

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 Twenty-Third Report to the Supreme Court of Maryland, recommending, *inter alia*, amendments to Rules 1-101, 1-105, 1-202, 1-301, 1-321, 1-322, 1-324, 1-325, 1-333, 2-131, 2-221, 2-510, 2-516, 2-541, 2-551, 3-131, 3-221, 3-510, 3-516, 4-265, 4-271, 4-322, 4-349, 4-707, 4-709, 5-404, 7-103, 7-109, 7-206, 7-206.1, 8-132, 8-201, 8-413, 8-511, 8-606, 9-202, 9-205, 9-205.3, 9-208, 11-103, 11-107, 13-101, 16-103, 16-208, 16-402, 16-406, 16-502, 16-503, 16-601, 16-701, 16-901, 16-904, 16-905, 16-914, 16-918, 17-102, 17-202, 17-205, 17-207, 17-303, 17-602, 17-603, 17-604, 19-217, 19-218, 19-301.15, 19-301.16, 19-301.2, 19-305.5, 19-504, 19-505, 19-752, 20-101, 20-102, 20-104, 20-106, 20-107, 20-109, 20-201, 20-204, 20-205, 20-301, 20-402, 20-405, 20-501, and 21-301, amendments to Forms 4-503.2 and 19-A.1, and rescission of Rule 4-708, 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 open meetings, notices of which were posted as prescribed by law, having by Rules Order dated September 13, 2024 previously remanded certain of the proposed Rules changes to the Rules Committee for

further study, and making on its own motion amendments to certain of the other proposed Rules changes, it is this 15th day of October, 2024

ORDERED that amendments to Rules 1-202, 1-322, 1-325, 1-333, 2-131, 2-221, 2-510, 2-516, 2-551, 3-131, 3-221, 3-510, 3-516, 4-271, 4-322, 4-349, 4-707, 4-709, 7-109, 7-206, 8-132, 8-413, 8-511, 9-202, 13-101, 16-103, 16-502, 16-503, 16-601, 16-904, 16-905, 16-914, 16-918, 20-101, 20-106, 20-107, 20-301, 20-402, and 21-301 and amendments to Form 4-503.2 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that Rule 4-708 be, and it is hereby, rescinded; and it is further

ORDERED that the proposed amendment to Rule 1-333 (c)(4)(A) be, and it is hereby, remanded to the Rules Committee for further study; and it is further

ORDERED that action on the proposed amendments to Rules 1-101, 1-105, 1-301, 1-321, 1-324, 2-541, 4-265, 5-404, 7-103, 7-206.1, 8-201, 8-606, 9-205, 9-205.3, 9-208, 11-103, 11-107, 16-208, 16-402, 16-406, 16-701, 16-901, 17-102, 17-202, 17-205, 17-207, 17-303, 17-602, 17-603, 17-604, 19-217, 19-218, 19-301.15, 19-301.16, 19-301.2, 19-305.5, 19-504, 19-505, 19-752, 20-102, 20-104, 20-109, 20-201, 20-204, 20-205, 20-405, and 20-501

and amendments to Form 19-A.1 be, and it is hereby deferred, pending consideration by this Court at an open meeting to be held at a later date; 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 January 1, 2025 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/ 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

/s/ Peter K. Killough  
Peter K. Killough

Filed: October 15, 2024

/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 OF PROCEDURE

TITLE 1 – GENERAL PROVISIONS

CHAPTER 200 – CONSTRUCTION, INTERPRETATION, DEFINITIONS

AMEND Rule 1-202 by adding new section (j) defining “digital media” and by re-lettering current sections (j) through (ff) as (k) through (gg), respectively, as follows:

Rule 1-202. DEFINITIONS

...

(j) Digital Media

“Digital media” means material in an audio, audiovisual, or video format that can be transmitted and stored electronically.

~~(j)~~(k) Guardian

...

~~(k)~~(l) Holiday

...

~~(l)~~(m) Individual

...

~~(m)~~(n) Individual Under Disability

...

~~(n)~~(o) Judge

...

~~(o)~~(p) Judgment

...

~~(p)~~(q) Levy

...

~~(q)~~(r) Money Judgment

...

~~(r)~~(s) Newspaper of General Circulation

...

~~(s)~~(t) Original Pleading

...

~~(t)~~(u) Paper

...

~~(u)~~(v) Person

...

~~(v)~~(w) Pleading

...

~~(w)~~(x) Proceeding

...

~~(x)~~(y) Process

...

~~(y)~~(z) Property

...

~~(z)~~(aa) Return

...

~~(aa)~~(bb) Senior Judge; Senior Justice

...

~~(bb)~~(cc) Sheriff

...

~~(ee)~~(dd) Subpoena

...

~~(dd)~~(ee) Summons

...

~~(ee)~~(ff) Warrant; Arrest Warrant; Bench Warrant; Search Warrant

...

~~(ff)~~(gg) Writ

“Writ” means a written order issued by a court and addressed to a sheriff or other person whose action the court desires to command to require performance of a specified act or to give authority to have the act done.

Source: This Rule is derived as follows:

Section (a) is derived from former Rule 5 a.

Section (b) is derived from former Rule 5 c.

Section (c) is new.

Section (d) is derived from former Rule 5 aa.

Section (e) is derived from former Rule 5 e.

Section (f) is derived from former Rule 5 f.

Section (g) is derived from former Rule 5 g.

Section (h) is derived from former Rule 5 h.

Section (i) is new.

Section (j) is new.

Section ~~(j)~~(k) is derived from former Rule 5 m.

Section ~~(k)~~(l) is new.

Section ~~(l)~~(m) is new.

Section ~~(m)~~(n) is derived from former Rule 5 r.

Section ~~(n)~~(o) is derived from former Rule 5 n.

Section ~~(o)~~(p) is derived from former Rule 5 o.

Section ~~(p)~~(q) is new.

Section ~~(q)~~(r) is new.

Section ~~(#)~~(s) is new.

Section ~~(s)~~(t) is derived from the last sentence of former Rule 5 v.

Section ~~(t)~~(u) is new.

Section ~~(u)~~(v) is derived from former Rule 5 q.

Section ~~(v)~~(w) is new and adopts the concept of federal practice set forth in the 1963 version of Fed. R. Civ. P. 7 (a).

Section ~~(w)~~(x) is derived from former Rule 5 w.

Section ~~(x)~~(y) is derived from former Rule 5 y.

Section ~~(y)~~(z) is derived from former Rule 5 z.

Section ~~(z)~~(aa) is new.

Section ~~(aa)~~(bb) is new.

Section ~~(bb)~~(cc) is derived from former Rule 5 cc.

Section ~~(ee)~~(dd) is derived from former Rule 5 ee.

Section ~~(dd)~~(ee) is new.

Section ~~(ee)~~(ff) is derived in part from former Rule 702 h and M.D.R. 702 m and is in part new.

Section ~~(ff)~~(gg) is derived from former Rule 5 ff.



MARYLAND RULES OF PROCEDURE

TITLE 1 – GENERAL PROVISIONS

CHAPTER 300 – GENERAL PROVISIONS

AMEND Rule 1-322 by adding new subsection (a)(6) pertaining to digital media, as follows:

Rule 1-322. FILING OF PLEADINGS, PAPERS, AND OTHER ITEMS

(a) Generally

The filing of pleadings, papers, and other items with the court shall be made by filing them with the clerk of the court, except that a judge of that court may accept the filing, in which event the judge shall note on the item the date the judge accepted it for filing and forthwith transmit the item to the office of the clerk. On the same day that an item is received in a clerk's office, the clerk shall note on it the date it was received and enter on the docket that date and any date noted on the item by a judge. The item shall be deemed filed on the earliest of (1) the filing date noted by a judge on the item, (2) the date noted by the clerk on the item, or (3) the date established under section (d) of this Rule. No item may be filed directly by electronic transmission, except (1) pursuant to an electronic filing system approved under Rule 16-203, (2) as permitted by Rule 14-209.1, (3) as provided in section (b) of this Rule, (4) as permitted by Code, Family Law Article, § 4-505.1, ~~or~~ (5) pursuant to Title 20 of these Rules, or (6) digital media submitted using a digital storage platform approved by the State Court Administrator.

(b) Electronic Transmission of Mandates of the Supreme Court of the United States

A Maryland court shall accept a mandate of the Supreme Court of the United States transmitted by electronic means unless the court does not have the technology to receive it in the form transmitted, in which event the clerk shall promptly so inform the Clerk of the Supreme Court of the United States and request an alternative method of transmission. The clerk of the Maryland court may request reasonable verification of the authenticity of a mandate transmitted by electronic means.

...

MARYLAND RULES OF PROCEDURE

TITLE 1 – GENERAL PROVISIONS

CHAPTER 300 – GENERAL PROVISIONS

AMEND Rule 1-325 by deleting the word “Prepaid” from the title of section (e); by adding new subsection (e)(1) applying to prepaid costs; by renumbering current subsections (e)(1), (e)(2), and (e)(3) as subsections (e)(1)(A), (e)(1)(B), and (e)(1)(C), respectively; by renumbering current subsections (e)(1)(A), (e)(1)(B), and (e)(1)(C) as subsections (e)(1)(A)(i), (e)(1)(A)(ii), and (e)(1)(A)(iii), respectively; by renumbering current subsections (e)(2)(A) and (e)(2)(B) as subsections (e)(1)(B)(i) and (e)(1)(B)(ii), respectively; by adding new subsection (e)(2) pertaining to a request for waiver of open costs at the conclusion of an action; by adding language in subsection (f)(2)(A) pertaining to a party who did not previously request a waiver pursuant to new subsection (e)(2); by adding language to subsection (f)(2)(B) pertaining to action by the court on a request for final waiver pursuant to new subsection (e)(2); and by making stylistic changes, as follows:

Rule 1-325. WAIVER OF COSTS DUE TO INDIGENCE – GENERALLY

(a) Scope

This Rule applies only to (1) original civil actions in a circuit court or the District Court and (2) requests for relief that are civil in nature filed in a criminal action.

Committee note: Original civil actions in a circuit court include actions governed by the Rules in Title 7, Chapter 200, 300, and 400. Requests for relief that are civil in nature filed in a criminal action include petitions for expungement and requests to shield all or part of a record.

(b) Definition

In this Rule, “prepaid costs” means costs that, unless prepayment is waived pursuant to this Rule, must be paid prior to the clerk's docketing or accepting for docketing a pleading or paper or taking other requested action.

Committee note: “Prepaid costs” may include a fee to file an initial complaint or a motion to reopen a case, a fee for entry of the appearance of an attorney, and any prepaid compensation, fee, or expense of a magistrate or examiner. See Rules 1-501, 2-541, 2-542, 2-603, and 9-208.

(c) No Fee for Filing Request

No filing fee shall be charged for the filing of the request for waiver of prepaid costs pursuant to section (d) or (e) of this Rule.

(d) Waiver of Prepaid Costs by Clerk

On written request, the clerk shall waive the prepayment of prepaid costs, without the need for a court order, if:

(1) the party is an individual who is represented (A) by an attorney retained through a pro bono or legal services program on a list of programs serving low income individuals that is submitted by the Maryland Legal Services Corporation to the State Court Administrator and posted on the Judiciary website, provided that an authorized agent of the program provides the clerk with a statement that (i) names the program, attorney, and party; (ii) states that the attorney is associated with the program and the party meets the financial eligibility criteria of the Corporation; and (iii) attests that the payment

of filing fees is not subject to Code, Courts Article, § 5-1002 (the Prisoner Litigation Act), or (B) by an attorney provided by the Maryland Legal Aid Bureau, Inc. or the Office of the Public Defender, and

(2) 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 certifies that, to the best of the attorney's knowledge, information, and belief, there is good ground to support the claim, application, or request for process and it is not interposed for any improper purpose or delay.

Committee note: The Public Defender represents indigent individuals in a number of civil actions. See Code, Criminal Procedure Article, § 16-204 (b).

Cross reference: See Rule 1-311 (b) and Rule ~~3-1~~ 19-303.1 (3.1) of the Maryland ~~Lawyers'~~ Attorneys' Rules of Professional Conduct.

(e) Waiver of ~~Prepaid~~ Costs by Court

(1) Prepaid Costs

~~(1)~~(A) Request for Waiver

An individual unable by reason of poverty to pay a prepaid cost and not subject to a waiver under section (d) of this Rule may file a request for an order waiving the prepayment of the prepaid cost. The request shall be accompanied by ~~(A)~~(i) the pleading or paper sought to be filed; ~~(B)~~(ii) an affidavit substantially in the form approved by the State Court Administrator, posted on the Judiciary website, and available in the Clerks' offices; and ~~(C)~~(iii) if the individual is represented by an attorney, the attorney's certification that, to the best of the attorney's knowledge, information, and belief, there is good ground to support

the claim, application, or request for process and it is not interposed for any improper purpose or delay.

Cross reference: See Rule 1-311 (b) and Rule ~~3-1~~ 19-303.1 (3.1) of the Maryland ~~Lawyers'~~ Attorneys' Rules of Professional Conduct.

~~(2)~~(B) Review by Court; Factors to be Considered

The court shall review the papers presented and may require the individual to supplement or explain any of the matters set forth in the papers. In determining whether to grant a prepayment waiver, the court shall consider:

~~(A)~~(i) whether the individual has a family household income that qualifies under the client income guidelines for the Maryland Legal Services Corporation for the current year, which shall be posted on the Judiciary website; and

~~(B)~~(ii) any other factor that may be relevant to the individual's ability to pay the prepaid cost.

