless extended by the ~~Court of Appeals~~ Supreme Court,
the hearing shall be completed within 120 days after service on
the attorney of the order entered under Rule 19-722.

(e) Findings and Conclusions

The judge shall prepare and file a written statement
which shall contain: (1) findings of fact and conclusions of law
as to each charge; (2) findings as to any remedial action taken
by the attorney; and (3) findings as to any aggravating or
mitigating circumstances that exist. Unless the time is
extended by the ~~Court of Appeals~~ Supreme Court, the statement
shall be filed with the clerk responsible for the record no
later than 45 days after the conclusion of the hearing. The
clerk shall mail a copy of the statement to each party.

. . .

(g) Transmittal of Record

Unless a different time is ordered by the ~~Court of Appeals~~ Supreme Court, the clerk shall transmit the record to the ~~Court of Appeals~~ Supreme Court within 15 days after the statement of findings and conclusions is filed.

Source: This Rule is derived from former Rule 16-757 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION
PROCEEDINGS ON PETITION FOR DISCIPLINARY OR REMEDIAL ACTION

AMEND Rule 19-728 by replacing "Court of Appeals" with "Supreme Court" in sections (a) and (e) and in the tagline of section (e), as follows:

Rule 19-728. POST-HEARING PROCEEDINGS

(a) Notice of the Filing of the Record

Upon receiving the record, the Clerk of the ~~Court of Appeals~~ Supreme Court shall notify the parties that the record has been filed.

. . .

(e) Proceedings in ~~Court of Appeals~~ Supreme Court

Review in and disposition by the ~~Court of Appeals~~ Supreme Court are governed by Rule 19-740.

Source: This Rule is derived from former Rule 16-758 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

SPECIAL PROCEEDINGS

AMEND Rule 19-731 by replacing "Court of Appeals" with "Supreme Court" in subsections (k) (2) (A), (k) (2) (B), (k) (2) (C), and (k) (2) (E) and in the tagline of subsection (k) (2) (C), as follows:

Rule 19-731. AUDIT OF ATTORNEY ACCOUNTS AND RECORDS

. . .

(k) Sanctions for Violations

(1) Contempt

If the attorney violates the order of the circuit court entered pursuant to section (f) of this Rule, Bar Counsel may institute a proceeding for contempt pursuant to Rule 15-206.

(2) Petition for Disciplinary or Remedial Action

(A) Generally

If the circuit court makes a finding of contempt pursuant to Rule 15-206, Bar Counsel, with the approval of the Chair of the Commission, may file a Petition for Disciplinary or Remedial Action in the ~~Court of Appeals~~ Supreme Court pursuant to Rule 19-721 (a) (1). A certified copy of the order of

contempt shall be attached to the Petition, and a copy of the Petition and order shall be served on the attorney in accordance with Rule 19-723.

(B) Show Cause Order

When a petition and certified copy of an order of contempt have been filed, the ~~Court of Appeals~~ Supreme Court shall order that the attorney, within 15 days from the date of the order, show cause in writing why the attorney should not be suspended immediately from the practice of law until further order of the ~~Court of Appeals~~ Supreme Court. A copy of the Petition and show cause order shall be served on the attorney in accordance with Rule 19-723.

(C) Action by the ~~Court of Appeals~~ Supreme Court

Upon consideration of the petition and any answer to the order to show cause, the ~~Court of Appeals~~ Supreme Court may enter an order: (i) immediately suspending the attorney from the practice of law, pending further order of the Court, (ii) designating a judge pursuant to Rule 19-722 to hold a hearing in accordance with Rule 19-727, or (iii) containing any other appropriate provisions. The provisions of Rules 19-741 and 19-743 apply to an order under this section.

. . .

(E) Termination of Suspension

On notification by Bar Counsel that the attorney has purged the contempt, the ~~Court of Appeals~~ Supreme Court shall order the attorney reinstated to the practice of law, unless other grounds exist for the suspension to remain in effect.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

SPECIAL PROCEEDINGS

AMEND Rule 19-732 by replacing "Court of Appeals" with "Supreme Court" in subsection (h) (2) and by updating internal references, as follows:

Rule 19-732. INJUNCTION; EXPEDITED ACTION

. . .

(h) Expedited Disciplinary or Remedial Action

(1) Filing of Petition

When an injunction is issued pursuant to this Rule, notwithstanding any pending appeal or motion to modify or dissolve the injunction, Bar Counsel shall immediately file a Petition for Disciplinary or Remedial Action pursuant to Rule 19-721. A certified copy of the order granting the injunction shall be attached to the petition.

(2) Action on Petition

The action shall proceed in accordance with Rules 19-721 through ~~19-729~~ 19-728 and Rules ~~19-741~~ 19-740 through ~~19-744~~ 19-743, to the extent applicable. The ~~Court of Appeals~~ Supreme

Court may assign the petition for hearing to the judge who granted the injunction.

Source: This Rule is derived as follows:
Sections (a), (b), (e), (f), (g), and (h) are derived from former Rule 16-776 (2016).
Sections (c) and (d) are new.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

SPECIAL PROCEEDINGS

AMEND Rule 19-733 by replacing "Court of Appeals" with "Supreme Court" in sections (a), (b), and (c), in the tagline of section (c), and in subsections (e)(1) and (e)(2), as follows:

Rule 19-733. REFERRAL FROM CHILD SUPPORT ADMINISTRATION

(a) Referral

The Commission promptly shall transmit to Bar Counsel a referral from the Child Support Administration pursuant to Code, Family Law Article, § 10-119.3(e)(3) and direct Bar Counsel to investigate, and if the attorney has violated the law, file a Petition for Disciplinary or Remedial Action in the ~~Court of Appeals~~ Supreme Court pursuant to Rule 19-721 (a)(1). A copy of the Administration's referral shall be attached to the Petition, and a copy of the Petition and notice shall be served on the attorney in accordance with Rule 19-723.

Committee note: The procedures set out in Code, Family Law Article, § 10-119.3(f)(1), (2), and (3) are completed before the referral to the Attorney Grievance Commission.

(b) Show Cause Order

When a petition and notice of referral have been filed, the ~~Court of Appeals~~ Supreme Court shall order that the attorney, within 15 days from the date of the order, show cause in writing why the attorney should not be suspended from the practice of law until the further order of the Court.

(c) Action by the ~~Court of Appeals~~ Supreme Court

Upon consideration of the petition and any answer to the order to show cause, the ~~Court of Appeals~~ Supreme Court may enter an order: (1) immediately suspending the attorney from the practice of law, pending further order of the Court, (2) designating a judge pursuant to Rule 19-722 to hold a hearing in accordance with Rule 19-727, or (3) containing any other appropriate provisions. The provisions of Rules 19-740 through 19-743, as applicable, apply to an order under this section that suspends an attorney.

. . .

(e) Termination of Suspension

(1) On Notification by the Child Support Administration

Upon notification by the Child Support Administration that the attorney has complied with the provisions of Code, Family Law Article, § 10-119.3(j), the ~~Court of Appeals~~ Supreme Court shall order the attorney reinstated to the practice of law, unless other grounds exist for the suspension to remain in effect.

