

IN THE COURT OF APPEALS OF MARYLAND

R U L E S O R D E R

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Eighty-Sixth Report to the Court recommending the deletion of Rule 16-819 and adoption of proposed new Title 9, Chapter 300 and Title 17, Chapter 500; new Rules 1-333, 1-501, 4-612, 7-206.1, 11-601, and 20-204.1; new Forms 11-601, 11-602, and 11-603; and proposed amendments to Rules 1-101 (i), (k), and (q), 1-303, 1-321, 1-322, 1-324, 1-325, 1-332, 2-131, 2-132, 2-501, 2-504, 2-506, 2-510, 2-521, 2-601, 2-603 (b) and (e), 2-623, 3-131, 3-132, 3-510, 3-601, 4-101, 4-216, 4-217, 4-265, 4-266, 4-326, 4-501, 4-601, 4-642, 7-103, 7-104, 7-202, 7-204, 7-206, 8-201, 8-202, 8-302, 8-303, 8-501, 8-503, 8-505, 8-606, 9-201, 9-206, 9-207, 10-107, 16-101, 16-301 d., 16-307, 16-506, 17-101, 20-102 (a) (1), and 20-109; Form 4-217.2; Rule 1.2 of the Maryland Lawyers' Rules of Professional Conduct; Appendix: Maryland Code of Conduct for Court Interpreters; and Appendix: Court Interpreter Inquiry Questions; all as set forth in that Report published in the *Maryland Register*, Vol. 41, Issue 21, pages 1199 - 1257 (October 17, 2014); and

This Court having found that an emergency exists with reference to certain of the proposed Rules changes and by Rules Order filed October 2, 2014 having adopted on an emergency basis new Rule 20-204.1 and amendments to Rules 20-102 (a) (1), 16-307, and 16-506, deferring action on all other proposed Rules changes set forth in that Report; and

The Rules Committee having submitted a Supplement to the One Hundred Eighty-Sixth Report dated January 20, 2015 recommending adoption of further amendments to proposed new Rule 1-333 and to the proposed amendments to Rules 1-325, 2-603 (e), 7-103, 8-201, 8-303, 8-505, 10-107, and 16-506; new Rules 1-325.1, 8-403, 16-1008.1, and 20-204.2; and proposed amendments to Rules 1-202, 1-203, 4-212, 7-505, 9-203, 15-205, 16-307, 16-308, 16-404, 16-406, 16-503, 16-608, 16-812.1, 16-813, 16-815, 16-816, 16-903, 16-1002 (c), 16-1003, 16-1004 (c), 16-1005, 16-1006, 16-1007, 16-1008, 20-109, 20-201, 20-202, and 20-203; and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, those proposed rules changes, together with comments received, and, making certain amendments to the proposed rules changes on its own motion, it is this 2nd day of March, 2015,

ORDERED, by the Court of Appeals of Maryland, Rules 1-325 and 16-819 be, and they are hereby, rescinded; and it is further

ORDERED that new Title 9, Chapter 300 and Title 17, Chapter 500; new Rules 1-325, 1-325.1, 1-333, 1-501, 4-612, 7-206.1, 8-403, 11-601, 16-1008.1, and 20-204.2; and new Forms 11-601, 11-602, and 11-603 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that amendments to Rules 1-101, 1-202, 1-203, 1-303, 1-321, 1-322, 1-324, 1-332, 2-131, 2-132, 2-501, 2-504, 2-506, 2-510, 2-521, 2-601, 2-603, 2-623, 3-131, 3-132, 3-510, 3-601, 4-101, 4-212, 4-216, 4-217, 4-265, 4-266, 4-326, 4-501, 4-601, 4-642, 7-103, 7-104, 7-202, 7-204, 7-206, 7-505, 8-201, 8-202, 8-302, 8-303, 8-501, 8-503, 8-505, 8-606, 9-201, 9-203, 9-206, 9-207, 10-107, 15-205, 16-101, 16-301, 16-307, 16-308, 16-404, 16-406, 16-503, 16-506, 16-608, 16-812.1, 16-813, 16-815, 16-816, 16-903, 16-1002, 16-1003, 16-1004, 16-1005, 16-1006, 16-1007, 16-1008, 17-101, 20-109, 20-201 (h) and (i), 20-202, and 20-203; Form 4-217.2; Rule 1.2 of the Maryland Lawyers' Rules of Professional Conduct; Appendix: Maryland Code of Conduct for Court Interpreters; and Appendix: Court Interpreter Inquiry

Questions be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that new Rule 1-501 and the amendments to Rules 9-206, 9-207, 20-201 (h), 20-202, and 20-203 hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after March 15, 2015 and, insofar as practicable, to all actions then pending; and it is further

ORDERED that the amendment to Rule 20-201 (i) and all other Rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after July 1, 2015 and, insofar as practicable, to all actions then pending; and it is further

ORDERED that a copy of this Order be posted promptly on the website of the Maryland Judiciary.

/s/ Mary Ellen Barbera

Mary Ellen Barbera

*

Glenn T. Harrell, Jr.

/s/ Lynne A. Battaglia

Lynne A. Battaglia

/s/ Clayton Greene, Jr.

Clayton Greene, Jr.

/s/ Sally D. Adkins

Sally D. Adkins

/s/ Robert N. McDonald

Robert N. McDonald

/s/ Shirley M. Watts

Shirley M. Watts

* Judge Harrell declines to sign the Rules Order.

Filed: March 2, 2015

/s/ Bessie M. Decker

Clerk
Court of Appeals of Maryland

MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 100 - APPLICABILITY AND CITATION

AMEND Rule 1-101 to add a reference to Code, Family Law Article, Title 4, Subtitle 5; to add language referring to expungement of juvenile records; and to add collaborative law processes to the applicability of Title 17, as follows:

Rule 1-101. APPLICABILITY

. . .

(i) Title 9

Title 9 applies to proceedings under Code, Family Law Article, Title 5, Subtitles 3 (Guardianship to and Adoption through Local Department), 3A (Private Agency Guardianship and Adoption), and 3B (Independent Adoption); and proceedings relating to divorce, annulment, alimony, child support, and child custody and visitation; and proceedings under Code, Family Law Article, Title 4, Subtitle 5 (Domestic Violence).

. . .

(k) Title 11

Title 11 applies to juvenile causes and expungement of juvenile records under Code, Courts Article, Title 3, Subtitles 8 and 8A.

. . .

(q) Title 17

Title 17 applies to alternative dispute resolution proceedings in civil actions in the District Court, a circuit court, and the Court of Special Appeals, except for actions or orders to enforce a contractual agreement to submit a dispute to alternative dispute resolution. Title 17 also applies to collaborative law processes under the Maryland Uniform Collaborative Law Act.

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MARYLAND RULES OF PROCEDURE

TITLE 1 - GENERAL PROVISIONS

CHAPTER 200 - CONSTRUCTION, INTERPRETATION, AND DEFINITIONS

AMEND Rule 1-202 to conform an internal reference to revised Code provisions, as follows:

Rule 1-202. DEFINITIONS

. . .

(r) Newspaper of General Circulation

"Newspaper of general circulation" means a newspaper as defined in Code, ~~Article 1, §28~~ General Provisions Article, §1-113.

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MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS

CHAPTER 200 - CONSTRUCTION, INTERPRETATION, AND DEFINITIONS

AMEND Rule 1-203 to conform an internal reference to revised Code provisions, as follows:

Rule 1-203. TIME

(a) Computation of Time After an Act, Event, or Default

In computing any period of time prescribed by these rules, by rule or order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not included. If the period of time allowed is more than seven days, intermediate Saturdays, Sundays, and holidays are counted; but if the period of time allowed is seven days or less, intermediate Saturdays, Sundays, and holidays are not counted. The last day of the period so computed is included unless:

(1) it is a Saturday, Sunday, or holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or holiday; or

(2) the act to be done is the filing of a paper in court and the office of the clerk of that court on the last day of the period is not open, or is closed for a part of the day, in which event the period runs until the end of the next day that is not a Saturday, Sunday, holiday, or a day on which the office is not

open during its regular hours.

Committee note: This section supersedes Code, ~~Article 1, §36~~
General Provisions Article, §1-302 to the extent of any
inconsistency.

Cross reference: For the definition of "holiday," see Rule 1-202.

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MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 300 - GENERAL PROVISIONS

AMEND Rule 1-303 to revise internal references in the Rule,
as follows:

Rule 1-303. FORM OF OATH

Except as provided in Rule ~~16-819 (d) (3)~~ 1-333 (c) (3),
whenever an oral oath is required by rule or law, the person
making oath shall solemnly swear or affirm under the penalties of
perjury that the responses given and statements made will be the
whole truth and nothing but the truth. A written oath shall be in
a form provided in Rule 1-304.

Cross reference: For the oath made by a court interpreter, see
Rule ~~16-819 (d) (3)~~ 1-333 (c) (3).

Source: This Rule is derived from former Rules 5 c and 21 and is
in part new.

MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 300 - GENERAL PROVISIONS

AMEND Rule 1-321 to add a new section (b) pertaining to service after entry of limited appearance and to make stylistic changes, as follows:

Rule 1-321. SERVICE OF PLEADINGS AND PAPERS OTHER THAN ORIGINAL PLEADINGS

(a) Generally

Except as otherwise provided in these rules or by order of court, every pleading and other paper filed after the original pleading shall be served upon each of the parties. If service is required or permitted to be made upon a party represented by an attorney, service shall be made upon the attorney unless service upon the party is ordered by the court. Service upon the attorney or upon a party shall be made by delivery of a copy or by mailing it to the address most recently stated in a pleading or paper filed by the attorney or party, or if not stated, to the last known address. Delivery of a copy within this Rule means: handing it to the attorney or to the party; or leaving it at the office of the person to be served with an individual in charge; or, if there is no one in charge, leaving it in a conspicuous place in the office; or, if the office is closed or the person to be served has no office, leaving it at the dwelling house or

usual place of abode of that person with some individual of suitable age and discretion who is residing there. Service by mail is complete upon mailing.

(b) Service After Entry of Limited Appearance

Every document required to be served upon a party's attorney that is to be served after entry of a limited appearance also shall be served upon the party and, unless the attorney's appearance has been stricken pursuant to Rules 2-132 or 3-132, upon the limited appearance attorney.

Cross reference: See Rule 1-324 with respect to the sending of notices by a clerk when a limited appearance has been entered.

~~(b)~~ (c) Party in Default - Exception

No pleading or other paper after the original pleading need be served on a party in default for failure to appear except a pleading asserting a new or additional claim for relief against the party which shall be served in accordance with the rules for service of original process.

~~(c)~~ (d) Requests to Clerk - Exception

A request directed to the clerk for the issuance of process or any writ need not be served on any party.

Source: This Rule is derived as follows:

Section (a) is derived from former Rule 306 a 1 and c and the 1980 version of Fed. R. Civ. P. 5 (a).

Section (b) is new.

Section ~~(b)~~ (c) is derived from former Rule 306 b and the 1980 version of Fed. R. Civ. P. 5 (a).

Section ~~(c)~~ (d) is new.

MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 300 - GENERAL PROVISIONS

AMEND Rule 1-322 to change the title of the Rule, to require the clerk to note on the pleading or other item the date the clerk received the item, to specify how the date of filing of pleadings and other items is determined, and to make stylistic changes, as follows:

Rule 1-322. FILING OF PLEADINGS, PAPERS, AND OTHER ITEMS

(a) Generally

The filing of pleadings, papers, and other items with the court shall be made by filing them with the clerk of the court, except that a judge of that court may accept the filing, in which event the judge shall note on the item the ~~filing~~ date the judge accepted it for filing and ~~then~~ forthwith transmit the item to the office of the clerk. On the same day that an item is received in a clerk's office, the clerk shall note on it the date it was received and enter on the docket that date and any date noted on the item by a judge. The item shall be deemed filed on the earlier of (1) the filing date noted by a judge on the item or (2) the date noted by the clerk on the item. No item may be filed directly by electronic transmission, except (1) pursuant to an electronic filing system approved under Rule 16-307 or 16-506, (2) as permitted by Rule 14-209.1, (3) as provided in section (b)

of this Rule, or (4) pursuant to Title 20 of these Rules.

(b) Electronic Transmission of Mandates of the U.S. Supreme Court

A Maryland court shall accept a mandate of the Supreme Court of the United States transmitted by electronic means unless the court does not have the technology to receive it in the form transmitted, in which event the clerk shall promptly so inform the Clerk of the Supreme Court and request an alternative method of transmission. The clerk of the Maryland court may request reasonable verification of the authenticity of a mandate transmitted by electronic means.

(c) Photocopies; Facsimile Copies

A photocopy or facsimile copy of a pleading or paper, once filed with the court, shall be treated as an original for all court purposes. The attorney or party filing the copy shall retain the original from which the filed copy was made for production to the court upon the request of the court or any party.

Cross reference: See Rule 1-301 (d), requiring that court papers be legible and of permanent quality.

Source: This Rule is derived in part from the 1980 version of Fed. R. Civ. P. 5 (e) and Rule 102 1 d of the Rules of the United States District Court for the District of Maryland and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 300 - GENERAL PROVISIONS

AMEND Rule 1-324 to change the title of the Rule, to require the clerk to send notices of certain court proceedings, to add a Committee note following section (a), to provide for the sending of certain notices when an attorney has entered a limited appearance pursuant to Rule 2-131 or Rule 3-131, and to make stylistic changes, as follows:

Rule 1-324. ~~NOTICE~~ NOTIFICATION OF ORDERS, RULINGS, AND COURT PROCEEDINGS

(a) Notification by Clerk

Upon entry on the docket of (1) any order or ruling of the court not made in the course of a hearing or trial or (2) the scheduling of a hearing, trial, or other court proceeding not announced on the record in the course of a hearing or trial, the clerk shall send a copy of the order, ~~or~~ ruling, or notice of the scheduled proceeding to all parties entitled to service under Rule 1-321, unless the record discloses that such service has already been made.

Committee note: In many counties, the Assignment Office is under the purview of the County Administrative Judge. In those counties, in accordance with the directives of the County Administrative Judge, an employee of the Assignment Office, rather than the Clerk, sends some of the notifications required by this Rule.

(b) Notification When Attorney Has Entered Limited Appearance

If, in an action that is not an affected action as defined in Rule 20-101 (a), an attorney has entered a limited appearance for a party pursuant to Rule 2-131 or Rule 3-131 and the automated operating system of the clerk's office does not permit the sending of notifications to both the party and the attorney, the clerk shall send all notifications required by section (a) of this Rule to the attorney as if the attorney had entered a general appearance. The clerk shall inform the attorney that, until the limited appearance is terminated, all notifications in the action will be sent to the attorney and that it is the attorney's responsibility to forward to the client notifications pertaining to matters not within the scope of the limited appearance. The attorney promptly shall forward to the client all such notifications, including any received after termination of the limited appearance.

Committee note: If an attorney has entered a limited appearance in an affected action, section (a) of this Rule requires the MDEC system or the clerk to send all court notifications to both the party and the party's limited representation attorney prior to termination of the limited appearance.

(c) Inapplicability of Rule

This Rule does not apply to show cause orders and does not abrogate the requirement for notice of a summary judgment set forth in Rule 2-501 (f).

Source: This Rule is in part derived from former Rule 1219 and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 300 - GENERAL PROVISIONS

DELETE current Rule 1-325, as follows:

~~Rule 1-325. FILING FEES AND COSTS - INDIGENCY~~

~~(a) Generally~~

~~A person unable by reason of poverty to pay any filing fee or other court costs ordinarily required to be prepaid may file a request for an order waiving the prepayment of those costs. The person shall file with the request an affidavit verifying the facts set forth in that person's pleading, notice of appeal, application for leave to appeal or request for process, and stating the grounds for entitlement to the waiver. If the person is represented by an attorney, the request and affidavit shall be accompanied by the attorney's signed certification that the claim, appeal, application, or request for process is meritorious. The court shall review the papers presented and may require the person to supplement or explain any of the matters set forth in the papers. If the court is satisfied that the person is unable by reason of poverty to pay the filing fee or other court costs ordinarily required to be prepaid and the claim, appeal, application, or request for process is not frivolous, it shall waive by order the prepayment of such costs.~~

~~Committee note: The term "other court costs" in section (a) of this Rule includes the compensation, fees, and costs of a master or examiner. See Rules 2-541 (i), 2-542 (i), 2-603 (e), and~~

~~9-208 (j).~~

~~(b) Appeals Where Public Defender Representation Denied~~

~~— Payment by State~~

~~The court shall order the State to pay the court costs related to an appeal or an application for leave to appeal and the costs of preparing any transcript of testimony, brief, appendices, and record extract necessary in connection with the appeal, in any case in which (1) the Public Defender's Office is authorized by these rules or other law to represent a party, (2) the Public Defender has declined representation of the party, and (3) the party is unable by reason of poverty to pay those costs.~~

~~Source: This Rule is derived as follows:~~

~~Section (a) is derived from former M.D.R. 102 and Courts Article §7-201.~~

~~Section (b) is derived from former Rules 883 and 1083 b.~~

MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 300 - GENERAL PROVISIONS

ADD new Rule 1-325, as follows:

Rule 1-325. WAIVER OF COSTS DUE TO INDIGENCE - GENERALLY

(a) Scope

This Rule applies only to original civil actions in a circuit court or the District Court.

Committee note: Original civil actions in a circuit court include actions governed by the Rules in Title 7, Chapter 200, 300, and 400.

(b) Definition

In this Rule, "prepaid costs" means costs that, unless prepayment is waived pursuant to this Rule, must be paid prior to the clerk's docketing or accepting for docketing a pleading or paper or taking other requested action.

Committee note: "Prepaid costs" may include a fee to file an initial complaint or a motion to reopen a case, a fee for entry of the appearance of an attorney, and any prepaid compensation, fee, or expense of a master, examiner, or family magistrate. See Rules 1-501, 2-541, 2-542, 2-603, and 9-208.

(c) No Fee for Filing Request

No filing fee shall be charged for the filing of the request for waiver of prepaid costs pursuant to section (d) or (e) of this Rule.