~~(3)~~(C) Order; Payment of Unwaived Prepaid Costs

If the court finds that the party is unable by reason of poverty to pay the prepaid cost and that the pleading or paper sought to be filed does not appear, on its face, to be frivolous, it shall enter an order waiving prepayment of the prepaid cost. In its order, the court shall state the basis for granting or denying the request for waiver. If the court denies, in whole or in part, a request for the waiver of its prepaid costs, it shall permit the party, within 10 days, to pay the unwaived prepaid cost. If, within that time, the party pays the full amount of the unwaived prepaid costs, the pleading or paper shall be deemed to have been filed on the date the request for waiver was filed. If the

unwaived prepaid costs are not paid in full within the time allowed, the pleading or paper shall be deemed to have been withdrawn.

(2) Request for Waiver of Open Costs at Conclusion of Action

A request under subsection (e)(1) of this Rule may include a request for final waiver of open costs at the conclusion of the action. The request shall indicate in the affidavit required by subsection (e)(1) of this Rule that the individual does not anticipate a material change in the information provided in the affidavit. The court shall consider the request at the conclusion of the action in accordance with section (f) of this Rule.

(f) Award of Costs at Conclusion of Action

(1) Generally

At the conclusion of an action, the court and the clerk shall allocate and award costs as required or permitted by law.

Cross reference: See Rules 2-603, 3-603, 7-116, and *Mattison v. Gelber*, 202 Md. App. 44 (2011).

(2) Waiver

(A) Request

At the conclusion of an action, a party who otherwise did not request a final waiver of open costs pursuant to subsection (e)(2) of this Rule may seek a final waiver of open costs, including any unpaid appearance fee, by filing a request for the waiver, together with (i) an affidavit substantially in the form prescribed by subsection (e)(1)(B) of this Rule, or (ii) if the party was granted a waiver of prepayment of prepaid costs by court order pursuant to section (e) of this Rule and remains unable to pay the costs, an affidavit that recites the

existence of the prior waiver and the party's continued inability to pay by reason of poverty.

(B) Determination by Court

In an action under Title 9, Chapter 200 of these Rules or Title 10 of these Rules, the court shall grant a final waiver of open costs if the requirements of Rules 2-603 (e) or 10-107 (b), as applicable, are met. In all other civil matters, the court may grant a final waiver of open costs if the party against whom the costs are assessed is unable to pay them by reason of poverty. The court may require a party who requested a final waiver of open costs pursuant to subsection (e)(2) to file the supplemental affidavit required by subsection (f)(2)(A)(ii) of this Rule.

Source: This Rule is new.



MARYLAND RULES OF PROCEDURE

TITLE 1 – GENERAL PROVISIONS

CHAPTER 300 – GENERAL PROVISIONS

AMEND Rule 1-333 by adding new subsection (a)(1)(B)(ii); by adding new subsection (a)(2) and a Committee note pertaining to “Consecutive Interpretation”; by renumbering subsections (a)(2) through (a)(7) as (a)(3) through (a)(8), respectively; by updating language in re-lettered subsections (a)(7)(A) and (B) governing requirements for a qualified interpreter; by adding new subsection (a)(9) and a Committee note pertaining to “Simultaneous Interpretation”; by renumbering subsection (a)(8) as (a)(10); by adding a Committee note following subsection (b)(2) pertaining to notice by a third party that an individual needs an interpreter; by making certain revisions to the procedure for obtaining more than one interpreter in the same language in subsection (c)(4); and by making stylistic changes, 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:

(1) Certified Interpreter

“Certified Interpreter” means an interpreter who is certified by:

(A) the Maryland Administrative Office of the Courts;

(B) any member of the Council for Language Access Coordinators, provided that, if the interpreter was not approved by the Maryland member of the Council, the interpreter has (i) successfully completed successfully the orientation program required by the Maryland member of the Council and (ii) signed an acknowledgement form that the interpreter will comply with the interpreter policies outlined in the Court Interpreter Handbook, including the Maryland Code of Conduct for Court Interpreters;

Committee note: The Council for Language Access Coordinators is a unit of the National Center for State Courts.

(C) the Administrative Office of the United States Courts; or

(D) if the interpreter is a sign language interpreter, the Registry of Interpreters for the Deaf or the National Association of the Deaf.

(2) Consecutive Interpretation

“Consecutive interpretation” means interpretation that takes place immediately after a speaker pauses between segments of speech.

Committee note: Consecutive interpretation is used in a question-and-answer setting when the individual in need of interpretation plays an active role and must speak or respond. Consecutive interpreting is often used during examinations, interviews, and when an individual with limited English proficiency is addressed directly. Consecutive interpretation involves the interpreted rendering of small segments of speech where interpreters preserve every element of information contained in the source language.

(2)(3) Individual Who Needs an Interpreter

“Individual who needs an interpreter” means a party, attorney, witness, or victim who is deaf or unable adequately to understand or communicate in spoken or written English and a juror or prospective juror who is deaf.

(3)(4) Interpreter

“Interpreter” means an adult who has the ability to render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written and without explanation.

~~(4)~~(5) Non-Registry Interpreter

“Non-registry interpreter” means an interpreter who has not completed the Maryland Judiciary's orientation program and is not listed on the Court Interpreter Registry.

~~(5)~~(6) 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 Justice of the Supreme Court to provide an interpreter for an individual who needs an interpreter.

~~(6)~~(7) Qualified Interpreter

“Qualified Interpreter” means an interpreter who is not a certified interpreter but who:

(A) has submitted to the Maryland Administrative Office of the Courts a completed ~~Maryland State Judiciary Information Form for Spoken and Sign Language Court Interpreters and an oath~~ application and a signed Acknowledgement Form that the interpreter will comply with the interpreter policies outlined in the Court Interpreter Handbook, including the Maryland Code of Conduct for Court Interpreters;

(B) ~~has successfully completed the Maryland Judiciary's orientation workshop on court interpreting~~ satisfied all the testing and training requirements established by the Court Interpreter Program; and

(C) does not have, in a state or federal court of record, a pending criminal charge or conviction on a charge punishable by a fine of more than \$500 or imprisonment for more than six months unless the interpreter has been pardoned or the conviction has been overturned or expunged in accordance with law.

~~(7)~~(8) Registry

“Registry” means the Court Interpreter Registry, a listing of certified and qualified interpreters who have fulfilled the requirements necessary to receive assignments under the Maryland Court Interpreter Program.

(9) Simultaneous Interpretation

“Simultaneous interpretation” means interpretation that takes place as the individual whose speech is being interpreted is speaking.

Committee note: Simultaneous interpretation is often used during opening statements, closing arguments, arguments on motions and objections, sidebar conferences, jury instructions, and other speech when the individual with limited English proficiency is not addressed directly. An interpreter conducting simultaneous interpretation may utilize equipment to transmit the interpreted speech to a headset worn by the individual who requires the interpreter.

Simultaneous interpretation is not part of the record of the proceeding. See Rules 16-502 (a) and 16-503 (a). If the court, the interpreter, a party, an attorney for a party, or the individual with limited English proficiency has and expresses a concern about the clarity or details of the interpretation, the court should request that the interpreter begin using consecutive interpretation to be recorded as part of the court record.

~~(8)~~(10) Victim

“Victim” includes a victim's representative as defined in Code, Criminal Procedure Article, § 11-104.

(b) Spoken Language Interpreters

(1) Applicability

This section applies to spoken language interpreters. It does not apply to sign language interpreters.

Cross reference: For the procedure to request a sign language interpreter, see Rule 1-332.

(2) Application for the Appointment of an Interpreter

An individual who needs an interpreter shall file an application for the appointment of an interpreter. To the extent practicable, the application shall be filed not later than 30 days before the proceeding for which the interpreter is requested on a form approved by the State Court Administrator and available from the clerk of the court and on the Judiciary website. If a timely and complete application is filed, the court shall appoint an interpreter free of charge in court proceedings in accordance with section (c) of this Rule.

Committee note: Nothing in this Rule precludes the parties to an action, judges, court personnel, or other individuals who become aware of the existence or potential existence of an individual who needs an interpreter from providing prompt notice to the court of that fact. The court may construe the notice as a request pursuant to section (b) of this Rule.

(3) When Additional Application Not Required

(A) Party

If a party who is an individual who needs an interpreter includes on the application a request for an interpreter for all proceedings in the action, the

court shall provide an interpreter for each proceeding without requiring a separate application prior to each proceeding.

Committee note: A nonparty who may qualify as an individual who needs an interpreter must timely file an application for each proceeding for which an interpreter is requested.

(B) Continued or Postponed Proceedings

Subject to subsection (b)(5) of this Rule, if an individual who needs an interpreter filed a timely application and the proceeding for which the interpreter was requested is continued or postponed, the court shall provide an interpreter for the continued or postponed proceeding without requiring the individual to file an additional application.

(4) Where Timely Application Not Filed

If an application is filed, but not timely filed pursuant to subsection (b)(2) of this Rule, or an individual who may qualify as an individual who needs an interpreter appears at a proceeding without having filed an application, the court shall make a diligent effort to secure the appointment of an interpreter and may either appoint an interpreter pursuant to section (c) of this Rule or determine the need for an interpreter as follows:

(A) Examination on the Record

To determine whether an interpreter is needed, the court, on request or on its own initiative, shall examine a party, attorney, witness, or victim on the record. The court shall appoint an interpreter if the court determines that:

(i) the party does not understand English well enough to participate fully in the proceedings and to assist the party's attorney, or

(ii) the party, attorney, witness, or victim does not speak English well enough to readily understand or communicate the spoken English language.

**(B) Scope of Examination**

The court's examination of the party, witness, or victim should include questions relating to:

- (i) identification;
- (ii) active vocabulary in vernacular English; and
- (iii) the court proceedings.

Committee note: Examples of matters relating to identification are: name, address, birth date, age, and place of birth. Examples of questions that elicit active vocabulary in vernacular English are: How did you come to court today? What kind of work do you do? Where did you go to school? What was the highest grade you completed? What do you see in the courtroom? Examples of questions relating to the proceedings are: What do you understand this case to be about? What is the purpose of what we are doing here in court? What can you tell me about the rights of the parties to a court case? What are the responsibilities of a court witness? Questions should be phrased to avoid “yes or no” replies.

**(5) Notice When Interpreter Is Not Needed**

If an individual who needs an interpreter will not be present at a proceeding for which an interpreter had been requested, including a proceeding that had been continued or postponed, the individual, the individual's attorney, or the party or attorney who subpoenaed or otherwise requested the appearance of the individual shall notify the court as far in advance as practicable that an interpreter is not needed for that proceeding.

**(c) Selection and Appointment of Interpreters**

**(1) Certified Interpreter Required; Exceptions**

When the court determines that an interpreter is needed, the court shall make a diligent effort to obtain the services of a certified interpreter. If a certified interpreter is not available, the court shall make a diligent effort to obtain the services of a qualified interpreter. The court may appoint a non-registry interpreter only if a registry interpreter is not available. An individual related by blood or marriage to a party or to the individual who needs an interpreter may not act as an interpreter.

Committee note: The court should be cautious about appointing a non-registry interpreter and should consider carefully the seriousness of the case and the availability of resources before doing so.

(2) Inquiry of Prospective Interpreter

(A) Except as provided in subsection (c)(2)(B) of this Rule, before appointing an interpreter under this Rule, the court shall conduct an appropriate inquiry of the prospective interpreter on the record with respect to the interpreter's skills and qualifications and any potential conflicts or other ethical issues. The court may permit the parties to participate in that inquiry.

(B) If the interpreter is a court-employed staff interpreter, the court may dispense with any inquiry regarding the interpreter's skills and qualifications.

Committee note: The court should use the Court Interpreter Inquiry Questions included as an Appendix to these Rules.

(3) Oath

(A) Generally

Before acting as an interpreter in a proceeding, an interpreter shall take an oath to interpret accurately, completely, and impartially and to refrain from knowingly disclosing confidential or privileged information obtained while



serving in the proceeding. If the interpreter is to serve in a grand jury proceeding, the interpreter also shall take an oath that the interpreter will keep secret all matters and things occurring before the grand jury.

(B) Court-employed Staff Interpreters

Upon employment, a court-employed staff interpreter shall make the prescribed oaths in writing and file them with the clerk of each court in which the interpreter will serve and with the Administrative Office of the Courts. The oath shall be applicable to all proceedings in which the interpreter is called to serve and need not be repeated on each occasion.

Committee note: Court-employed staff interpreters often are in and out of court, substituting for other court-employed staff interpreters, and the need for an oath may be overlooked. The intent of subsection (c)(3)(B) is to assure that each applicable prescribed oath has been made.

(4) Multiple Interpreters in the Same Language

At the request of a party or on its own initiative, the court ~~may appoint~~ shall make a diligent effort to obtain more than one interpreter in the same language ~~to ensure the accuracy of the interpretation or to preserve confidentiality~~ if:

(A) the proceedings are expected to exceed three hours;

(B) ~~the proceedings include~~ proceeding includes complex issues and terminology or other such challenges; or

(C) ~~an opposing party requires an interpreter in the same language~~ the court determines that more than one interpreter is necessary to ensure a fair and just proceeding.

Committee note: To ensure accurate interpretation, an interpreter should be granted reasonable rest periods at frequent intervals.

(d) Removal From Proceeding

A court interpreter may be removed from a proceeding by a judge or judicial appointee within the meaning of Rule 18-200.3 (a)(1), who shall then notify the Maryland Administrative Office of the Courts that the action was taken.

(e) Compensation of Court Interpreters

Compensation for interpreters shall be in accordance with a schedule adopted by the State Court Administrator consistent with Code, Criminal Procedure Article, §§ 1-202 and 3-103 and Code, Courts Article, § 9-114.

Committee note: Code, Courts Article, § 9-114 provides for the appointment of interpreters for certain parties and witnesses, generally. Code, Criminal Procedure Article, §§ 1-202 and 3-103 provide for the appointment of interpreters for certain defendants in criminal proceedings and proceedings under Title 3 of that Article.