(2) On Verified Petition by Attorney

In the absence of a notification by the Child Support Administration pursuant to subsection (e)(1) of this Rule, the attorney may file with the ~~Court of Appeals~~ Supreme Court a verified petition for reinstatement. The petition shall allege under oath that (A) the attorney is in compliance with the provisions of Code, Family Law Article, § 10-119.3(j) and is not currently in arrears in the payment of child support, (B) at least 15 days prior to filing the verified petition, the attorney gave written notice of those facts to the Child Support Administration and requested that the Child Support Administration notify the Court, (C) the Child Support Administration has failed or refused to file such a notification, and (D) the attorney is entitled to be reinstated. All relevant documents shall be attached to the petition as exhibits. A copy of the petition and exhibits shall be served on Bar Counsel, who shall file an answer within 15 days after service. Upon consideration of the petition and answer, the ~~Court of Appeals~~ Supreme Court may enter an order reinstating the attorney, an order denying the petition, or any other appropriate order.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

SPECIAL PROCEEDINGS

AMEND Rule 19-735 by replacing "Court of Appeals" with "Supreme Court" in sections (a), (d), and (e) and in the tagline of section (d) and by replacing "Judge" with "Justice" and "judge" with "justice" in section (d), as follows:

Rule 19-735. RESIGNATION OF ATTORNEY

(a) Application

An application to resign from the practice of law in this State shall be submitted in writing under oath to the ~~Court of Appeals~~ Supreme Court, with a copy to Bar Counsel. The application shall state that the resignation is not being offered to avoid disciplinary action and that the attorney has no knowledge of any pending investigation, action, or proceedings in any jurisdiction involving allegations of professional misconduct by the attorney.

. . .

(d) Order of the ~~Court of Appeals~~ Supreme Court

Upon consideration of the application and response, the ~~Court of Appeals~~ Supreme Court may enter an order, signed by the

Chief ~~Judge~~ Justice, or a ~~judge~~ justice of the Court designated by the Chief ~~Judge~~ Justice, accepting or denying the resignation. A resignation is effective only upon entry of an order accepting it. The provisions of Rule 19-741 apply to an order under this section.

(e) Duty of Clerk

When the Court enters an order accepting an attorney's resignation, the Clerk of the ~~Court of Appeals~~ Supreme Court shall strike the name of the attorney from the register of attorneys in that Court and shall certify that fact to the Trustees of the Client Protection Fund of the Bar of Maryland and the clerks of all courts in this State. The Clerk shall give any notice required by Rule 19-707 (e).

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

SPECIAL PROCEEDINGS

AMEND Rule 19-736 by replacing "Court of Appeals" with "Supreme Court" in subsections (b) (1), (b) (2) (F), (b) (3), (c) (1), (c) (2) (F), (c) (2) (G), and (c) (3), in the taglines of subsections (b) (3) and (c) (3), and in sections (d) and (e) and by replacing "Judge" with "Justice" and "judge" with "justice" in subsections (b) (3) and (c) (3), as follows:

Rule 19-736. CONSENT TO DISCIPLINE OR TRANSFER TO DISABILITY
INACTIVE STATUS

. . .

(b) Consent to Discipline for Misconduct

(1) Joint Petition

An attorney may consent to disbarment or other discipline by joining with Bar Counsel in a petition for an order disbarring the attorney, suspending the attorney from the practice of law, or reprimanding the attorney. The petition shall be signed by the attorney and Bar Counsel and filed in the ~~Court of Appeals~~ Supreme Court. If a suspension is requested, the petition shall state whether the suspension should be

indefinite or for a stated period and shall set forth any conditions that the parties agree should be imposed. If a reprimand is requested, the petition shall state the proposed text of the reprimand and any conditions.

(2) Affidavit Required

A joint petition filed under subsection (b)(1) of this Rule shall be accompanied by an affidavit by the attorney that certifies that the attorney:

(A) acknowledges that an investigation or proceeding is currently pending involving allegations of professional misconduct, the nature of which shall be specifically set forth;
.

(F) agrees to comply with Rule 19-741 and any conditions stated in the petition that the ~~Court of Appeals~~ Supreme Court may impose.

(3) Order of the ~~Court of Appeals~~ Supreme Court

Upon the filing of the joint petition and the affidavit, the ~~Court of Appeals~~ Supreme Court may enter an order, signed by the Chief ~~Judge~~ Justice or a ~~judge~~ justice designated by the Chief ~~Judge~~ Justice, disbarring the attorney by consent from the practice of law in the State, suspending the attorney by consent from the practice of law, or reprimanding the attorney by consent and imposing any conditions stated in the petition. The

provisions of Rule 19-741 apply to an order entered under subsection (b) (3) of this Rule.

(c) Consent to Transfer to Disability Inactive Status

(1) Joint Petition

If competent to do so, an attorney may consent to transfer to disability inactive status by joining with Bar Counsel in a petition for an order transferring the attorney to disability inactive status. The petition shall be signed by the attorney and Bar Counsel and filed in the ~~Court of Appeals~~ Supreme Court. The petition shall state whether the disability inactive status should be indefinite or until the occurrence of one or more specified events and shall set forth any conditions that the parties agree should be imposed.

(2) Affidavit Required

A joint petition filed under subsection (c) (1) of this Rule shall be accompanied by an affidavit by the attorney that certifies that the attorney:

(A) understands and is competent to make the other certifications in subsection (c) (2) of this Rule;

. . .

(F) understands that being transferred to disability status, if ordered by the ~~Court of Appeals~~ Supreme Court, terminates the attorney's privilege to practice law in this State until otherwise ordered by the Court;

(G) agrees to comply with Rule 19-743 and any conditions stated in the petition that the ~~Court of Appeals~~ Supreme Court may impose;

. . .

(3) Order of the ~~Court of Appeals~~ Supreme Court

Upon the filing of the joint petition and affidavit, the ~~Court of Appeals~~ Supreme Court may enter an order, signed by the Chief ~~Judge~~ Justice or a ~~judge~~ justice designated by the Chief ~~Judge~~ Justice, transferring the attorney to disability inactive status by consent pending further order of the Court and imposing any conditions stated in the petition. The provisions of Rule 19-743 apply to an order entered under subsection (c)(3) of this Rule.

. . .

(d) Duty of Clerk

When an attorney has been disbarred, suspended, or transferred to disability inactive status under this Rule, the Clerk of the ~~Court of Appeals~~ Supreme Court shall comply with Rule 19-761.

(e) Effect of Denial

If the ~~Court of Appeals~~ Supreme Court denies a joint petition for discipline or disability inactive status, the investigation or disciplinary or remedial proceeding shall

resume as if no consent had been given. Neither the joint petition nor the affidavit may be admitted in evidence.

Source: This Rule is derived from former Rule 16-772 (2016). Subsection (c)(4) is new.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

SPECIAL PROCEEDINGS

AMEND Rule 19-737 by replacing "Court of Appeals" with "Supreme Court" in the tagline of section (b), sections (b) and (c), subsections (d) (1), (d) (2), and (d) (3), the tagline of section (f), section (f), and the tagline of section (i), as follows:

Rule 19-737. RECIPROCAL DISCIPLINE OR INACTIVE STATUS

. . .