(d) Waiver of Prepaid Costs by Clerk

On written request, the clerk shall waive the prepayment of

prepaid costs, without the need for a court order, if:

(1) the party is an individual who is represented (A) by an attorney retained through a pro bono or legal services program on a list of programs serving low income individuals that is submitted by the Maryland Legal Services Corporation to the State Court Administrator and posted on the Judiciary website, provided that an authorized agent of the program provides the clerk with a statement that (i) names the program, attorney, and party; (ii) states that the attorney is associated with the program and the party meets the financial eligibility criteria of the Corporation; and (iii) attests that the payment of filing fees is not subject to Code, Courts Article, §5-1002 (the Prisoner Litigation Act), or (B) by an attorney provided by the Maryland Legal Aid Bureau, Inc. or the Office of the Public Defender, and

(2) except for an attorney employed or appointed by the Office of the Public Defender in a civil action in which that Office is required by statute to represent the party, the attorney certifies that, to the best of the attorney's knowledge, information, and belief, there is good ground to support the claim, application, or request for process and it is not interposed for any improper purpose or delay.

Committee note: The Public Defender represents indigent individuals in a number of civil actions. See Code, Criminal Procedure Article, §16-204 (b).

Cross reference: See Rule 1-311 (b) and Rule 3.1 of the Maryland Lawyers' Rules of Professional Conduct.

(e) Waiver of Prepaid Costs by Court

(1) Request for Waiver

An individual unable by reason of poverty to pay a prepaid cost and not subject to a waiver under section (d) of this Rule may file a request for an order waiving the prepayment of the prepaid cost. The request shall be accompanied by (A) the pleading or paper sought to be filed; (B) an affidavit substantially in the form approved by the State Court Administrator, posted on the Judiciary website, and available in the Clerks' offices; and (C) if the individual is represented by an attorney, the attorney's certification that, to the best of the attorney's knowledge, information, and belief, there is good ground to support the claim, application, or request for process and it is not interposed for any improper purpose or delay.

Cross reference: See Rule 1-311 (b) and Rule 3.1 of the Maryland Lawyers' Rules of Professional Conduct.

(2) Review by Court; Factors to be Considered

The court shall review the papers presented and may require the individual to supplement or explain any of the matters set forth in the papers. In determining whether to grant a prepayment waiver, the court shall consider:

(A) whether the individual has a family household income that qualifies under the client income guidelines for the Maryland Legal Services Corporation for the current year, which shall be posted on the Judiciary website; and

(B) any other factor that may be relevant to the individual's ability to pay the prepaid cost.

(3) Order; Payment of Unwaived Prepaid Costs

If the court finds that the party is unable by reason of poverty to pay the prepaid cost and that the pleading or paper sought to be filed does not appear, on its face, to be frivolous, it shall enter an order waiving prepayment of the prepaid cost. In its order, the court shall state the basis for granting or denying the request for waiver. If the court denies, in whole or in part, a request for the waiver of its prepaid costs, it shall permit the party, within 10 days, to pay the unwaived prepaid cost. If, within that time, the party pays the full amount of the unwaived prepaid costs, the pleading or paper shall be deemed to have been filed on the date the request for waiver was filed. If the unwaived prepaid costs are not paid in full within the time allowed, the pleading or paper shall be deemed to have been withdrawn.

(f) Award of Costs at Conclusion of Action

(1) Generally

At the conclusion of an action, the court and the clerk shall allocate and award costs as required or permitted by law.

Cross reference: See Rules 2-603, 3-603, 7-116, and *Mattison v. Gelber*, 202 Md. App. 44 (2011).

(2) Waiver

(A) Request

At the conclusion of an action, a party may seek a final waiver of open costs, including any unpaid appearance fee, by filing a request for the waiver, together with (i) an

affidavit substantially in the form prescribed by subsection (e) (1) (A) of this Rule, or (ii) if the party was granted a waiver of prepayment of prepaid costs by court order pursuant to section (e) of this Rule and remains unable to pay the costs, an affidavit that recites the existence of the prior waiver and the party's continued inability to pay by reason of poverty.

(B) Determination by Court

In an action under Title 9, Chapter 200 of these Rules or Title 10 of these Rules, the court shall grant a final waiver of open costs if the requirements of Rules 2-603 (e) or 10-107 (b), as applicable, are met. In all other civil matters, the court may grant a final waiver of open costs if the party against whom the costs are assessed is unable to pay them by reason of poverty.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 300 - GENERAL PROVISIONS

ADD new Rule 1-325.1, as follows:

Rule 1-325.1. WAIVER OF PREPAID APPELLATE COSTS IN CIVIL ACTIONS

(a) Scope

This Rule applies (1) to an appeal from an order or judgment of the District Court or an orphans' court to a circuit court in a civil action, and (2) to an appeal as defined in subsection (b) (1) of this Rule seeking review in the Court of Special Appeals or the Court of Appeals of an order or judgment of a lower court in a civil action.

(b) Definitions

In this Rule, the following definitions apply:

(1) Appeal

"Appeal" means an appeal, an application for leave to appeal to the Court of Special Appeals, and a petition for certiorari or other extraordinary relief filed in the Court of Appeals.

(2) Clerk

"Clerk" includes a Register of Wills.

(3) Prepaid Costs

"Prepaid costs" means (A) the fee charged by the clerk of the lower court for assembling the record, (B) the cost of

preparation of a transcript in the District Court, if a transcript is necessary to the appeal, and (C) the filing fee charged by the clerk of the appellate court.

Cross reference: See the schedule of appellate court fees following Code, Courts Article, §7-102 and the schedule of circuit court fees following Code, Courts Article, §7-202.

(c) Waiver

(1) Generally

Waiver of prepaid costs under this Rule shall be governed generally by section (d) or (e) of Rule 1-325, as applicable, except that:

(A) the request for waiver of both the lower and appellate court costs shall be filed in the lower court with the notice of appeal;

(B) a request to waive prepayment of the fee for filing a petition for certiorari or other extraordinary relief in the Court of Appeals shall be filed in, and determined by, that Court;

(C) waiver of the fee charged for assembling the record shall be determined in the lower court;

(D) waiver of the appellate court filing fee shall be determined by the appellate court, but the appellate court may rely on a waiver of the fee for assembling the record ordered by the lower court;

(E) both fees shall be waived if (i) the appellant received a waiver of prepaid costs under section (d) of Rule 1-325 and will be represented in the appeal by an eligible attorney under

that section, (ii) the attorney certifies that the appellant remains eligible for representation in accordance with Rule 1-325 (d), and (iii) except for an attorney employed or appointed by the Office of the Public Defender in a civil action in which that Office is required by statute to represent the party, the attorney further certifies that to the best of the attorney's knowledge, information, and belief there is good ground to support the appeal and it is not interposed for any improper purpose or delay; and

(F) if the appellant received a waiver of prepaid costs under section (e) of Rule 1-325, the lower court and appellate court may rely on a supplemental affidavit of the appellant attesting that the information supplied in the affidavit provided under Rule 1-325 (e) remains accurate and that there has been no material change in the appellant's financial condition or circumstances.

(2) Procedure

(A) If an appellant requests the waiver of the prepaid costs in both the lower and appellate courts, the lower court, within five days after the filing of the request, shall act on the request for waiver of its prepaid cost and transmit to the appellate court the request for waiver of the appellate court prepaid cost, together with a copy of the request and order regarding the waiver of the lower court prepaid cost.

(B) The appellate court shall act on the request for the waiver of its prepaid cost within five business days after

receipt of the request from the lower court.

(C) If either court denies, in whole or in part, a request for the waiver of its prepaid cost, it shall permit the appellant, within 10 days, to pay the unwaived prepaid cost. If, within that time, the appellant pays the full amount of the unwaived prepaid cost, the appeal shall be deemed to have been filed on the day the request for waiver was filed in the lower court or, as to a petition for certiorari or other extraordinary relief, in the Court of Appeals. If the unwaived prepaid costs are not paid in full within the time allowed, the appeal shall be deemed to have been withdrawn.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 300 - GENERAL PROVISIONS

AMEND Rule 1-332 by adding definitions of "ADA" and "victim"; by adding language pertaining to providing an accommodation under the ADA for victims, jurors, and prospective jurors; by adding a reference to the Judiciary website; by adding a new subsection (b) (2) that transfers certain provisions pertaining to sign language interpreters from Rule 16-819; by expressly stating the requirement that the court provide an accommodation under the ADA; and by adding a reference to Rule 1-333 (c) concerning the appointment of a sign language interpreter; as follows:

Rule 1-332. ~~NOTIFICATION OF NEED FOR ACCOMMODATION~~ UNDER THE AMERICANS WITH DISABILITIES ACT

(a) Definitions

In this Rule, the following definitions apply except as otherwise expressly provided or as necessary implication requires:

(1) ADA

"ADA" means the Americans with Disabilities Act, 42 U.S.C. §12101, et seq.

(2) Victim

"Victim" includes a victim's representative as defined in

Code, Criminal Procedure Article, §11-104.

(b) Accommodation under the ADA

(1) Notification of Need for Accommodation

A person requesting an accommodation under the ~~Americans With Disabilities Act, 42 U.S.C. § 12101, et seq. ADA,~~ for an attorney, a party, ~~or~~ a witness, a victim, a juror, or a prospective juror shall notify the court promptly. ~~As far as practicable~~ To the extent practicable, a request for an accommodation shall be (1) presented on a form approved by administrative order of the Court of Appeals and available from the clerk of the court and on the Judiciary website and (2) submitted not less than 30 days before the proceeding for which the accommodation is requested.

(2) Sign Language Interpreter

The court shall determine whether a sign language interpreter is needed in accordance with the requirements of the ADA; Code, Courts Article, §9-114; and Code, Criminal Procedure Article, §§1-202 and 3-103.

(3) Provision of Accommodation

The court shall provide an accommodation if one is required under the ADA. If the accommodation is the provision of a sign language interpreter, the court shall appoint one in accordance with Rule 1-333 (c).

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 300 - GENERAL PROVISIONS

ADD new Rule 1-333, as follows:

Rule 1-333. COURT INTERPRETERS

(a) Definitions

In this Rule, the following definitions apply except as otherwise expressly provided or as necessary implication requires:

(1) Certified Interpreter

"Certified Interpreter" means an interpreter who is certified by:

(A) the Maryland Administrative Office of the Courts;

(B) any member of the Council for Language Access

Coordinators, provided that, if the interpreter was not approved by the Maryland member of the Council, the interpreter has successfully completed the orientation program required by the Maryland member of the Council;

Committee note: The Council for Language Access Coordinators is a unit of the National Center for State Courts.

(C) the Administrative Office of the United States Courts;

or

(D) if the interpreter is a sign language interpreter, the Registry of Interpreters for the Deaf or the National Association of the Deaf.

(2) Individual Who Needs an Interpreter

"Individual who needs an interpreter" means a party, attorney, witness, or victim who is deaf or unable adequately to understand or express himself or herself in spoken or written English and a juror or prospective juror who is deaf.

(3) Interpreter

"Interpreter" means an adult who has the ability to render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written and without explanation.

(4) Interpreter Eligible for Certification

"Interpreter eligible for certification" means an interpreter who is not a certified interpreter but who:

(A) has submitted to the Maryland Administrative Office of the Courts a completed Maryland State Judiciary Information Form for Spoken and Sign Language Court Interpreters and a statement swearing or affirming compliance with the Maryland Code of Conduct for Court Interpreters;

(B) has successfully completed the Maryland Judiciary's orientation workshop on court interpreting; and

(C) does not have, in a state or federal court of record, a pending criminal charge or conviction on a charge punishable by a fine of more than \$500 or imprisonment for more than six months unless the interpreter has been pardoned or the conviction has been overturned or expunged in accordance with law.

(5) Non-certified Interpreters

"Non-certified interpreter" means an interpreter other than a certified interpreter or an interpreter eligible for certification.

(6) Proceeding

"Proceeding" means (A) any trial, hearing, argument on appeal, or other matter held in open court in an action, and (B) an event not conducted in open court that is in connection with an action and is in a category of events for which the court is required by Administrative Order of the Chief Judge of the Court of Appeals to provide an interpreter for an individual who needs an interpreter.

(7) Victim

"Victim" includes a victim's representative as defined in Code, Criminal Procedure Article, §11-104.

(b) Spoken Language Interpreters

(1) Applicability

This section applies to spoken language interpreters. It does not apply to sign language interpreters.

Cross reference: For the procedure to request a sign language interpreter, see Rule 1-332.

(2) Application for the Appointment of an Interpreter

An individual who needs an interpreter shall file an application for the appointment of an interpreter. To the extent practicable, the application shall be filed not later than 30 days before the proceeding for which the interpreter is requested on a form approved by the State Court Administrator and available

from the clerk of the court and on the Judiciary website. If a timely and complete application is filed, the court shall appoint an interpreter free of charge in court proceedings in accordance with section (c) of this Rule.

(3) When Additional Application Not Required

(A) Party

If a party who is an individual who needs an interpreter includes on the application a request for an interpreter for all proceedings in the action, the court shall provide an interpreter for each proceeding without requiring a separate application prior to each proceeding.

Committee note: A nonparty who may qualify as an individual who needs an interpreter must timely file an application for each proceeding for which an interpreter is requested.

(B) Postponed Proceedings

Subject to subsection (b) (5) of this Rule, if an individual who needs an interpreter filed a timely application and the proceeding for which the interpreter was requested is postponed, the court shall provide an interpreter for the postponed proceeding without requiring the individual to file an additional application.

(4) Where Timely Application Not Filed

If an application is filed, but not timely filed pursuant to subsection (b) (2) of this Rule, or an individual who may qualify as an individual who needs an interpreter appears at a proceeding without having filed an application, the court shall make a diligent effort to secure the appointment of an

interpreter and may either appoint an interpreter pursuant to section (c) of this Rule or determine the need for an interpreter as follows:

(A) Examination on the Record

To determine whether an interpreter is needed, the court, on request or on its own initiative, shall examine a party, attorney, witness, or victim on the record. The court shall appoint an interpreter if the court determines that:

(i) the party does not understand English well enough to participate fully in the proceedings and to assist the party's attorney, or

(ii) the party, attorney, witness, or victim does not speak English well enough to readily understand or communicate the spoken English language.

(B) Scope of Examination

The court's examination of the party, witness, or victim should include questions relating to:

(i) identification;

(ii) active vocabulary in vernacular English; and

(iii) the court proceedings.

Committee note: Examples of matters relating to identification are: name, address, birth date, age, and place of birth. Examples of questions that elicit active vocabulary in vernacular English are: How did you come to court today? What kind of work do you do? Where did you go to school? What was the highest grade you completed? What do you see in the courtroom? Examples of questions relating to the proceedings are: What do you understand this case to be about? What is the purpose of what we are doing here in court? What can you tell me about the rights of the parties to a court case? What are the responsibilities of a court witness? Questions should be phrased to avoid "yes or

no" replies.

(5) Notice When Interpreter is Not Needed

If an individual who needs an interpreter will not be present at a proceeding for which an interpreter had been requested, including a proceeding that had been postponed, the individual, the individual's attorney, or the party or attorney who subpoenaed or otherwise requested the appearance of the individual shall notify the court as far in advance as practicable that an interpreter is not needed for that proceeding.

(c) Selection and Appointment of Interpreters

(1) Certified Interpreter Required; Exceptions

When the court determines that an interpreter is needed, the court shall make a diligent effort to obtain the services of a certified interpreter. If a certified interpreter is not available, the court shall make a diligent effort to obtain the services of an interpreter eligible for certification. The court may appoint a non-certified interpreter only if neither a certified interpreter nor an interpreter eligible for certification is available. An individual related by blood or marriage to a party or to the individual who needs an interpreter may not act as an interpreter.

Committee note: The court should be cautious about appointing a non-certified interpreter and should consider carefully the seriousness of the case and the availability of resources before doing so.

(2) Inquiry of Prospective Interpreter

Before appointing an interpreter under this Rule, the court shall conduct an appropriate inquiry of the prospective interpreter on the record.

Committee note: The court should use the interpreter inquiry questions promulgated by the Maryland Judicial Conference Advisory Committee on Interpreters and published, together with suggested responses, in the October 20, 1998 Report of the Advisory Committee. The questions and suggested responses are reprinted as an Appendix to these Rules.

(3) Oath

Upon appointment by the court and before acting as an interpreter in the proceeding, the interpreter shall swear or affirm under the penalties of perjury to interpret accurately, completely, and impartially and to refrain from knowingly disclosing confidential or privileged information obtained while serving in the proceeding. If the interpreter is to serve in a grand jury proceeding, the interpreter also shall take and subscribe an oath that the interpreter will keep secret all matters and things occurring before the grand jury.

(4) Multiple Interpreters in the Same Language

At the request of a party or on its own initiative, the court may appoint more than one interpreter in the same language to ensure the accuracy of the interpretation or to preserve confidentiality if:

(A) the proceedings are expected to exceed three hours;

(B) the proceedings include complex issues and terminology or other such challenges; or

(C) an opposing party requires an interpreter in the same

language.

Committee note: To ensure accurate interpretation, an interpreter should be granted reasonable rest periods at frequent intervals.

(d) Removal from Proceeding

A court interpreter may be removed from a proceeding by a judge or judicial appointee within the meaning of Rule 18-200.3

(a)(1), who shall then notify the Maryland Administrative Office of the Courts that the action was taken.

(e) Compensation of Court Interpreters

Compensation for interpreters shall be in accordance with a schedule adopted by the State Court Administrator consistent with Code, Criminal Procedure Article, §§1-202 and 3-103 and Code, Courts Article, §9-114.

Committee note: Code, Courts Article, §9-114 provides for the appointment of interpreters for certain parties and witnesses, generally. Code, Criminal Procedure Article, §§1-202 and 3-103 provide for the appointment of interpreters for certain defendants in criminal proceedings and proceedings under Title 3 of that Article.

Source: This Rule is derived from former Rule 16-819 (2014).

MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 500 - FAMILY MAGISTRATES

ADD new Rule 1-501, as follows:

Rule 1-501. FAMILY MAGISTRATE

(a) Designation

The Administrative Judge of a county shall designate as "family magistrates" for that county the masters for juvenile causes and masters in chancery assigned to hear actions and matters in the categories listed in Rule 16-204 (b). An order designating a family magistrate shall state whether the individual is to perform the functions of a master in chancery, a master for juvenile causes, or both.

(b) Effect of Designation

The powers, duties, salary, benefits, and pension of a master are not affected by the individual's designation as a family magistrate. A master serving as a family magistrate shall comply with Rule 16-814, Maryland Code of Conduct for Judicial Appointees, and is required to file a financial disclosure statement in accordance with Rule 16-816.

(c) Rules of Construction

Rules and statutes that refer to a master in chancery, master for juvenile causes, or master apply to a family magistrate, as appropriate. Statutes and provisions in the

Constitution of Maryland that refer to a magistrate shall not be construed as referring to a family magistrate.