Source: This Rule is derived from former Rule 16-819 (2014).

MARYLAND RULES OF PROCEDURE

TITLE 2 – CIVIL PROCEDURE—CIRCUIT COURT

CHAPTER 100 – COMMENCEMENT OF ACTION AND PROCESS

AMEND Rule 2-131 by updating a reference to Rule 1-202 in the cross reference following section (d), and by making stylistic changes, as follows:

Rule 2-131. APPEARANCE

...

(d) Effect

The entry of an appearance is not a waiver of the right to assert any defense in accordance with these rules. Special appearances are abolished.

Cross reference: See Rules 1-311, 1-312, and 1-313; Rules 19-214, 19-215, and 19-216 of the Rules Governing Admission to the Bar. See also Rule 1-202 ~~(u)(v)~~ for the definition of “~~person~~”, “person.”

Source: This Rule is in part derived from former Rule 124 and in part new.

MARYLAND RULES OF PROCEDURE  
TITLE 2 – CIVIL PROCEDURE—CIRCUIT COURT  
CHAPTER 200 – PARTIES

AMEND Rule 2-221 by updating a reference to Rule 1-202 in the cross reference following section (a) and by making a stylistic change, as follows:

Rule 2-221. INTERPLEADER

(a) Interpleader Action

An action for interpleader or in the nature of interpleader may be brought against two or more adverse claimants who claim or may claim to be entitled to property. The claims of the several defendants or the title on which their claims depend need not have a common origin or be identical but may be adverse to and independent of each other. The plaintiff may deny liability in whole or in part to any or all of the defendants. A defendant may likewise obtain interpleader by way of counterclaim or cross-claim. The provisions of this Rule supplement and do not in any way limit the joinder of parties permitted by Rule 2-212. The complaint for interpleader shall specify the nature and value of the property and may be accompanied by payment or tender into court of the property. The complaint may request, and the court may grant prior to entry of the order of interpleader pursuant to section (b) of this Rule, appropriate ancillary relief, including ex parte or preliminary injunctive relief.

Cross reference: For the definition of ~~property~~, “property,” see Rule 1-202 ~~(y)~~(z).

...

MARYLAND RULES OF PROCEDURE  
TITLE 2 – CIVIL PROCEDURE – CIRCUIT COURT  
CHAPTER 500 – TRIAL

AMEND Rule 2-510 by adding a provision to subsection (b)(3) concerning the use of subpoenas obtained through the AIS portal, as follows:

Rule 2-510. SUBPOENAS – COURT PROCEEDINGS AND DEPOSITIONS

...

(b) Issuance

A subpoena shall be issued by the clerk of the court in which an action is pending in the following manner:

(1) On the request of any person entitled to the issuance of a subpoena, the clerk shall (A) issue a completed subpoena, or (B) provide to the person a blank form of subpoena, which the person shall fill in and return to the clerk to be signed and sealed by the clerk before service.

(2) On the request of a member in good standing of the Maryland Bar entitled to the issuance of a subpoena, the clerk shall issue a subpoena signed and sealed by the clerk, which the attorney shall fill in before service.

(3) An attorney of record in a pending action who is a registered user under Rule 20-101 may obtain from the clerk through MDEC or through the AIS portal, for use in that action, an electronic version of a blank form of subpoena containing the clerk's signature and the seal of the court, which the attorney may download, print, and fill in before service.

(4) Except as provided in subsections (b)(2) and (b)(3) of this Rule, a person other than the clerk may not copy and fill in any blank form of subpoena for the purpose of serving the subpoena. A violation of this section shall constitute a violation of subsection (a)(3) of this Rule.

Committee note: This Rule does not apply to subpoenas issued under Code, Courts Article, Title 9, Subtitle 4 (Maryland Uniform Interstate Depositions and Discovery Act) requiring attendance at a deposition in this State. For subpoenas issued under that Act in conjunction with a deposition, see Rule 2-510.1. For discovery of documents, electronically stored information, and property from a party to an action pending in this State, other than in conjunction with a deposition, see Rule 2-422. For inspection of property of a nonparty in an action pending in this State and for discovery under the Maryland Uniform Interstate Depositions and Discovery Act that is not in conjunction with a deposition, see Rule 2-422.1.

...

MARYLAND RULES OF PROCEDURE  
TITLE 2 – CIVIL PROCEDURE – CIRCUIT COURT  
CHAPTER 500 – TRIAL

AMEND Rule 2-516 by adding new subsection (a)(1) consisting of the contents of current section (a); by adding “at a hearing or trial” to the first sentence of new subsection (a)(1); by deleting “and, unless the court orders otherwise, shall remain in the custody of the clerk” from new subsection (a)(1); by adding a Committee note following new subsection (a)(1) pertaining to pre-marked exhibits; by adding new subsection (a)(2) pertaining to custody of exhibits; by adding a Committee note following new subsection (a)(2) pertaining to custody of exhibits returned to parties; by expanding the cross reference following section (a); by replacing “visual” with “video” in the tagline and contents of section (b); by deleting the provision regarding a copy for future transcription in subsection (b)(1)(A); by adding a Committee note following subsection (b)(1)(A) pertaining to the method of providing a copy of a recording to the court; by adding “or in a format” to subsection (b)(1)(C); by adding a cross reference to Rules 8-413 (a)(4) and 20-402 (a)(2) following section (b); by deleting the provision requiring an additional copy to the court in subsection (b)(2); and by making stylistic changes, as follows:

Rule 2-516. EXHIBITS AND RECORDINGS

(a) Generally

(1) Formation of Record



All exhibits marked for identification at a hearing or trial, whether or not offered in evidence and, if offered, whether or not admitted, shall form part of the record ~~and, unless the court orders otherwise, shall remain in the custody of the clerk~~. With leave of court, a party may substitute a photograph or copy for any exhibit.

Committee note: Exhibits that are pre-marked by a party or pre-filed at the direction of the court do not constitute part of the record prior to being marked or offered as provided in subsection (a)(1) of this Rule.

(2) Custody of Exhibits

Unless the court orders otherwise, all exhibits described in subsection (a)(1) of this Rule shall remain in the custody of the clerk. If the court orders that the custodian of an exhibit be someone other than the clerk, the court shall: (A) state the identity of the custodian on the record; (B) instruct the custodian, until relieved of the responsibility by law or by court order, to secure the exhibit until final determination of the action, including all appellate proceedings, and retain the exhibit as required by Rule 16-405 and any statutory retention provisions; and (C) instruct the clerk to make a docket entry identifying the court-ordered custodian of the exhibit.

Committee note: The requirements of subsection (a)(2) of this Rule also apply to exhibits returned to the parties at the conclusion of a proceeding.

Cross reference: See Rule 16-405 regarding filing and removal of papers and exhibits.

(b) Audio, Audiovisual, or ~~Visual~~ Video Recordings

(1) Recording

A party who offers or uses an audio, audiovisual, or ~~visual~~ video recording at a hearing or trial shall:

(A) ensure that the recording is marked for identification and made part of the record and that an additional copy is provided to the court, ~~so that it is available for future transcription;~~

Committee note: A party may provide the court with a copy of a recording in a physical media format or in a digital media format using a digital storage platform approved by the State Court Administrator.

(B) if only a portion of the recording is offered or used, ensure that a description that identifies the portion offered or used is made part of the record; and

(C) if the recording is not on a medium or in a format in common use by the general public, preserve it, furnish it to the clerk in a manner suitable for transmittal as part of the record, and upon request present it to an appellate court in a format designated by the court.

Cross reference: See Rules 8-413 (a)(4) and 20-402 (a)(2) regarding inclusion of audio, audiovisual, and video recordings, including any digital media, in the record on appeal.

(2) Transcript of Recording

A party who offers or uses a transcript of the recording at a hearing or trial shall ensure that the transcript is made part of the record ~~and provide an additional copy to the court.~~

Cross reference: For a schedule of retention and disposal of court records, see Rule 16-205.

Source: This Rule is derived in part from former Rule 635 b and is in part new.

MARYLAND RULES OF PROCEDURE  
TITLE 2 – CIVIL PROCEDURE—CIRCUIT COURT  
CHAPTER 500 – TRIAL

AMEND Rule 2-551 by updating a reference to Rule 20-101 in section (c),  
as follows:

Rule 2-551. IN BANC REVIEW

...

(c) Memoranda

Within 30 days after the filing of the notice for in banc review the party seeking review shall file a memorandum stating concisely the questions presented, any facts necessary to decide them, and supporting argument.

Within 15 days thereafter, an opposing party who wishes to dispute the questions, facts, or arguments presented shall file a memorandum stating the alternative questions presented, any additional or different facts, and supporting argument. Any person filing a memorandum under this section who is not required to file electronically under MDEC shall file four copies of the memorandum in paper form.

Cross reference: See Rule 20-101 ~~(h)~~(m) for the definition of MDEC.

...

MARYLAND RULES OF PROCEDURE

TITLE 3 – CIVIL PROCEDURE—DISTRICT COURT

CHAPTER 100 – COMMENCEMENT OF ACTION AND PROCESS

AMEND Rule 3-131 by updating a reference to Rule 1-202 in the cross reference following section (d), and by making stylistic changes, as follows:

Rule 3-131. APPEARANCE

...

(d) Effect

The entry of an appearance is not a waiver of the right to assert any defense in accordance with these rules. Special appearances are abolished.

Cross reference: See Rules 1-311, 1-312, and 1-313; Rules 19-214 and 19-215 of the Rules Governing Admission to the Bar. See also Rule 1-202 ~~(u)~~(v) for the definition of “~~person~~”, “person,” and Code, Business Occupations and Professions Article, § 10-206(b)(1), (2), and (4) for certain exceptions applicable in the District Court.

Source: This Rule is in part derived from former Rule 124 and in part new.

MARYLAND RULES OF PROCEDURE  
TITLE 3 – CIVIL PROCEDURE—DISTRICT COURT  
CHAPTER 200 – PARTIES

AMEND Rule 3-221 by updating a reference to Rule 1-202 in the cross reference following section (a), and by making a stylistic change, as follows:

Rule 3-221. INTERPLEADER

(a) Interpleader Action

An action for interpleader or in the nature of interpleader may be brought against two or more adverse claimants who claim or may claim to be entitled to property. The claims of the several defendants or the title on which their claims depend need not have a common origin or be identical but may be adverse to and independent of each other. The plaintiff may deny liability in whole or in part to any or all of the defendants. A defendant may likewise obtain interpleader by way of counterclaim or cross-claim. The provisions of this Rule supplement and do not in any way limit the joinder of parties permitted by Rule 3-212. The complaint for interpleader shall specify the nature and value of the property and may be accompanied by payment or tender into court of the property. The complaint may request, and the court may grant prior to entry of the order of interpleader pursuant to section (b) of this Rule, appropriate ancillary relief, including ex parte or preliminary injunctive relief.

Cross reference: For the definition of ~~property~~, “property,” see Rule 1-202 ~~(y)~~(z).

...

MARYLAND RULES OF PROCEDURE  
TITLE 3 – CIVIL PROCEDURE – DISTRICT COURT  
CHAPTER 500 – TRIAL

AMEND Rule 3-510 by adding a provision to subsection (b)(3) concerning the use of subpoenas obtained through the AIS portal, as follows:

Rule 3-510. SUBPOENAS

...

(b) Issuance

A subpoena shall be issued by the clerk of the court in which an action is pending in the following manner:

(1) On the request of any person entitled to the issuance of a subpoena, the clerk shall (A) issue a completed subpoena, or (B) provide to the person a blank form of subpoena, which the person shall fill in and return to the clerk to be signed and sealed by the clerk before service.

(2) On the request of a member in good standing of the Maryland Bar entitled to the issuance of a subpoena, the clerk shall issue a subpoena signed and sealed by the clerk, which the attorney shall fill in before service.

(3) An attorney of record in a pending action who is a registered user under Rule 20-101 may obtain from the clerk through MDEC or through the AIS portal, for use in that action, an electronic version of a blank form of subpoena

containing the clerk's signature and the seal of the court, which the attorney may download, print, and fill in before service.

(4) Except as provided in subsections (b)(2) and (b)(3) of this Rule, a person other than the clerk may not copy and fill in any blank form of subpoena for the purpose of serving the subpoena. A violation of this section shall constitute a violation of subsection (a)(3) of this Rule.

. . .



MARYLAND RULES OF PROCEDURE  
TITLE 3 – CIVIL PROCEDURE – DISTRICT COURT  
CHAPTER 500 – TRIAL

AMEND Rule 3-516 by creating new section (a) containing the current language of the Rule pertaining to exhibits generally; by adding “at a hearing or trial” to section (a); by deleting “and, unless the court orders otherwise, shall remain in the custody of the clerk” from section (a); by adding a Committee note after section (a); by adding new section (b) pertaining to custody of exhibits in an action where an appeal would be tried de novo; by adding a cross reference following new section (b); and by adding new section (c) pertaining to custody of exhibits if an appeal would be heard on the record; as follows:

Rule 3-516. EXHIBITS

(a) Generally

All exhibits marked for identification at a hearing or trial, whether or not offered in evidence and, if offered, whether or not admitted, shall form part of the record ~~and, unless the court orders otherwise, shall remain in the custody of the clerk~~. With leave of court, a party may substitute a photograph or copy for any exhibit.

Committee note: Exhibits that are pre-marked by a party or pre-filed at the direction of the court do not constitute part of the record prior to being marked or offered as provided in section (a) of this Rule.

(b) If Appeal is De Novo

In an action where an appeal would be tried de novo, exhibits shall be returned to the parties at the conclusion of the proceeding unless the court orders otherwise.