(b) Petition in ~~Court of Appeals~~ Supreme Court

Upon receiving and verifying information from any source that in another jurisdiction an attorney has been disciplined or transferred to disability inactive status, or an equivalent status, or is subject to a remedial order entered in that jurisdiction, Bar Counsel may file a Petition for Disciplinary or Remedial Action in the ~~Court of Appeals~~ Supreme Court pursuant to Rule 19-721 (a) (2). A certified copy of the disciplinary or remedial order shall be attached to the Petition.

(c) Show Cause Order

When a petition and certified copy of a disciplinary or remedial order have been filed, the ~~Court of Appeals~~ Supreme Court shall order that Bar Counsel and the attorney, within the time specified in the order, show cause in writing based upon any of the grounds set forth in section (e) of this Rule why corresponding discipline or inactive status, or a corresponding remedial order, should or should not be imposed or entered. A copy of the petition, attachment, and show cause order shall be served in accordance with Rule 19-723.

(d) Temporary Suspension of Attorney

(1) Show Cause Order

When the petition and disciplinary or remedial order demonstrate that an attorney has been disbarred or suspended, is currently suspended from practice pending a final order of a court in another jurisdiction, or has been transferred to disability inactive status based on incapacity in another jurisdiction, the ~~Court of Appeals~~ Supreme Court shall order that the attorney, within 15 days from the date of the order, show cause in writing why the attorney should not be suspended from the practice of law or transferred to disability inactive status immediately until the further order of the ~~Court of Appeals~~ Supreme Court. The show cause order shall be served in accordance with Rule 19-723.

(2) Temporary Suspension or Disability Inactive Status

Upon consideration of the petition and any answer to the order to show cause, the ~~Court of Appeals~~ Supreme Court may enter an order: (A) immediately suspending the attorney from the practice of law, pending further order of the Court, (B) immediately transferring the attorney to disability inactive status, pending further order of the Court, or (C) containing any other appropriate provisions. The provisions of Rules 19-741 or 19-743, as applicable, apply to an order under this section.

(3) Termination of Temporary Suspension or Disability Inactive Status

On notification by Bar Counsel that the disciplinary or remedial order has been reversed or vacated in the other jurisdiction, the ~~Court of Appeals~~ Supreme Court shall vacate the order of temporary suspension or disability inactive status, unless other grounds exist for the suspension to remain in effect.

. . .

(f) Action by ~~Court of Appeals~~ Supreme Court

Upon consideration of the petition and any answer to the order to show cause, the ~~Court of Appeals~~ Supreme Court may: (1) immediately impose corresponding discipline or inactive status, or enter a corresponding remedial order; (2) enter an order designating a judge pursuant to Rule 19-722 to hold a hearing in

accordance with Rule 19-727; or (3) enter any other appropriate order. The provisions of Rules 19-741 or 19-743, as applicable, apply to an order under this section that disbars or suspends an attorney or that transfers the attorney to disability inactive status.

. . .

(i) Duties of Clerk of ~~Court of Appeals~~ Supreme Court

The applicable provisions of Rule 19-761 apply when an order is entered under this Rule.

Source: This Rule is derived in part from former Rule 16-773 (2016) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

SPECIAL PROCEEDINGS

AMEND Rule 19-738 by replacing "Court of Appeals" with "Supreme Court" in the tagline of subsection (c) (2) (C), in subsection (c) (2) (C), in sections (d), (e), (f), (g), and (j), and in the taglines of sections (g) and (k) and by making a stylistic change, as follows:

Rule 19-738. DISCIPLINE ON CONVICTION OF CRIME

. . .

(c) Petition for Disciplinary or Remedial Action

(1) Petition Upon Conviction

. . .

(2) Petition When Imposition of Sentence is Delayed

(A) Generally

Upon receiving and verifying information from any source that an attorney has been found guilty of a serious crime but that sentencing has been delayed for a period of more than 30 days, Bar Counsel may file a Petition for Disciplinary or Remedial Action pursuant to Rule 19-721 (a) (2). The petition

may be filed whether or not a motion for new trial or other relief is pending.

. . .

(C) Notification to the ~~Court of Appeals~~ Supreme Court

Upon the imposition of sentence and entry of a judgment of conviction, Bar Counsel shall inform the ~~Court of Appeals~~ Supreme Court and attach a certified copy of the judgment of conviction or a certified copy of the transcript reflecting the conviction.

(d) Show Cause Order

When the petition demonstrates that an attorney has been found guilty or convicted of a serious crime, the ~~Court of Appeals~~ Supreme Court shall order that the attorney, within 15 days from the date of the order, show cause in writing why the attorney should not be suspended immediately from the practice of law until the further order of the ~~Court of Appeals~~ Supreme Court.

(e) Temporary Suspension of Attorney

Upon consideration of the petition and the answer to the order to show cause, the ~~Court of Appeals~~ Supreme Court may enter an order immediately suspending the attorney from the practice of law, pending further order of the Court, or enter an order containing any other appropriate provisions. The

provisions of Rules 19-741 and 19-743, as applicable, apply to an order suspending an attorney under this section.

Cross reference: Rule 19-741.

(f) Termination of Temporary Suspension

~~(1)~~ On notification by Bar Counsel or the attorney that the conviction was reversed, the ~~Court of Appeals~~ Supreme Court shall vacate the order of temporary suspension, unless other grounds exist for the suspension to remain in effect.

(g) Action by the ~~Court of Appeals~~ Supreme Court

When a petition filed pursuant to section (c) of this Rule alleges the conviction of a serious crime and the attorney denies the conviction or intends to present evidence in support of a disposition other than disbarment, the ~~Court of Appeals~~ Supreme Court may (1) immediately suspend the attorney, (2) enter an order designating a judge pursuant to Rule 19-722 to hold a hearing in accordance with Rule 19-727, or (3) enter any other appropriate order. The provisions of Rules 19-741 and 19-743 apply to an order under this section that disbars or suspends an attorney or that places the attorney on inactive status.

. . .

(j) Statement of Charges

If the ~~Court of Appeals~~ Supreme Court denies or dismisses a petition filed under section (c) of this Rule, Bar Counsel may file a Statement of Charges under Rule 19-718.

(k) Duties of Clerk of ~~Court of Appeals~~ Supreme Court

The applicable provisions of Rule 19-761 apply when an order is entered under this Rule.

Source: This Rule is derived in part from former Rule 16-771 (2016) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

SPECIAL PROCEEDINGS

AMEND Rule 19-739 by replacing "Court of Appeals" with "Supreme Court" in subsection (c)(1), subsection (c)(2), the tagline of section (d), section (d), section (e), section (g), section (h), subsection (i)(1), the tagline of subsection (i)(2)(C), subsection (i)(2)(C), and the tagline of section (j) and by making a stylistic change, as follows:

Rule 19-739. TRANSFER TO DISABILITY INACTIVE STATUS

. . .