Cross reference: For references to "master" see Code, Business, Occupations & Professions Article, §10-603; Code, Courts Article, §§2-102, 2-501, 3-8A-04, 3-807, 3-1802; Code, Family Law Article, §1-203; Code, Land Use Article, §4-402; Code, State Government Article, §19-102; Code, State Personnel and Pensions Article, §§21-307, 21-309, 23-201, 27-201, 27-304, and 27-402; and Rules 1-325, 2-504.1, 2-510, 2-541, 2-603, 9-208, 9-209, 11-110, 11-111, 11-114, 11-115, 14-207.1, 15-206, 15-207, 16-202, 16-306, 16-814, 16-816, and 17-206. For references to "magistrate," see Maryland Constitution, §41-I; Code, Courts Article, §2-607; Code, Criminal Procedure Article, §9-103, Code, Health-General Article, §§10-1301 and 10-1303; Code, Natural Resources Article, §10-1201; and Code, State Government Article, §§16-104 and 16-105.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT

CHAPTER 100 - COMMENCEMENT OF ACTION AND PROCESS

AMEND Rule 2-131 to permit the entry of a limited appearance under certain circumstances, to add a form of acknowledgment of the scope of limited representation, and to add a cross reference pertaining to limited appearances, as follows:

Rule 2-131. APPEARANCE

(a) By an Attorney or in Proper Person

Except as otherwise provided by rule or statute: (1) an individual may enter an appearance by an attorney or in proper person and (2) a person other than an individual may enter an appearance only by an attorney.

(b) Limited Appearance

(1) Notice of Appearance

An attorney, acting pursuant to an agreement with a client for limited representation that complies with Rule 1.2 (c) of the Maryland Lawyers' Rules of Professional Conduct, may enter an appearance limited to participation in a discrete matter or judicial proceeding. The notice of appearance (A) shall be accompanied by an Acknowledgment of Scope of Limited Representation substantially in the form specified in subsection (b) (2) of this Rule and signed by the client, and (B) shall specify the scope of the limited representation, which shall not

exceed the scope set forth in the Acknowledgment.

(2) Acknowledgment of Scope of Limited Representation

The Acknowledgment of Scope of Limited Representation shall be substantially in the following form:

[CAPTION]

ACKNOWLEDGMENT OF SCOPE OF LIMITED REPRESENTATION

Client: _____

Attorney: _____

I have entered into a written agreement with the above-named attorney. I understand that the attorney will represent me for the following limited purposes (check all that apply):

- Arguing the following motion or motions:
_____.
- Attending a pretrial conference.
- Attending a settlement conference.
- Attending the following court-ordered mediation or other court-ordered alternative dispute resolution proceeding for purposes of advising the client during the proceeding:
_____.
- Acting as my attorney for the following hearing, deposition, or trial:
_____.
- With leave of court, acting as my attorney with regard to the following specific issue or a specific portion

of a trial or hearing: _____
_____.

I understand that except for the legal services specified above, I am fully responsible for handling my case, including complying with court Rules and deadlines. I understand further that during the course of the limited representation, the court may discontinue sending court notices to me and may send all court notices only to my limited representation attorney. If the court discontinues sending notice to me, I understand that although my limited representation attorney is responsible for forwarding to me court notices pertaining to matters outside the scope of the limited representation, I remain responsible for keeping informed about my case.

Client

Signature

Date

Cross reference: See Maryland Lawyers' Rules of Professional Conduct, Rule 1.2, Comment 8. For striking of an attorney's limited appearance, see Rule 2-132 (a).

~~(b)~~ (c) How Entered

Except as otherwise provided in section (b) of this Rule,
~~An~~ an appearance may be entered by filing a pleading or motion, by filing a written request for the entry of an appearance, or, if the court permits, by orally requesting the entry of an

appearance in open court.

~~(c)~~ (d) Effect

The entry of an appearance is not a waiver of the right to assert any defense in accordance with these rules. Special appearances are abolished.

Cross reference: Rules 1-311, 1-312, 1-313; Rules 14, 15, and 16 of the Rules Governing Admission to the Bar. See also Rule 1-202 (t) for the definition of "person".

Source: This Rule is in part derived from former Rule 124 and in part new.

MARYLAND RULES OF PROCEDURE

TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT

CHAPTER 100 - COMMENCEMENT OF ACTION AND PROCESS

AMEND Rule 2-132 to permit an attorney who has entered a limited appearance to file a notice of withdrawal under certain circumstances, as follows:

Rule 2-132. STRIKING OF ATTORNEY'S APPEARANCE

(a) By Notice

~~When the client has another attorney of record, an An~~
attorney may withdraw an appearance by filing a notice of
withdrawal when (1) the client has another attorney of record; or
(2) the attorney entered a limited appearance pursuant to Rule 2-
131 (b), and the particular proceeding or matter for which the
appearance was entered has concluded.

(b) By Motion

~~When the client has no other attorney of record, an an~~
attorney is not permitted to withdraw an appearance by notice
under section (a) of this Rule, the attorney wishing to withdraw
an appearance shall file a motion to withdraw. Except when the
motion is made in open court, the motion shall be accompanied by
the client's written consent to the withdrawal or the moving
attorney's certificate that notice has been mailed to the client
at least five days prior to the filing of the motion, informing
the client of the attorney's intention to move for withdrawal and

advising the client to have another attorney enter an appearance or to notify the clerk in writing of the client's intention to proceed in proper person. Unless the motion is granted in open court, the court may not order the appearance stricken before the expiration of the time prescribed by Rule 2-311 for responding. The court may deny the motion if withdrawal of the appearance would cause undue delay, prejudice, or injustice.

(c) Notice to Employ New Attorney

When, pursuant to section (b) of this Rule, the appearance of the moving attorney is stricken and the client has no attorney of record and has not mailed written notification to the clerk of an intention to proceed in proper person, the clerk shall mail a notice to the client's last known address warning that if new counsel has not entered an appearance within 15 days after service of the notice, the absence of counsel will not be grounds for a continuance. The notice shall also warn the client of the risks of dismissal, judgment by default, and assessment of court costs.

(d) Automatic Termination of Appearance

When no appeal has been taken from a final judgment, the appearance of an attorney is automatically terminated upon the expiration of the appeal period unless the court, on its own initiative or on motion filed prior to the automatic termination, orders otherwise.

Source: This Rule is derived as follows:

Section (a) is new.

Section (b) is in part derived from former Rule 125 a and the

last sentence of c 2 and is in part new.

Section (c) is derived from former Rule 125 d.

Section (d) is derived from former Rule 125 e.

MARYLAND RULES OF PROCEDURE
TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT
CHAPTER 500 - TRIAL

AMEND Rule 2-501 by requiring that a motion for summary judgment be in writing, by limiting the time when a motion can be filed, by requiring permission of the court to file the motion after the deadline for dispositive motions specified in the scheduling order entered pursuant to Rule 2-504 (b) (1) (E), by revising the Committee note after section (a), and by deleting the word "written" in section (b), as follows:

Rule 2-501. MOTION FOR SUMMARY JUDGMENT

(a) Motion

Any party may ~~make a~~ file a written motion for summary judgment on all or part of an action on the ground that there is no genuine dispute as to any material fact and that the party is entitled to judgment as a matter of law. The motion shall be supported by affidavit if it is (1) filed before the day on which the adverse party's initial pleading or motion is filed or (2) based on facts not contained in the record. A motion for summary judgment may not be filed: (A) after any evidence is received at trial on the merits, or (B) unless permission of the court is granted, after the deadline for dispositive motions specified in the scheduling order entered pursuant to Rule 2-504 (b) (1) (E).

Committee note: ~~For an example of a summary judgment granted at trial, see *Beyer v. Morgan State*, 369 Md. 335 (2002).~~ This Rule

does not prevent the trial court from exercising its discretion during trial to entertain any motions *in limine* or other preclusive motions that may have the same effect as summary judgment and lead to a motion for judgment under Md. Rule 2-519. See. e.g., *Univ. of Md. Medical System Corporation, et al. v. Rebecca Marie Waldt, et al*, 411 Md. 207 (2009). Such a procedure avoids confusion and potential due process deprivations associated with summary judgment motions raised orally or at trial. See *Beyer v. Morgan State Univ.*, 369 Md. 335, 359, fn. 16 (2002); see also *Hanson v. Polk County Land, Inc.*, 608 F.2d 129, 131 (5th Cir. 1979) (allowing oral motions for summary judgment leads to confusion with each side having a different recollection of what was contended.) Requiring a written motion also insures adequate notice to all sides.

(b) Response

A response to a ~~written~~ motion for summary judgment shall be in writing and shall (1) identify with particularity each material fact as to which it is contended that there is a genuine dispute and (2) as to each such fact, identify and attach the relevant portion of the specific document, discovery response, transcript of testimony (by page and line), or other statement under oath that demonstrates the dispute. A response asserting the existence of a material fact or controverting any fact contained in the record shall be supported by an affidavit or other written statement under oath.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT
CHAPTER 500 - TRIAL

AMEND Rule 2-504 to add a cross reference to Rule 2-501 (a) after subsection (b) (1) (E), as follows:

Rule 2-504. SCHEDULING ORDER

(a) Order Required

(1) Unless otherwise ordered by the County Administrative Judge for one or more specified categories of actions, the court shall enter a scheduling order in every civil action, whether or not the court orders a scheduling conference pursuant to Rule 2-504.1.

(2) The County Administrative Judge shall prescribe the general format of scheduling orders to be entered pursuant to this Rule. A copy of the prescribed format shall be furnished to the Chief Judge of the Court of Appeals.

(3) Unless the court orders a scheduling conference pursuant to Rule 2-504.1, the scheduling order shall be entered as soon as practicable, but no later than 30 days after an answer is filed by any defendant. If the court orders a scheduling conference, the scheduling order shall be entered promptly after conclusion of the conference.

(b) Contents of Scheduling Order

(1) Required

A scheduling order shall contain:

(A) an assignment of the action to an appropriate scheduling category of a differentiated case management system established pursuant to Rule 16-202;

(B) one or more dates by which each party shall identify each person whom the party expects to call as an expert witness at trial, including all information specified in Rule 2-402 (g) (1);

(C) one or more dates by which each party shall file the notice required by Rule 2-504.3 (b) concerning computer-generated evidence;

(D) a date by which all discovery must be completed;

(E) a date by which all dispositive motions must be filed, which shall be no earlier than 15 days after the date by which all discovery must be completed;

Cross reference: See Rule 2-501 (a), which provides that after the date by which all dispositive motions are to be filed, a motion for summary judgment may be filed only with the permission of the court.

(F) a date by which any additional parties must be joined;

(G) a date by which amendments to the pleadings are allowed as of right; and

(H) any other matter resolved at a scheduling conference held pursuant to Rule 2-504.1.

(2) Permitted

A scheduling order may also contain:

(A) any limitations on discovery otherwise permitted under

these rules, including reasonable limitations on the number of interrogatories, depositions, and other forms of discovery;

(B) the resolution of any disputes existing between the parties relating to discovery;

(C) a specific referral to or direction to pursue an available and appropriate form of alternative dispute resolution, including a requirement that individuals with authority to settle be present or readily available for consultation during the alternative dispute resolution proceeding, provided that the referral or direction conforms to the limitations of Rule 2-504.1 (e);

(D) an order designating or providing for the designation of a neutral expert to be called as the court's witness;

(E) in an action involving child custody or child access, an order appointing child's counsel in accordance with Rule 9-205.1;

(F) a further scheduling conference or pretrial conference date;

(G) provisions for discovery of electronically stored information;

(H) a process by which the parties may assert claims of privilege or of protection after production; and

(I) any other matter pertinent to the management of the action.

(c) Modification of Order

The scheduling order controls the subsequent course of the

action but shall be modified by the court to prevent injustice.

Cross reference: See Rule 5-706 for authority of the court to appoint expert witnesses.

Source: This Rule is in part new and in part derived as follows:

Subsection (b) (2) (G) is new and is derived from the 2006 version of Fed. R. Civ. P. 16 (b) (5).

Subsection (b) (2) (H) is new and is derived from the 2006 version of Fed. R. Civ. P. 16 (b) (6).

MARYLAND RULES OF PROCEDURE
TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT
CHAPTER 500 - TRIAL

AMEND Rule 2-506 (a) (2) by deleting the words "by filing,"
as follows:

Rule 2-506. VOLUNTARY DISMISSAL

(a) By Notice of Dismissal or Stipulation

Except as otherwise provided in these rules or by statute,
a party who has filed a complaint, counterclaim, cross-claim, or
third-party claim may dismiss all or part of the claim without
leave of court by filing (1) a notice of dismissal at any time
before the adverse party files an answer or (2) ~~by filing~~ a
stipulation of dismissal signed by all parties to the claim being
dismissed.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT
CHAPTER 500 - TRIAL

AMEND Rule 2-510 to reorganize the Rule, to provide for a uniform subpoena form approved by the State Court Administrator, to add certain provisions concerning the use and copying of subpoena forms, to add to a subpoena form a date of issuance and a certain statement as to when a subpoena may be served, to prohibit serving or attempting to serve a subpoena more than 60 days after the date of issuance, to add a Committee note following section (c), to permit electronic issuance of a blank form of subpoena under certain circumstances, and to make stylistic changes, as follows:

Rule 2-510. SUBPOENAS

(a) Required, Permissive, and Non-permissive Use

(1) A subpoena is required:

(A) to compel the person to whom it is directed to attend, give testimony, and produce designated documents, electronically stored information, or tangible things at a court proceeding, including proceedings before a master, auditor, or examiner; and

(B) to compel a nonparty to attend, give testimony, and produce and permit inspection, copying, testing, or sampling of designated documents, electronically stored information, or tangible things at a deposition.

(2) A subpoena ~~is also required~~ may be used to compel ~~a nonparty and may be used to compel~~ a party over whom the court has acquired jurisdiction to attend, give testimony, and produce and permit inspection, copying, testing, or sampling of designated documents, electronically stored information, or tangible things at a deposition.

(3) A subpoena ~~shall~~ may not be used for any other purpose. If the court, on motion of a party ~~alleging a violation of this section~~ or on its own initiative, after affording the alleged violator an opportunity for a hearing, finds that a ~~party or attorney~~ person has used or attempted to use a subpoena or a copy or reproduction of a subpoena form for a purpose other than ~~a purpose~~ one allowed under this ~~section~~ Rule, the court may impose an appropriate sanction, ~~upon the party or attorney,~~ including an award of a reasonable attorney's fee and costs, the exclusion of evidence obtained ~~by the subpoena~~ as a result of the violation, and reimbursement of any person inconvenienced for time and expenses incurred.

(b) Issuance

A subpoena shall be issued by the clerk of the court in which an action is pending in the following manner:

(1) On the request of ~~a~~ any person entitled to the issuance of a subpoena, the clerk shall (A) issue a completed subpoena, or (B) provide to the person a blank form of subpoena, which the person shall be filled in and returned fill in and return to the clerk to be signed and sealed by the clerk before service.

(2) On the request of ~~an attorney or other officer of the court~~ a member in good standing of the Maryland Bar entitled to the issuance of a subpoena, the clerk shall issue a subpoena signed and sealed ~~but otherwise in blank~~ by the clerk, which the attorney shall ~~be filled~~ fill in before service.

(3) An attorney of record in a pending action who is a registered user under Rule 20-101 may obtain from the clerk through MDEC, for use in that action, an electronic version of a blank form of subpoena containing the clerk's signature and the seal of the court, which the attorney may download, print, and fill in before service.

(4) Except as provided in subsections (b) (2) and (b) (3) of this Rule, a person other than the clerk may not copy and fill in any blank form of subpoena for the purpose of serving the subpoena. A violation of this section shall constitute a violation of subsection (a) (3) of this Rule.

(c) Form

Except as otherwise permitted by the court for good cause, Every every subpoena shall be on a uniform form approved by the State Court Administrator. The form shall contain: (1) the caption of the action, (2) the name and address of the person to whom it is directed, (3) the name of the person at whose request it is issued, (4) the date, time, and place where attendance is required, (5) a description of any documents, electronically stored information, or tangible things to be produced and if testing or sampling is to occur, a description of the proposed

testing or sampling procedure, ~~and~~ (6) when required by Rule 2-412 (d), a notice to designate the person to testify, (7) the date of issuance, and (8) a statement that the subpoena may be served within 60 days after its issuance and may not be served thereafter. A subpoena may specify the form in which electronically stored information is to be produced.

Committee note: A subpoena may be used to compel attendance at a court proceeding or deposition that will be held more than 60 days after the date of issuance, provided that the subpoena is served within the 60-day period. The failure to serve a subpoena within the 60-day period does not preclude the reissuance of a new subpoena.

(d) Service

A subpoena shall be served by delivering a copy to the person named or to an agent authorized by appointment or by law to receive service for the person named or as permitted by Rule 2-121 (a) (3). Service of a subpoena upon a party represented by an attorney may be made by service upon the attorney under Rule 1-321 (a). A subpoena may be served by a sheriff of any county or by any person who is not a party and who is not less than 18 years of age. Unless impracticable, a party shall make a good faith effort to cause a trial or hearing subpoena to be served at least five days before the trial or hearing. A person may not serve or attempt to serve a subpoena more than 60 days after its issuance. A violation of this provision shall constitute a violation of subsection (a) (3) of this Rule.

Cross reference: See Code, Courts Article, §6-410, concerning service upon certain persons other than the custodian of public records named in the subpoena if the custodian is not known and cannot be ascertained after a reasonable effort. As to additional

requirements for certain subpoenas, see Code, Health-General Article, §4-306 (b) (6) and Code, Financial Institutions Article, §1-304.

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MARYLAND RULES OF PROCEDURE
TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT
CHAPTER 500 - TRIAL

AMEND Rule 2-521 (d) by adding subsection (d) (1) to provide for juror communication using juror numbers, by adding the words "or a juror" to subsection (d) (2) (A), by adding language to subsection (d) (2) (B) providing for certain actions by a judge who receives a juror communication, by adding a Committee note after subsection (d) (2) (B), by adding language to subsection (d) (2) (C) pertaining to a judicial determination that a juror communication pertains to the action, and by amending subsection (d) (3) as to how the clerk handles a juror communication, as follows:

Rule 2-521. JURY - REVIEW OF EVIDENCE - COMMUNICATIONS

(a) Jurors' Notes

The court may, and on request of any party shall, provide paper notepads for use by sworn jurors, including any alternates, during trial and deliberations. The court shall maintain control over the jurors' notes during the trial and promptly destroy the notes after the trial. Notes may not be reviewed or relied upon for any purpose by any person other than the author. If a sworn juror is unable to use a notepad because of a disability, the court shall provide a reasonable accommodation.

