

IN THE COURT OF APPEALS OF MARYLAND

FURTHER AMENDING ADMINISTRATIVE ORDER PERTAINING TO THE
EVACUATION AND/OR CLOSING OF COURTS AND JUDICIARY OFFICES DUE
TO EMERGENCIES

WHEREAS, On November 21, 2001, an Administrative Order was issued, which recognized the necessity of delegating the authority to evacuate and/or close courts and clerks' offices in instances of emergency conditions, and established criteria and procedures by which that authority was to be exercised; and

WHEREAS, Courts must be vigilant in protecting and preserving the rights of litigants, within existing legal provisions, when evacuating and/or closing a court becomes necessary; and

WHEREAS, The November 21, 2001 Order recognized the need for coordination of court evacuations and/or closings; and

WHEREAS, Expansion of and clarification of the procedures and criteria governing evacuations and/or closings are appropriate.

NOW, THEREFORE, I, Robert M. Bell, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, and Maryland Rules 16-106a and 16-304, do this 19th day of January, 2012, effective immediately, amend the Administrative Order, dated November 21, 2001, as follows:

1. Definitions.

a. In general. In this Order, the following words have the meanings stated.

b. Annapolis Complex. “Annapolis Complex” means the District Court Headquarters, the Administrative Office of the Courts, court-related agencies, and appellate court clerks’ offices.

c. Emergency Condition. “Emergency Condition” means a disaster or event of such a magnitude and/or scope that the welfare or safety of citizens and of court staff would be seriously endangered were a court, office or agency not evacuated and/or closed.

2. Authority.

a. Subject to the provisions of paragraph 6 of this Order, a decision regarding whether to evacuate and/or close a court, the office of a clerk of court, or a court-related agency, or other Judiciary office as a result of an emergency condition, is to be made as follows:

(1) by the Chief Judge of the Court of Appeals, as to an emergency condition or threat affecting the entire Judiciary statewide;

(2) by the Chief Judge of the Court of Appeals, as to the Court of Appeals and its Clerk’s office; as well as to the office of the Clerk of the Court of Special Appeals, when the Court is not in session; the Administrative Office of the Courts; the following court-related agencies: the Office of Communications and Public Affairs; the State Law Library; the Mediation and Conflict Resolution Office, the Attorney Grievance

Commission, the Commission on Judicial Disabilities, the Standing Committee on Rules of Practice and Procedure, and the State Board of Law Examiners; and other personnel of the Judiciary not otherwise covered by this Order;

(3) by the Chief Judge of the Court of Special Appeals, as to the Court of Special Appeals and, when the Court is in session, its Clerk's office;

(4) by County Administrative Judges, in consultation with Circuit Administrative Judges, as to Circuit Courts, and the Clerks' offices within counties;

(5) by the Chief Judge of the District Court, as to District Court Headquarters; and

(6) by a District Administrative Judge, as to a District Court location(s) and supporting facilities and personnel within the Judge's District.

b. The authority under this paragraph shall be exercised, whenever possible, in consultation with the Chief Judge of the Court of Appeals or the Chief Judge's designee.

3. Considerations. A court, office or agency is to be evacuated and/or closed only in the case of emergency conditions, as defined in paragraph 1.c. of this Order. In making this decision, a judge must be mindful of the fact that the courts labor under a heavy burden of cases and that it can be seriously disruptive to litigants, witnesses, victims, and others if a court or clerk's office is evacuated and/or closed unnecessarily. Therefore, every effort should be made not to close a court, office or agency unless absolutely essential to do so. Furthermore, even if jurors are excused from duty because of an emergency, a judge should decide separately whether non-jury courts should be closed and whether judges and other court personnel should be released from duty.

4. Coordination By The Trial Courts.

a. To the extent that an emergency condition affects both trial courts in a geographic area, every effort should be made to coordinate evacuations and/or closings of the Circuit and District Courts in that area. In an emergency situation, each Circuit or District Administrative Judge contemplating an evacuation and/or closing is directed to communicate with every appropriate Circuit or District Administrative Judge to effect such coordination. Whenever possible, joint decisions should be made and announcements given to the media dealing with all trial courts and clerks' office in an affected area.

b. A Circuit Administrative Judge preparing to close a court due to an emergency condition that may affect more than one court in the Circuit first should communicate with each affected County Administrative Judge within the respective Circuit and should ask the County Administrative Judge to discuss closing with the Clerk of the Circuit Court for the county. There may, however, be instances involving emergencies when the judge may not be able to communicate fully.

c. A District Administrative Judge preparing to close a court due to an emergency condition that may affect more than one court first should communicate first with each affected judge sitting as a District Court in the District. There may, however, be instances involving emergencies when the judge may not be able to communicate fully.