(c) Procedure

(1) Petition to Transfer to Disability Inactive Status;

Confidentiality

With the approval of the Chair of the Commission, Bar Counsel may file a petition to transfer an attorney to disability inactive status. The petition shall be supported by (A) a certified copy of the judicial determination or involuntary admission; (B) certification of a suitably licensed or certified examiner or medical doctor that the attorney is incapacitated; or (C) a certified copy of the order appointing a

conservator pursuant to Rule 19-734. The petition and all other papers filed in the ~~Court of Appeals~~ Supreme Court shall be sealed and stamped "confidential" in accordance with Rule 19-707 (b) (10).

Committee note: The Order of Transfer to Disability Inactive Status is the only document that should be open to inspection by the public.

(2) Show Cause Order; Service

Upon filing of the petition pursuant to subsection (c) (1) of this Rule, the ~~Court of Appeals~~ Supreme Court shall order that the attorney show cause, within 15 days of the date of the order, why the attorney should not be immediately transferred to disability inactive status. A copy of the show cause order and petition shall be served on the attorney in accordance with Rule 19-723 and, in addition, upon any guardian of the attorney, any known agent of the attorney, and the director of any facility to which the attorney has been admitted.

(d) Order of the ~~Court of Appeals~~ Supreme Court

Upon consideration of the petition and any answer to the order to show cause, the ~~Court of Appeals~~ Supreme Court may enter an order: (1) immediately transferring the attorney to disability inactive status, pending further order of the Court; (2) designating a judge pursuant to Rule 19-722 to hold a hearing in accordance with Rule 19-727; or (3) containing any

other appropriate provisions. The provisions of Rules 19-741 and 19-743, as applicable, apply to an order that transfers an attorney to disability inactive status. Copies of the order shall be served upon Bar Counsel and each person named in the proof of service of the petition.

(e) Effect of Denial

If the ~~Court of Appeals~~ Supreme Court denies a petition filed under section (c) of this Rule, Bar Counsel may file a Statement of Charges under Rule 19-718.

. . .

(g) Termination of Disability Inactive Status

On notification by Bar Counsel that the attorney is judicially determined to be competent, is judicially released after involuntary admission, or is no longer incapacitated as defined by Rule 19-701 (m), the ~~Court of Appeals~~ Supreme Court may enter an order: (1) terminating the disability inactive status and dismissing the petition, (2) designating a judge in accordance with Rule 19-722 to hold a hearing in accordance with Rule 19-727, or (3) containing any other appropriate provisions.

(h) Inability to Defend

Upon a credible allegation by the attorney or other evidence that the attorney, by reason of physical or mental disability or impairment, is unable to assist in a defense to a petition filed pursuant to ~~section~~ subsection (c)(1) of this

Rule, the ~~Court of Appeals~~ Supreme Court may (1) appoint counsel for the attorney if the attorney is not otherwise represented by counsel, (2) appoint a guardian ad litem for the attorney, (3) appoint both counsel for the attorney and a guardian ad litem, (4) enter an order designating a circuit court judge to hold a hearing to determine, by clear and convincing evidence, whether the attorney is unable to assist in a defense and, if the attorney is found to be unable to assist in a defense, appoint counsel for the attorney if the attorney is not otherwise represented by counsel, appoint a guardian ad litem, or both, or (5) enter any other appropriate order.

(i) Costs

(1) Allocation of Costs

The ~~Court of Appeals~~ Supreme Court may order all or part of the costs, as defined in Rule 19-709, be allocated among the parties.

(2) Compensation for Appointed Counsel and Guardians ad Litem

(A) Entitlement

An individual appointed pursuant to section (h) of this Rule is entitled to payment from the attorney's assets or the Disciplinary Fund for reasonable and necessary fees incurred in carrying out the order of appointment.

. . .

(C) Order of the ~~Court of Appeals~~ Supreme Court

Upon consideration of the petition and any answer, the ~~Court of Appeals~~ Supreme Court may enter an order: (1) granting the verified petition for fees, in whole, or in part; (2) denying the verified petition; (3) designating a circuit court judge to hold a hearing on the reasonableness and necessity of fees and costs, and to make recommendations to the ~~Court of Appeals~~ Supreme Court, to which exceptions may be filed and considered by the Court in accordance with the procedures set forth in Rule 19-728; or (4) containing any other appropriate provisions. If the order includes an award of attorney's fees, the award may be deemed a money judgment, which may be recorded in any circuit court for purposes of enforcement.

. . .

(j) Duties of Clerk of ~~Court of Appeals~~ Supreme Court

The applicable provisions of Rule 19-761 apply when an order is entered under this Rule.

Source: This Rule is derived as follows:
Sections (a), (e), (h), and (i) are new.
Sections (b), (c), and (g) are derived in part from former Rule 16-774 (2016) and are in part new.
Sections (d), (f), and (j) are derived from former Rule 16-774 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

DISPOSITIONS BY ~~COURT OF APPEALS~~ SUPREME COURT

AMEND Rule 19-740 by replacing "Court of Appeals" with "Supreme Court" in the tagline of section (b), subsections (b) (1), (b) (2) (B), (c) (1), (c) (2) (C), and (c) (2) (D), and section (d) and by replacing "Court of Appeals" with "the Supreme Court" in the cross reference following section (e), as follows:

Rule 19-740. DISPOSITION—GENERALLY

. . .

(b) Review by ~~Court of Appeals~~ Supreme Court

(1) Conclusions of Law

The ~~Court of Appeals~~ Supreme Court shall review de novo the circuit court judge's conclusions of law.

(2) Findings of Fact

(A) If No Exceptions are Filed

If no exceptions are filed, the Court may treat the findings of fact as established.

(B) If Exceptions are Filed

If exceptions are filed, the ~~Court of Appeals~~ Supreme Court shall determine whether the findings of fact have been

proved by the requisite standard of proof set out in Rule 19-727

(c). The Court may confine its review to the findings of fact challenged by the exceptions. The Court shall give due regard to the opportunity of the hearing judge to assess the credibility of witnesses.

(c) Disposition

(1) Generally

The ~~Court of Appeals~~ Supreme Court may order (A) disbarment, (B) suspension, (C) probation under specified terms and conditions, (D) a reprimand, (E) transfer to disability inactive status, (F) dismissal of the disciplinary or remedial action, or (G) a remand for further proceedings.

Cross reference: Rule 19-706 and Rule 19-305.3 (d).

(2) If Suspension Ordered

. . .

(C) Upon Bar Counsel's receipt of a report of material non-compliance, Bar Counsel shall petition the Court to request that the Court take such action as it finds appropriate, which may include an immediate lifting of the probation and stay of execution and a referral of the matter to a circuit court judge to conduct an evidentiary hearing and file with the ~~Court of Appeals~~ Supreme Court the judge's findings of fact and conclusions of law relating to the alleged non-compliance.

(D) In the event of such a referral, the judge shall send a copy of the judge's findings and conclusions to Bar Counsel and the attorney. Within 30 days after the sending of such notice, Bar Counsel, the Commission, and the attorney may file exceptions with the ~~Court of Appeals~~ Supreme Court. The excepting party shall serve the exceptions on the other parties.