(b) Items Taken to Jury Room

Sworn jurors may take their notes with them when they

retire for deliberation. Unless the court for good cause orders otherwise, the jury may also take exhibits that have been admitted in evidence, except that a deposition may not be taken into the jury room without the agreement of all parties and consent of the court. Written or electronically recorded instructions may be taken into the jury room only with the permission of the court.

Cross reference: See Rule 5-802.1 (e).

(c) Jury Request to Review Evidence

The court, after notice to the parties, may make available to the jury testimony or other evidence requested by it. In order that undue prominence not be given to the evidence requested, the court may also make available additional evidence relating to the same factual issue.

(d) Communications with Jury

(1) Instruction to Use Juror Number

The judge shall instruct the jury, in any preliminary instructions and in instructions given prior to jury deliberations that, in any written communication from a juror, the juror shall be identified only by juror number.

~~(1)~~ (2) Notification of Judge; Duty of Judge

(A) A court official or employee who receives any written or oral communication from the jury or a juror shall immediately notify the presiding judge of the communication.

(B) ~~If~~ The judge shall determine whether the communication pertains to the action~~7~~. If the judge determines that the

communication does not pertain to the action, the judge may respond as he or she deems appropriate.

Committee note: Whether a communication pertains to the action is defined by case law. See, for example, *Harris v. State*, 428 Md. 700 (2012) and *Grade v. State*, 431 Md. 85 (2013).

(C) If the judge determines that the communication pertains to the action, the judge shall promptly, and before responding to the communication, direct that the parties be notified of the communication and invite and consider, on the record, the parties' position on any response. The judge may respond to the communication ~~(A) in writing,~~ or ~~(B) orally in open court on the record.~~

~~(2)~~ (3) Duty of Clerk

~~The clerk shall (A) record on any written communication the date and time it was received by the judge, and (B) enter on the docket (i) any written communication and the nature of any oral communication, (ii) the date and time the communication was received by the judge, (iii) that the parties were notified and had an opportunity on the record to state their position on any response, (iv) how the communication was addressed by the judge, and (v) any written response by the judge to the communication.~~

(A) The clerk shall enter on the docket (i) the date and time that each communication from the jury or a juror was received by or reported to the judge, (ii) whether the communication was written or oral, and, if oral, the nature of the communication, (iii) whether the judge concluded that the communication pertained to the action, and (iv) if so, whether

the parties and attorneys were notified and had an opportunity on the record to state their position on any response.

(B) The clerk shall enter in the electronic or paper file each written communication from the jury or a juror and each written response by the judge. Any identification of a juror other than the juror number shall be redacted.

(C) In any entry made by the clerk, a juror shall be identified only by juror number.

Source: This Rule is derived as follows:

Section (a) is new.

Section (b) is derived from former Rules 558 a, b and d and 758 b.

Section (c) is derived from former Rule 758 c.

Section (d) is derived in part from former Rule 758 d and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT
CHAPTER 600 - JUDGMENT

AMEND Rule 2-601 to add an applicability provision in subsection (b) (1); to delete language from and add language to subsection (b) (2) to modify how a judgment is entered; to add subsection (b) (3), which provides that subject to a shielding exception, a docket entry is available to the public through a search feature on the Judiciary website and in accordance with certain Rules in Title 16; and to add section (d), which provides how the date of a judgment is determined before and after the date of the amendment to Rule 2-601, as follows:

Rule 2-601. ENTRY OF JUDGMENT

(a) Prompt Entry - Separate Document

Each judgment shall be set forth on a separate document. Upon a verdict of a jury or a decision by the court allowing recovery only of costs or a specified amount of money or denying all relief, the clerk shall forthwith prepare, sign, and enter the judgment, unless the court orders otherwise. Upon a verdict of a jury or a decision by the court granting other relief, the court shall promptly review the form of the judgment presented and, if approved, sign it, and the clerk shall forthwith enter the judgment as approved and signed. A judgment is effective only when so set forth and when entered as provided in section

(b) of this Rule. Unless the court orders otherwise, entry of the judgment shall not be delayed pending determination of the amount of costs.

(b) Applicability - Method of Entry ~~- Date of Judgment -~~
Availability to the Public

(1) Applicability

Section (b) of this Rule applies to judgments entered on and after July 1, 2015.

(2) Entry

The clerk shall enter a judgment ~~by making a record of it in writing on the file jacket, or on a docket within the file, or in a docket book, according to the practice of each court, and shall record the actual date of the entry. That date shall be the date of the judgment.~~ by making an entry of it on the docket of the electronic case management system used by that court along with such description of the judgment as the clerk deems appropriate.

(3) Availability to the Public

Unless shielding is required by law or court order, the docket entry and the date of the entry shall be available to the public through the case search feature on the Judiciary website and in accordance with Rules 16-1002 and 16-1003.

(c) Recording and Indexing

Promptly after entry, the clerk shall (1) record and index the judgment, except a judgment denying all relief without costs, in the judgment records of the court and (2) note on the docket

the date the clerk sent copies of the judgment in accordance with Rule 1-324.

(d) Date of Judgment

On and after July 1, 2015, regardless of the date a judgment was signed, the date of the judgment is the date that the clerk enters the judgment on the electronic case management system docket in accordance with section (b) of this Rule. The date of a judgment entered prior to July 1, 2015 is computed in accordance with the Rules in effect when the judgment was entered.

Source: This Rule is derived as follows:

Section (a) is new and is derived from the 1993 version of Fed. R. Civ. P. 58.

Section (b) is new.

Section (c) is new.

Section (d) is new.

MARYLAND RULES OF PROCEDURE
TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT
CHAPTER 600 - JUDGMENT

AMEND Rule 2-603 to conform an internal reference to amendments to Rule 7-206 and to conform with the revision of Rule 1-325, as follows:

Rule 2-603. COSTS

. . .

(b) Assessment by the Clerk

The clerk shall assess as costs all fees of the clerk and sheriff, statutory fees actually paid to witnesses who testify, and, in proceedings under Title 7, Chapter 200 of these Rules, the costs specified by Rule 7-206 ~~(a)~~ (b). On written request of a party, the clerk shall assess other costs prescribed by rule or law. The clerk shall notify each party of the assessment in writing. On motion of any party filed within five days after the party receives notice of the clerk's assessment, the court shall review the action of the clerk.

. . .

(e) Waiver of Costs in Domestic Relations Cases - Indigency

In an action under Title 9, Chapter 200 of these Rules, the court shall ~~waive~~ grant a final waiver of open costs, including any compensation, fees, and costs of a master or examiner if the court finds that the party against whom the costs

are assessed is unable to pay them by reason of poverty. The party may seek the waiver at the conclusion of the case by filing a request for a final waiver of open costs, together with (1) an affidavit substantially in the form prescribed by Rule 1-325 (e) (1) (A), or (2) if in accordance with Rule 1-325 (a). If the party was granted a waiver of prepayment of prepaid costs by court order pursuant to ~~that~~ Rule 1-325 (e) and remains unable to pay the costs, ~~the~~ an affidavit ~~required by Rule 1-325 (a)~~ ~~need only~~ that recites the existence of the prior waiver and the party's continued inability to pay.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT
CHAPTER 600 - JUDGMENT

AMEND Rule 2-623 to make a stylistic change to section (a),
as follows:

Rule 2-623. RECORDING OF JUDGMENT OF ANOTHER COURT AND DISTRICT
COURT NOTICE OF LIEN

(a) Judgment of Another Court

Upon receiving a copy of a judgment of another court,
certified or authenticated in accordance with these rules or
statutes of this State, or of the United States, the clerk shall
record and index the judgment if it was entered by ~~(a)~~ (1) the
Court of Appeals, ~~(b)~~ (2) the Court of Special Appeals, ~~(c)~~ (3)
another circuit court of this State, ~~(d)~~ (4) a court of the
United States, or ~~(e)~~ (5) any other court whose judgments are
entitled to full faith and credit in this State. Upon recording
a judgment received from a person other than the clerk of the
court of entry, the receiving clerk shall notify the clerk of the
court of entry.

Cross reference: For enforcement of foreign judgments, see Code,
Courts Article, §§11-801 through 11-807.

(b) District Court Notice of Lien

Upon receiving a certified copy of a Notice of Lien from
the District Court pursuant to Rule 3-621, the clerk shall record
and index the notice in the same manner as a judgment.

Source: This Rule is in part derived from former Rule 619 a and in part new.

MARYLAND RULES OF PROCEDURE

TITLE 3 - CIVIL PROCEDURE - DISTRICT COURT

CHAPTER 100 - COMMENCEMENT OF ACTION AND PROCESS

AMEND Rule 3-131 to permit the entry of a limited appearance under certain circumstances, to add a form of acknowledgment of the scope of limited representation, and to add a cross reference pertaining to limited appearances, as follows:

Rule 3-131. APPEARANCE

(a) By an Attorney or in Proper Person

Except as otherwise provided by rule or statute: (1) an individual may enter an appearance by an attorney or in proper person and (2) a person other than an individual may enter an appearance only by an attorney.

(b) Limited Appearance

(1) Notice of Appearance

An attorney, acting pursuant to an agreement with a client for limited representation that complies with Rule 1.2 (c) of the Maryland Lawyers' Rules of Professional Conduct, may enter an appearance limited to participation in a discrete matter or judicial proceeding. The notice of appearance (A) shall be accompanied by an Acknowledgment of Scope of Limited Representation substantially in the form specified in subsection (b) (2) of this Rule and signed by the client, and (B) shall specify the scope of the limited representation, which shall not

exceed the scope set forth in the Acknowledgment.

(2) Acknowledgment of Scope of Limited Representation

The Acknowledgment of Scope of Limited Representation shall be substantially in the following form:

[CAPTION]

ACKNOWLEDGMENT OF SCOPE OF LIMITED REPRESENTATION

Client: _____

Attorney: _____

I have entered into a written agreement with the above-named attorney. I understand that the attorney will represent me for the following limited purposes (check all that apply):

- Arguing the following motion or motions:
_____.
- Attending a pretrial conference.
- Attending a settlement conference.
- Attending the following court-ordered mediation for purposes of advising the client during the proceeding:

_____.
- Acting as my attorney for the following hearing or trial:

_____.
- With leave of court, acting as my attorney with regard to the following specific issue or a specific portion

of a trial or hearing: _____
_____.

I understand that except for the legal services specified above, I am fully responsible for handling my case, including complying with court Rules and deadlines. I understand further that during the course of the limited representation, the court may discontinue sending court notices to me and may send all court notices only to my limited representation attorney. If the court discontinues sending notices to me, I understand that although my limited representation attorney is responsible for forwarding to me court notices pertaining to matters outside the scope of the limited representation, I remain responsible for keeping informed about my case.

Client

Signature

Date

Cross reference: See Maryland Lawyers' Rules of Professional Conduct, Rule 1.2, Comment 8. For striking of an attorney's limited appearance, see Rule 3-132 (a).

~~(b)~~ (c) How Entered

Except as otherwise provided in section (b) of this Rule,
~~An~~ an appearance may be entered by filing a pleading, motion, or notice of intention to defend, by filing a written request for

the entry of an appearance, or, if the court permits, by orally requesting the entry of an appearance in open court.

~~(c)~~ (d) Effect

The entry of an appearance is not a waiver of the right to assert any defense in accordance with these rules. Special appearances are abolished.

Cross reference: Rules 1-311, 1-312, 1-313; Rules 14 and 15 of the Rules Governing Admission to the Bar. See also Rule 1-202 (t) for the definition of "person", and Code, Business Occupations and Professions Article, §10-206 (b) (1), (2), and (4) for certain exceptions applicable in the District Court.

Source: This Rule is in part derived from former Rule 124 and in part new.

MARYLAND RULES OF PROCEDURE

TITLE 3 - CIVIL PROCEDURE - DISTRICT COURT

CHAPTER 100 - COMMENCEMENT OF ACTION AND PROCESS

AMEND Rule 3-132 to permit an attorney who has entered a limited appearance to file a notice of withdrawal under certain circumstances, as follows:

Rule 3-132. STRIKING OF ATTORNEY'S APPEARANCE

(a) By Notice

~~When the client has another attorney of record, an~~ An attorney may withdraw an appearance by filing a notice of withdrawal when (1) the client has another attorney of record; or (2) the attorney entered a limited appearance pursuant to Rule 3-131 (b), and the particular proceeding or matter for which the appearance was entered has concluded.

(b) By Motion

~~When the client has no other attorney of record, an~~ an attorney is not permitted to withdraw an appearance by notice under section (a) of this Rule, the attorney wishing to withdraw an appearance shall file a motion to withdraw. Except when the motion is made in open court, the motion shall be accompanied by the client's written consent to the withdrawal or the moving attorney's certificate that notice has been mailed to the client at least five days prior to the filing of the motion, informing the client of the attorney's intention to move for withdrawal

and advising the client to have another attorney enter an appearance or to notify the clerk in writing of the client's intention to proceed in proper person. Unless the motion is granted in open court, the court may not order the appearance stricken before the expiration of the time prescribed by Rule 3-311 for requesting a hearing. The court may deny the motion if withdrawal of the appearance would cause undue delay, prejudice, or injustice.

(c) Automatic Termination of Appearance

When no appeal has been taken from a final judgment, the appearance of an attorney is automatically terminated upon the expiration of the appeal period unless the court, on its own initiative or on motion filed prior to the automatic termination, orders otherwise.

Source: This Rule is derived as follows:

Section (a) is derived from former M.D.R. 125 a.

Section (b) is in part derived from former M.D.R. 125 a and is in part new.

Section (c) is derived from former M.D.R. 125 b.

MARYLAND RULES OF PROCEDURE
TITLE 3 - CIVIL PROCEDURE - DISTRICT COURT
CHAPTER 500 - TRIAL

AMEND Rule 3-510 to reorganize the Rule, to provide for a uniform subpoena form approved by the State Court Administrator, to add certain provisions concerning the use and copying of subpoena forms, to add to a subpoena form a date of issuance and a certain statement as to when a subpoena may be served, to prohibit serving or attempting to serve a subpoena more than 60 days after the date of issuance, to add a Committee note following section (c), to permit electronic issuance of a blank form of subpoena under certain circumstances, and to make stylistic changes, as follows:

Rule 3-510. SUBPOENAS

(a) Required, Permissive, and Non-permissive Use

(1) A subpoena is required:

(A) to compel the person to whom it is directed to attend, give testimony, and produce designated documents or other tangible things at a court proceeding, including proceedings before an examiner; and

(B) to compel a nonparty to attend, give testimony, and produce and permit inspection and copying of designated documents or other tangible things at a deposition taken pursuant to Rule 3-401 or 3-431.

(2) A subpoena ~~is also required~~ may be used to compel ~~a nonparty and may be used to compel~~ a party over whom the court has acquired jurisdiction to attend, give testimony, and produce and permit inspection and copying of designated documents or other tangible things at a deposition taken pursuant to Rule 3-401 or 3-431.

(3) A subpoena ~~shall~~ may not be used for any other purpose. If the court, on motion of a party ~~alleging a violation of this section~~ or on its own initiative, after affording the alleged violator an opportunity for a hearing, finds that a ~~party or attorney~~ person has used or attempted to use a subpoena or a copy or reproduction of a subpoena form for a purpose other than ~~a purpose~~ one allowed under this ~~section~~ Rule, the court may impose an appropriate sanction, ~~upon the party or attorney,~~ including an award of a reasonable attorney's fee and costs, the exclusion of evidence obtained ~~by the subpoena~~ as a result of the violation, and reimbursement of any person inconvenienced for time and expenses incurred.

(b) Issuance

A subpoena shall be issued by the clerk of the court in which an action is pending in the following manner:

(1) On the request of ~~a~~ any person entitled to the issuance of a subpoena, the clerk shall (A) issue a completed subpoena, or (B) provide to the person a blank form of subpoena, which the person shall be filled in and returned fill in and return to the clerk to be signed and sealed by the clerk before service.

(2) On the request of ~~an attorney or other officer of the court~~ a member in good standing of the Maryland Bar entitled to the issuance of a subpoena, the clerk shall issue a subpoena signed and sealed ~~but otherwise in blank~~ by the clerk, which the attorney shall ~~be filled~~ fill in before service.

(3) An attorney of record in a pending action who is a registered user under Rule 20-101 may obtain from the clerk through MDEC, for use in that action, an electronic version of a blank form of subpoena containing the clerk's signature and the seal of the court, which the attorney may download, print, and fill in before service.

(4) Except as provided in subsections (b) (2) and (b) (3) of this Rule, a person other than the clerk may not copy and fill in any blank form of subpoena for the purpose of serving the subpoena. A violation of this section shall constitute a violation of subsection (a) (3) of this Rule.

(c) Form

Except as otherwise permitted by the court for good cause, Every every subpoena shall be on a uniform form approved by the State Court Administrator. The form shall contain: (1) the caption of the action, (2) the name and address of the person to whom it is directed, (3) the name of the person at whose request it is issued, (4) the date, time, and place where attendance is required, (5) a description of any documents or other tangible things to be produced, (6) the date of issuance, and (7) a statement that the subpoena may be served within 60 days after

its issuance and may not be served thereafter.

Committee note: A subpoena may be used to compel attendance at a court proceeding or deposition that will be held more than 60 days after the date of issuance provided that the subpoena is served within the 60-day period. The failure to serve a subpoena within the 60-day period does not preclude the reissuance of a new subpoena.

(d) Service

A subpoena shall be served by delivering a copy to the person named or to an agent authorized by appointment or by law to receive service for the person named or as permitted by Rule 3-121 (a) (3). Service of a subpoena upon a party represented by an attorney may be made by service upon the attorney under Rule 1-321 (a). A subpoena may be served by a sheriff of any county or by any person who is not a party and who is not less than 18 years of age. Unless impracticable, a party shall make a good faith effort to cause a trial or hearing subpoena to be served at least five days before the trial or hearing. A person may not serve or attempt to serve a subpoena more than 60 days after its issuance. A violation of this provision shall constitute a violation of subsection (a) (3) of this Rule.

