GUIDELINES FOR REMOTE HEARINGS IN THE MARYLAND TRIAL COURTS

Pursuant to Maryland Rules 2-802, 2-803 and 3-513.1, the Maryland trial courts are authorized to permit remote electronic participation in judicial proceedings. In both the Circuit and District Courts, remote electronic proceedings may be conducted in either evidentiary or non-evidentiary matters at the discretion of the judge, and the court may permit or require one or more participants, or all participants, to join the proceeding by means of remote electronic communications.

These guidelines contain useful information relevant to the conduct of remote hearings in Maryland's trial courts.

- The preferred platform used by the trial courts to conduct remote hearings is Zoom for Government, although other platforms may be used by the courts.
- Any platform used by the courts must provide for encryption for all remote court proceedings, role-based user security, and password protection.
- The court where the hearing is being scheduled should be contacted for more information regarding the process for participating in a remote hearing.
- All hearings will be recorded by the Judiciary to serve as the official court recording.
- The court, or other designated court personnel are the only persons authorized to record the remote hearing by electronic means, stenography or any other method. Any recording, photograph, broadcast, or live stream by a party or other person of a remote hearing without the permission of the court is **strictly forbidden**.
- Any platform used by the trial courts to conduct remote court proceedings will include a means by which attorneys may confidentially speak with clients.
- Except as otherwise directed by the judicial officer, all remote judicial proceedings will be conducted in accordance with the same standards as hearings traditionally conducted in a courtroom.
- All remote judicial proceedings will be conducted in accordance with the Maryland Rules.
- If a remote hearing is disrupted due to audio or video technical difficulties, the judicial officer may delay, postpone, or require an in-person appearance.
- If a party is not able to participate by remote means, they should contact the court promptly.

CONDUCT OF THE HEARING, PARTICIPANTS, AND EXHIBITS

At the discretion of the judicial officer or per the guidelines established by the administrative judge or their designee, hearings in contested and uncontested criminal, civil, family or juvenile proceedings may be undertaken by way of remote hearing either telephonically or using video conferencing technology. The precise method in which a remote hearing will be conducted remains within the discretion of the judge assigned to the individual case, within the bounds of applicable law, rules, and practice procedures.

Holding a hearing remotely requires proper preparation and planning. The following procedures are among the actions that courts may take prior to any contested remote hearing:

a. Unless a remote hearing has been set by the court on its own motion, attorneys or parties may request a remote hearing by filing a motion to set a telephonic or video remote hearing, and a proposed order granting the motion. If the motion is e-filed through File & Serve, actual signatures, or signatures that comply with Maryland Rules 20-101(t) and 20-107 are required. The assigned judge will then review the file and either approve the order or deny it and make a docket entry as to why. The judge may also conduct a remote video or telephonic hearing on the motion. A motion filed without a proposed order may not be seen nor acted upon by a judge.

b. Upon entry of an order authorizing a remote hearing, and unless the hearing date has already been scheduled, counsel or unrepresented parties shall call the Court Assignment Office or the District Court clerk's office to schedule the hearing.

HEARING PARTICIPANTS

c. As remote proceedings rely on utilizing email contact information and telephone numbers to participate, a court may request that **prior to a remote hearing** the parties file a list containing the names and email addresses of the attorneys, parties and witnesses (if any) who will attend the hearing. Court personnel may also ask parties directly for email or telephonic contact information to ensure remote hearing details are adequately provided.
d. All persons must use their real names (not aliases) while online to ensure they will not be prevented from entering the hearing.
e. On the day of a video hearing, it is the responsibility of the attorneys to ensure their clients and witnesses are available and ready to proceed at the appointed time.
f. Where a witness attends the remote hearing, the witness will be sworn or affirmed by the clerk or the judicial officer prior to commencement of their testimony. In addition, unless otherwise ordered by the court:

    1) The witness is to be alone, in a secure room with the doors closed. A record will be made by the judicial officer of those conditions.
    2) Participants should wear appropriate attire and present themselves as they would if they were appearing in a physical courtroom.
    3) Participants are to ensure that there will be no interruptions or distractions for the duration of their appearance at the remote hearing.

