THE CIRCUIT COURT FOR DORCHESTER COUNTY
STATE OF MARYLAND

Administrative Order
2009-03

WHEREAS, Judges, Masters and the Clerk of this Court have noted that there is confusion among some members of the Bar with respect to the protocol for filing an Ex Parte Show Cause Order requesting emergency relief; and

WHEREAS, this Court finds that it would be in the interest of judicial efficiency to formalize the protocol to be followed by those requesting ex parte relief from the Court;

NOW, THEREFORE, IT IS HEREBY ORDERED, this _16th_ of _September_, 2009, by the Circuit Court for Dorchester County, Maryland, that the attached protocol for processing Ex Parte Show Cause Orders and Emergency Relief is hereby implemented by the Circuit Court for Dorchester County, Maryland, effective immediately; and

IT IS FURTHER ORDERED that a copy of the protocol shall be filed with the Clerk of the Court and shall be distributed to the Standing Master, the Family Support Services Coordinator, the Administrative Assistant to the Judge, the Judicial Law Clerk and each member of the Bar regularly practicing in the Dorchester County Circuit Court.

Brett W. Wilson, Administrative Judge for
the Circuit Court for Dorchester County,
Maryland

Circuit Court for Dorchester County's Administrative Protocol for Processing Ex Parte Show Cause Orders and Emergency Relief

1) Filing of a written Petition with the Clerk of Court is a prerequisite for any judicial consideration.

2) The Clerk will immediately forward Petitions/Motions for Emergency or Ex Parte Relief to the Judge's chambers identifying the urgent nature of the requested relief.

3) Requests for Emergency or Ex Parte Relief must:

   (a) Identify the legal basis for requesting emergency or ex parte relief.

   (b) Be supported by affidavit setting forth personal knowledge of specific facts demonstrating the reason immediate, substantial, irreparable harm warrants relief before an adversarial hearing can be scheduled/conducted. Rule 15-504.

   (c) Set or waive the requirement for a bond, if a bond is required.

   (d) Detail all efforts to notify the opposing party of the (i) filing of the Petition, (ii) the time and place the moving party intends to confer with the court, and to reach agreement with the opposing party regarding same, or (iii) set forth all facts explaining why the moving party would be prejudiced if required to satisfy the notice requirement set forth in Sections (i) and (ii) herein.

   (e) Include all known contact information regarding all respondents, including all known addresses, telephone numbers, and/or e-mail addresses.

4) If the Court denies the requested Emergency/Ex Parte Relief for lack of merit, the denial shall be docketed by the Clerk. Rule 15-504(c).

5) If the Court finds merit in the requested relief, the Court shall schedule a chambers conference with the parties or schedule an emergency hearing, unless the Court is satisfied that the moving party would be prejudiced unless the Ex Parte Order is signed in advance of said notice. The moving party must then notify the opposing party(ies) of the time, place and purpose of the chambers conference or hearing. If the opposing party does not appear for the conference or hearing, the moving party shall certify in writing that notice was given to the opposing party, or that specified efforts, commensurate with the circumstances, were made to give notice. If necessary, the opposing party or their attorney may be permitted to participate by telephone. The Court will determine whether immediate relief should be granted on a temporary basis, or whether a hearing should be scheduled as soon a possible, or both.

6) Request for Emergency Relief should:

   (a) Include a proposed Order to Show Cause why the emergency relief requested should not be granted with a hearing date to be filled in by the Assignment Clerk for service upon the opposing party or parties;

   (b) Include a Motion to Shorten Time to Answer pursuant to Maryland Rule 1-204.

Statutory Authorities:

MD Rule 1-204

MD Rule 1-351

MD Rule 15-504