Cross reference: See Code, Courts Article, §6-410, concerning service upon certain persons other than the custodian of public records named in the subpoena if the custodian is not known and cannot be ascertained after a reasonable effort. As to additional requirements for certain subpoenas, see Code, Health-General Article, §4-306 (b) (6) and Code, Financial Institutions Article, §1-304.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 3 - CIVIL PROCEDURE - DISTRICT COURT
CHAPTER 600 - JUDGMENT

AMEND Rule 3-601 to add an applicability provision in subsection (b) (1); to delete language from and add language to subsection (b) (2), to modify how a judgment is entered; to add subsection (b) (3), which provides that subject to a certain exception, a docket entry is available to the public through a search feature on the Judiciary website and in accordance with certain Rules in Title 16; and to add section (e), which provides how the date of judgment is determined before and after the date of the amendment to Rule 3-601, as follows:

Rule 3-601. ENTRY OF JUDGMENT

(a) When Entered

Upon a decision by the court denying or granting relief, the court shall enter the judgment promptly.

(b) Applicability - Method of Entry ~~- Date of Judgment~~

Availability to the Public

~~The court shall enter a judgment by making a record of it in writing on the file jacket, or on a docket within the file, or in a docket book, according to the practice of each court, and shall record the actual date of the entry. That date shall be the date of the judgment.~~

(1) Applicability

Section (b) of this Rule applies to judgments entered on and after July 1, 2015.

(2) Entry

The clerk shall enter a judgment by making an entry on the docket of the electronic case management system used by that court along with such description of the judgment as the clerk deems appropriate.

(3) Availability to the Public

Unless shielding is required by law or court order, the docket entry and the date of the entry shall be available to the public through the case search feature on the Judiciary's website and in accordance with Rules 16-1002 and 16-1003.

(c) Advice to Judgment Holder

Upon entering a judgment for a sum certain, except in Baltimore City, the court shall advise the judgment holder of the right to obtain a lien on real property pursuant to Rule 3-621.

(d) Recording and Indexing

Promptly after entry, the clerk shall record and index the judgment, except a judgment denying all relief without costs, in the judgment records of the court.

(e) Date of Judgment

On and after July 1, 2015, regardless of the date a judgment was signed, the date of the judgment is the date that the clerk enters the judgment on the electronic case management system docket in accordance with section (b) of this Rule. The date of a judgment entered prior to July 1, 2015 is computed in

accordance with the Rules in effect when the judgment was entered.

Source: This Rule is derived as follows:

Section (a) is new and is derived from the 1963 version of Fed. R. Civ. P. 58.

Section (b) is new.

Section (c) is derived from former M.D.R. 619 b.

Section (d) is new.

Section (e) is new.

MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 100 - GENERAL

AMEND Rule 4-101 by adding a cross reference to Rules 4-501 and 11-601, as follows:

Rule 4-101. APPLICABILITY

The rules in this Title govern procedure in all criminal matters, post conviction procedures, and expungement of records in both the circuit courts and the District Court, except as otherwise specifically provided.

Cross reference: See Rules 4-501 and 11-601 concerning expungement of juvenile records.

Source: This Rule is derived from former Rule 701 and M.D.R. 701.

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-212 to conform an internal reference to revised Code provisions, as follows:

Rule 4-212. ISSUANCE, SERVICE, AND EXECUTION OF SUMMONS OR WARRANT

. . .

(d) Warrant - Issuance; Inspection

. . .

(3) Inspection of the Warrant and Charging Document

Unless otherwise ordered by the court, files and records of the court pertaining to a warrant issued pursuant to subsection (d) (1) or (d) (2) of this Rule and the charging document upon which the warrant was issued shall not be open to inspection until either (A) the warrant has been served and a return of service has been filed in compliance with section (g) of this Rule or (B) 90 days have elapsed since the warrant was issued. Thereafter, unless sealed pursuant to Rule 4-201 (d), the files and records shall be open to inspection.

Committee note: This subsection does not preclude the release of otherwise available statistical information concerning unserved arrest warrants nor does it prohibit a State's Attorney or peace officer from releasing information pertaining to an unserved arrest warrant and charging document.

Cross reference: See Rule 4-201 concerning charging documents. See Code, ~~State Government Article, §10-616 (q)~~ General

Provisions Article, §4-316, which governs inspection of court records pertaining to an arrest warrant.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-216 (f) (4) (B) to change the amount of collateral security from \$100.00 to \$25.00, as follows:

Rule 4-216. PRETRIAL RELEASE - AUTHORITY OF JUDICIAL OFFICER;
PROCEDURE

. . .

(f) Conditions of Release

The conditions of release imposed by a judicial officer under this Rule may include:

(1) committing the defendant to the custody of a designated person or organization that agrees to supervise the defendant and assist in ensuring the defendant's appearance in court;

(2) placing the defendant under the supervision of a probation officer or other appropriate public official;

(3) subjecting the defendant to reasonable restrictions with respect to travel, association, or residence during the period of release;

(4) requiring the defendant to post a bail bond complying with Rule 4-217 in an amount and on conditions specified by the judicial officer, including any of the following:

(A) without collateral security;

(B) with collateral security of the kind specified in Rule

4-217 (e) (1) (A) equal in value to the greater of ~~\$100.00~~ \$25.00 or 10% of the full penalty amount, and if the judicial officer sets bail at \$2500 or less, the judicial officer shall advise the defendant that the defendant may post a bail bond secured by either a corporate surety or a cash deposit of 10% of the full penalty amount;

(C) with collateral security of the kind specified in Rule 4-217 (e) (1) (A) equal in value to a percentage greater than 10% but less than the full penalty amount;

(D) with collateral security of the kind specified in Rule 4-217 (e) (1) equal in value to the full penalty amount; or

(E) with the obligation of a corporation that is an insurer or other surety in the full penalty amount;

(5) subjecting the defendant to any other condition reasonably necessary to:

(A) ensure the appearance of the defendant as required,

(B) protect the safety of the alleged victim, and

(C) ensure that the defendant will not pose a danger to another person or to the community; and

(6) imposing upon the defendant, for good cause shown, one or more of the conditions authorized under Code, Criminal Law Article, §9-304 reasonably necessary to stop or prevent the intimidation of a victim or witness or a violation of Code, Criminal Law Article, §9-302, 9-303, or 9-305.

Cross reference: See Code, Criminal Procedure Article, §5-201 (a) (2) concerning protections for victims as a condition of release. See Code, Criminal Procedure Article, §5-201 (b), and

Code, Business Occupations and Professions Article, Title 20,
concerning private home detention monitoring as a condition of
release.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-217 to add a cross reference after subsection (e) (1) (A) pertaining to orders setting cash bail or cash bond and to make stylistic changes, as follows:

Rule 4-217. BAIL BONDS

. . .

(e) Collateral Security

(1) Authorized Collateral

A defendant or surety required to give collateral security may satisfy the requirement by:

(A) depositing with the person who takes the bond the required amount in cash or certified check, or pledging intangible property approved by the court; or

Cross reference: See Code, Criminal Procedure Article, §§5-203 and 5-205, permitting certain persons to post a cash bail or cash bond when an order specifies that the bail or bond may be posted only by the defendant.

(B) encumbering one or more parcels of real estate situated in the State of Maryland, owned by the defendant or surety in fee simple absolute, or as chattel real subject to ground rent. No bail bond to be secured by real estate may be taken unless ~~(1)~~ (i) a Declaration of Trust of a specified parcel of real estate, in the form set forth at the end of this Title as Form 4-217.1, is executed before the person who takes the bond and is filed

with the bond, or ~~(2)~~ (ii) the bond is secured by a Deed of Trust to the State or its agent and the defendant or surety furnishes a verified list of all encumbrances on each parcel of real estate subject to the Deed of Trust in the form required for listing encumbrances in a Declaration of Trust.

(2) Value

Collateral security shall be accepted only if the person who takes the bail bond is satisfied that it is worth the required amount.

(3) Additional or Different Collateral Security

Upon a finding that the collateral security originally deposited, pledged, or encumbered is insufficient to ensure collection of the penalty sum of the bond, the court, on motion by the State or on its own initiative and after notice and opportunity for hearing, may require additional or different collateral security.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-265 to reorganize the Rule, to add certain provisions concerning the use and copying of subpoena forms, to permit electronic issuance of a blank form of subpoena under certain circumstances, and to make stylistic changes, as follows:

Rule 4-265. SUBPOENA FOR HEARING OR TRIAL

(a) Definitions

(1) Trial

For purposes of this Rule, "trial" includes hearing.

(2) Trial Subpoena

For purposes of this Rule, "trial subpoena" includes hearing subpoena.

(b) Issuance

A subpoena shall be issued by the clerk of the court in which an action is pending in the following manner:

~~(b) (1) Preparation by Clerk~~

On request of a party, the clerk shall prepare and issue a subpoena commanding a witness to appear to testify at trial. The request for subpoena shall state the name, address, and county of the witness to be served, the date and hour when the attendance of the witness is required, and which party has requested the subpoena. If the request is for a subpoena duces tecum, the

request also shall designate the relevant documents, recordings, photographs, or other tangible things, not privileged, that are to be produced by the witness.

~~(c) Preparation by Party or Officer of the Court~~

(2) On request of a party entitled to the issuance of a subpoena, the clerk shall provide a blank form of subpoena which shall be filled in and returned to the clerk to be signed and sealed before service.

(3) On request of ~~an attorney or other officer of the court~~ a member in good standing of the Maryland Bar entitled to the issuance of a subpoena, the clerk shall issue a subpoena signed and sealed ~~but otherwise in blank~~ by the clerk, which the attorney shall ~~be filled~~ fill in before service.

(4) An attorney of record in a pending action who is a registered user under Rule 20-101 may obtain from the clerk through MDEC, for use in that action, an electronic version of a blank form of subpoena containing the clerk's signature and the seal of the court, which the attorney may download, print, and fill in before service.

(5) Except as provided in subsections (b) (3) and (b) (4) of this Rule, a person other than the clerk may not copy and fill in any blank form of subpoena for the purpose of serving the subpoena.

~~(d)~~ (c) Issuance of Subpoena Duces Tecum

A subpoena duces tecum shall include a designation of the documents, recordings, photographs, or other tangible things, not

privileged, that are to be produced by the witness.

~~(e)~~ (d) Filing and Service

Unless the court waives the time requirements of this section, a request for subpoena shall be filed at least nine days before trial in the circuit court, or seven days before trial in the District Court, not including the date of trial and intervening Saturdays, Sundays, and holidays. At least five days before trial, not including the date of the trial and intervening Saturdays, Sundays, or holidays, the clerk shall deliver the subpoena for service pursuant to Rule 4-266 (b). Unless impracticable, there must be a good faith effort to cause a trial subpoena to be served at least five days before the trial.

Cross reference: As to additional requirements for certain subpoenas, see Code, Health-General Article, §4-306 (b)(6) and Code, Financial Institutions Article, §1-304.

Source: This Rule is in part derived from former Rule 742 b and M.D.R. 742 a and in part new.

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 200 - PRETRIAL PROCEDURES

AMEND Rule 4-266 to provide for a uniform subpoena form approved by the State Court Administrator, to add a date of issuance and a certain statement to a subpoena form, to add a Committee note following section (a), to prohibit serving or attempting to serve a subpoena more than 60 days after it was issued, and to make stylistic changes, as follows:

Rule 4-266. SUBPOENAS - GENERALLY

(a) Form

Except as otherwise permitted by the court for good cause,
Every every subpoena shall be on a uniform form approved by the
State Court Administrator. The form shall contain: (1) the
caption of the action, (2) the name and address of the person to
whom it is directed, (3) the name of the person at whose request
it is issued, (4) the date, time, and place where attendance is
required, ~~and~~ (5) a description of any documents, recordings,
photographs, or other tangible things to be produced, (6) the
date of issuance and an expiration date which shall be 60 days
after the date of issuance, and (7) a statement that the subpoena
may be served within 60 days after its issuance and may not be
served thereafter.

Committee note: A subpoena may be used to compel attendance at a
court proceeding or deposition that will be held more than 60

days after the date of issuance, provided that the subpoena is served within the 60-day period. The failure to serve a subpoena within the 60-day period does not preclude the reissuance of a new subpoena.

(b) Service

A subpoena shall be served by delivering a copy to the person named or to an agent authorized by appointment or by law to receive service for the person named or as permitted by Rule 2-121 (a) (3). A subpoena may be served by a sheriff of any county or by a person who is not a party and who is not less than 18 years of age. A subpoena issued by the District Court may be served by first class mail, postage prepaid, if the administrative judge of the district so directs. A person may not serve or attempt to serve a subpoena more than 60 days after its issuance.

Cross reference: See Code, Courts Article, §6-410, concerning service upon certain persons other than the custodian of public records named in the subpoena if the custodian is not known and cannot be ascertained after a reasonable effort.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 300 - TRIAL AND SENTENCING

AMEND Rule 4-326 (d) by adding subsection (d) (1) to provide for juror communication using juror numbers, by adding the words "or a juror" to subsection (d) (2) (A), by adding language to subsection (d) (2) (B) providing for certain actions by a judge who receives a juror communication, by adding a Committee note after subsection (d) (2) (B), by adding language to subsection (d) (2) (C) pertaining to a judicial determination that a juror communication pertains to the action, and by amending subsection (d) (3) as to how the clerk handles a juror communication, as follows:

Rule 4-326. JURY - REVIEW OF EVIDENCE - COMMUNICATIONS

(a) Jurors' Notes

The court may, and on request of any party shall, provide paper notepads for use by sworn jurors, including any alternates, during trial and deliberations. The court shall maintain control over the jurors' notes during the trial and promptly destroy the notes after the trial. Notes may not be reviewed or relied upon for any purpose by any person other than the author. If a sworn juror is unable to use a notepad because of a disability, the court shall provide a reasonable accommodation.

(b) Items Taken to Jury Room

Sworn jurors may take their notes with them when they

retire for deliberation. Unless the court for good cause orders otherwise, the jury may also take the charging document and exhibits that have been admitted in evidence, except that a deposition may not be taken into the jury room without the agreement of all parties and the consent of the court.

Electronically recorded instructions or oral instructions reduced to writing may be taken into the jury room only with the permission of the court. On request of a party or on the court's own initiative, the charging documents shall reflect only those charges on which the jury is to deliberate. The court may impose safeguards for the preservation of the exhibits and the safety of the jury.

Cross reference: See Rule 5-802.1 (e).

(c) Jury Request to Review Evidence

The court, after notice to the parties, may make available to the jury testimony or other evidence requested by it. In order that undue prominence not be given to the evidence requested, the court may also make available additional evidence relating to the same factual issue.

(d) Communications with Jury

(1) Instruction to Use Juror Number

The judge shall instruct the jury, in any preliminary instructions and in instructions given prior to jury deliberations that, in any written communication from a juror, the juror shall be identified only by juror number.

~~(1)~~ (2) Notification of Judge; Duty of Judge

(A) A court official or employee who receives any written or oral communication from the jury or a juror shall immediately notify the presiding judge of the communication.

(B) ~~If~~ The judge shall determine whether the communication pertains to the action~~.~~ If the judge determines that the communication does not pertain to the action, the judge may respond as he or she deems appropriate.

Committee note: Whether a communication pertains to the action is defined by case law. See, for example, Harris v. State, 428 Md. 700 (2012) and Grade v. State, 431 Md. 85 (2013).

(C) If the judge determines that the communication pertains to the action, the judge shall promptly, and before responding to the communication, direct that the parties be notified of the communication and invite and consider, on the record, the parties' position on any response. The judge may respond to the communication ~~(A)~~ in writing~~,~~ or ~~(B)~~ orally in open court on the record.

~~(2)~~ (3) Duty of Clerk

~~The clerk shall (A) record on any written communication the date and time it was received by the judge, and (B) enter on the docket (i) any written communication and the nature of any oral communication, (ii) the date and time the communication was received by the judge, (iii) that the parties were notified and had an opportunity on the record to state their position on any response, (iv) how the communication was addressed by the judge, and (v) any written response by the judge to the communication.~~

(A) The clerk shall enter on the docket (i) the date and

time that each communication from the jury or a juror was received by or reported to the judge, (ii) whether the communication was written or oral, and, if oral, the nature of the communication, (iii) whether the judge concluded that the communication pertained to the action, and (iv) if so, whether the parties and attorneys were notified and had an opportunity on the record to state their position on any response.

(B) The clerk shall enter in the electronic or paper file each written communication from the jury or a juror and each written response by the judge. Any identification of a juror other than the juror number shall be redacted.

(C) In any entry made by the clerk, a juror shall be identified only by juror number.

Source: This Rule is derived as follows:

Section (a) is new.

Section (b) is derived from former Rule 758 a and b and 757 e.

Section (c) is derived from former Rule 758 c.

Section (d) is derived in part from former Rule 758 d and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 500 - EXPUNGEMENT OF RECORDS

AMEND Rule 4-501 by adding a certain exception, as follows:

Rule 4-501. APPLICABILITY

The procedure provided by this Chapter is exclusive and mandatory for use in all judicial proceedings for expungement of records whether pursuant to Code, Criminal Procedure Article, §§10-102 through 10-109 or otherwise, except that expungement of juvenile records is governed by Rule 11-601.

Source: This Rule is derived from former Rule EX2.

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 600 - CRIMINAL INVESTIGATIONS AND
MISCELLANEOUS PROVISIONS

AMEND Rule 4-601 by reorganizing it; by changing the tagline of and removing the cross reference after section (a); by adding a new section (b) that provides for the methods of submission of applications for search warrants, for an opportunity to request that warrants be sealed, and for a discussion of the application using certain types of communication; by adding a cross reference after section (b) to certain cases pertaining to changing the affidavit accompanying the warrant; by adding a new section (c) that provides certain methods of issuance of a search warrant and has language from former section (b); by deleting from section (d) certain language and by adding to section (d) new language providing for a 30-day extension for sealing the warrant, modifying language addressing when certain papers are required to be retained, and a requirement designating the original of an electronically transmitted warrant; by changing section (e) to expand the procedure for the officer's inventory of property seized, to add a certain exception for the papers that are to be left by the officer executing the warrant, and to change a certain term; by adding to section (f) language expanding the procedure for the officer making and delivering a return; by making stylistic changes to section (g); by adding to section (h)

language pertaining to the validity of a search warrant; by adding to section (i) language changing how the State's Attorney is notified and certain exceptions to the availability of the search warrant and other papers; by changing the tagline of section (j) and by adding language to section (j) that provides certain limits on disclosure of the fact that a search warrant has been applied for; and by making stylistic changes, as follows:

Rule 4-601. SEARCH WARRANTS

(a) ~~Issuance~~ → Authority to Issue; Title 5 Inapplicable

A search warrant may issue only as authorized by law.

Title 5 of these Rules does not apply to the issuance of a search warrant.