Cross reference: See Rule 7-102 (a) concerning appeals tried de novo.

(c) If Appeal is on the Record

In an action where an appeal would be heard on the record made in the District Court, all exhibits described in section (a) of this Rule shall remain in the custody of the District Court clerk unless the court orders otherwise. If the court orders that the custodian of an exhibit be someone other than the clerk, the court shall: (1) state the identity of the custodian on the record; (2) instruct the custodian, until relieved of the responsibility by law or by court order, to secure the exhibit until final determination of the action, including all appellate proceedings; and (3) instruct the clerk to make a docket entry identifying the court-ordered custodian of the exhibit.

Source: This Rule is derived from former Rule 635 b.

MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

CHAPTER 200 – PRETRIAL PROCEDURES

AMEND Rule 4-271 by adding a cross reference after subsection (a)(1), 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.

Cross reference: See Code, Criminal Procedure Article, § 6-103; see also *Jackson v. State*, 485 Md. 1 (2023).

(2) Upon a finding by the 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 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.

(b) Change of Trial Date in District Court

The date for trial in the District Court may be changed on motion of a party, or on the court's initiative, and for good cause shown.

Committee note: Subsection (a)(1) of this Rule is intended to incorporate and continue the provisions of Rule 746 from which it is derived. Stylistic changes have been made.

Source: This Rule is derived as follows:

Section (a) is in part derived from former Rule 746 a and b, and is in part new. Section (b) is derived from former M.D.R. 746.

MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

CHAPTER 300 – TRIAL AND SENTENCING

AMEND Rule 4-322 by adding new subsection (a)(1) consisting of current section (a); by adding “at a hearing or trial” to the first sentence of new subsection (a)(1); by deleting “and, unless the court orders otherwise, shall remain in the custody of the clerk” from new subsection (a)(1); by adding a Committee note following new subsection (a)(1) pertaining to pre-marked exhibits; by adding new subsection (a)(2) pertaining to custody of exhibits; by adding a Committee note following new subsection (a)(2) pertaining to custody of exhibits returned to parties; by expanding the cross reference following section (a); by adding new subsection (a)(3) pertaining to a District Court appeal tried de novo; by replacing “visual” with “video” in the tagline and contents of section (c); by deleting the provision regarding a copy for future transcription in subsection (c)(1)(A); by adding a Committee note following subsection (c)(1)(A) pertaining to the method of providing a copy of a recording to the court; by adding “or in a format” to subsection (c)(1)(C); by adding a cross reference to Rules 8-413 (a)(4) and 20-402 (a)(2) following subsection (c)(1); by deleting the provision requiring an additional copy to the court in subsection (c)(2); and by making stylistic changes, as follows:

Rule 4-322. EXHIBITS, COMPUTER-GENERATED EVIDENCE, AND RECORDINGS

(a) Generally

(1) Formation of Record

All exhibits marked for identification at a hearing or trial, whether or not offered in evidence and, if offered, whether or not admitted, shall form part of the record ~~and, unless the court orders otherwise, shall remain in the custody of the clerk~~. With leave of court, a party may substitute a photograph or copy for any exhibit.

Committee note: Exhibits that are pre-marked by a party or pre-filed at the direction of the court do not constitute part of the record prior to being marked or offered as provided in subsection (a)(1) of this Rule.

(2) Custody of Exhibits – Generally

Unless the court orders otherwise and except as provided in subsection (a)(3) of this Rule, all exhibits described in subsection (a)(1) of this Rule shall remain in the custody of the clerk. If the court orders that the custodian of an exhibit be someone other than the clerk, the court shall: (A) state the identity of the custodian on the record; (B) instruct the custodian, until relieved of the responsibility by law or by court order, to secure the exhibit until final determination of the action, including all appellate proceedings, and retain the exhibit as required by Rule 16-405 and any statutory retention provisions; and (C) instruct the clerk to make a docket entry identifying the court-ordered custodian of the exhibit.

Committee note: The requirements of subsection (a)(2) of this Rule also apply to exhibits returned to the parties at the conclusion of a proceeding, including any exhibits returned to the State’s Attorney or law enforcement. Additionally, statutes may govern retention of certain evidence by the State. See, e.g., Code, Criminal Procedure Article, § 8-201, requiring the State to preserve scientific identification evidence.

Cross reference: See Rule 16-405 regarding filing and removal of papers and exhibits.

(3) District Court – Appeal Tried De Novo

In an action in District Court where an appeal would be tried de novo, exhibits shall be returned to the parties at the conclusion of the proceeding unless the court orders otherwise.

Cross reference: See Rule 7-102 (a) concerning appeals tried de novo.

(b) Preservation of Computer-Generated Evidence

A party who offers or uses computer-generated evidence at any proceeding shall preserve the computer-generated evidence, furnish it to the clerk in a manner suitable for transmittal as a part of the record on appeal, and present the computer-generated evidence to an appellate court if the court so requests.

Cross reference: For the definition of “computer-generated evidence,” see Rule 2-504.3.

Committee note: This section requires the proponent of computer-generated evidence to reduce the computer-generated evidence to a medium that allows review on appeal. The medium used will depend upon the nature of the computer-generated evidence and the technology available for preservation of that computer-generated evidence. No special arrangements are needed for preservation of computer-generated evidence that is presented on paper or through spoken words. Ordinarily, the use of technology that is in common use by the general public at the time of the hearing or trial will suffice for preservation of other computer-generated evidence. However, when the computer-generated evidence involves the creation of a three-dimensional image or is perceived through a sense other than sight or hearing, the proponent of the computer-generated evidence must make other arrangements for preservation of the computer-generated evidence and any subsequent presentation of it that may be required by an appellate court.

(c) Audio, Audiovisual, or ~~Visual~~ Video Recordings

(1) Recording

A party who offers or uses an audio, audiovisual, or ~~visual~~ video recording at a hearing or trial shall:

(A) ensure that the recording is marked for identification and made part of the record and that an additional copy is provided to the court, ~~so that it is available for future transcription;~~

Committee note: A party may provide the court with a copy of a recording in a physical media format or in a digital media format using a digital storage platform approved by the State Court Administrator.

(B) if only a portion of the recording is offered or used, ensure that a description that identifies the portion offered or used is made part of the record; and

(C) if the recording is not on a medium or in a format in common use by the general public, preserve it, furnish it to the clerk in a manner suitable for transmittal as part of the record, and upon request present it to an appellate court in a format designated by the court.

Cross reference: See Rules 8-413 (a)(4) and 20-402 (a)(2) regarding inclusion of audio, audiovisual, and video recordings, including any digital media, in the record on appeal.

(2) Transcript of Recording

A party who offers or uses a transcript of the recording at a hearing or trial shall ensure that the transcript is made part of the record ~~and provide an additional copy to the court.~~

Cross reference: For a schedule of retention and disposal of court records, see Rule 16-205.

Source: This Rule is new.



MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

CHAPTER 300 – TRIAL AND SENTENCING

AMEND Rule 4-349 by adding a provision to subsection (a)(1) to clarify that the subsection applies to both the District Court and circuit courts, and by revising the provision in subsection (a)(1) pertaining to conditions so that it is consistent with the provisions in subsection (a)(2), as follows:

Rule 4-349. RELEASE AFTER CONVICTION

(a) Authority

(1) Generally

After conviction in the District Court or a circuit court, the trial judge may release the defendant pending sentencing or exhaustion of any appellate review subject to ~~such conditions for further appearance as may be appropriate~~ any appropriate terms and conditions of release. Title 5 of these rules does not apply to proceedings conducted under this Rule.

Cross reference: For review of lower court action in the Appellate Court regarding a stay of enforcement of judgment after an appeal is filed, see Rule 8-422 (c).

(2) Pending De Novo Appeal

On the filing of a notice of appeal in the District Court in a case to be tried de novo, the circuit court, on motion or by consent of the parties, may stay a sentence of imprisonment imposed by the District Court and release the

defendant pending trial in the circuit court, subject to any appropriate terms and conditions of release.

Cross reference: For action upon dismissal of a de novo appeal, see Rule 7-112 (f)(4).

(b) Factors Relevant to Conditions of Release

In determining whether a defendant should be released under this Rule, the court may consider the factors set forth in Rule 4-216.1 (f) and, in addition, whether any appellate review sought appears to be frivolous or taken for delay. The burden of establishing that the defendant will not flee or pose a danger to any other person or to the community rests with the defendant.

(c) Conditions of Release

The court may impose different or greater conditions for release under this Rule than had been imposed upon the defendant before trial pursuant to Rule 4-216, 4-216.1, 4-216.2, or 4-216.3. When the defendant is released pending sentencing, the condition of any bond required by the court shall be that the defendant appear for further proceedings as directed and surrender to serve any sentence imposed. When the defendant is released pending any appellate review, the condition of any bond required by the court shall be that the defendant prosecute the appellate review according to law and, upon termination of the release pending appeal pursuant to subsection (d)(1) of this Rule, surrender to serve any sentence required to be served or appear for further proceedings as directed. The bond shall continue until discharged by order of the court or until surrender of the defendant, whichever is earlier.

(d) Release Pending Appeal

(1) Duration of Release

An order releasing a defendant pending appellate review pursuant to this Rule shall continue until the earliest of the following: (A) the defendant exhausts appellate review by way of appeal, application for leave to appeal, or petition for writ of certiorari in the Supreme Court or the Supreme Court of the United States; (B) the defendant allows the deadline to pass for seeking further appellate review of an adverse disposition; (C) the defendant allows the deadline to pass for filing the statement required by subsection (d)(2) of this Rule, or indicates in such a statement that the defendant does not intend to seek further review; or (D) a court revokes the order of release in accordance with section (e) of this Rule.

(2) Writ of Certiorari in Supreme Court of the United States

Within 30 days after the Supreme Court denies review or issues its opinion affirming the judgment of conviction, a defendant who has been released pending appellate review shall file a statement indicating whether the defendant intends to petition for a writ of certiorari in the Supreme Court of the United States and, if so, providing a non-binding statement of the questions that the defendant intends to present for review in the petition. The statement shall be filed with the court that ordered release pursuant to this Rule.

Cross reference: See U.S. S. Ct. Rule 10 for considerations governing review on certiorari, U.S. S. Ct. Rule 13 for the time for petitioning, and U.S. S. Ct. Rule 14.1 for the required contents of a petition for a writ of certiorari.

(e) Amendment of Order of Release

The court that ordered the release, on motion of any party or on its own initiative and after notice and opportunity for hearing, may revoke an order of release or amend it to impose additional or different conditions of release. If its decision results in the detention of the defendant, the court shall state the reasons for its action in writing or on the record.

Source: This Rule is derived as follows:

Section (a) is derived from former Rule 776 a and M.D.R. 776 a.

Section (b) is derived from former Rule 776 c and M.D.R. 776 c.

Section (c) is derived from former Rules 776 b and 778 b and M.D.R. 776 b and M.D.R. 778 b.

Sections (d) and (e) are new.

MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

APPENDIX OF FORMS

FORMS FOR EXPUNGEMENT OF RECORDS

AMEND Form 4-503.2 by adding the word “tort” to the waiver and release to conform to the enabling statute, by adding a line for the printed name of the witness, and by making stylistic changes, as follows:

Form 4-503.2. GENERAL WAIVER AND RELEASE

I, \_\_\_\_\_, hereby release and forever discharge \_\_\_\_\_  
(complainant)

and the \_\_\_\_\_,  
(law enforcement agency)

all of its officers, agents and employees, and any and all other persons from any and all tort claims which I may have for wrongful conduct by reason of my arrest, detention, or confinement on or about \_\_\_\_\_.

This General Waiver and Release is conditioned on the expungement of the record of my arrest, detention, or confinement and compliance with Code\*, Criminal Procedure Article, § 10-105, as applicable, and shall be void if these conditions are not met.

WITNESS my hand and seal this \_\_\_\_\_(Date)

TESTE:

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_(Seal)  
Petitioner Signature

\_\_\_\_\_  
Printed Name of Witness

\* The reference to “Code” in this General Waiver and Release is to the Annotated Code of Maryland.

MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

CHAPTER 700 – POST CONVICTION DNA TESTING

AMEND Rule 4-707 by changing the title of the Rule; by deleting section (a); by adding new section (b) pertaining to a response to an answer, comprised of the provisions of former Rule 4-708; and by making stylistic changes, as follows:

Rule 4-707. ~~DENIAL OF PETITION;~~ APPOINTMENT OF COUNSEL; RESPONSE TO ANSWER

~~(a) Denial of Petition~~

~~Upon consideration of the State's answer, the court may deny the petition if it finds as a matter of law that (1) the petitioner has no standing or (2) the facts alleged in the petition do not entitle the petitioner to relief.~~

~~(b)~~(a) Appointment of Counsel

If the court finds that a petitioner who has requested the appointment of counsel is indigent, the court may appoint counsel within 30 days after the State has filed its answer unless ~~(1) the court denies the petition as a matter of law or (2)~~ counsel has already filed an appearance to represent the petitioner.

(b) Response to answer

The petitioner may file a response to the State's answer no later than 60 days after service of the answer. The response may (1) challenge the adequacy or the accuracy of the answer, (2) request that a search of other law

enforcement agency databases or logs be conducted for the purpose of identifying the source of physical evidence used for DNA testing, and (3) be accompanied by an amendment to the petition. The petitioner shall serve the response on the State's Attorney. The court may not rule on the petition prior to the filing of a response or, if no response is filed, prior to the expiration of the 60-day period referenced in this section.

Source: This Rule is new.