5. Coordination By The Appellate Courts, Court-Related Agencies, the Administrative Office of the Courts and the District Court Headquarters. To the extent that an emergency affects a Judicial Branch unit other than a trial court, every

effort should be made to coordinate evacuations and/or closings with other units in the affected geographic area. Each Chief Judge contemplating such action is expected to communicate with the other judges who might be considering an evacuation/closing in the area and, as appropriate, to notify the Circuit and District Administrative Judges in the area. Whenever possible, decisions should be made and announcements given to the media dealing with all the affected courts, clerks' offices and agencies.

6. Inclement Weather Conditions Affecting the Annapolis Complex.

a. Procedure. In the event of inclement weather conditions or anticipated inclement weather, the District Court Headquarters, the Administrative Office of the Courts, court-related agencies and the appellate court clerks' offices (the "Annapolis Complex") will adhere to the following procedure:

(1) If neither the Court of Appeals, nor the Court of Special Appeals is in session and both trial courts in Anne Arundel County are closed, the Annapolis Complex will be closed.

(2) If the decision is made that the Court of Appeals and/or the Court of Special Appeals will remain in session, and both trial courts of Anne Arundel County are closed, the Annapolis Complex will be closed, with the exception of the sitting court(s) and both Clerks' offices.

(3) If the trial courts of Anne Arundel County have not closed, the Director or Deputy Director of Emergency Preparedness shall consult with the appropriate state and local officials to prepare a recommendation to provide to the Chief Judge of the Court of Appeals. The decision as to whether to close the Annapolis Complex will be at the sole discretion of the Chief Judge of the Court of Appeals or the Chief Judge's designee.

(4) Any closure/liberal leave shall be reported to the inclement

weather hotline at (410) 260-1555, by no later than 6:00 a.m. on the morning of a full day closure/liberal leave.

7. Notice; Order. So that there will be a central source of information with respect to which courts, offices and agencies are operational, all decisions to evacuate and/or close shall be communicated to the Administrative Office of the Courts and the Office of Communications and Public Affairs initially by calling the Judiciary's message center at (410) 260-1390. After the emergency has ended, all evacuations and/or closings shall be documented (a sample form for such purposes is attached).

8. Reopening; Filing of Papers. Courts and clerks' offices shall assure that litigants shall be entitled to file papers after a court closure in conformance with Maryland Rule 1-203(a), which provides that if it is the last day of a period permitted for the filing of a paper in court "and the office of the clerk of that court on the last day of the period is not open, or is closed for a part of the day ... the period [for filing] runs until the end of the next day that is not a Saturday, Sunday, holiday, or a day on which the office is not open during its regular hours."

9. Retention of Orders. The State Court Administrator shall forward to the Clerk of the Court of Appeals copies of orders related to closings under paragraph 7 of this Order, for retention.

/s/ Robert M. Bell
Robert M. Bell
Chief Judge of the Court of Appeals

Filed: January 19, 2012

/s/ Bessie M. Decker
Bessie M. Decker
Clerk
Court of Appeals of Maryland

ADMINISTRATIVE ORDER

Pursuant to the Administrative Order Pertaining to the Evacuation and/or Closing of Courts and Judiciary Offices Due to Emergencies, dated January ___ 2012, it was directed on _____ (date) that because of an emergency condition to wit: _____, and after requisite consultations that the Courts of Appeal Building, Maryland Judicial Center, Annapolis Complex, Circuit Court for _____ District Court in _____

was:

- evacuated at _____ o'clock am/pm and returned to operation at _____ o'clock am/pm

- closed at _____ am/pm/for the remainder of the day

- closed for the day

Chief Judge/Administrative Judge

cc: State Court Administrator
Office of Communications and Public Affairs