~~Cross reference: Code, Criminal Procedure Article, §1-203.~~

(b) Submission of Application

(1) Method of Submission

An applicant may submit an application for a search warrant by (A) delivery of three copies of (i) the application, (ii) a supporting affidavit, and (iii) a proposed search warrant in person or by secure facsimile; or (B) transmission of those documents to the judge by secure and reliable electronic mail that permits the judge to print the complete text of the documents. If the documents are transmitted electronically the proposed warrant shall be sent in an electronic text format specified by the State Court Administrator, and the judge shall print and retain a copy of the documents.

(2) Request for Sealing Affidavit

The application may include a request that the affidavit be sealed pursuant to Code, Criminal Procedure Article, §1-203 (e).

(3) Discussion about Application

Upon receipt of an application, the judge may discuss it with the applicant in person or by telephone, video conferencing, or other electronic means.

Committee note: A discussion between the applicant and the judge may be explanatory in nature but may not be for the purpose of adding or changing any statement in the affidavit that is material to the determination of probable cause. Probable cause must be determined from the four corners of the affidavit. See *Abeokuto v. State*, 391 Md. 289, 338 (2006); *Valdez v. State*, 300 Md. 160, 168 (1984) (The four-corners rule "prevents consideration of evidence that seeks to supplement or controvert the truth of grounds stated in the affidavit.")

(c) Issuance of Search Warrant

The judge may issue a search warrant by (1) signing the warrant and recording on it the date and time of issuance, and (2) delivering the signed and dated warrant, along with a copy of the application and affidavit, to the applicant in person, by secure facsimile, or by transmission of those documents by secure and reliable electronic mail that permits the applicant to print the complete text of the documents.

~~(b) (d) Retention of Application and Affidavits - Secrecy~~

~~A judge issuing a search warrant shall note on the warrant the date of issuance and shall retain a copy of the warrant, application, and supporting affidavit.~~

(1) The A search warrant shall be issued with all practicable

secrecy. ~~A The judge may seal a supporting affidavit ~~may be sealed for not more than~~ for up to 30 days, ~~subject to one 30-day extension~~ as provided by in Code, Criminal Procedure Article, §1-203 (e). ~~The warrant and application, affidavit, or other papers upon which the warrant is based shall not be filed with the clerk until the search warrant is returned executed pursuant to section (e) of this Rule.~~~~

(2) A judge who issues a search warrant shall retain a copy of the application, affidavit, and warrant until the warrant is returned, executed or unexecuted, pursuant to section (g) or (h) of this Rule. Upon return of an executed warrant, the judge shall comply with section (g). If the signed and dated warrant was transmitted to the applicant by electronic mail, the printed copy retained by the judge, upon its filing pursuant to section (g), shall be the original. A warrant, application, or affidavit shall not be filed with the clerk prior to its return to the judge pursuant to section (g) or (h).

~~(c)~~ (e) Executed Warrant - Inventory; Copy

(1) An officer shall make, verify, and sign a written inventory of all property seized under a search warrant, including a general description of electronically stored information received pursuant to the warrant in electronic, disk, paper, or other form.

(2) At the time the search warrant is executed, a copy of the inventory together with a copy of the search warrant, application, and supporting affidavit, except an affidavit that

~~has been sealed by order of court,~~ the officer executing the warrant shall be left leave with the person from whom the property ~~is~~ was taken ~~if the person is present~~ or, if that person is not present, ~~with the person apparently in charge~~ an authorized occupant of the premises from which the property ~~is~~ was taken (A) a copy of the search warrant and application, (B) a copy of the supporting affidavit, except an affidavit that has been sealed pursuant to section (d) of this Rule, and (C) a copy of the inventory.

(3) Subject to subsections (e) (2) and (e) (4) of this Rule, if neither of those persons is if the person from whom the property was taken and an authorized occupant of the premises from which the property was taken are not present at the time the search warrant is executed, the copies shall be left in a conspicuous place at the premises from which the property ~~is~~ was taken.

(4) The officer preparing the inventory shall verify it before making the return. Upon the expiration of the order sealing an affidavit, the affidavit shall be unsealed and If a copy of the supporting affidavit was not left because it was under seal, a copy shall be delivered ~~within 15 days~~ to the person from whom the property was taken or, if that person is not present, ~~the person apparently in charge~~ to an authorized occupant of the premises from which the property was taken within 15 days after the affidavit is unsealed.

~~(d)~~ (f) Executed Warrant - Return

(1) An officer who executes a search warrant shall prepare a

detailed search warrant return, which shall include the date and time of the execution of the warrant and a verified inventory.

~~(2) An executed warrant shall be returned to the issuing judge,~~ The officer shall deliver the return to the judge who issued the warrant or, if that judge is not immediately available, to another judge of the same circuit, if the warrant was issued by a circuit court judge, or of the same district, if the warrant was issued by the a District Court judge, as promptly as possible and, in any event, (A) within ten days after the date the search warrant is was executed, or (B) within any earlier time set forth in the search warrant for its return. The return shall be accompanied by the executed warrant and the verified inventory. ~~A search warrant unexecuted within 15 days after its issuance shall be returned promptly to the issuing judge.~~

(3) Delivery of the return, warrant, and verified inventory may be in person, by secure facsimile, or by secure electronic mail that permits the judge to print the complete text of the documents. If the delivery is by electronic mail, the officer shall sign the return and inventory as required by Rule 20-107 (e) and, no later than the next business day, deliver to the judge the original signed and dated return and inventory and the warrant that was executed.

(4) If the return is made to a judge other than the judge who issued the warrant, the officer shall notify the issuing judge of when and to whom the return was made, unless it is impracticable to give such notice.

(5) The officer shall deliver a copy of the return to an authorized occupant of the premises searched or, if such a person is not present, leave a copy of the return at the premises searched.

~~(e)~~ (g) Executed Search Warrants - Filing with Clerk

The judge to whom an executed search warrant is returned shall attach to the ~~search warrant copies~~ of the return, the verified inventory, and all other papers in connection with the issuance, execution, and return, including the copies retained by the issuing judge, and shall file them with the clerk of the court for the county in which the property was seized. The papers filed with the clerk shall be sealed and shall be opened for inspection only upon order of the court. The clerk shall maintain a confidential index of the search warrants.

~~(f)~~ (h) Unexecuted Search Warrants

(1) A search warrant is valid for 15 days from the date it was issued and may be served only within that time. After the expiration of 15 days, the warrant is void.

Cross reference: See Code, Criminal Procedure Article, §1-203 (a) (4).

(2) A search warrant that becomes void under subsection (h) (1) of this Rule shall be returned to the judge who issued it. The judge to whom an unexecuted search warrant is returned may destroy the ~~search~~ warrant and related papers or make any other disposition the judge deems proper.

~~(g)~~ (i) Inspection of Warrant, Inventory, and Other Papers

(1) The following persons may file an application under this section:

(A) Upon application filed by a person from whom or from whose premises property is taken under a search warrant; ~~or by~~

(B) a person having an interest in the property taken; and
~~or by~~

(C) a person aggrieved by a the search or seizure, ~~the~~ court of the county in which the search warrant is filed shall order that the warrant, inventory, and other related papers filed be made available to the person or to that person's attorney for inspection and copying.

(2) Upon the filing of the application, the ~~court may order~~ that notice thereof be given clerk shall send a copy of the application to the State's Attorney.

(3) Except for papers then under seal or subject to a protective order, upon an application filed under subsection (i) (1) of this Rule, the court shall order that the warrant, inventory, and other related papers filed with the clerk be made available to the person or that person's attorney for inspection and copying.

~~(h)~~ (j) Prohibited Disclosures; Contempt

(1) Except for disclosures required for the execution of a search warrant or directed by this Rule or by order of court issued pursuant to this Rule:

(A) a person who discloses before its execution may not disclose that a search warrant has been applied for or issued

prior to execution of the warrant, and or a

(B) a public officer or employee who discloses after its execution, may not disclose the contents of a search warrant or the contents of any other paper filed with it, even after execution of the warrant, except as authorized by a judge.

(2) Any person who violates this section may be prosecuted for criminal contempt of court.

Source: This Rule is derived from former Rule 780 and M.D.R. 780.

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 600 - CRIMINAL INVESTIGATIONS AND
MISCELLANEOUS PROVISIONS

ADD new Rule 4-612, as follows:

Rule 4-612. ORDER FOR ELECTRONIC DEVICE LOCATION INFORMATION

(a) Definitions

The definitions in Code, Criminal Procedure Article, §1-203.1 (a) apply in this Rule.

(b) Issuance of Order

A court may issue an order authorizing or directing a law enforcement officer to obtain location information from an electronic device if there is probable cause to believe that a misdemeanor or felony has been or will be committed by the owner or user of the electronic device or by an individual about whom location information is being sought, and the location information being sought (1) is evidence of or will lead to evidence of the misdemeanor or felony being investigated or (2) will lead to the apprehension of an individual for whom an arrest warrant has been previously issued. The application for the order, the order issued, and the notice of the order shall conform to the requirements of Code, Criminal Procedure Article, §1-203.1.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 4 - CRIMINAL CAUSES
CHAPTER 600 - CRIMINAL INVESTIGATIONS AND
MISCELLANEOUS PROVISIONS

AMEND Rule 4-642 to revise an internal reference in the Rule, as follows:

Rule 4-642. SECRECY

. . .

(c) Grand Jury - Who May be Present

. . .

(3) Appointment, Oath, and Compensation of Interpreter

If the State's Attorney requests that an interpreter be appointed for a witness or juror in a grand jury proceeding, the court shall appoint an interpreter. Before acting as an interpreter in a grand jury proceeding, the interpreter shall make oath as provided in Rule ~~16-819 (d) (3)~~ 1-333 (c) (3).

Compensation for the interpreter shall be in accordance with Code, Courts Article, §9-114.

. . .

MARYLAND RULES OF PROCEDURE

BAIL BONDS FORMS

AMEND Form 4-217.2 to add the words "cash or other" before the descriptions of collateral security, to add a category indicating that to secure payment on a bail bond an individual has deposited a certain amount of money, to add a line pertaining to the payor of a fee or premium, and to make a stylistic change, as follows:

Form 4-217.2. BAIL BOND

(Caption)

BAIL BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That I/we, the undersigned, jointly and severally acknowledge that I/we, our personal representatives, successors, and assigns are held and firmly bound unto the State of Maryland in the penalty sum of Dollars (\$):

without collateral security;

with cash or other collateral security equal in value to the greater of \$25.00 or% of the penalty sum;

with cash or other collateral security equal in value to the full penalty amount;

with the obligation of the corporation which is an insurer or other surety in the full penalty amount.

To secure payment the [] defendant [] surety [] individual has:

[] deposited [] in cash or [] by certified check the amount of \$..... .

[] pledged the following intangible personal property:
.....

[] encumbered the real estate described in the Declaration of Trust filed herewith, or in a Deed of Trust dated the day of,, from the undersigned surety to (month) (year), to the use of the State of Maryland.

THE CONDITION OF THIS BOND IS that the defendant personally appear, as required, in any court in which the charges are pending, or in which a charging document may be filed based on the same acts or transactions, or to which the action may be transferred, removed, or, if from the District Court, appealed.

IF, however, the defendant fails to perform the foregoing condition, this bond shall be forfeited forthwith for payment of the above penalty sum in accordance with law.

IT IS AGREED AND UNDERSTOOD that this bond shall continue in full force and effect until discharged pursuant to Rule 4-217.

AND the undersigned surety covenants that the only compensation chargeable in connection with the execution of this bond consisted of a [] fee, [] premium, [] service charge for the loan of money, or other (describe)

.....
in the amount of \$

[] Fee or premium paid by
(address)

AND the undersigned surety covenants that no collateral was or will be deposited, pledged, or encumbered directly or indirectly in favor of the surety in connection with the execution of this bond except:

IN WITNESS WHEREOF, these presents have been executed under seal this day of,
(month) (year)

..... (SEAL)
Defendant Address of Defendant

..... (SEAL)
Personal Surety/Individual Address of Surety

..... (SEAL)
Surety-Insurer Address of Surety-Insurer

By: (SEAL)
Bail Bondsman Power of Attorney No.

SIGNED, sealed, and acknowledged before me:

.....
Commissioner/Clerk/Judge of the

.....Court for
.....County/City

MARYLAND RULES OF PROCEDURE

TITLE 7 - APPELLATE AND OTHER JUDICIAL REVIEW IN CIRCUIT COURT

CHAPTER 100 - APPEALS FROM THE DISTRICT COURT

TO THE CIRCUIT COURT

AMEND Rule 7-103 by conforming it with new Rule 1-325.1, by adding a new section (d) to incorporate the provisions of current Rule 1-325 (b), and by making stylistic changes, as follows:

Rule 7-103. METHOD OF SECURING APPELLATE REVIEW

(a) By Notice of Appeal

The only method of securing appellate review in the circuit court is by the filing of a notice of appeal with the clerk of the District Court within the time prescribed in Rule 7-104.

(b) District Court Costs

Unless the prepayment of prepaid costs has been waived in accordance with Rule 1-325.1, before ~~Before~~ the clerk transmits the record pursuant to section ~~(d)~~ (e) of this Rule, the appellant shall pay to the clerk of the District Court the cost of preparation of a transcript, if a transcript is necessary to the appeal.

Cross reference: Rule 7-113 (b).

(c) Filing Fee

Within the time for transmitting the record under Rule 7-108, the appellant shall deposit the fee prescribed by Code,

Courts Article, §7-202 with the clerk of the District Court unless:

(1) if the appeal is in a civil action, the prepayment of prepaid costs has been waived in accordance with Rule 1-325.1; or

(2) if the appeal is in a criminal action, the fee has been waived by an order of court or unless the appellant is represented by (1) the Public Defender's Office, (2) an attorney assigned by Legal Aid Bureau, Inc., or (3) an attorney assigned by any other legal services organization that accepts as clients only those persons meeting the financial eligibility criteria established by the Federal Legal Services Corporation or other appropriate governmental agency. The filing fee shall be in the form of cash or a check or money order payable to the clerk of the circuit court.

~~Cross reference: Rule 1-325.~~

(d) Appeals Where Public Defender Representation Denied - Payment by State

The court shall order the State to pay the court costs related to an appeal and the costs of preparing any transcript of testimony necessary in connection with the appeal in any case in which (1) the Public Defender's Office is authorized by these Rules or other law to represent a party, (2) the Public Defender has declined representation of the party, and (3) the party is unable by reason of poverty to pay those costs.

~~(d)~~ (e) Transmittal of Record

After all required fees have been paid, the clerk shall

transmit the record as provided in Rules 7-108 and 7-109. The filing fee shall be forwarded with the record to the clerk of the circuit court.

Committee note: When a notice of appeal is filed, the clerk should check the docket to see if it contains the entry of a judgment in compliance with Rules 3-601 and 3-602, and if not, advise the parties and the court. This note is not intended to authorize the clerk to reject a notice of appeal or to place a mandatory duty on the clerk, or to relieve counsel of their responsibility to assure that there is an appealable order or judgment properly entered on the docket before noting an appeal.

Source: This Rule is derived from former Rule 1311, except that section (d) is derived from the 2014 version of former Rule 1-325 (b).

MARYLAND RULES OF PROCEDURE

TITLE 7 - APPELLATE AND OTHER JUDICIAL REVIEW IN CIRCUIT COURT

CHAPTER 100 - APPEALS FROM THE DISTRICT COURT

TO THE CIRCUIT COURT

AMEND Rule 7-104 to revise section (e), as follows:

Rule 7-104. NOTICE OF APPEAL - TIMES FOR FILING

. . .

(e) Date of Entry

"Entry" as used in this Rule occurs on the day when the District Court ~~first makes~~ enters a record ~~in writing of the judgment, notice or order on the file jacket, or on a docket within the file, according to the practice of that court, and records the actual date of the entry~~ on the docket of the electronic case management system used by that court.

. . .

IN THE CASE OF _____ *
[caption of agency proceeding, *
including agency case number] *

(c) Contents of Petition; Attachments

(1) Contents

The petition shall:

(A) request judicial review~~;~~;

(B) identify the order or action of which review is sought~~;~~ and

(C) state whether the petitioner was a party to the agency proceeding~~;~~, and if if the petitioner was not a party~~,~~ the petition shall to the agency proceeding, state the basis of the petitioner's standing to seek judicial review~~;~~ and

(D) ~~If if the~~ judicial review sought is of a decision of the Workers' Compensation Commission ~~is sought,~~ state whether any issue is to be reviewed on the record before the Commission and, if it is, identify the issue.

No other allegations are necessary.

Committee note: The petition is in the nature of a notice, much like a notice of appeal. The grounds for judicial review, required by former Rule B2 e to be stated in the petition, are now to be set forth in the memorandum filed pursuant to Rule 7-207.

(2) Attachments-Review of Workers' Compensation Commission Decision

If review of a decision of the Workers' Compensation Commission is sought, the petitioner shall attach to the petition:

(A) a certificate that copies of the petition and attachments were served pursuant to subsection (d) (2) of this Rule, and

(B) if no issue is to be reviewed on the record before the Commission, copies of (i) the employee claim form and (ii) all of the Commission's orders in the petitioner's case.

(d) Copies; Filing; Mailing

(1) Notice to Agency

Upon filing the petition, the petitioner shall deliver to the clerk a copy of the petition for the agency whose decision is sought to be reviewed. The clerk shall promptly mail a copy of the petition to the agency, informing the agency of the date the petition was filed and the civil action number assigned to the action for judicial review.

(2) Service by Petitioner in Workers' Compensation Cases

Upon filing a petition for judicial review of a decision of the Workers' Compensation Commission, the petitioner shall serve a copy of the petition, together with all attachments, by first-class mail on the Commission and each other party of record in the proceeding before the Commission. If the petitioner is requesting judicial review of the Commission's decision regarding attorneys' fees, the petitioner also shall serve a copy of the petition and attachments by first-class mail on the Attorney General.

Committee note: The first sentence of ~~This~~ this subsection is required by Code, Labor and Employment Article, §9-737. It does not relieve the clerk from the obligation under subsection (d) (1)

of this Rule to mail a copy of the petition to the agency or the agency from the obligation under subsection (d) (3) of this Rule to give written notice to all parties to the agency proceeding.

(3) By Agency to Parties

(A) Generally

Unless otherwise ordered by the court, the agency, upon receiving the copy of the petition from the clerk, shall give written notice promptly by ~~ordinary~~ first-class mail or, if permitted by subsection (d) (3) (B) of this Rule, electronically to all parties to the agency proceeding that:

~~(A)~~ (i) a petition for judicial review has been filed, the date of the filing, the name of the court, and the civil action number; and

~~(B)~~ (ii) a party wishing to oppose the petition must file a response within 30 days after the date the agency's notice was mailed unless the court shortens or extends the time.

