

STATE COURT ADMINISTRATOR POLICY ON DEFICIENCIES AND STRIKINGS FOR CLERKS

Deficiencies

[Rule 20-103\(b\)\(1\)](#) states that the State Court Administrator has the authority to “adopt policies and procedures that are necessary or useful for the proper and efficient implementation of the MDEC System.” These policies and procedures may be supplemented by “examples of deficiencies in submissions that the State Court Administrator has determined constitute a material violation of the rules in Title 20 or an applicable policy or procedure and justify the issuance of a deficiency notice under [Rule 20-203\(d\)](#).”

- If a deficiency is cured prior to sending the notice of deficiency, the clerk should not send a deficiency notice. Just add a comment to the case file.
- If a party is represented by an attorney, service of a deficiency notice should be made only upon the attorney unless service upon the party is ordered by the court. See [Rule 1-321\(a\)](#).
- A copy of a deficiency notice should not be sent to an unserved party.
- It has been determined that deficient filings received over the counter and by mail should not be docketed in MDEC. These filings should be returned to the filer with a [MDJ-006 Returned Paper Filing Status Notice – MDEC Action](#) and the form should be docketed in the case. The Returned Paper Filing Status Notice form is a new form created to accompany a paper filing in an MDEC action that is returned to the person submitting a filing without scanning the submission into Odyssey. The completed Returned Paper Filing Status Notice form lists the reason(s) for the return and the notice is to be scanned into the case file. The case event code **RPFSN** should be used for docketing the status notice.

To promote uniformity and to improve the efficient, timely and correct processing of submissions in Odyssey, failure of a submission to comply with the following should be considered a DEFICIENCY pursuant to Maryland [Rule 20-203\(d\)](#):

DISCOVERY MATERIAL: Discovery material filed through File & Serve will be REJECTED. See [20-206](#), which provides that the MDEC system shall not accept the filing of the discovery material itself. Discovery material may be submitted for service only.

ELECTRONIC FILING PROHIBITED: A submission may not be filed electronically if prohibited by [Rule 20-106\(c\)\(2\)](#).

FILE NAMES: The electronic file name for each submission shall relate to the title of the submission. If a submission relates to another submission, the file name and the title of the submission shall make reference to the submission to which it relates. [Rule 20-201\(i\)](#).

FEES: All required fees must be paid. [Rule 20-201\(l\)](#).

INCORRECT CODES: Subject to [20-203\(b\)\(1\)](#) permitting the clerk to “correct errors of non-compliance that apply to the form and language of the proposed docket entry...,” a submission should contain the correct filing code.

LEGIBILITY AND ORIENTATION: The submission must be completely legible and must be scanned with the proper orientation (e.g., not upside down, sideways, blurry, or contain blank pages).

MULTIPLE SUBMISSIONS: In any one case multiple submissions (including proposed orders) must be submitted in the same envelope as separate PDF files. [Rule 20-201\(e\)](#).

OMNIBUS MOTIONS: MDEC does not permit omnibus motions, which have been replaced by three (3) filing codes which require separate PDFs: 1) Motion/Demand for Speedy Trial; 2) Motion/Request/Demand for Discovery and Inspection 3) Motion to Suppress/Exclude Evidence, Dismiss, or Sever. See the MDEC Policies and Procedures Manual for additional details.

PARTY NAMES: Identical reference to the name of each party (spelling, first name, middle name(s), last name(s), initial(s), and other identifiers) is required wherever that party’s name is referred to in writing/electronically, including but not limited to: in the pleading or other submission, party field, and File and Serve.

PROPOSED ORDERS: Unless it is contained in a form issued by the Judiciary, a proposed order must be submitted as a separate document, must be identified as a proposed order, and must be identified as relating to the motion or other request for court action to which the order pertains. [Rule 20-201\(k\)](#). Therefore, if the motion (or other request for relief) and order are contained in a form issued by the court, the order may be contained in the same PDF as the motion or request. Do not issue a deficiency notice.

RELATION TO CASE: A submission must relate to the case in which it was filed. Failure to abide by this provision will cause the submission to be REJECTED, not stricken or subject to a deficiency notice pursuant to Rule 20-203.

REQUEST FOR A HEARING: Notwithstanding any other provision contained in this document, a request for hearing on a motion or other request may be contained in the same PDF as the motion or request, per [Rules 2-311\(f\)](#) and [3-311\(e\)](#). Therefore, where a request for hearing is contained in the same PDF as a motion or request for relief, do not issue a deficiency notice.

RESTRICTED INFORMATION: A submission must not contain restricted information. [Rule 20-201\(h\)\(1\)](#). If a submission must contain restricted information, a redacted copy of the submission must be provided. [Rule 20-201\(h\)\(2\)](#). If the clerk discovers that the document

contains personal identifier/restricted information, the clerk should issue a deficiency notice and shield the submission from public access until the deficiency is corrected. [See Rule 20-203\(e\)](#).

SIGNATURES AND RELATED INFORMATION:

- A signature must comply with the requirements of [Rule 20-107\(a\)\(1\)](#).
- The following information, although not part of the signature, must appear below the signature:
 - the filer's address;
 - email address;
 - telephone number; and
 - if the filer is an attorney, the attorney number.
- A signature must be in the form specified in [Rule 20-101\(t\)](#).
- A signature under oath, affirmation, or with verification must be hand signed and scanned per [Rule 20-107\(d\)](#).
- The following information, although not part of the signature, must appear below the signature:
 - the filer's address;
 - email address;
 - telephone number; and
 - if the filer is an attorney, the attorney number.

Strikings

STRIKE: If a pleading lacks a certificate of service, it will be stricken. [See Rule 20-203\(c\)](#).

FAILURE TO PAY THE FILING FEE FOR AN INITIAL CASE FILING: Although it is not addressed by the Maryland Rules, the Maryland Annotated Code, [Courts and Judicial Proceedings Article, § 2-201\(b\)](#) addresses this situation as follows:

(b) Unless otherwise provided by law, a clerk is not required to record any paper filed with him or to provide any person with a copy of a paper until the applicable charge has been paid.

The State Court Administrator has adopted the following policies to deal with the unique situation where the filer attempts to file an initial filing or submission without paying the applicable fee:

- **FILED IN PAPER** (Non-MDEC actions and unrepresented, unregistered litigants): The clerk is to return the filing to the filer. If it is filed over the counter, the clerk should hand it back to the filer. If it was mailed to the court, the clerk should mail it back.

- FILED ELECTRONICALLY: This rare situation will only occur when there is a change in credit card status between the time of pre-authorization and the time of the actual charge. In this instance, the filing will show up in the error queue. The clerk should accept the filing from the error queue and STRIKE it.