. . .

(d) Decision

The decision of the ~~Court of Appeals~~ Supreme Court is final. The decision shall be evidenced by an order which the clerk shall certify under the seal of the Court. The order may be accompanied by an opinion.

(e) Effective Date of Order

Unless otherwise stated in the order, an order providing for the disbarment, suspension, or reprimand of an attorney or the transfer of an attorney to disability inactive status shall take effect upon its filing with the Clerk of the Court.

Cross reference: For duties of the Clerk of ~~Court of Appeals~~ the Supreme Court upon entry of certain orders, see Rule 19-761.

Source: This Rule is derived in part from former Rule 19-741 (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

DISPOSITIONS BY ~~COURT OF APPEALS~~ SUPREME COURT

AMEND Rule 19-741 by replacing "Court of Appeals" with "Supreme Court" in section (a), subsections (c)(2)(D) and (g)(1), section (h), and subsections (i)(1) and (i)(3) and by making a stylistic change in subsection (g)(1), as follows:

Rule 19-741. ORDER OF DISBARMENT OR SUSPENSION; ORDER ACCEPTING RESIGNATION

(a) Duties of Clerk

Upon the filing of an order of disbarment or suspension, or order accepting resignation under Rule 19-735, the Clerk of the ~~Court of Appeals~~ Supreme Court shall (1) notify the attorney by first-class mail and by e-mail to the attorney at each e-mail address for the attorney listed in AIS and (2) comply with Rule 19-761.

. . .

(c) Affirmative Duties of Attorney

Unless the Court orders otherwise, an attorney who has been disbarred or suspended shall take the following actions:

- (1) Requirements to be Completed Within 15 Days

. . .

(2) Requirements to be Completed Promptly and Within 30 Days

As soon as practicable but within 30 days after the effective date of the order, the attorney shall:

(A) take or cause to be taken, without charging any additional fee, any action immediately necessary to protect the interests of current clients which, as a practical matter, cannot otherwise be protected;

. . .

(D) notify the disciplinary authority in each jurisdiction in which the attorney is admitted to practice of the disciplinary sanction imposed by the ~~Court of Appeals~~ Supreme Court; and

. . .

(g) Non-Admitted Attorney

(1) Duties of Clerk

On the effective date of an order by the ~~Court of Appeals~~ Supreme Court that disbars or suspends a non-admitted attorney, the Clerk of the ~~Court of Appeals~~ Supreme Court shall place the name of that attorney on a list maintained in that Court of non-admitted attorneys who are excluded from exercising in any manner the privilege of practicing law in the State. The Clerk also shall forward a copy of the order to the clerks of all courts in this State, including the U.S. District Court for

the District of Maryland, the U.S. Court of Appeals for the 4th Circuit, and the ~~U.S.~~ Supreme Court of the United States, and to the State Court Administrator and the Board of Law Examiners to be maintained with the docket of out-of-state attorneys who are denied special admission to practice under the Rules Governing Admission to the Bar of Maryland. The Clerk shall give the notice required by Rule 19-707 (e).

. . .

(h) Modification of Order

Upon joint stipulation or verified motion filed by the attorney, the ~~Court of Appeals~~ Supreme Court may reduce a period of suspension, waive a requirement or condition imposed by this Rule or by order, or otherwise modify an order entered under this Rule. Relief may be denied without a hearing unless it appears from the stipulation or from clear and convincing evidence submitted with the motion that the respondent is attempting in good faith to comply with the order but that full and exact compliance has become impossible or will result in unreasonable hardship. If necessary to resolve a genuine issue of material fact, the Court may enter an order designating a judge in accordance with Rule 19-722 to hold a hearing in accordance with Rule 19-727.

(i) Sanctions for Violations

(1) Disciplinary or Remedial Action

Upon receiving information from any source that the attorney has violated section (b) or (c) of this Rule or the order of the ~~Court of Appeals~~ Supreme Court, Bar Counsel shall investigate the matter. In addition to any other remedy, Bar Counsel may file a Petition for Disciplinary or Remedial Action pursuant to Rule 19-721 based on the violation.

. . .

(3) Contempt

If the attorney violates an order of the ~~Court of Appeals~~ Supreme Court, Bar Counsel may request the initiation of a proceeding for constructive criminal contempt pursuant to Rule 15-205 and may institute a proceeding for constructive civil contempt pursuant to Rule 15-206.

Source: This Rule is derived in part from former Rule 19-742 (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

DISPOSITIONS BY ~~COURT OF APPEALS~~ SUPREME COURT

AMEND Rule 19-742 by replacing "Court of Appeals" with "Supreme Court" in section (b), as follows:

Rule 19-742. ORDER OF REPRIMAND

. . .

(b) Content of Order

Unless accompanied by a reported opinion, an order that reprimands an attorney shall (1) summarize the misconduct for which the reprimand is imposed, (2) include specific reference to any rule or statute violated by the attorney, and (3) state any requirements imposed on the attorney pursuant to section (a) of this Rule. Upon the entry of an order that reprimands an attorney, the Clerk of the ~~Court of Appeals~~ Supreme Court shall give the notice required by Rule 19-707 (e).

Source: This Rule is derived from former Rule 19-743 (2021).

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

DISPOSITIONS BY ~~COURT OF APPEALS~~ SUPREME COURT

AMEND Rule 19-743 by replacing "Court of Appeals" with
"Supreme Court" in section (b), as follows:

Rule 19-743. ORDER OF TRANSFER TO DISABILITY INACTIVE STATUS

. . .

(b) Duties of Clerk

Upon the filing of the order, the Clerk of the ~~Court of Appeals~~ Supreme Court shall take the actions specified in Rule 19-741 (a).

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

REINSTATEMENT

AMEND Rule 19-751 by replacing "Court of Appeals" with "Supreme Court" in section (b), subsection (c)(1), section (d), the tagline of section (e), subsections (g)(1) and (g)(2), and section (h); by replacing "Judge" with "Justice" and "judge" with "justice" in subsection (e)(1); and by correcting internal references, as follows:

Rule 19-751. REINSTATEMENT—SUSPENSION SIX MONTHS OR LESS

. . .

(b) Reinstatement Not Automatic

An attorney subject to this Rule is not automatically reinstated upon expiration of the period of suspension. An attorney is not reinstated until the ~~Court of Appeals~~ Supreme Court enters an Order of Reinstatement.

(c) Petition for Reinstatement

(1) Requirement

An attorney who seeks reinstatement shall file a verified petition for reinstatement with the Clerk of the ~~Court of Appeals~~ Supreme Court and serve a copy on Bar Counsel. The

attorney shall be the petitioner and Bar Counsel shall be the respondent.

. . .

(d) Review by Bar Counsel

Bar Counsel shall promptly review the petition and, within five days after service, shall file with the Clerk of the ~~Court of Appeals~~ Supreme Court and serve on the attorney any objection to the reinstatement. The basis of the objection shall be stated with particularity.