(B) Electronic Notification in Workers' Compensation Cases

The Commission may give the written notice required under subsection (d) (3) (A) of this Rule electronically to a party to the Commission proceeding if the party has subscribed to receive electronic notices from the Commission.

(e) Certificate of Compliance

Within five days after mailing or electronic transmission, the agency shall file with the clerk a certificate of compliance with section (d) of this Rule, showing the date the agency's notice was mailed or electronically transmitted and the names and addresses of the persons to whom it was mailed. Failure to file

the certificate of compliance does not affect the validity of the agency's notice.

Source: This Rule is in part derived from former Rule B2 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 7 - APPELLATE AND OTHER JUDICIAL REVIEW IN CIRCUIT COURT
CHAPTER 200 - JUDICIAL REVIEW OF ADMINISTRATIVE AGENCY DECISIONS

AMEND Rule 7-204 to conform a reference in a Committee note to amendments to Rule 7-206, as follows:

Rule 7-204. RESPONSE TO PETITION

. . .

(b) Preliminary Motion

A person may file with the response a preliminary motion addressed to standing, venue, timeliness of filing, or any other matter that would defeat a petitioner's right to judicial review. Except for venue, failure to file a preliminary motion does not constitute waiver of an issue. A preliminary motion shall be served upon the petitioner and the agency.

Committee note: The filing of a preliminary motion does not result in an automatic extension of the time to transmit the record. The agency or party seeking the extension must file a motion under Rule 7-206 ~~(d)~~ (e).

. . .

MARYLAND RULES OF PROCEDURE

TITLE 7 - APPELLATE AND OTHER JUDICIAL REVIEW IN CIRCUIT COURT
CHAPTER 200 - JUDICIAL REVIEW OF ADMINISTRATIVE AGENCY DECISIONS

AMEND Rule 7-206 by making it inapplicable to judicial review of decisions of the Workers' Compensation Commission except under certain circumstances, as follows:

Rule 7-206. RECORD - GENERALLY

(a) Applicability

This Rule does not apply to judicial review of a decision of the Workers' Compensation Commission, except as otherwise provided by Rule 7-206.1.

~~(a)~~ (b) Contents; Expense of Transcript

The record shall include the transcript of testimony and all exhibits and other papers filed in the agency proceeding, except those papers the parties agree or the court directs may be omitted by written stipulation or order included in the record. If the testimony has been recorded but not transcribed before the filing of the petition for judicial review, the first petitioner, if required by the agency and unless otherwise ordered by the court or provided by law, shall pay the expense of transcription, which shall be taxed as costs and may be apportioned as provided in Rule 2-603. A petitioner who pays the cost of transcription shall file with the agency a certification of costs, and the agency shall include the certification in the record.

~~(b)~~ (c) Statement in Lieu of Record

If the parties agree that the questions presented by the action for judicial review can be determined without an examination of the entire record, they may sign and, upon approval by the agency, file a statement showing how the questions arose and were decided and setting forth only those facts or allegations that are essential to a decision of the questions. The parties are strongly encouraged to agree to such a statement. The statement, any exhibits to it, the agency's order of which review is sought, and any opinion of the agency shall constitute the record in the action for judicial review.

~~(c)~~ (d) Time for Transmitting

Except as otherwise provided by this Rule, the agency shall transmit to the clerk of the circuit court the original or a certified copy of the record of its proceedings within 60 days after the agency receives the first petition for judicial review.

~~(d)~~ (e) Shortening or Extending the Time

Upon motion by the agency or any party, the court may shorten or extend the time for transmittal of the record. The court may extend the time for no more than an additional 60 days. The action shall be dismissed if the record has not been transmitted within the time prescribed unless the court finds that the inability to transmit the record was caused by the act or omission of the agency, a stenographer, or a person other than the moving party.

~~(e)~~ (f) Duty of Clerk

Upon the filing of the record, the clerk shall notify the parties of the date that the record was filed.

Committee note: Code, Article 2B, §175 (e)(3) provides that the decision of a local liquor board shall be affirmed, modified, or reversed by the court within 90 days after the record has been filed, unless the time is "extended by the court for good cause."

Source: This Rule is in part derived from former Rule B7 and in part new.

MARYLAND RULES OF PROCEDURE

TITLE 7 - APPELLATE AND OTHER JUDICIAL REVIEW IN CIRCUIT COURT
CHAPTER 200 - JUDICIAL REVIEW OF ADMINISTRATIVE AGENCY DECISIONS

ADD new Rule 7-206.1, as follows:

Rule 7-206.1. RECORD - JUDICIAL REVIEW OF DECISION OF THE
WORKERS' COMPENSATION COMMISSION

(a) Applicability

This Rule applies only in an action for judicial review of a decision of the Workers' Compensation Commission.

(b) If Review is on the Record

Subject to section (d) of this Rule, Rule 7-206 governs the preparation and filing of the record if judicial review of an issue is on the record of the Commission.

(c) If No Issue is to be Reviewed on the Record

If no issue is to be reviewed on the record of the Commission:

(1) a transcript of the proceedings before the Commission shall be prepared in accordance with Rule 7-206 (b), included in the Commission's record of the proceeding, and made available to all parties electronically in the same manner as other Commission documents;

(2) the transcript and all other portions of the record of the proceedings before the Commission shall not be transmitted to the circuit court unless the court, on motion of a party or on

the court's own initiative, enters an order requiring the preparation and filing of all or part of the record in accordance with the provisions of Rule 7-206 and section (d) of this Rule; and

(3) regardless of whether the record or any part of the record is filed with the court, payment for and the timing of the preparation of the transcript shall be in accordance with Rule 7-206 (b), (d), and (e).

Committee note: Section (c) of this Rule does not preclude a party from obtaining from the Commission a transcript of testimony or copies of other parts of the record upon payment by the party of the cost of the transcript or record excerpt.

(d) Electronic Transmission

If the Commission is required by section (b) of this Rule or by order of court to transmit all or part of the record to the court, the Commission shall file electronically if the court to which the record is transmitted is the circuit court for an "applicable county" as defined in Rule 20-101 (c).

Cross reference: See Code, Labor and Employment Article, §9-739.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 7 - APPELLATE AND OTHER JUDICIAL REVIEW
IN CIRCUIT COURT
CHAPTER 500 - APPEALS FROM THE ORPHANS' COURT

AMEND Rule 7-505 by conforming it with new Rule 1-325.1, as follows:

Rule 7-505. RECORD

. . .

(c) Cost of Preparation

Unless the prepayment of prepaid costs has been waived in accordance with Rule 1-325.1, the appellant shall pay to the Register the cost of preparation of the record.

(d) Filing Fee

The appellant shall deposit with the Register of Wills the fee prescribed by Code, Courts Article, §7-202 unless the fee has been waived by an order of court or ~~unless the appellant is represented by (1) an attorney assigned by Legal Aid Bureau, Inc. or (2) an attorney assigned by any other legal services organization that accepts as clients only those persons meeting the financial eligibility criteria established by the Federal Legal Services Corporation or other appropriate governmental agency~~ the prepayment of prepaid costs has been waived in accordance with Rule 1-325.1. The filing fee shall be in the form of cash or check or money order payable to the clerk of the

circuit court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS

AND COURT OF SPECIAL APPEALS

CHAPTER 200 - OBTAINING REVIEW IN COURT OF SPECIAL APPEALS

AMEND Rule 8-201 by conforming it with new Rule 1-325.1 and by making stylistic changes, as follows:

Rule 8-201. METHOD OF SECURING REVIEW - COURT OF SPECIAL APPEALS

(a) By Notice of Appeal

Except as provided in Rule 8-204, the only method of securing review by the Court of Special Appeals is by the filing of a notice of appeal within the time prescribed in Rule 8-202. The notice shall be filed with the clerk of the lower court or, in an appeal from an order or judgment of an Orphans' Court, with the register of wills. The clerk or register shall enter the notice on the docket.

(b) Filing Fees

At the time of filing a notice of appeal in a civil case, or within the time for transmitting the record under Rule 8-412 in a criminal case, an appellant shall deposit the fee prescribed pursuant to Code, Courts Article, §7-102 with the clerk of the lower court unless:

(1) if the appeal is in a civil action, the prepayment of prepaid costs has been waived in accordance with Rule 1-325.1; or

(2) if the appeal is in a criminal action, the fee has been

waived by an order of court or ~~unless~~ the appellant is represented by ~~(1) the Public Defender's Office, (2) an attorney assigned by Legal Aid Bureau, Inc., or (3) an attorney assigned by any other legal services organization that accepts as clients only those persons meeting the financial eligibility criteria established by the Federal Legal Services Corporation or other appropriate governmental agency.~~

~~Cross reference: Rule 1-325.~~

(c) Transmittal of Record

After all required fees have been deposited, the clerk shall transmit the record as provided in Rules 8-412 and 8-413. The fee shall be forwarded with the record to the Clerk of the Court of Special Appeals.

Committee note: When a notice of appeal is filed, the clerk should check the docket to see if it contains the entry of a judgment in compliance with Rules 2-601 and 2-602, and if not, advise the parties and the court. This note is not intended to authorize the clerk to reject a notice of appeal, to place a mandatory duty on the clerk, or to relieve counsel of their responsibility to assure that there is an appealable order or judgment properly entered on the docket before noting an appeal.

Source: This Rule is derived from former Rule 1011 with the exception of the first sentence of section (a) which is derived from former Rule 1010.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS

AND COURT OF SPECIAL APPEALS

CHAPTER 200 - OBTAINING REVIEW IN COURT OF SPECIAL APPEALS

AMEND Rule 8-202 to revise section (f), as follows:

Rule 8-202. NOTICE OF APPEAL - TIMES FOR FILING

. . .

(f) Date of Entry

"Entry" as used in this Rule occurs on the day when the clerk of the lower court ~~first makes~~ enters a record ~~in writing of the judgment, notice, or order on the file jacket, on a docket within the file, or in a docket book, according to the practice of that court, and records the actual date of the entry~~ on the docket of the electronic case management system used by that court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS

AND COURT OF SPECIAL APPEALS

CHAPTER 300 - OBTAINING APPELLATE REVIEW IN COURT OF APPEALS

AMEND Rule 8-302 to revise section (d), as follows:

Rule 8-302. PETITION FOR WRIT OF CERTIORARI - TIMES FOR FILING

. . .

(d) Date of Entry

"Entry" as used in this Rule occurs on the day when the clerk of the lower court ~~first makes~~ enters a record ~~in writing of the judgment, notice, or order on the file jacket, on a docket within the file, or in a docket book, according to the practice of that court, and records the actual date of the entry~~ on the docket of the electronic case management system used by that court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN COURT OF APPEALS

AND COURT OF SPECIAL APPEALS

CHAPTER 300 - OBTAINING APPELLATE REVIEW IN COURT OF APPEALS

AMEND Rule 8-303 by conforming it with new Rule 1-325.1 and by making stylistic changes, as follows:

Rule 8-303. PETITION FOR WRIT OF CERTIORARI - PROCEDURE

(a) Filing

A petition for a writ of certiorari, together with seven legible copies, shall be filed with the Clerk of the Court of Appeals. The petition shall be accompanied by the filing fee prescribed pursuant to Code, Courts Article, §7-102 unless:

(1) if the petition is in a civil action, the prepayment of prepaid costs has been waived in accordance with Rule 1-325.1; or

(2) if the petition is in a criminal action, the fee has been waived by an order of court or ~~unless~~ the petitioner is represented by ~~(1) the Public Defender's Office, (2) an attorney assigned by Legal Aid Bureau, Inc., or (3) an attorney assigned by any other legal services organization that accepts as clients only those persons meeting the financial eligibility criteria established by the Federal Legal Services Corporation or other appropriate governmental agency.~~

~~Cross reference: Rule 1-325.~~

. . .

MARYLAND RULES OF PROCEDURE
TITLE 8 - APPELLATE REVIEW IN COURT OF APPEALS
AND COURT OF SPECIAL APPEALS
CHAPTER 400 - PRELIMINARY PROCEDURES

ADD new Rule 8-403, as follows:

Rule 8-403. APPEALS WHERE PUBLIC DEFENDER REPRESENTATION DENIED
- PAYMENT BY STATE

The court shall order the State to pay the court costs related to an appeal or an application for leave to appeal and the costs of preparing any transcript of testimony, brief, appendices, and record extract necessary in connection with the appeal, in any case in which (a) the Public Defender's Office is authorized by these Rules or other law to represent a party, (b) the Public Defender has declined representation of the party, and (c) the party is unable by reason of poverty to pay those costs.

Source: This Rule is derived from the 2014 version of former Rule 1-325 (b).

MARYLAND RULES OF PROCEDURE
TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS
AND COURT OF SPECIAL APPEALS
CHAPTER 500 - RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-501 (a) by changing the word "appendix" to "attachment," as follows:

Rule 8-501. RECORD EXTRACT

(a) Duty of Appellant

Unless otherwise ordered by the appellate court or provided by this Rule, the appellant shall prepare and file a record extract in every case in the Court of Appeals, subject to section (k) of this Rule, and in every civil case in the Court of Special Appeals. The record extract shall be included as an ~~appendix~~ attachment to appellant's brief, or filed as a separate volume with the brief in the number of copies required by Rule 8-502 (c).

. . .

MARYLAND RULES OF PROCEDURE
TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS
AND COURT OF SPECIAL APPEALS
CHAPTER 500 - RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-503 (b) to clarify the form of references to pages in a record extract and to make stylistic changes, as follows:

Rule 8-503. STYLE AND FORM OF BRIEFS

. . .

(b) References

References (1) to the record extract, regardless of whether the record extract is included as an attachment to the appellant's brief or filed as a separate volume, shall be indicated as (E.....), (2) to any appendix to appellant's brief shall be indicated as (App.....), (3) to an appendix to appellee's brief shall be indicated as (Apx.....), and (4) to an appendix to a reply brief shall be indicated as (Rep. App.....). If the case falls within an exception listed in Rule 8-501 (b), references to the transcript of testimony contained in the record shall be indicated as (T.....) and other references to the record shall be indicated as (R.....).

. . .

MARYLAND RULES OF PROCEDURE
TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS
AND COURT OF SPECIAL APPEALS
CHAPTER 500 - RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-505 to conform with the deletion of current Rule 1-325 (b) and addition of new Rule 8-403, as follows:

Rule 8-505. BRIEFS - INDIGENTS

When the ~~lower~~ court has ordered that costs be paid by the State of Maryland pursuant to Rule ~~1-325 (b)~~ 8-403 or in any case in which a party to the appeal is represented by the Public Defender, that party's brief, reply brief, and other documents required to be filed by that party in the appellate court shall be reproduced under the supervision of the Public Defender.

Source: This Rule is derived from Rules 831 f and 1031 e.

MARYLAND RULES OF PROCEDURE
TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS
AND COURT OF SPECIAL APPEALS
CHAPTER 600 - DISPOSITION

AMEND Rule 8-606 (b) (4) to add language providing when the clerk shall delay issuance of the mandate and when the clerk shall issue the mandate, as follows:

Rule 8-606. MANDATE

(a) To Evidence Order of the Court

Any disposition of an appeal, including a voluntary dismissal, shall be evidenced by the mandate of the Court, which shall be certified by the Clerk under the seal of the Court and shall constitute the judgment of the Court.

(b) When Issued

(1) Generally

Subject to subsections (b) (2), (3), and (4) of this Rule, unless the Court orders otherwise, the Clerk shall issue the mandate upon the expiration of 30 days after the filing of the Court's opinion or entry of the Court's order.

(2) Voluntary Dismissal

Upon a voluntary dismissal, the Clerk shall issue the mandate immediately.

(3) Court of Special Appeals - Expedited Appeal

In any appeal proceeding under Rule 8-207 (a), issuance

of the mandate shall be as provided in Rule 8-207 (a) (6).

(4) Motion for Reconsideration

If a timely motion for reconsideration is filed, ~~issuance of the mandate ordinarily shall be delayed, as provided in Rule 8-605 (d)~~ unless the Court orders otherwise:

(A) the Clerk shall delay issuance of the mandate until the filing of (i) a withdrawal of the motion, or (ii) an order of the Court deciding the motion;

(B) if the Court denies the motion or grants it solely to make changes in the opinion or previous order that the Court finds do not change the principal decision in the case, the Clerk shall issue the mandate immediately upon the filing of the order;
or

(C) if the Court order, with or without an accompanying new opinion, grants the motion in such manner that the Court finds does change the principal decision in the case, the Clerk shall issue the mandate upon the expiration of 30 days after the filing of the order.

(c) To Contain Statement of Costs

The mandate shall contain a statement of the order of the Court assessing costs and the amount of the costs taxable to each party.

(d) Transmission - Mandate and Record

(1) Generally

Except as provided in subsection (d) (2) of this Rule, upon issuance of the mandate, the Clerk shall transmit it to the

appropriate lower court. Unless the appellate court orders otherwise, the original papers comprising the record shall be transmitted with the mandate.

(2) Court of Special Appeals - Delayed Return

If a petition for a writ of certiorari is filed pursuant to Rule 8-303 while the record is in the possession of the Court of Special Appeals, the Clerk of the Court of Special Appeals shall not return the record to the lower court until (A) the petition is denied, or (B) if the petition is granted, the Court of Special Appeals takes action in accordance with the mandate of the Court of Appeals.

(e) Effect of Mandate

Upon receipt of the mandate, the clerk of the lower court shall enter it promptly on the docket and the lower court shall proceed in accordance with its terms. Except as otherwise provided in Rule 8-611 (b), the assessment of costs in the mandate shall not be recorded and indexed as provided by Rule 2-601 (c).

Cross reference: Code, Courts Article, §6-408.

Source: This Rule is derived from former Rules 1076, 1077, 876, and 877.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 200 - DIVORCE, ANNULMENT, ALIMONY, CHILD SUPPORT,
AND CHILD CUSTODY

AMEND Rule 9-201 by adding a cross reference following the Rule, as follows:

Rule 9-201. SCOPE

The Rules in this Chapter are applicable to a circuit court action in which divorce, annulment, alimony, child support, custody, or visitation is sought. These Rules do not apply to actions in a juvenile court or actions brought solely under Code, Family Law Article, Title 4, Subtitle 5.

