

SEAN D. WALLACE
CIRCUIT COURT JUDGE
SEVENTH JUDICIAL CIRCUIT
CHAIR
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LINDA FALLOWFIELD
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CONFERENCE OF CIRCUIT JUDGES
COMMITTEE ON COMPLEX LITIGATION

NOTES FROM JUNE 4, 2021 MEETING
MEDICAL MALPRACTICE WORK GROUP

Time: 1:00 – 2:00 pm

Place: Virtual (Zoom)

Attendees:

Judge Wallace
Judge Killough
Andrew Burnett
Charlene Notarcola

Judge Ensor
Judge J. Rubin
Mairi Maguire
Anne Marie SanGiovanni

Staff:
Linda Fallowfield

Next Work Group Meeting August 17, 2021, 4:30 – 6:00 pm via Zoom

Minutes

Meeting commenced with introductions from the members of the Work Group (WG). Judge Wallace, Chair of the Committee on Complex Litigation, explained that the role of the WG would be to look at how medical malpractice (MEDMAL) claims are handled and to offer recommendations on how to improve the process. Judge Wallace stated that the WG's mission covers everything related to the processing of MEDMAL claims and may also include providing best practices.

Discussion was wide ranging at first but settled into a discussion of issues with scheduling orders. The WG noted that jurisdictions vary in how scheduling orders are handled – some courts are amenable to modifying the scheduling orders; other courts are less amendable. One WG member noted that having uniformity in all the jurisdictions regarding scheduling orders would be preferable. Additional issues were raised: how the scheduling order is reached: e.g., by conference or does the court issue the order on its own; specially assigned judges at the beginning, and mediation. Judge Wallace stated that the WG could make recommendations to the CCJ regarding scheduling orders.

Judge Ensor stated that one of the goals of the WG should be to cut down on the paperwork and make the process more user friendly. One WG member agreed stating that a streamlined process and elimination of perfunctory paperwork would be good.

The Coordinator was asked to send an email to the MBSA soliciting comments and recommendations from the MEDMAL community.

Due Date

Action Items for the WG Members:

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| 1) Collect and provide scheduling orders for consideration by the WG (provide to Coordinator) | August 15, 2021 |
| 2) Consider and provide appropriate timeframes for motions for consideration by the WG (provide to Coordinator) | August 15, 2021 |
| 3) Provide additional recommendations/topics for consideration by the WG (provide to Coordinator) | August 15, 2021 |

Action Items for Staff:

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| 1) Send email to MSBA requesting it to circulate an email to MEDMAL legal community requesting comment and recommendations | June 16, 2021 |
| 2) Compile responses to Action Items and circulate to WG members | August 16, 2021 |