(e) Action by ~~Court of Appeals~~ Supreme Court

(1) If No Timely Objection Filed

If Bar Counsel has not filed a timely objection, the Clerk shall promptly forward to the Chief ~~Judge~~ Justice or a ~~judge~~ justice of the Court designated by the Chief ~~Judge~~ Justice the petition, a certificate that no objection had been filed, and a proposed Order of Reinstatement. The Chief ~~Judge~~ Justice or the designee may sign and file the order on behalf of the Court.

. . .

(g) Duties of Clerk

(1) Attorney Admitted to Practice

Promptly after the effective date of an order that reinstates a petitioner, the Clerk of the ~~Court of Appeals~~ Supreme Court shall comply with Rule 19-761.

(2) Attorney Not Admitted to Practice

Upon receiving a reinstatement notice authorized by section (e) of this Rule, or on the effective date of an order or notice that reinstates a petitioner not admitted by the ~~Court of Appeals~~ Supreme Court to practice law, the Clerk of the ~~Court of Appeals~~ Supreme Court shall remove the petitioner's name from the list maintained in that Court of non-admitted attorneys who are ineligible to practice law in this State, and shall certify that fact to the Board of Law Examiners and the clerks of all courts in the State.

(h) Motion to Vacate Reinstatement

Bar Counsel may file a motion to vacate an order that reinstates the petitioner if (1) the petitioner has failed to demonstrate substantial compliance with the order, including any condition of reinstatement imposed under Rule ~~19-752(i)~~ 19-741 (e) or (2) the petition filed under section (a) of this Rule contains a false statement or omits a material fact, the petitioner knew the statement was false or the fact was omitted, and the true facts were not disclosed to Bar Counsel prior to entry of the order. The petitioner may file a verified response within 15 days after service of the motion, unless a different time is ordered. If there is a factual dispute to be resolved, the court may enter an order designating a judge in accordance with Rule 19-722 to hold a hearing. The judge shall allow

reasonable time for the parties to prepare for the hearing and may authorize discovery pursuant to Rule 19-726. The applicable provisions of Rule 19-727 shall govern the hearing. The applicable provisions of Rules 19-728 and ~~19-729~~ 19-740, except section (c) of Rule ~~19-729~~ 19-740, shall govern any subsequent proceedings in the ~~Court of Appeals~~ Supreme Court. The Court may reimpose the discipline that was in effect when the order was entered or may impose additional or different discipline.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

REINSTATEMENT

AMEND Rule 19-752 by replacing "Court of Appeals" with "Supreme Court" in section (b), subsection (c)(1), the tagline of subsection (g)(4), subsection (g)(4), subsection (h)(1), section (i), subsections (l)(1) and (l)(2), and section (m) and by correcting internal references, as follows:

Rule 19-752. REINSTATEMENT-OTHER SUSPENSION; DISBARMENT;
DISABILITY INACTIVE STATUS; RESIGNATION

. . .

(b) Reinstatement Not Automatic

An attorney subject to this Rule is not automatically reinstated upon expiration of the period of suspension. An attorney is not reinstated until the ~~Court of Appeals~~ Supreme Court enters an Order of Reinstatement.

(c) Petition for Reinstatement

(1) Requirement

An attorney who seeks reinstatement under this Rule shall file a verified petition for reinstatement with the Clerk of the ~~Court of Appeals~~ Supreme Court and serve a copy on Bar

Counsel. The attorney shall be the petitioner. Bar Counsel shall be the respondent.

. . .

(g) Further Proceedings

(1) Order Designating Judge

If the Court orders further proceedings pursuant to subsection (f) (2) (B) of this Rule, it shall enter an order designating a judge of any circuit court to hold a hearing.

. . .

(4) Proceedings in ~~Court of Appeals~~ Supreme Court

The applicable provisions of Rules 19-728 and ~~19-729~~ 19-740 (a), (b), and (d) shall govern subsequent proceedings in the ~~Court of Appeals~~ Supreme Court. The Court may (A) dismiss the petition, (B) order reinstatement, with such conditions as the Court deems appropriate, or (C) remand for further proceedings.

(h) Criteria for Reinstatement

(1) Generally

In determining whether to grant a petition for reinstatement, the ~~Court of Appeals~~ Supreme Court shall consider the nature and circumstances of the attorney's conduct that led to the disciplinary or remedial order and the attorney's (A) subsequent conduct, (B) current character, and (C) current qualifications and competence to practice law.

. . .

(i) Subsequent Petitions

Except upon order of the ~~Court of Appeals~~ Supreme Court, an attorney may not file a petition for reinstatement sooner than one year after the Court denied a prior petition for reinstatement. Absent leave of Court or the consent of Bar Counsel, an attorney may not file more than three petitions for reinstatement.

. . .

(1) Duties of Clerk

(1) Attorney Admitted to Practice

Promptly after the effective date of an order that reinstates a petitioner, the Clerk of the ~~Court of Appeals~~ Supreme Court shall comply with Rule 19-761.

(2) Attorney Not Admitted to Practice

Upon receiving a reinstatement notice authorized by section (e) of this Rule, or on the effective date of an order or notice that reinstates a petitioner not admitted by the ~~Court of Appeals~~ Supreme Court to practice law, the Clerk of the ~~Court of Appeals~~ Supreme Court shall remove the petitioner's name from the list maintained in that Court of non-admitted attorneys who are ineligible to practice law in this State, and shall certify that fact to the Board of Law Examiners and the clerks of all courts in the State.

(m) Motion to Vacate Reinstatement

Bar Counsel may file a motion to vacate an order that reinstates the petitioner if (1) the petitioner has failed to demonstrate substantial compliance with the order, including any condition of reinstatement imposed under Rule ~~19-752 (h)~~ 19-741 (e) or section (j) of this Rule or (2) the petition filed under section (a) of this Rule contains a false statement or omits a material fact, the petitioner knew the statement was false or the fact was omitted, and the true facts were not disclosed to Bar Counsel prior to entry of the order. The petitioner may file a verified response within 15 days after service of the motion, unless a different time is ordered. If there is a factual dispute to be resolved, the court may enter an order designating a judge in accordance with Rule 19-722 to hold a hearing. The judge shall allow reasonable time for the parties to prepare for the hearing and may authorize discovery pursuant to Rule 19-726. The applicable provisions of Rule 19-727 shall govern the hearing. The applicable provisions of Rules 19-728 and 19-740, except section (c) of Rule 19-740, shall govern any subsequent proceedings in the ~~Court of Appeals~~ Supreme Court. The Court may reimpose the discipline that was in effect when the order was entered or may impose additional or different discipline.

Source: This Rule is derived from former Rule 16-781 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

REGISTER OF ATTORNEYS; NOTICES

AMEND Rule 19-761 by replacing "Court of Appeals" with "Supreme Court" in the name of the Rule, section (a), section (b), and subsection (b) (3) (A) and by making a stylistic change in subsection (b) (3) (D), as follows:

Rule 19-761. DUTIES OF CLERK OF ~~COURT OF APPEALS~~ SUPREME COURT
UPON ATTORNEY'S SUSPENSION, TERMINATION, OR REINSTATEMENT

(a) Register of Attorneys

Upon the entry of an Order of the ~~Court of Appeals~~ Supreme Court suspending or terminating an attorney's authority to practice law in this State, except an Order pursuant to Rule 19-409, 19-503, or 19-606, the Clerk of the ~~Court of Appeals~~ Supreme Court shall strike the name of the attorney from the register of attorneys maintained by the Clerk. Upon the entry of an Order of the ~~Court of Appeals~~ Supreme Court reinstating the attorney's authority to practice law, the Clerk shall replace the name of the attorney on the register as of the date of or specified in the Order.