~~MARYLAND RULES OF PROCEDURE~~

~~TITLE 4—CRIMINAL CAUSES~~

~~CHAPTER 700—POST CONVICTION DNA TESTING~~

DELETE Rule 4-708, as follows:

~~Rule 4-708. RESPONSE TO ANSWER~~

~~The petitioner may file a response to the answer no later than 60 days after the later of service of the State's answer or entry of an order appointing counsel pursuant to Rule 4-707. The response may (1) challenge the adequacy or the accuracy of the answer, (2) request that a search of other law enforcement agency databases or logs be conducted for the purpose of identifying the source of physical evidence used for DNA testing, and (3) be accompanied by an amendment to the petition. The petitioner shall serve the response on the State's Attorney.~~

~~Source: This Rule is new.~~



MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

CHAPTER 700 – POST CONVICTION DNA TESTING

AMEND Rule 4-709 by adding a reference to the petition, answer, and any response to subsection (b)(1), as follows:

Rule 4-709. HEARING; PROCEDURE IF NO HEARING

(a) When Required

Except as otherwise provided in subsection (b)(2) of this Rule, the court shall hold a hearing if, from the petition, answer, and any response, the court finds that the petitioner has standing to file the petition and the petition is filed in the appropriate court, and finds one of the following:

(1) specific scientific identification evidence exists or may exist that is related to the judgment of conviction, a method of DNA testing of the evidence may exist that is generally accepted within the relevant scientific community, and there is or may be a reasonable probability that the testing has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing;

(2) if the State contends that it has been unable to locate the evidence, there is a genuine dispute as to whether the State's search was adequate;

(3) if the State contends that the evidence existed or may have existed but was destroyed, there is a genuine dispute whether the destruction was in conformance with any relevant governing protocols or was otherwise lawful;

(4) the State is unable to produce scientific evidence that the State was required to preserve pursuant to Code, Criminal Procedure Article, § 8-201(j)(1); or

(5) there is some other genuine dispute as to whether DNA testing or a DNA database or log search by a law enforcement agency should be ordered.

(b) When Not Required

(1) For Denial of Petition

The court shall deny the petition without a hearing if, from the petition, answer, and any response, it finds that:

(A) the petitioner has no standing to request DNA testing or a search of a law enforcement agency DNA database or logs; or

(B) as a matter of law, the facts alleged in the petition pursuant to subsections (a)(2) and (3) of Rule 4-704 do not entitle the petitioner to relief under Code, Criminal Procedure Article, § 8-201.

(2) For Grant of Petition

The court may enter an order granting the petition without a hearing if the State and the petitioner enter into a written stipulation as to DNA testing or a DNA database or log search and the court is satisfied with the contents of the stipulation. An order for DNA testing shall comply with the requirements of Rule 4-710 (a)(2)(B).

(c) When Hearing Is Discretionary

In its discretion, the court may hold a hearing when one is not required.

(d) Time of Hearing

Any hearing shall be held within (1) 90 days after service of any response to the State's answer or, (2) if no response is timely filed, 120 days after service of the State's answer.

(e) Written Order If No Hearing

If the court declines to hold a hearing, it shall enter a written order stating the reasons why no hearing is required. A copy of that order shall be served on the petitioner and the State's Attorney.

Cross reference: For victim notification, see Code, Criminal Procedure Article, §§ 11-104 and 11-503.

Source: This Rule is new.

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 7-109 by adding new subsection (a)(4) governing the contents of the record on an appeal heard on the record made in the District Court; by adding a Committee note following new subsection (a)(4) pertaining to use of a digital storage platform; by creating new section (b) containing existing language from current section (a); by re-lettering sections (b) through (e) as sections (c) through (f), respectively; by deleting language in new section (c) encouraging parties to agree to a statement of the case; and by making stylistic changes, as follows:

Rule 7-109. RECORD – CONTENTS AND FORM

(a) Contents of Record

The record on appeal shall include:

- (1) a certified copy of the docket entries in the District Court;<sub>2</sub>
- (2) a transcript, if required by Rule 7-113;<sub>2</sub>
- (3) all original papers filed in the action in the District Court except a supersedeas bond or alternative security and those other items that the parties stipulate may be omitted;<sub>2</sub> and
- (4) in an appeal heard on the record made in the District Court pursuant to Rule 7-102 (b), copies or photographs of physical exhibits made part of the

record pursuant to Rule 3-516 or Rule 4-322 and the original of any audio, audiovisual, or video recording made part of the record pursuant to Rule 3-516 or Rule 4-322.

Committee note: Exhibits that are audio, audiovisual, or video recordings may be stored and accessed using a digital storage platform approved by the State Court Administrator. Absent any dispute as to the authenticity or accuracy of the file, the file stored on the approved digital storage platform is considered the original for the purposes of this Rule.

(b) Formation of Record; Original Papers

The clerk of the District Court shall append a certificate clearly identifying the papers included in the record. The District Court may order that the original papers in the action be kept in the District Court pending the appeal, in which case the clerk of the District Court shall transmit only a certified copy of the original papers.

~~(b)~~(c) Statement of Case in Lieu of Entire Record

If the parties agree that the questions presented by an appeal can be determined without an examination of the entire record or a trial de novo, as the case may be, they may sign and, upon approval by the District Court, file with the clerk of the District Court a statement showing how the questions arose and were decided, and setting forth only those facts or allegations that are essential to a decision of the questions. ~~The parties are strongly encouraged to agree to such a statement.~~ The statement, the judgment from which the appeal is taken, and any opinion of the District Court shall constitute the record on appeal. The circuit court may, ~~however,~~ direct the

District Court clerk to transmit all or part of the balance of the record in the District Court as a supplement to the record on appeal.

~~(e)~~(d) Duties of District Court Clerk

The clerk shall prepare and attach to the beginning of the record a certified copy of the docket entries in the District Court. The original papers shall be fastened together in one or more file jackets and numbered consecutively, except that the pages of a transcript of testimony need not be renumbered. The clerk shall also prepare and transmit with the record a statement of the costs of preparing and certifying the record, the costs taxed against each party prior to the transmission of the record, and the costs of all transcripts and of copies, if any, of the transcripts for each of the parties. The clerk shall serve a copy of the docket entries on each party.

~~(d)~~(e) Correction of Record

On motion or on its own initiative, the circuit court may order that an error or omission in the record be corrected.

~~(e)~~(f) Return of Record to District Court Pending Appeal

Upon a determination that the record needs to be returned to the District Court because of a proceeding pending in that court, the circuit court may order that the record be so returned, subject to the conditions stated in the order.

Source: This Rule is derived from former Rules 1326 and 1327.

MARYLAND RULES OF PROCEDURE

TITLE 7 – APPELLATE AND OTHER JUDICIAL REVIEW IN CIRCUIT COURT

CHAPTER 200 – JUDICIAL REVIEW OF ADMINISTRATIVE AGENCY

DECISIONS

AMEND Rule 7-206 by adding new section (f) pertaining to restricted information in the record of an administrative agency proceeding, by re-lettering current section (f) as section (g), by adding to new section (g) a requirement to shield certain records, and by deleting the Committee note at the end of the Rule, as follows:

Rule 7-206. RECORD – GENERALLY

(a) Applicability

This Rule does not apply to judicial review of a decision of the Workers' Compensation Commission, except as otherwise provided by Rule 7-206.1.

(b) Contents; Expense of Transcript

The record shall include the transcript of testimony and all exhibits and other papers filed in the agency proceeding, except those papers the parties agree or the court directs may be omitted by written stipulation or order included in the record. If the testimony has been recorded but not transcribed before the filing of the petition for judicial review, the first petitioner, if required by the agency and unless otherwise ordered by the court or provided by law, shall pay the expense of transcription, which shall be taxed as costs and may

be apportioned as provided in Rule 2-603. A petitioner who pays the cost of transcription shall file with the agency a certification of costs, and the agency shall include the certification in the record.

(c) Statement in Lieu of Record

If the parties agree that the questions presented by the action for judicial review can be determined without an examination of the entire record, they may sign and, upon approval by the agency, file a statement showing how the questions arose and were decided and setting forth only those facts or allegations that are essential to a decision of the questions. The parties are strongly encouraged to agree to such a statement. The statement, any exhibits to it, the agency's order of which review is sought, and any opinion of the agency shall constitute the record in the action for judicial review.

(d) Time for Transmitting

Except as otherwise provided by this Rule, the agency shall transmit to the clerk of the circuit court the original or a certified copy of the record of its proceedings within 60 days after the agency receives the first petition for judicial review.

(e) Shortening or Extending the Time

Upon motion by the agency or any party, the court may shorten or extend the time for transmittal of the record. The court may extend the time for no more than an additional 60 days. The action shall be dismissed if the record has not been transmitted within the time prescribed unless the court finds that the inability to transmit the record was caused by the act or omission of the



agency, a stenographer, or a person other than the moving party.

(f) Restricted Information

The record shall be accompanied by an Administrative Agency Restricted Information Statement completed on a form approved by the State Court Administrator. The completed Statement shall indicate whether any part of the record contains restricted information as defined by Rule 20-101 (r). The Statement shall be subject to public inspection.

~~(f)~~(g) Duty of Clerk

Upon the filing of the record, the clerk shall notify the parties of the date that the record was filed. If the Statement filed pursuant to section (f) of this Rule indicates that the record contains restricted information, the clerk shall shield the record from public inspection. Otherwise, the record shall be subject to public inspection.

~~Committee note: Code, Article 2B, § 175(e)(3) provides that the decision of a local liquor board shall be affirmed, modified, or reversed by the court within 90 days after the record has been filed, unless the time is “extended by the court for good cause.”~~

Source: This Rule is in part derived from former Rule B7 and in part new.

MARYLAND RULES OF PROCEDURE  
TITLE 8 – APPELLATE REVIEW IN THE SUPREME COURT AND THE  
APPELLATE COURT  
CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 8-132 by adding clarifying language in section (b) and by adding a cross reference following section (b), as follows:

Rule 8-132. TRANSFER OF APPEAL IMPROPERLY TAKEN

(a) Appeal to Improper Court

If the Supreme Court or the Appellate Court determines that an appellant has improperly noted an appeal to it but may be entitled to appeal to another court exercising appellate jurisdiction, the Court shall not dismiss the appeal but shall instead transfer the action to the court apparently having jurisdiction, upon the payment of costs provided in the order transferring the action.

(b) Appeal Improperly Filed in the Appellate Court

If a notice of appeal, application for leave to appeal, or petition for certiorari is improperly filed in the Appellate Court, the Court shall not reject the filing but shall note on the filing the date when it was received and transfer the filing to the proper court. The receiving court shall docket the filing using the date that the filing was received by the Appellate Court or, if applicable, deemed filed pursuant to Rule 1-322 (d).

Cross reference: See Rule 1-322 (d) governing filings by self-represented individuals confined in certain facilities.

Cross reference: See Rules 8-201 and 8-204 regarding filing of a notice of appeal or application for leave to appeal to the Appellate Court in the lower court. See Rule 8-303 regarding filing of a petition for writ of certiorari in the Supreme Court.

Source: This Rule is in part derived from former Rule 814 and in part new.

MARYLAND RULES OF PROCEDURE

TITLE 8 – APPELLATE REVIEW IN THE SUPREME COURT AND THE

APPELLATE COURT

CHAPTER 400 – PRELIMINARY PROCEDURES

AMEND Rule 8-413 by adding new subsection (a)(3) pertaining to inclusion of copies or photographs of exhibits in the record on appeal; by adding new subsection (a)(4) pertaining to the inclusion of the original of any recording in the record on appeal; by adding a Committee note following new subsection (a)(4) referencing use of a digital storage platform and the requirement that a recording in a format not in common use be provided to the clerk in a suitable format; by renumbering current subsection (a)(3) as subsection (a)(5); by relocating a provision pertaining to inclusion of the record of proceedings before the Appellate Court from the end of current section (a) to new subsection (a)(6); by creating new section (b) pertaining to formation of the record and disputes; by adding new subsection (b)(1) pertaining to the certificate by the clerk of the lower court; by requiring that a certificate under subsection (b)(1) identify tangible exhibits and their custodians; by adding a cross reference to Rules 2-516, 3-516, and 4-322 regarding custody of exhibits after subsection (b)(1); by adding subsection (b)(2) containing existing provisions pertaining to original papers and exhibits; by requiring in subsection (b)(2) that original exhibits be retained pursuant to Rule 16-405 or as otherwise ordered by the court; by requiring in subsection (b)(2) that the clerk locate and transmit exhibits to the appellate court upon request; by

creating new subsection (b)(3) consisting of existing provisions pertaining to disputes and modification of the record using existing language from the Rule; by re-lettering sections (b) and (c) as sections (c) and (d), respectively; by separating the re-lettered sections into subsections; by deleting from new subsection (c)(1) a provision encouraging parties to agree to a statement of the case; and by making stylistic changes, as follows:

Rule 8-413. RECORD – CONTENTS AND FORM

(a) Contents of Record

The record on appeal shall include:

(1) a certified copy of the docket entries in the lower court;

(2) the transcript required by Rule 8-411, ~~and~~;

(3) a copy or photograph of any physical exhibit made part of the record pursuant to Rules 2-516, 3-516, or 4-322;

(4) the original of any audio, audiovisual, or video recording made part of the record pursuant to Rules 2-516, 3-516, or 4-322;

Committee note: Exhibits that are audio, audiovisual, or video recordings may be stored and accessed using a digital storage platform approved by the State Court Administrator. Absent any dispute as to the authenticity or accuracy of the file, the file stored on the approved digital storage platform is considered the original for the purposes of this Rule.

A party who offers or uses an audio, audiovisual, or video recording in a format not in common use by the general public is required to provide the recording to the clerk in a medium and format suitable for transmittal as part of the record. See Rule 2-516 (b) and Rule 4-322 (c) pertaining to the use of a recording at a hearing or trial.