EXHIBITS

g. To the extent possible, the courts advise that exhibits should be pre-filed **at least three court days in advance of your remote hearing**. To properly prepare for remote hearings and to address any issues with the exhibits prior to the hearing, it is critical that the court receive the exhibits as timely as possible.
h. The options for pre-filing proposed exhibits with the court are as follows: The first option is for registered MDEC users to pre-file proposed exhibits using File & Serve, as described more fully in the Appendix to these guidelines. The second option, if allowed by the court, is for the parties to mail via U.S. Mail the proposed exhibits to the court clerk. The third option is for exhibits to be dropped in a physical drop box at least three business days in advance of the hearing.
An index must accompany the Exhibits, and case information must be included, as well as contact information should there be any questions.

i. The court may allow exhibits not submitted prior to the hearing to be used at the hearing, such as documents used for impeachment. At the court's discretion, the court may consider allowing a party to transmit an exhibit to the court during the hearing via email, File & Serve, or other method approved by the court.
j. Attorneys of record and self-represented litigants may receive a notice via email or telephone prior to a video hearing with access instructions.

k. Upon conclusion of the hearing the clerk shall not be obligated to maintain any proposed exhibits that were not made part of the court record and may delete them from an e-mail inbox, virtual drop box or other virtual storage folder at the clerk's convenience.

COURT INTEPRETERS

l. Courts will follow the standard process of assigning court interpreters to hearings and utilize the Schedule Interpreter platform to schedule court interpreters for video hearings.
m. A hearing requiring an interpreter may utilize virtual scheduling services or can engage staff interpreters as participants in the remote hearing.
n. Interpreters may join attorneys and clients in confidential consultations as necessary.

PUBLIC ACCESS

o. Courts will allow members of the public and press to access remote hearings with the exception of non-public hearings via audio conference/telephone access.
p. The courts will provide information on audio access via the clerk's office or posted online.

RESOURCES

Maryland Courts Self Help Centers

Self Help Centers: https://www.mdcourts.gov/selfhelp

District Court: https://mdcourts.gov/legalhelp/districtctselfhelpctr

Family Law: https://www.mdcourts.gov/family/familyselfhelp

Self Help Videos for the Self-Represented: https://www.mdcourts.gov/reference/videolibrary

People's Law Library: https://www.peoples-law.org/

Court Language Services (spoken language and American Sign Language (ASL)): https://www.mdcourts.gov/courts/courtlanguageservices

Accommodations: https://mdcourts.gov/legalhelp/accommodations

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APPENDIX

Filing Exhibits for Remote Hearings via File and Serve

Due to the COVID-19 pandemic, Maryland trial courts are increasing the use of remote hearings. The preferred Judiciary platform for remote hearings is Zoom for Government.

Filers may pre-file exhibits for **remote hearings** through File and Serve. A new filing code - **Pre-Filed Exhibit** - must be selected when uploading any pre-filed exhibit for a remote hearing. Documents uploaded with this filing code will default to a new security type, **Pre-Filed Exhibit.** Use of this filing code and security type will exclude these documents from the case record until offered as evidence and admitted or denied admission by the judge during the hearing.

Note: Pre-filing of exhibits does not constitute admission of the documents.

Filer Steps

1. Create a lead document for each separate exhibit through File & Serve, using the **Pre-Filed Exhibit** filing code (screenshot item 1). If the correct code is not selected, the clerk may not recognize the document as a hearing/trial exhibit. This could cause the document to become part of the record when it should not. The document security will default to the new security type after the document is uploaded (screenshot item 2).
2. Clearly title the exhibit document before uploading. Recommended naming convention to include a pre-filed exhibit number, the submitting party and a description of the exhibit: **Pre-Filed#1_Plaintiff Smith_Aug2020BankStatement.** This description should make it easier to locate the appropriate exhibit during a hearing. (screenshot item 3)
3. Use a filing description similar to the recommended exhibit naming convention to differentiate between multiple pre-filed exhibit submissions. (screenshot item 4)

Court reviewers will need to be aware that these filings default to a Pre-Filed Exhibit security group when submitted. Accepting the filing with no change to the document security prevents it from being docketed. Modifying the filing code or the document security to public or confidential during review will result in docketing the filing. Pre-filed exhibits for remote hearings should not be docketed until offered as evidence and admitted or denied admission by the judge during the hearing.

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