(b) Notice

Upon the entry of an order of the ~~Court of Appeals~~
Supreme Court suspending, terminating, or reinstating an
attorney's authority to practice law in this State, including a
suspension or reinstatement pursuant to an Order of
Decertification or Recertification under Rule 19-409 or 19-503
or a suspension or reinstatement under Rule 19-606, the Clerk
shall:

- (1) send a copy of the order to the attorney;
- (2) post notice of the order on the Judiciary website; and
- (3) send notice of the order to:

(A) the Clerk of the ~~Court of Special Appeals~~ Appellate
Court;

(B) the Clerk of each Circuit Court;

(C) the Chief Clerk of the District Court;

(D) the Clerk of the ~~United States~~ Supreme Court of the
United States;

. . .

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 800 - ATTORNEY INFORMATION SYSTEM

AMEND Rule 19-801 by replacing "Court of Appeals" with "Supreme Court" in section (a), as follows:

Rule 19-801. NATURE AND FUNCTIONS OF THE ATTORNEY INFORMATION SYSTEM (AIS)

(a) Definitions

In the Rules in this Chapter, "AIS" means the Attorney Information System, and "constituent agency" means the ~~Court of Appeals~~ Supreme Court, the Client Protection Fund, the Attorney Grievance Commission, Bar Counsel, the Commission on Judicial Disabilities, Investigative Counsel, the State Board of Law Examiners, and the Administrative Office of the Courts.

. . . .

MARYLAND RULES OF PROCEDURE

TITLE 20 - ELECTRONIC FILING AND CASE MANAGEMENT

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 20-101 by adding new subsection (a)(1) defining "Appellate Court"; by creating new subsection (a)(2) clarifying that "appellate court" means both the Supreme Court and the Appellate Court; by replacing "Court of Appeals" with "Supreme Court" in sections (a), (c), (l), (n), and (o); by replacing "Court of Special Appeals" with "Appellate Court" in sections (a), (c), and (i); by replacing "judge of the Court of Appeals" with "justice of the Supreme Court" in section (i); by making stylistic changes in section (i); and by replacing "Judge" with "Justice" in sections (n) and (o), as follows:

Rule 20-101. DEFINITIONS

In this Title the following definitions apply except as expressly otherwise provided or as necessary implication requires:

(a) Appellate Court

(1) The term "Appellate Court" means the Appellate Court of Maryland.

(2) The term "~~Appellate~~ appellate court" means the ~~Court of Appeals~~ Supreme Court or the ~~Court of Special Appeals~~ Appellate Court, whichever the context requires.

. . .

(c) Clerk

"Clerk" means the Clerk of the ~~Court of Appeals~~ Supreme Court, the ~~Court of Special Appeals~~ Appellate Court, or a circuit court, an administrative clerk of the District Court, and authorized assistant clerks in those offices.

. . .

(i) Judge

"Judge" means a ~~judge of the Court of Appeals~~ justice of the Supreme Court and a ~~judge of the Court of Special Appeals~~ Appellate Court, a circuit court, or the District Court of Maryland and includes a senior judge when designated to sit in one of those courts.

. . .

(l) MDEC or MDEC System

"MDEC" or "MDEC system" means the system of electronic filing and case management established by the ~~Court of Appeals~~ Supreme Court.

. . .

(n) MDEC County

"MDEC County" means a county in which, pursuant to an administrative order of the Chief ~~Judge~~ Justice of the ~~Court of Appeals~~ Supreme Court posted on the Judiciary website, MDEC has been implemented.

(o) MDEC Start Date

"MDEC Start Date" means the date specified in an administrative order of the Chief ~~Judge~~ Justice of the ~~Court of Appeals~~ Supreme Court posted on the Judiciary website from and after which a county first becomes an MDEC County.

. . . .

MARYLAND RULES OF PROCEDURE

TITLE 20 - ELECTRONIC FILING AND CASE MANAGEMENT

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 20-102 by replacing "Court of Special Appeals" with "Appellate Court" in subsection (b) (1) (A) and the Committee note following section (c) and by replacing "Court of Appeals" with "Supreme Court" in subsections (b) (1) (A) and (b) (2), the Committee note following subsection (b) (2), and the Committee note following section (c), as follows:

Rule 20-102. APPLICATION OF TITLE

. . .

(b) Appellate Courts

(1) Appellate Proceedings

(A) Generally

Except as provided in subsection (b) (1) (B) of this Rule, this Title applies to all appellate proceedings in the ~~Court of Special Appeals~~ Appellate Court and ~~Court of Appeals~~ Supreme Court seeking the review of a judgment or order entered in any action.

(B) Exception

For appeals from an action to which section (a) of this Rule does not apply, the clerk of the lower court shall

transmit the record in accordance with Rules 8-412 and 8-413, and, upon completion of the appellate proceeding, the clerk of the appellate court shall transmit the mandate and return the record to the lower court in accordance with Rule 8-606 (d)(1).

(2) Other Proceedings

This Title also applies to (A) a question certified to the ~~Court of Appeals~~ Supreme Court pursuant to the Maryland Uniform Certification of Questions of Law Act, Code, Courts Article, §§ 12-601-12-613; and (B) an original action in the ~~Court of Appeals~~ Supreme Court allowed by law.

Committee note: After the ~~Court of Appeals~~ Supreme Court has received and docketed a certification order pursuant to Rule 8-304 or Rule 8-305, parties who are registered users must file any subsequent papers electronically.

(c) Applicability of Other Rules

Except to the extent of any inconsistency with the Rules in this Title, all of the other applicable Maryland Rules continue to apply. To the extent there is any inconsistency, the Rules in this Title prevail.

Committee note: The intent of the 2020 amendments to this Rule is to expand MDEC to appeals and certain other proceedings in the ~~Court of Special Appeals~~ Appellate Court and ~~Court of Appeals~~ Supreme Court that emanate from non-MDEC subdivisions. That requires certain clarifications. First, unless they are registered users under Rule 20-104, self-represented litigants and other persons subject to Rule 20-106 (a)(4) may not file electronically. See Rule 20-106. They will continue to file their submissions to the appellate court in paper form, unless otherwise permitted by the Court. Second, unless otherwise permitted by the appellate court, trial courts in non-MDEC

subdivisions shall continue to transmit the record in accordance with Rules 8-412 and 8-413 and not Rule 20-402.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 20 - ELECTRONIC FILING AND CASE MANAGEMENT

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 20-103 by replacing "Judge" with "Justice" and "Court of Appeals" with "Supreme Court" in section (a) and subsections (b) (1) (B) and (b) (1) (C), as follows:

Rule 20-103. ADMINISTRATION OF MDEC

(a) General Authority of State Court Administrator

Subject to supervision by the Chief ~~Judge~~ Justice of the ~~Court of Appeals~~ Supreme Court, the State Court Administrator shall be responsible for the administration of the MDEC system and shall implement the procedures established by the Rules in this Title.