~~(3)~~(5) all original papers filed in the action in the lower court except a supersedeas bond or alternative security and those other items that the parties stipulate may be omitted; and

(6) when the Supreme Court reviews an action pending in or decided by the Appellate Court, the record of any proceedings in the Appellate Court.

(b) Formation of Record; Disputes

(1) Certificate

The clerk of the lower court shall append a certificate clearly identifying:

(A) the papers included in the record, including any copy or photograph substituted for an exhibit;

(B) any tangible exhibits not included for transmission and the custodian of each exhibit; and

(C) any digital media included in the record and instructions for access by the appellate court.

Cross reference: See Rules 2-516, 3-516, and 4-322 regarding custody of exhibits.

(2) Original Papers and Exhibits

The lower court may order that the original papers in the action be kept in the lower court pending the appeal, in which case the clerk of the lower court shall transmit only a certified copy of the original papers. Original exhibits shall be retained pursuant to Rule 16-405 or as otherwise ordered by the court. The clerk of the lower court shall transmit an original exhibit to the appellate court upon request by the appellate court.

(3) Disputes; Correction and Modification

The lower court, by order, shall resolve any dispute whether the record accurately discloses what occurred in the lower court, and shall cause the record to conform to its decision. The lower court ~~shall~~ also shall correct or modify the record if directed by an appellate court pursuant to Rule 8-414

~~(b)(2). When the Supreme Court reviews an action pending in or decided by the Appellate Court, the record shall also include the record of any proceedings in the Appellate Court.~~

~~(b)(c)~~ (c) Statement of Case in Lieu of Entire Record

(1) Generally

If the parties agree that the questions presented by an appeal can be determined without an examination of all the pleadings and evidence, they may sign and, upon approval by the lower court, file a statement showing how the questions arose and were decided, and setting forth only those facts or allegations that are essential to a decision of the questions. ~~The parties are strongly encouraged to agree to such a statement.~~ The statement, the judgment from which the appeal is taken, and any opinion of the lower court shall constitute the record on appeal. The appellant shall reproduce the statement in the appellant's brief, either in lieu of the statement of facts or as an appendix to the brief.

(2) Supplement

The appellate court may, ~~however,~~ direct the lower court clerk to transmit all or part of the balance of the record in the lower court as a supplement to the record on appeal. ~~The appellant shall reproduce the statement in the~~

~~appellant's brief, either in lieu of the statement of facts or as an appendix to the brief.~~

~~(e)~~(d) Duties of Lower Court Clerk

(1) Attachments

The clerk shall prepare and attach to the beginning of the record a cover page, a complete table of contents, and the certified copy of the docket entries in the lower court. The original papers shall be fastened together in one or more binders and numbered consecutively, except that the pages of a transcript of testimony need not be renumbered.

(2) Statement of Cost

The clerk shall ~~also~~ prepare and transmit with the record a statement of the cost of preparing and certifying the record, the costs taxed against each party prior to the transmission of the record, and the cost of all transcripts and of copies, if any, of the transcripts for each of the parties.

(3) Service on Parties

The clerk shall serve a copy of the docket entries on each party.

Cross reference: See Code, Criminal Procedure Article, § 11-104(f)(2) for victim notification procedures.

Source: This Rule is derived in part from former Rule 1026 and Rule 826 and is in part new.



MARYLAND RULES OF PROCEDURE

TITLE 8 – APPELLATE REVIEW IN THE SUPREME COURT

AND THE APPELLATE COURT

CHAPTER 500 – RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-511 by altering the time for filing amicus curiae briefs in section (c) and by deleting section (g), as follows:

Rule 8-511. AMICUS CURIAE

(a) Authorization to File Amicus Curiae Brief

An amicus curiae brief may be filed only:

- (1) upon written consent of all parties to the appeal;
- (2) by the Attorney General in any appeal in which the State of Maryland may have an interest;
- (3) upon request by the Court;
- (4) as provided in subsection (e)(1) of this Rule; or
- (5) upon the Court's grant of a motion filed under section (b) of this Rule.

(b) Motion and Brief

(1) Content of Motion

A motion requesting permission to file an amicus curiae brief shall:

- (A) identify the interest of the movant;
- (B) state the reasons why the amicus curiae brief is desirable;
- (C) state whether the movant requested of the parties their consent to the filing of the amicus curiae brief and, if not, why not;

(D) state the issues that the movant intends to raise; and

(E) identify every person, other than the movant, its members, or its attorneys, who made a monetary or other contribution to the preparation or submission of the brief, and identify the nature of the contribution.

(2) Attachment of Brief

The proposed amicus curiae brief shall be attached to the motion.

(3) If Motion Granted

If the motion is granted, the brief shall be regarded as having been filed when the motion was filed. Promptly after the order granting the motion is filed, the amicus curiae shall file and serve paper copies of the brief as required by Rule 8-502 (c).

(c) Time for Filing

Except as required by subsection (e)(3) of this Rule and unless the Court orders otherwise, an amicus curiae brief shall be filed ~~at or before the time specified for the filing of the principal brief of the appellee~~ no later than seven days after the principal brief of the party being supported is filed. An amicus curiae that does not support either party shall file its brief no later than seven days after the appellant's or petitioner's principal brief is filed.

(d) Compliance With Rules 8-503 and 8-504

(1) Generally

An amicus curiae brief shall comply with the applicable provisions of Rules 8-503 and 8-504, except as provided in subsection (d)(2) of this Rule.

(2) Exception

An amicus curiae brief filed pursuant to subsection (e)(1) or (f)(3) of this Rule shall comply with the applicable provisions of Rule 8-112. It may, but need not, comply with the provisions of Rules 8-503 and 8-504.

(e) Brief Supporting or Opposing Discretionary Review

(1) Motion Not Required

An amicus curiae brief may be filed in the Supreme Court on the question of whether the Court should issue a writ of certiorari or other extraordinary writ, or in the 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 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 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.

(f) Reply Brief; Oral Argument; Brief Supporting or Opposing Motion for Reconsideration

Without permission of the Court, an amicus curiae may not (1) file a reply brief, (2) participate in oral argument, or (3) file a brief in support of, or in opposition to, a motion for reconsideration. Permission may be granted only for extraordinary reasons.

~~(g) Appellee's Reply Brief~~

~~Within ten days after the later of (1) the filing of an amicus curiae brief that is not substantially in support of the position of the appellee or (2) the entry of an order granting a motion under section (b) that permits the filing of a brief not substantially in support of the position of the appellee, the appellee may file a reply brief limited to the issues in the amicus curiae brief that are not substantially in support of the appellee's position and are not fairly covered in the appellant's principal brief. Any such reply brief shall not exceed 3,900 words.~~

Source: This Rule is derived in part from Fed.R.App.P. 29 and Sup.Ct.R. 37 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

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

AMEND Rule 9-202 by updating a reference to Rule 1-202 in the cross reference following section (a), as follows:

Rule 9-202. PLEADING

(a) Signing – Telephone Number - E-mail Address

A party shall personally sign each pleading filed by that party and, if the party is not represented by an attorney, shall state in the pleading a telephone number at which the party may be reached during ordinary business hours and an e-mail address, if any, through which the party may be contacted.

Cross reference: See Rule 1-202 ~~(v)~~(w).

...

MARYLAND RULES OF PROCEDURE  
TITLE 13 – RECEIVERS AND ASSIGNEES  
CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 13-101 by updating a reference to Rule 1-202 in section (i) and subsection (j)(2), as follows:

Rule 13-101. DEFINITIONS

...

(i) Person

“Person” has the meaning set forth in Rule 1-202 ~~(u)~~(v) and includes an individual, an estate, a business, a nonprofit entity, a public corporation, a governmental unit, an instrumentality, and any other legal entity.

Cross reference: See Code, Commercial Law Article, § 24-101(n).

(j) Property

(1) For proceedings under Code, Commercial Law Article, Title 24:

(A) “Property” means all of a person's right, title, and interest, both legal and equitable, in real and personal property, tangible and intangible, wherever located and however acquired.

(B) “Property” includes proceeds, products, offspring, rent, and profits of or from the property.

(C) “Property” does not include:

(i) any power that the owner may exercise solely for the benefit of another person; or

(ii) property impressed with a trust, except to the extent that the owner has a residual interest.

Cross reference: See Code, Commercial Law Article, § 24-101(p).

(2) For all other proceedings, “property” has the meaning set forth in Rule 1-202 ~~(y)~~(z).

...

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 100 – COURT ADMINISTRATIVE STRUCTURE

AMEND Rule 16-103 by updating a reference to Rule 1-202 in the cross reference, as follows:

Rule 16-103. CHIEF JUDGE OF THE APPELLATE COURT

Subject to the provisions of this Chapter, other applicable law, and the direction of the Chief Justice of the Supreme Court, the Chief Judge of the Appellate Court is responsible for the administration of the 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 Appellate Court, the provisions of this Rule shall be applicable to the senior judge present in the Appellate Court.

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

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



MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 500 – RECORDING OF PROCEEDINGS

AMEND Rule 16-502 by creating new subsection (a)(1), containing the language of current section (a); by adding new subsection (a)(2) pertaining to recording of court interpreters; by adding a cross reference to Rule 1-333 (a) following new subsection (a)(2); and by making stylistic changes, as follows:

Rule 16-502. IN DISTRICT COURT

(a) Proceedings to be Recorded

(1) Generally

All trials, hearings, testimony, and other judicial proceedings before a District Court Judge held either in a courtroom or by remote electronic means shall be recorded verbatim in their entirety by a person authorized by the court to do so, except that, unless otherwise ordered by the court, the person responsible for recording need not report or separately record an audio or audio-video recording offered as evidence at a hearing or trial.

Committee note: ~~Section (a)~~ Subsection (a)(1) of this Rule does not apply to ADR proceedings conducted pursuant to Title 17, Chapter 300 of these Rules.

(2) Court Interpreters

If a proceeding involves an individual who needs an interpreter, only consecutive interpretation shall be subject to subsection (a)(1) of this Rule. To

the extent that simultaneous interpretation is captured by the audio recording device provided by the court, it is not part of the record of the proceeding.

Cross reference: For definitions of “individual who needs an interpreter,” “consecutive interpretation,” and “simultaneous interpretation,” see Rule 1-333 (a).

(b) Method of Recording

(1) Generally

Proceedings shall be recorded by an audio recording device provided by the court.

(2) As Authorized By Chief Judge

The Chief Judge of the District Court may authorize recording by additional means, including audio-video recording. Audio-video recording of a proceeding and access to an audio-video recording shall be in accordance with this Rule and Rules 16-503, 16-504, and 16-504.1.

(3) Official Recordings

Except for extended coverage of court proceedings permitted under Title 16, Chapter 600 of these Rules, only official recordings of judicial proceedings in the District Court made in accordance with this Rule are permitted.

...

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 500 – RECORDING OF PROCEEDINGS

AMEND Rule 16-503 by adding new subsection (a)(3) pertaining to recording of court interpreters, by adding a cross reference to Rule 1-333 (a) following new subsection (a)(3), and by making stylistic changes, as follows:

Rule 16-503. IN CIRCUIT COURT

(a) Proceedings to be Recorded

(1) Proceedings in the Presence of Judge

All trials, hearings, testimony, and other judicial proceedings before a circuit court judge held either in a courtroom or by remote electronic means shall be recorded verbatim in their entirety by a person authorized by the court to do so, except that, unless otherwise ordered by the court, the person responsible for recording need not report or separately record an audio or audio-video recording offered as evidence at a hearing or trial.

Committee note: An audio or audio-video recording offered at a hearing or trial must be marked for identification and made part of the record, so that it is available for future transcription. See Rules 2-516 (b)(1)(A) and 4-322 (c)(1)(A). Section (a) does not apply to ADR proceedings conducted pursuant to Rule 9-205 or Title 17 of these Rules.

(2) Proceedings Before Magistrate, Examiner, or Auditor

Proceedings before a magistrate, examiner, or auditor shall be recorded verbatim in their entirety, except that:

(A) the recording of proceedings before a magistrate may be waived in accordance with Rules 2-541 (d)(3) or 9-208 (c)(3);

(B) the recording of proceedings before an examiner may be waived in accordance with Rule 2-542 (d)(4); and

(C) the recording of proceedings before an auditor may be waived in accordance with Rule 2-543 (d)(3).

(3) Court Interpreters

If a proceeding involves an individual who needs an interpreter, only consecutive interpretation shall be subject to subsections (a)(1) and (a)(2) of this Rule. To the extent that simultaneous interpretation is captured by the audio recording device provided by the court, it is not part of the record of the proceeding.

Cross reference: For definitions of “individual who needs an interpreter,” “consecutive interpretation,” and “simultaneous interpretation,” see Rule 1-333 (a).

(b) Method of Recording

Proceedings may be recorded by any reliable method or combination of methods approved by the County Administrative Judge. If proceedings are recorded by a combination of methods, the County Administrative Judge shall determine which method shall be used to prepare a transcript.

(c) Official Recordings

Except for extended coverage of court proceedings permitted under Title 16, Chapter 600 of these Rules, only official recordings of judicial proceedings in a circuit court made in accordance with this Rule are permitted.

**RULE 16-503**

Source: This Rule is derived in part from former Rule 16-404 (2016). Section (c) is new.

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 600 – EXTENDED COVERAGE OF COURT PROCEEDINGS

AMEND Rule 16-601 by updating a reference to Rule 1-202 in the cross reference following section (e), 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)~~(bb)(1).

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

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

AMEND Rule 16-904 by clarifying in section (c) that exhibits marked for identification by the clerk are subject to public inspection, by expanding the cross reference following section (c), by expanding the Committee note following section (c), and by making stylistic changes, as follows:

Rule 16-904. GENERAL POLICY

(a) Presumption of Openness

Judicial records are presumed to be open to the public for inspection. Except as otherwise provided by the Rules in this Chapter or by other applicable law, the custodian of a judicial record shall permit a person to inspect a judicial record in accordance with Rules 16-922 through 16-924. Subject to the Rules in this Chapter, inspection of case records through the MDEC program is governed by Title 20 of the Maryland Rules.

