

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

MINUTES FROM MARCH 10, 2022

Time: 4:30 – 6:00 pm

Place: Virtual (Zoom)

Attendees:

Judge Wallace, Chair
Judge Beckstead
Judge Ensor
Judge Fletcher-Hill

Judge Kehoe
Judge Pauler
Judge Rubin

Staff:

Gray Barton

Next Committee Meeting

June 16, 2022, 4:30 – 6:00 pm via Zoom

Minutes

Approved

Business & Technology Workgroup

The Chair from the Business & Technology then gave an update on the workgroup. He discussed the Bootcamp's program and quality of speakers. He stated that the presenters will provide good and usable program materials for the attendees to take home. It is anticipated that the program will proceed in-person without any restrictions at the Maryland Judicial Center, 187 Harry S. Truman Parkway, Annapolis, MD 21401 on April 20-21, 2022.

The Chair is asking that all who are not currently register to attend

(<https://www.eventbrite.com/e/maryland-business-technology-bt-judicial-bootcamp-tickets-196535602277>) At the time of the meeting, there are 49 people registered.

Request to Review MACRO Mediator Applications

The Chair discussed the request received by the MACRO Program Director, Cynthia Jurrius regarding the approval of mediators for B&T and MedMal cases. Rule 17-207 provides that the “Committee of Program Judges” would rule on mediator applications, but the Committee of Program Judges no longer exists. The Committee approved of this interpretation and recommendation.

Judge Wallace will recommend that the Conference of Circuit Judges designate the Committee on Complex Litigation to take over that responsibility at the next CCJ meeting on March 21, 2022.

MedMal Workgroup

The MedMal Workgroup has been asked by the Conference of Circuit Judges to report on best practices in rescheduling medical malpractice cases as courts re-open following COVID restrictions. Chair of this workgroup, Judge Beckstead, asked this committee how they may be addressing any backlog of MedMal cases in their jurisdictions, which in turn, impacts case time standards, so she can take to her workgroup.

Many agreed that until there is a realistic trial date looming, parties are reluctant to settle. So, the lifting of trial postponements should help with the backlog. Some suggestions were to:

- Prioritize older cases on the trial calendar. It was discussed that advancing trial of older cases is complicated because trial counsel have numerous cases pending in different jurisdictions. Therefore, increased coordination between the counties to resolve conflicts would be beneficial.
- One idea was to double-book trial dates despite a conflict with the understanding that if both cases go forward, the case set first would proceed first. This was in recognition of the fact that the vast majority of all medical malpractice cases settle before the trial date.
- Request that the lead trial lawyer be present for scheduling conferences (remotely if necessary) with their trial calendar and case filing dates, to better understand counsel’s other calendared items. Frequently, the lawyer who attends a scheduling conference may have little real insight into the complexities of the case and the demands of lead counsel’s competing cases.
- Any trial over 3-4 days be required to file an ADR form.
- Authorize increased use of senior judges to assist in presiding over medical malpractice cases (or free resident judges to do so) while the backlog is remedied.
- Hold status conferences perhaps six months prior to trial, or periodically, to assess whether the existing trial dates will be realistic in light of the potential for adding parties, dismissing parties, stipulations to liability, and other such matters.

The MedMal Workgroup next meets on March 15, 2022 at 4:00 pm.

Action Items for Committee Members

- 1) Register for the Bootcamp if you plan to attend.

Action Items for Staff

Circulate Minutes to Committee Members
Send out invite for March 10, 2022, Committee Meeting