(b) Policies and Procedures

(1) Authority to Adopt

. . .

(B) with the approval of the Chief ~~Judge~~ Justice of the ~~Court of Appeals~~ Supreme Court, the approval of pilot projects and programs in one or more courts to test the fiscal and operational efficacy of those projects or programs; and,

(C) with the approval of the Chief ~~Judge~~ Justice of the ~~Court of Appeals~~ Supreme Court, any provision necessary or

useful with respect to procedure for the filing and processing
of submissions under Code, Real Property Article, § 8-401,
nonpayment of rent, as defined by the State Court Administrator.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 20 - ELECTRONIC FILING AND CASE MANAGEMENT

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 20-104 by replacing "Court of Appeals" with "Supreme Court" in the tagline of subsection (f)(1) and subsection (f)(1), as follows:

Rule 20-104. USER REGISTRATION

. . .

(f) Revocation, Suspension, Reinstatement of Attorney User Registration

(1) Duty of Clerk of ~~Court of Appeals~~ Supreme Court

The Clerk of the ~~Court of Appeals~~ Supreme Court shall promptly notify the State Court Administrator of each attorney (A) who, by order of the Court, becomes disbarred, suspended, placed on inactive status, or decertified or who has resigned from the Maryland Bar or (B) who, following a disbarment, suspension, placement on inactive status, decertification, or resignation, has been reinstated to the practice of law in Maryland.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 20 - ELECTRONIC FILING AND CASE MANAGEMENT

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 20-109 by replacing "Judge" with "Justice" and "Court of Appeals" with "Supreme Court" in sections (c), (e), and (i), as follows:

Rule 20-109. ACCESS TO ELECTRONIC RECORDS IN MDEC ACTIONS

. . .

(c) Judges and Judicial Appointees

Judges and judicial appointees shall have full access, including remote access, to judicial records to the extent that such access is necessary to the performance of their official duties. The Chief ~~Judge~~ Justice of the ~~Court of Appeals~~ Supreme Court, by Administrative Order, may further define the scope of remote access by judges and judicial appointees.

. . .

(e) Judiciary Contractors

The State Court Administrator, by written directive, may allow appropriate access for Judiciary contractors from their respective work stations to judicial records to the extent that such access is necessary to the performance of their official duties. Before access under this section is granted to a

contractor, the contractor shall sign a non-disclosure agreement on a form approved by the Chief ~~Judge~~ Justice of the ~~Court of Appeals~~ Supreme Court.

. . .

(i) Government Agencies and Officials

Nothing in this Rule precludes the Administrative Office of the Courts from providing remote electronic access to additional information contained in case records to government agencies and officials (1) who are approved for such access by the Chief ~~Judge~~ Justice of the ~~Court of Appeals~~ Supreme Court, upon a recommendation by the State Court Administrator, and (2) when those agencies or officials seek such access solely in their official capacity, subject to such conditions regarding the dissemination of such information imposed by the Chief ~~Judge~~ Justice.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 20 - ELECTRONIC FILING AND CASE MANAGEMENT

CHAPTER 200 - FILING AND SERVICE

AMEND Rule 20-201 by replacing "Judge" with "Justice" and "Court of Appeals" with "Supreme Court" in subsection (1)(1)(B), as follows:

Rule 20-201. REQUIREMENTS FOR ELECTRONIC FILING

. . .

(1) Filings by Certain Judicial Officers and Employees

(1) District Court Commissioners

. . .

(B) Filings in Circuit Court

Subject to approval by the Chief ~~Judge~~ Justice of the ~~Court of Appeals~~ Supreme Court, the State Court Administrator may adopt policies and procedures permitting District Court Commissioners to file electronically with a circuit court reports of pretrial release proceedings conducted pursuant to Rules 4-212, 4-213, 4-213.1, 4-216, 4-216.1, 4-217, 4-267, or 4-347. The policies and procedures shall permit District Court Commissioners to enter those filings directly into the MDEC system, subject to post-filing review and correction of clerical

errors in the form or language of the docket entry for the filing by a circuit court clerk.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 20 - ELECTRONIC FILING AND CASE MANAGEMENT
CHAPTER 400 - APPELLATE REVIEW

AMEND Rule 20-402 by replacing "Court of Appeals" with "Supreme Court" in subsection (a)(1), as follows:

Rule 20-402. TRANSMITTAL OF RECORD

(a) Certification and Transmittal

(1) Certification

Upon the filing of a notice of appeal, application for leave to appeal, or notice that the ~~Court of Appeals~~ Supreme Court has issued a writ of certiorari directed to a lower court, the clerk of the trial court shall comply with the requirements of Title 8 of the Maryland Rules and prepare a certification of the record.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 20 - ELECTRONIC FILING AND CASE MANAGEMENT

CHAPTER 500 - MISCELLANEOUS RULES

AMEND Rule 20-502 by replacing "Court of Appeals" with "Supreme Court" in section (a) and the Committee note following subsection (b) (5), as follows:

Rule 20-502. REMOVAL TO AND REMAND FROM THE UNITED STATES DISTRICT COURT

(a) Development of Plan

The State Court Administrator shall enter into discussions with the United States District Court for the District of Maryland ("U.S. District Court") in an attempt to develop a plan for the transmission of electronic case records between the U.S. District Court and MDEC for cases on removal or remand between a Maryland State court and the U. S. District Court. Any plan recommended by the U.S. District Court and the State Court Administrator shall be presented to the ~~Court of Appeals~~ Supreme Court for approval. The plan shall not take effect until approved by (1) the U.S. District Court and (2) after a public hearing, the ~~Court of Appeals~~ Supreme Court.

(b) Contents of Plan

The plan shall provide for:

. . .

(5) any other matters relevant to the transmission of electronic court records between the Maryland State Court and the U.S. District Court.

Committee note: An example of a matter that may be included in the plan is the manner of transmission of a question certified to the ~~Court of Appeals~~ Supreme Court pursuant to the Maryland Certification of Questions of Law Act and the Court's response to the certified question.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 20 - ELECTRONIC FILING AND CASE MANAGEMENT

CHAPTER 500 - MISCELLANEOUS RULES

AMEND Rule 20-503 by replacing "Court of Appeals" with "Supreme Court" in section (a), as follows:

Rule 20-503. ARCHIVAL OF RECORDS

(a) Development of Plan

Upon the full statewide implementation of MDEC, the State Court Administrator shall work with the State Archivist to develop a plan for the transmission of electronic case records to the Maryland State Archives for the purpose of archiving of those records. Any plan recommended by the State Archivist and the State Court Administrator shall be presented to the ~~Court of Appeals~~ Supreme Court for approval. The plan shall not take effect until approved by the ~~Court of Appeals~~ Supreme Court after a public hearing.

. . .