Cross reference: See ~~Rule~~ Rules 16-922, 16-923, 16-924, and 20-109.

(b) Protection of Records

To protect judicial records and prevent unnecessary interference with the official business and duties of the custodian and other judicial personnel, a clerk is not required to permit public inspection of a case record filed with the

clerk for docketing in a judicial action or a notice record filed for recording and indexing until the document has been docketed or recorded and indexed.

(c) Exhibit Pertaining to Motion or Marked for Identification

Unless a judicial proceeding is not open to the public or the court expressly orders otherwise and except for identifying information shielded pursuant to law, a case record that consists of an exhibit (1) submitted in support of or in opposition to a motion or (2) marked for identification by the clerk at a trial or hearing or trial or offered in evidence, whether or not admitted, is subject to inspection, notwithstanding that the record otherwise would not have been subject to inspection under the Rules in this Chapter.

Cross reference: See Rule Rules 2-516, 3-516, and 4-322 concerning exhibits.

Committee note: Section (c) is based on the general principle that the public has a right to know the evidence upon which a court acts in making decisions, except to the extent that a superior need to protect privacy, safety, or security recognized by law permits particular evidence, or the evidence in particular cases, to be shielded. See Rule 16-934 authorizing a court to permit inspection of a case record that is not otherwise subject to inspection or to deny inspection of a case record that otherwise would be subject to inspection.

...



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

AMEND Rule 16-905 by adding a Committee note following section (c); by adding new section (d) pertaining to access to digital media case records; by adding a cross reference following new section (d); and by re-lettering sections (d) and (e) as (e) and (f), respectively; as follows:

Rule 16-905. COPIES

(a) Entitlement

Except as otherwise provided by the Rules in this Chapter or by other law, a person entitled to inspect a judicial record is entitled to have a copy or printout of the record. The copy or printout may be in paper form or, subject to Rules 16-917 and 16-918 and the Rules in Title 20, in electronic form. A judge's signature may be redacted or otherwise withheld on a copy.

(b) Certified Copy

To the extent practicable and unless the court determines otherwise for good cause, a certified copy of a judicial record filed with the clerk shall be made by any authorized clerk of the court in which the case was filed or to which it was transferred.

Committee note: The court may direct the custodian not to certify a copy of a case record upon a determination that the certified copy may be used for an improper purpose.

(c) Uncertified Copy

Copies or printouts in paper form that are obtained from a terminal or kiosk located in a courthouse are uncertified.

Committee note: In an action available through MDEC, members of the public are entitled to an uncertified copy of unshielded case records and unshielded parts of case records in any courthouse of the State regardless of where the action was filed or is pending. See Rule 20-109 (g)(2).

(d) Digital Media

If a case record consists of digital media, a copy of the record shall consist of a document containing instructions for accessing the digital media.

Cross reference: See Rule 1-202 for the definition of “digital media.”

~~(d)~~(e) Metadata

(1) Definition

(A) In this Rule, “metadata” means information generally not visible when an electronic document is printed that describes the history, tracking, or management of the electronic document, including information about data in the electronic document that describes how, when, or by whom the data was collected, created, accessed, or modified and how the data is formatted.

(B) Metadata does not include (i) a spreadsheet formula, (ii) a database field, (iii) an externally or internally linked file, or (iv) a reference to an external file or a hyperlink.

(2) Removal

A custodian may remove metadata from an electronic document before providing the electronic document to an applicant by using a software program or function or converting the electronic document into a different format.

~~(e)~~(f) Conditions

The custodian may set a reasonable time schedule to make copies or printouts and may charge a reasonable fee for the copy or printout.

Source: This Rule is derived in part from former Rule 16-904 (2019) and in part from Code, General Provisions Article, § 4-205.

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

AMEND Rule 16-914 by adding new section (r) and by adding a cross reference following new section (r), as follows:

Rule 16-914. CASE RECORDS – REQUIRED DENIAL OF INSPECTION –  
CERTAIN CATEGORIES

Except as otherwise provided by law, court order, or the Rules in this Chapter, the custodian shall deny inspection of:

...

(q) A petition for authorization for minor to marry action filed pursuant to Rule 15-1501.

(r) In an action under Title 7, Chapter 200 of these Rules, the record of an administrative agency proceeding where the Administrative Agency Restricted Information Statement indicates that the record contains restricted information as defined by Rule 20-101 (r).

Cross reference: See Rules 7-206 and 7-206.1 pertaining to the record of an administrative agency proceeding filed in an action for judicial review of an administrative agency decision. For procedures to request an administrative agency to provide access to public portions of the agency's record of an administrative agency proceeding, see Code, General Provisions Article, Title 4 (Public Information Act).

Source: This Rule is derived in part from former Rule 16-907 (2019), and is in part new.

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

AMEND Rule 16-918 by updating a reference to Rule 20-101 in subsection (b)(1), by adding new section (d) pertaining to access to digital media, and by adding a Committee note following new section (d), as follows:

Rule 16-918. ACCESS TO ELECTRONIC RECORDS

(a) In General

Subject to the other Rules in this Title and in Title 20 and other applicable law, a judicial record that is kept in electronic form is open to inspection to the same extent that the record would be open to inspection in paper form.

(b) Denial of Access

(1) Restricted Information

A custodian shall take reasonable steps to prevent access to restricted information, as defined in Rule 20-101 ~~(s)~~(r), that the custodian is on notice is included in an electronic judicial record.

(2) Certain Identifying Information

(A) In General

Except as provided in subsection (b)(2)(B) of this Rule, a custodian shall prevent remote access to the name, address, telephone number, date of birth, e-mail address, and place of employment of a victim or nonparty witness in:

(i) a criminal action,

(ii) a juvenile delinquency action under Code, Courts Article, Title 3, Subtitle 8A,

(iii) an action under Code, Family Law Article, Title 4, Subtitle 5 (domestic violence), or

(iv) an action under Code, Courts Article, Title 3, Subtitle 15 (peace order).

**(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 Supreme Court or the Appellate Court.

**(C) Notice to Custodian**

A person who places in a judicial record identifying information relating to a witness shall give the custodian written or electronic notice that such information is included in the record, where in the record that information is contained, and whether that information is not subject to remote access under this Rule, Rule 1-322.1, Rule 20-201, or other applicable law. Except as

federal law may otherwise provide, in the absence of such notice a custodian is not liable for allowing remote access to the information.

(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 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.

(d) Access to Digital Media

Unless otherwise ordered by the court, digital media shall be viewable upon request at a terminal or kiosk located in a courthouse.

Committee note: Accessing digital media may involve playing a sound recording. The clerk should make appropriate accommodations to avoid disruptions to staff and patrons, including providing headphones at the terminal or kiosk.

Source: This Rule is derived from former Rule 16-910 (2019) and is in part new.

MARYLAND RULES OF PROCEDURE  
TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT  
CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 20-101 by adding new section (f); by adding a cross reference following new section (f); and by re-lettering sections (f) through (k) as (g) through (l), respectively; by deleting, as obsolete, sections (m) and (n); by re-lettering sections (l) through (x) as (m) through (w), respectively; by deleting each reference to “MDEC County” in this Rule, by adding the word “implements” to proposed new section (m); and by making stylistic changes, as follows:

Rule 20-101. DEFINITIONS

...

(f) Electronic Filing

“Electronic filing” means a filing capable of being entered into the MDEC system in accordance with the Rules in this Title. “Electronic filing” does not include digital media submitted and maintained on a digital storage platform approved by the State Court Administrator.

Cross reference: See Rule 20-106 (c) regarding submissions that are entered into the MDEC system.

(f)(g) Filer

...

(g)(h) Hand-Signed or Handwritten Signature



...

~~(h)~~(i) Hyperlink

...

~~(i)~~(j) Judge

...

~~(j)~~(k) Judicial Appointee

...

~~(k)~~(l) Judicial Personnel

...

~~(l)~~(m) MDEC or MDEC System

“MDEC” or “MDEC system” means the system of electronic filing and case management established by the Supreme Court.

Committee note: “MDEC” is an acronym for Maryland Electronic Courts. The MDEC system has two components. (1) The electronic filing system permits users to file submissions electronically through a primary electronic service provider (PESP) subject to clerk review under Rule 20-203. The PESP transmits registered users' submissions directly into the MDEC electronic filing system and collects, accounts for, and transmits any fees payable for the submission. The PESP also accepts submissions from approved secondary electronic service providers (SESP) that filers may use as an intermediary. (2) The second component--the electronic case management system--accepts submissions filed through the PESP, maintains the official electronic record ~~in an MDEC county~~, and performs other case management functions.

~~(m)~~ MDEC Action

“MDEC action” means an action to which this Title is made applicable by Rule 20-102.

~~(n)~~ MDEC County

~~“MDEC County” means a county in which, pursuant to an administrative order of the Chief Justice of the Supreme Court posted on the Judiciary website, MDEC has been implemented.~~

~~(e)(n)~~ MDEC Start Date

“MDEC Start Date” means the date specified in an administrative order of the Chief Justice of the Supreme Court posted on the Judiciary website from and after which a county first ~~becomes an MDEC County~~ implements MDEC.

~~(p)(o)~~ MDEC System Outage

(1) For registered users other than judges, judicial appointees, clerks, and judicial personnel, “MDEC system outage” means the inability of the primary electronic service provider (PESP) to receive submissions by means of the MDEC electronic filing system.

(2) For judges, judicial appointees, clerks, and judicial personnel, “MDEC system outage” means the inability of the MDEC electronic filing system or the MDEC electronic case management system to receive electronic submissions.

~~(e)(p)~~ Redact

...

~~(#)(q)~~ Registered User

...

~~(s)(r)~~ Restricted Information

...

~~(t)(s)~~ Scan

...

~~(u)~~(t) Signature

...

~~(v)~~(u) Submission

...

~~(w)~~(v) Tangible Item

...

~~(x)~~(w) Trial Court

...

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE  
TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT  
CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 20-106 by changing the term of art “MDEC action” to “action” throughout this Rule, and by adding new subsection (e)(3), as follows:

Rule 20-106. WHEN ELECTRONIC FILING REQUIRED; EXCEPTIONS

(a) Filers—Generally

(1) Attorneys

Except as otherwise provided in section (b) of this Rule, an attorney who enters an appearance in an ~~MDEC~~ action shall file electronically the attorney's entry of appearance and all subsequent submissions in the action.

(2) Judges, Judicial Appointees, Clerks, and Judicial Personnel

Except as otherwise provided in section (b) of this Rule, judges, judicial appointees, clerks, and judicial personnel, shall file electronically all submissions in an ~~MDEC~~ action.

(3) Self-represented Litigants

(A) Except as otherwise provided in section (b) of this Rule, a self-represented litigant in an ~~MDEC~~ action who is a registered user shall file electronically all submissions in the ~~MDEC~~ action.

(B) A self-represented litigant in an ~~MDEC~~ action who is not a registered user may not file submissions electronically.

(4) Other Persons

Except as otherwise provided in the Rules in this Title, a registered user who is required or permitted to file a submission in an MDEC action shall file the submission electronically. A person who is not a registered user shall file a submission in paper form.

Committee note: Examples of persons included under subsection (a)(4) of this Rule are government agencies or other persons who are not parties to the MDEC action but are required or permitted by law or court order to file a record, report, or other submission with the court in the action and a person filing a motion to intervene in an MDEC action.

(b) Exceptions

(1) MDEC System Outage

Registered users, judges, judicial appointees, clerks, and judicial personnel are excused from the requirement of filing submissions electronically during an MDEC system outage in accordance with Rule 20-501.

(2) Other Unexpected Event

If an unexpected event other than an MDEC system outage prevents a registered user, judge, judicial appointee, clerk, or judicial personnel from filing submissions electronically, the registered user, judge, judicial appointee, clerk, or judicial personnel may file submissions in paper form until the ability to file electronically is restored. With each submission filed in paper form, a registered user shall submit to the clerk an affidavit describing the event that prevents the registered user from filing the submission electronically and when, to the registered user's best knowledge, information, and belief, the ability to file electronically will be restored.

Committee note: This subsection is intended to apply to events such as an unexpected loss of power, a computer failure, or other unexpected event that

prevents the filer from using the equipment necessary to effect an electronic filing.

(3) Other Good Cause

For other good cause shown, the administrative judge having direct administrative supervision over the court in which an MDEC action is pending may permit a registered user, on a temporary basis, to file submissions in paper form. Satisfactory proof that, due to circumstances beyond the registered user's control, the registered user is temporarily unable to file submissions electronically shall constitute good cause.

...

(e) Exhibits and Other Documents Offered in Open Court

(1) Exhibits

(A) Generally

Unless otherwise approved by the court, a document offered into evidence as an exhibit in open court shall be offered in paper form. The document shall be appropriately marked.

Committee note: In a document-laden action, if practicable, the court and the parties are encouraged to agree to electronically prefilming documents to be offered into evidence, instead of offering them in paper form. Prefiling merely facilitates the offering of the document and does not constitute, of itself, an admission of the documents.

(B) Scanning and Return of Document

As soon as practicable, the clerk shall scan the document into the MDEC system and return the document to the party who offered it at the conclusion of the proceeding, unless the court orders otherwise. If immediate scanning is not feasible, the clerk shall scan the document as soon as

practicable and notify the person who offered it when and where the document may be retrieved.

(2) Documents Other than Exhibits

(A) Generally

Except as otherwise provided in subsection (e)(2)(B) of this Rule, if a document in paper form is offered in open court for inclusion in the record, but not as an exhibit, the court shall accept the document, and the clerk shall follow the procedure set forth in subsection (e)(1)(B) of this Rule.

Committee note: Examples of documents other than exhibits offered for inclusion in the record are written motions made in open court, proposed voir dire questions, proposed jury instructions, communications from a jury, and special verdict sheets.

(B) Certain Submissions by Registered Users

If a registered user offers a submission that requires prepayment of a fee, or an entry of appearance, whether or not a fee is required, in open court for inclusion in the record, but is not as an exhibit, the court may accept the submission conditionally, subject to it being electronically filed by the registered user. In criminal proceedings, the submission shall be filed by the end of the day that the submission was offered in court. In all proceedings other than criminal, the submission shall be filed no later than the end of the next business day after the submission was offered in court. If the registered user fails to file by the applicable deadline, the court may strike the submission.

(3) Digital Media

Digital media offered in open court and included in the record pursuant to Rule 2-516, 3-516, or 4-322 shall be (A) submitted using a digital storage platform approved by the State Court Administrator and (B) referenced in the MDEC system by docket entry.

...



MARYLAND RULES OF PROCEDURE  
TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT  
CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 20-107 by updating a reference to Rule 20-101 in the cross reference following section (a), as follows:

Rule 20-107. MDEC SIGNATURES

(a) Signature by Filer; Additional Information Below Signature

Subject to sections (b), (c), and (d) of this Rule, when a filer is required to sign a submission, the submission shall:

(1) include the filer's signature on the submission, and

(2) provide the following information below the filer's signature: the filer's address, e-mail address, and telephone number and, if the filer is an attorney, the attorney's identifying Attorney Number registered with the Attorney Information System. That information shall not be regarded as part of the signature. A signature on an electronically filed submission constitutes and has the same force and effect as a signature required under Rule 1-311.

Cross reference: For the definition of “signature” applicable to MDEC submissions, see Rule 20-101 ~~(u)~~(t).

...

MARYLAND RULES OF PROCEDURE  
TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT  
CHAPTER 300 – OFFICIAL RECORD

AMEND Rule 20-301 by changing the term of art “MDEC action” to “action” throughout this Rule, by adding new subsection (a)(4) pertaining to exhibits that are recordings, and by re-lettering current subsections (a)(4) through (a)(6) as (a)(5) through (a)(7), respectively, as follows:

Rule 20-301. CONTENT OF OFFICIAL RECORD

(a) Generally

The official record of an MDEC action consists of:

- (1) the electronic version of all submissions filed electronically or filed in paper form and scanned into the MDEC system;
- (2) all other submissions and tangible items filed in the action that exist only in non-electronic form;
- (3) the electronic version of all documents offered or admitted into evidence or for inclusion in the record at any judicial proceeding, pursuant to Rule 20-106 (e);
- (4) all audio, audiovisual, or video recording exhibits, including digital media, that are made part of the record pursuant to Rules 2-516, 3-516, or 4-322;
- (4)(5) all tangible items offered or admitted into evidence that could not be filed electronically or scanned into the MDEC system;

~~(5)~~(6) a transcript of all court recordings of proceedings in the MDEC action;  
and

~~(6)~~(7) all other documents or items that, for good cause, the court orders be part of the record.

(b) Hyperlinks

A hyperlink embedded in a submission is not a part of the official record unless it is linked to another document that is a part of the official record.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE  
TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT  
CHAPTER 300 – OFFICIAL RECORD

AMEND Rule 20-402 by clarifying the tagline of subsection (a)(2)(B) and by changing “audio-video” to “audiovisual” in subsection (a)(2)(B), 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 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.

(2) Transmittal of the Record to the Appellate Court

(A) Transmittal through MDEC

For purposes of Rule 8-412, the record is deemed transmitted to the appellate court when the lower court docket and transmits to the appellate court through the MDEC system a certified copy of the docket entries (“Case Summary”), together with a statement of the cost of preparing and certifying the record, the costs assessed against each party prior to the transmission of the record, and the cost of all transcripts and of copies, if any, of the transcripts for each of the parties.

(B) Transmittal of ~~Non-Electronic~~ Parts of the Record Not in Electronic Format in the MDEC System

The clerk shall (i) transmit to the appellate court as required under the Rules in Title 8 any part of the record that is not in electronic format in the MDEC system, including audio, ~~audio-video~~ audiovisual, or video recordings offered or used at a hearing or trial that have not been scanned into the MDEC system, and (ii) enter on the docket a notice (a) that the non-electronic part was so transmitted and (b) that, from and after the date of the notice, the entire record so certified is in the custody of the appellate court.

Cross reference: See Rules 8-412 and 8-413.

(b) Custody of Trial Court Submissions

Upon the docketing and transmittal provided for in subsection (a)(2) of this Rule, the record of all submissions filed on or prior to the date of the notice shall be deemed to be in the custody of the appellate court. Except as otherwise ordered by the appellate court, submissions filed in the trial court after the date of the notice shall not be part of the appellate record but shall be within the custody and jurisdiction of the trial court.

Committee note: Under MDEC, the electronic part of the record is not physically transmitted to the appellate court. It remains where it is but, upon entry of the notice referred to in sections (a) and (b), (1) it is regarded as within the custody of the appellate court, and (2) the judges, clerks, and other authorized employees of the appellate court have full remote electronic access to it. See section (d) of this Rule.

(c) Appellate Submissions During Pendency of Appeal

Subject to section (e) of this Rule and unless otherwise ordered by the appellate court, submissions filed with or by the appellate court during the

pendency of the appeal after the date of the docketing and transmittal pursuant to subsection (a)(2) of this Rule shall be part of the appellate court record.

(d) Remote Access by Appellate Judges and Personnel

During the pendency of the appeal, the judges, law clerks, clerks, and staff attorneys of the appellate court shall have free remote access to the certified record.

(e) Procedure Upon Completion of Appeal

Upon completion of the appeal, the clerk of the appellate court shall add to the record certified by the clerk of the trial court any opinion, order, or mandate of the appellate court disposing of the appeal and a notice that, subject to the court's mandate and any further order of the appellate court, from and after the date of the notice, the record is returned to the custody of the trial court. For purposes of Rule 8-606 (d), the record is deemed transmitted to the lower court when the appellate court's mandate is transmitted to the lower court through the MDEC system.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 21 - REMOTE ELECTRONIC PARTICIPATION IN

JUDICIAL PROCEEDINGS

CHAPTER 300 – CRIMINAL AND DELINQUENCY PROCEEDINGS

AMEND Rule 21-301 by moving the language of current section (b) to new subsection (d)(1); by re-lettering current section (c) as section (b); by adding new section (c) addressing the findings needed to permit testimony by remote electronic means over objection; by adding a cross reference after new section (c); by adding new section (d), consisting of subsection (d)(1) with the language of current section (b) and new subsection (d)(2) about the findings required in certain proceedings for testimony by remote electronic means; by re-lettering current section (d) as section (e); and by updating internal references throughout the Rule, as follows:

Rule 21-301. PERMISSIBLE REMOTE ELECTRONIC PARTICIPATION IN  
CRIMINAL AND DELINQUENCY PROCEEDINGS

(a) Proceedings Presumptively Appropriate for Remote Electronic Participation

Subject to the conditions in this Title, any other reasonable conditions the court may impose in a particular proceeding, and resolution of any objection made pursuant to ~~section (b)~~ subsection (d)(1) of this Rule, the court, on motion or on its own initiative, may permit or require one, some, or all participants to participate by means of remote electronic participation in all or any part of the following types of criminal and delinquency proceedings:

- (1) appearances pursuant to bench warrants;
- (2) bail reviews;
- (3) expungement hearings;
- (4) hearings concerning non-incarcerable traffic citations for which the law permits, but does not require, that the defendant appear;

Cross reference: See Code, Transportation Article, § 16-303(h).

- (5) hearings concerning parking citations;
- (6) initial appearances for detained defendants;
- (7) juvenile detention hearings where the respondent already is detained;
- (8) motions hearings not involving the presentation of evidence;
- (9) pretrial hearings involving Rule 5-702 where the proposed expert witness is the sole participant to appear remotely;
- (10) proceedings in which remote electronic participation is authorized by specific law;

Cross reference: See Code, Criminal Procedure Article, § 11-303.

- (11) proceedings involving Rule 4-271 (a)(1) or the application of State v. Hicks, 285 Md. 310 (1979) or its progeny, other than a motion to dismiss that involves the presentation of evidence; and

- (12) with the knowing and voluntary consent of the defendant pursuant to subsection ~~(e)(2)~~(b)(2) of this Rule:

- (A) discharge-of-counsel hearings;
- (B) plea agreements not likely to result in incarceration or where the defendant already is incarcerated;



(C) sentencings; and

(D) three-judge panel sentencing reviews.

~~(b) Objection by a Party~~

~~Upon objection by a party in writing or on the record, the court, before requiring remote electronic participation in any proceeding, shall make findings in writing or on the record that (1) remote electronic participation is not likely to cause substantial prejudice to a party or adversely affect the fairness of the proceeding and (2) no party lacks the ability to participate by remote electronic participation in the proceeding.~~

~~(e)~~(b) Other Criminal and Delinquency Proceedings by Consent

(1) Generally

Subject to the conditions in this Title and any other reasonable conditions the court may impose in a particular case, one, some, or all participants may participate by remote electronic participation in all or any part of any other proceeding in which the presiding judicial officer and all parties consent to remote electronic participation.

(2) Consent by Defendant or Respondent

The court may not accept the consent of a defendant or respondent to waive an in-person proceeding pursuant to ~~subsections (a)(12) or (e)(1)~~ subsection (a)(12) or (b)(1) of this Rule unless, after an examination of the defendant or respondent in person or by remote electronic participation on the record in open court conducted by the court, the State's Attorney, the attorney for the defendant or respondent, or any combination thereof, the court

determines and announces on the record that the consent is made knowingly and voluntarily. The consent of a defendant or respondent pursuant to this subsection is effective only for the specified proceeding and not for any subsequent proceedings.

(c) If No Presumption or Consent

In a criminal or delinquency proceeding not described in subsections (a)(1) to (a)(11) of this Rule, the court may allow testimony by means of remote electronic participation over the objection of a party only upon a finding that:

(1) there is a necessity for the witness to testify remotely;

(2) the equipment and procedures for such testimony comply with the requirements of Rule 21-104; and

(3) requiring in-person testimony would undermine important public policy considerations in the administration of justice.

Cross reference: See *Maryland v. Craig*, 497 U.S. 836 (1990); *Spinks v. State*, 252 Md. App. 604 (2021); and *White v. State*, 223 Md. App. 353 (2015).

(d) Objection by a Party; Findings

(1) Generally

Upon objection by a party in writing or on the record, the court, before requiring remote electronic participation in any proceeding, shall make findings in writing or on the record that (1) remote electronic participation is not likely to cause substantial prejudice to a party or adversely affect the fairness of the proceeding and (2) no party lacks the ability to participate by remote electronic participation in the proceeding.

(2) Additional Findings

In ruling on an objection to the taking of testimony by remote electronic means in a criminal or delinquency proceeding not described in subsections (a)(1) to (a)(11) of this Rule, the court also shall make findings with respect to the requirements set forth in section (c) of this Rule.

~~(d)~~(e) Conditions of Remote Electronic Participation by Witness

Unless otherwise ordered by the court, conditions of remote electronic participation in criminal and delinquency proceedings shall include ensuring that a witness:

(1) is alone in a secure room when testifying, and, upon request, shares the surroundings to demonstrate compliance;

Committee note: Subsection ~~(d)~~(e)(1) of this Rule aims to mirror the separation between a witness and an attorney for the witness while the witness is providing testimony. This subsection does not prohibit remote electronic participation in a proceeding by an attorney for a witness. Nothing in this Rule shall preclude accommodations for a child witness or a witness who otherwise needs assistance when testifying.

(2) is not being coached in any way;

(3) is not referring to any documents, notes, or other materials while testifying, unless permitted by the court;

(4) is not exchanging text messages, e-mail, or in any way communicating with any third parties while testifying;

(5) is not recording the proceeding; and

(6) is not using any electronic devices other than a device necessary to facilitate the remote electronic participation.

Committee note: Section ~~(d)~~(e) of this Rule is not intended to limit any other reasonable conditions that the court may impose for remote electronic participation or to preclude the court from authorizing an accommodation

under the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq. and Rule 1-332.

The Rules Committee endorses two caveats stated in the March 9, 2022 Report of the Judicial Council's Joint Subcommittee on Post-COVID Judicial Operations:

(1) Remote proceedings generally are not recommended when the finder of fact needs to assess the credibility of evidence but may be appropriate when the parties consent or the case needs to be heard on an expedited basis and remote proceedings will facilitate the participation of individuals who would have difficulty attending in person; and

(2) Where a judicial officer has discretion to hold or decline to hold a remote proceeding, the judicial officer should consider (i) the preference of the parties, (ii) whether the proceeding will involve contested evidence, (iii) whether the finder of fact will need to assess witness credibility, (iv) the availability of participants who will be affected by the decision, (v) possible coaching or intimidation of witnesses appearing remotely, (vi) access by witnesses to technology and connectivity that would allow participation, (vii) the length and complexity of the proceeding, (viii) the burden on the parties and the court, (ix) whether remote participation will cause substantial prejudice to a party or affect the fairness of the proceeding, (x) a defendant's or juvenile respondent's right of confrontation, and (xi) any other factors the judicial officer considers relevant.

Source: This Rule is derived in part from recommendations made in the March 9, 2022 Report of the Judicial Council's Joint Subcommittee on Post-COVID Judicial Operations and from former Rules 2-802 and 2-803 (2023), and is in part new.