Cross reference: For action brought solely under Code, Family Law Article, Title 4, Subtitle 5, see Title 9, Chapter 300 of these Rules.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 200 - DIVORCE, ANNULMENT, ALIMONY, CHILD SUPPORT,
AND CHILD CUSTODY

AMEND Rule 9-203 to conform an internal reference to revised Code provisions, as follows:

Rule 9-203. FINANCIAL STATEMENTS

. . .

(d) Inspection of Financial Statements

Except as provided in this section, inspection of a financial statement filed pursuant to the Rules in this Chapter is governed by Code, ~~State Government Article, §10-617 (a) and (f)~~ General Provisions Article, §4-328 and §4-336. A financial statement is open to inspection if it is an exhibit (1) attached to a motion that has been ruled upon by the court or (2) marked for identification at trial, whether or not offered in evidence, and if offered, whether or not admitted. A party who does not want the financial statement open to public inspection pursuant to this section may make a motion at any time to have it sealed.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 200 - DIVORCE, ANNULMENT AND ALIMONY

AMEND Rule 9-206 by replacing references to "mother" and "father" with references to "Parent 1," "Parent 2," and "parent," as follows:

Rule 9-206. CHILD SUPPORT GUIDELINES

(a) Definitions

The following definitions apply in this Rule:

(1) Shared Physical Custody

"Shared physical custody" has the meaning stated in Code, Family Law Article, §12-201 (i).

(2) Worksheet

"Worksheet" means a document to compute child support under the guidelines set forth in Code, Family Law Article, Title 12, Subtitle 2.

(b) Filing of Worksheet

In an action involving the establishment or modification of child support, each party shall file a worksheet in the form set forth in section (c) or (d) of this Rule. Unless the court directs otherwise, the worksheet shall be filed not later than the date of the hearing on the issue of child support.

Cross reference: See Code, Family Law Article, §12-203 (a) and *Walsh v. Walsh*, 333 Md. 492 (1994).

(c) Primary Physical Custody

Except in cases of shared physical custody, the worksheet shall be in substantially the following form:

_____ In the
v. _____ Circuit Court for _____
_____ No. _____

WORKSHEET A - CHILD SUPPORT OBLIGATION: PRIMARY PHYSICAL CUSTODY

Name of Child Date of Birth Name of Child Date of Birth

Name of Child Date of Birth Name of Child Date of Birth

Name of Child Date of Birth Name of Child Date of Birth

	<u>Mother</u> <u>Parent 1</u>	<u>Father</u> <u>Parent 2</u>	<u>Combined</u>
1. MONTHLY ACTUAL INCOME (Before taxes) (Code, Family Law Article, §12-201 (b))	\$	\$	///////// /////////
a. Minus preexisting child support payment actually paid	-	-	///////// /////////
b. Minus alimony actually paid	-	-	/////////
c. Plus/minus alimony awarded in this case	+/-	+/-	///////// /////////
2. MONTHLY ADJUSTED ACTUAL INCOME	\$	\$	\$

3. PERCENTAGE SHARE OF INCOME			////////
Divide each parent's income			////////
on line 2 by the combined income			////////
on line 2.)	%	%	////////
<hr/>			
4. BASIC CHILD SUPPORT OBLIGATION	////////	////////	
(Apply line 2 Combined Income	////////	////////	
to Child Support Schedule.)	////////	////////	\$
<hr/>			
a. Work-Related Child Care			
Expenses (Code, Family Law			
Article, §12-204 (g))	\$	\$	+
<hr/>			
b. Health Insurance Expenses			
(Code, Family Law Article,			
§12-204 (h) (1))	\$	\$	+
<hr/>			
c. Extraordinary Medical			
Expenses			
(Code, Family Law Article,			
§12-204 (h) (2))	\$	\$	+
<hr/>			
d. Cash Medical Support			
(Code, Family Law Article,			
§12-102 (c) - applies only to			
a child support order under			
Title IV, Part D of the Social			
Security Act)	\$	\$	+
<hr/>			
e. Additional Expenses			
(Code, Family Law Article,			
§12-204 (i))	\$	\$	+
<hr/>			
5. TOTAL CHILD SUPPORT OBLIGATION	////////	////////	
(Add lines 4, 4 a, 4 b, 4 c,	////////	////////	
4 d, and 4 e).	////////	////////	\$
<hr/>			
6. EACH PARENT'S CHILD SUPPORT			////////
OBLIGATION (Multiply line			////////
5 by line 3 for each parent.)	\$	\$	////////
<hr/>			
7. TOTAL DIRECT PAY BY EACH PARENT			////////

(Add the expenses shown on lines 4 a, 4 b, 4 c, 4 d, and 4 e paid by each parent.) \$ \$ // // // //

8. RECOMMENDED CHILD SUPPORT AMOUNT (Subtract line 7 from line 6 for each parent.) \$ \$ // // // //

9. RECOMMENDED CHILD SUPPORT ORDER (Bring down amount from line 8 for the non-custodial parent only. If this is a negative number, see Comment (2), below.) \$ \$ // // // //

Comments or special adjustments, such as (1) any adjustment for certain third party benefits paid to or for the child of an obligor who is disabled, retired, or receiving benefits as a result of a compensable claim (see Code, Family Law Article, §12-204 (j) or (2) that there is a negative dollar amount on line 9, which indicates a recommended child support order directing the custodial parent to reimburse the non-custodial parent this amount for "direct pay" expenses):

PREPARED BY: _____ DATE: _____

(d) Shared Physical Custody

In cases of shared physical custody, the worksheet shall be in substantially the following form:

_____ In the
 v. Circuit Court for _____
 _____ No. _____

WORKSHEET B - CHILD SUPPORT OBLIGATION: SHARED PHYSICAL CUSTODY

Name of Child	Date of Birth	Name of Child	Date of Birth
Name of Child	Date of Birth	Name of Child	Date of Birth
Name of Child	Date of Birth	Name of Child	Date of Birth

	<u>Mother</u> Parent 1	<u>Father</u> Parent 2	<u>Combined</u>
1. MONTHLY ACTUAL INCOME (Before taxes) (Code, Family Law Article, §12-201 (b))	\$	\$	//////// ////////
a. Minus preexisting child support payment actually paid	-	-	//////// ////////
b. Minus alimony actually paid	-	-	////////
c. Plus/minus alimony awarded in this case	+/-	+/-	//////// ////////
2. MONTHLY ADJUSTED ACTUAL INCOME	\$	\$	\$
3. PERCENTAGE SHARE OF INCOME (Divide each parent's income on line 2 by the combined income on line 2.)	%	%	//////// //////// //////// ////////
4. BASIC CHILD SUPPORT OBLIGATION (Apply line 2 Combined Income to Child Support Schedule.)	//////// //////// ////////	//////// //////// ////////	\$
5. ADJUSTED BASIC CHILD SUPPORT OBLIGATION (Multiply Line 4 by 1.5)	//////// //////// ////////	//////// //////// ////////	\$

6. OVERNIGHTS with each parent (must total 365) 365

7. PERCENTAGE WITH EACH PARENT ////////
 (Line 6 divided by 365) A % B % ////////

STOP HERE IF Line 7 is less than 35% ////////
 for either parent. Shared physical //////// //////// ////////
 custody does not apply. (Use //////// //////// ////////
 Worksheet A, instead.) //////// //////// ////////

8. EACH PARENT'S THEORETICAL CHILD ////////
 SUPPORT OBLIGATION (Multiply ////////
 line 5 by line 3 for ////////
 each parent.) A\$ B\$ ////////

9. BASIC CHILD SUPPORT OBLIGATION ////////
 FOR TIME WITH OTHER PARENT ////////
 (Multiply line 8A by line ////////
 7B and put answer on Line 9A.) ////////
 (Multiply line 8B by line ////////
 7A and put answer on line 9B.) A\$ B\$ ////////

10. NET BASIC CHILD SUPPORT ////////
 OBLIGATION (Subtract lesser ////////
 amount from greater amount in ////////
 line 9 and place answer here ////////
 under column with greater amount ////////
 in Line 9.) \$ \$ ////////

11. EXPENSES: //////// ////////
 a. Work-Related Child Care //////// ////////
 Expenses //////// ////////
 (Code, Family Law Article, //////// ////////
 §12-204 (g)) //////// //////// +

b. Health Insurance Expenses //////// ////////
 (Code, Family Law Article //////// ////////
 §12-204 (h) (1)) //////// //////// +

c. Extraordinary Medical //////// ////////
 Expenses //////// ////////
 (Code, Family Law Article, //////// ////////

§12-204 (h) (2))	/////	/////	+
d. Cash Medical Support (Code, Family Law Article, §12-102 (c) - applies only to a child support order under Title IV, Part D of the Social Security Act)	/////	/////	+
e. Additional Expenses (Code, Family Law Article, §12-204 (i))	/////	/////	+
12. NET ADJUSTMENT FROM WORKSHEET C. Enter amount from line 1, WORKSHEET C, if applicable. If not, continue to Line 13.	\$	\$	/////
13. NET BASIC CHILD SUPPORT OBLIGATION (From Line 10, WORKSHEET B)	\$	\$	/////
14. RECOMMENDED CHILD SUPPORT ORDER (If the same parent owes money under Lines 12 and 13, add these two figures to obtain the amount owed by that parent. If one parent owes money under Line 12 and the other owes money under Line 13, subtract the lesser amount from the greater amount to obtain the difference. The parent owing the greater of the two amounts on Lines 12 and 13 will owe that difference as the child support obligation. NOTE: The amount owed in a shared custody arrangement may not exceed the amount that would be owed if the obligor parent were a non-custodial parent. See WORKSHEET A).	\$	\$	/////

Comments or special adjustments, such as any adjustment for

certain third party benefits paid to or for the child of an obligor who is disabled, retired, or receiving benefits as a result of a compensable claim (see Code, Family Law Article, §12-204 (j)):

PREPARED BY: _____ DATE: _____

INSTRUCTIONS FOR WORKSHEET C: Use Worksheet C ONLY if any of the Expenses listed in lines 11 a, 11 b, 11 c, 11 d, or 11 e is directly paid out or received by the parents in a different proportion than the percentage share of income entered on line 3 of Worksheet B. Example: If ~~the mother~~ one parent pays all of the day care, or parents split education/medical costs 50/50 and line 3 is other than 50/50. If there is more than one 11 e expense, the calculations on lines i and j below must be made for each expense.

WORKSHEET C - FOR ADJUSTMENTS, LINE 12, WORKSHEET B

	<u>Mother</u> <u>Parent 1</u>	<u>Father</u> <u>Parent 2</u>
a. Total amount of direct payments made for Line 11 a expenses multiplied by each parent's percentage of income (Line 3, WORKSHEET B) (Proportionate share)	\$	\$
b. The excess amount of direct payments made by the parent who pays more than the amount calculated in Line a, above. (The difference between amount paid and proportionate share)	\$	\$
c. Total amount of direct payments made for Line 11 b expenses multiplied by		

each parent's percentage of income (Line 3, WORKSHEET B)	\$	\$
d. The excess amount of direct payments made by the parent who pays more than the amount calculated in Line c, above.	\$	\$
e. Total amount of direct payments made for Line 11 c expenses multiplied by each parent's percentage of income (Line 3, WORKSHEET B)	\$	\$
f. The excess amount of direct payments made by the parent who pays more than the amount calculated in Line e, above.	\$	\$
g. Total amount of direct payments made for Line 11 d expenses multiplied by each parent's percentage of income (Line 3, WORKSHEET B)	\$	\$
h. The excess amount of direct payments made by the parent who pays more than the amount calculated in line g, above.	\$	\$
i. Total amount of direct payments made for Line 11 e expenses multiplied by each parent's percentage of income (Line 3, WORKSHEET B)	\$	\$
j. The excess amount of direct payments made by the parent who pays more than the amount calculated in line i, above.	\$	\$
k. For each parent, add lines b, d, f, h, and j	\$	\$
l. Subtract lesser amount from greater amount in Line k, above. Place the answer on this line under the lesser		

amount in Line k. Also enter this
answer on Line 12 of WORKSHEET B, in
the same parent's column.

\$

\$

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 200 - DIVORCE, ANNULMENT, ALIMONY, CHILD SUPPORT,
AND CHILD CUSTODY

AMEND Rule 9-207 by replacing references to "Husband" and "Wife" with "Spouse 1" and "Spouse 2," as follows:

Rule 9-207. JOINT STATEMENT OF MARITAL AND NON-MARITAL PROPERTY

(a) When Required

When a monetary award or other relief pursuant to Code, Family Law Article, §8-205 is an issue, the parties shall file a joint statement listing all property owned by one or both of them.

(b) Form of Property Statement

The joint statement shall be in substantially the following form:

JOINT STATEMENT OF PARTIES CONCERNING
MARITAL AND NON-MARITAL PROPERTY

1. The parties agree that the following property is "marital property" as defined by Maryland Annotated Code, Family Law Article, §8-201:

Description of Property	How Titled	Fair Market Value	Liens, Encumbrances, or Debt Directly Attributable
-------------------------	------------	-------------------	--

<u>Husband's</u> <u>Spouse 1</u> Assertion	<u>Wife's</u> <u>Spouse 2</u> Assertion	<u>Husband's</u> <u>Spouse 1</u> Assertion	<u>Wife's</u> <u>Spouse 2</u> Assertion	<u>Husband's</u> <u>Spouse 1</u> Assertion	<u>Wife's</u> <u>Spouse 2</u> Assertion
--	---	--	---	--	---

2. The parties agree that the following property is not marital property because the property (a) was acquired by one party before marriage, (b) was acquired by one party by inheritance or gift from a third person, (c) has been excluded by valid agreement, or (d) is directly traceable to any of those sources:

Description of Property	How Titled	Fair Market Value	Liens, Encumbrances, or Debt Directly Attributable		
<u>Husband's</u> <u>Spouse 1</u> Assertion	<u>Wife's</u> <u>Spouse 2</u> Assertion	<u>Husband's</u> <u>Spouse 1</u> Assertion	<u>Wife's</u> <u>Spouse 2</u> Assertion	<u>Husband's</u> <u>Spouse 1</u> Assertion	<u>Wife's</u> <u>Spouse 2</u> Assertion

3. The parties are not in agreement as to whether the following property is marital or non-marital:

Description of Property	How Titled	Fair Market Value	Liens, Encumbrances, or Debt Directly Attributable		
<u>Husband's</u> <u>Spouse 1</u> Assertion	<u>Wife's</u> <u>Spouse 2</u> Assertion	<u>Husband's</u> <u>Spouse 1</u> Assertion	<u>Wife's</u> <u>Spouse 2</u> Assertion	<u>Husband's</u> <u>Spouse 1</u> Assertion	<u>Wife's</u> <u>Spouse 2</u> Assertion

Date _____
Plaintiff or Attorney

Date _____
Defendant or Attorney

INSTRUCTIONS:

1. If the parties do not agree about the title or value of any property, the parties shall set forth in the appropriate column a statement that the title or value is in dispute and each party's assertion as to how the property is titled or the fair market value.
2. In listing property that the parties agree is non-marital because the property is directly traceable to any of the listed sources of non-marital property, the parties shall specify the source to which the property is traceable.

(c) Time for Filing; Procedure

The joint statement shall be filed at least ten days before the scheduled trial date or by any earlier date fixed by the court. At least 30 days before the joint statement is due to be filed, each party shall prepare and serve on the other party a proposed statement in the form set forth in section (b) of this Rule. At least 15 days before the joint statement is due, the plaintiff shall sign and serve on the defendant for approval and signature a proposed joint statement that fairly reflects the positions of the parties. The defendant shall timely file the

joint statement, which shall be signed by the defendant or shall be accompanied by a written statement of the specific reasons why the defendant did not sign.

(d) Sanctions

If a party fails to comply with this Rule, the court, on motion or on its own initiative, may enter any orders in regard to the noncompliance that are just, including:

(1) an order that property shall be classified as marital or non-marital in accordance with the statement filed by the complying party;

(2) an order refusing to allow the noncomplying party to oppose designated assertions on the complying party's statement filed pursuant to this Rule, or prohibiting the noncomplying party from introducing designated matters in evidence.

Instead of or in addition to any order, the court, after opportunity for hearing, shall require the noncomplying party or the attorney advising the noncompliance or both of them to pay the reasonable expenses, including attorney's fees, caused by the noncompliance, unless the court finds that the noncompliance was substantially justified or that other circumstances make an award of expenses unjust.

Committee note: The Joint Statement of Marital and Non-Marital Property is not intended as a substitute for discovery in domestic relations cases.

Source: This Rule is derived from former Rule S74.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 300 - DOMESTIC VIOLENCE

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MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 300 - DOMESTIC VIOLENCE

ADD new Rule 9-301, as follows:

Rule 9-301. APPLICABILITY

The Rules in this Chapter apply to actions brought solely under Code, Family Law Article, Title 4, Subtitle 5.

Committee note: If relief is sought as part of a criminal, divorce, or other action, the Rules governing that action prevail.

Cross reference: For the issuance of a peace order for the protection of an individual who is not a "person eligible for relief" as defined in Code, Family Law Article, §4-501 (m), see Rule 3-731 and Code, Courts Article, Title 3, Subtitle 15 if the respondent is an adult and Code, Courts Article, Title 3, Subtitle 8A if the respondent is an individual under the age of 18 years.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 300 - DOMESTIC VIOLENCE

ADD new Rule 9-302, as follows:

Rule 9-302. DEFINITIONS

The definitions in Code, Family Law Article, §4-501 apply in this Chapter.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 300 - DOMESTIC VIOLENCE

ADD new Rule 9-303, as follows:

Rule 9-303. PETITION

(a) Generally

Except as permitted by section (b) of this Rule, a petitioner may seek relief from abuse by filing with the District Court or a circuit court a petition that complies with the requirements of Code, Family Law Article, §4-504.

(b) Exception

When neither the office of the clerk of the circuit court nor the Office of the District Court Clerk is open for business, the petition may be filed with a commissioner of the District Court.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 300 - DOMESTIC VIOLENCE

ADD new Rule 9-304, as follows:

Rule 9-304. INTERIM PROTECTIVE ORDERS

Only a commissioner may issue an interim protective order.
Interim protective orders are governed by Code, Family Law
Article, §4-504.1.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 300 - DOMESTIC VIOLENCE

ADD new Rule 9-305, as follows:

Rule 9-305. TEMPORARY PROTECTIVE ORDER

Only a judge may issue or extend a temporary protective order. Temporary protective orders are governed by Code, Family Law Article, §4-505.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 300 - DOMESTIC VIOLENCE

ADD new Rule 9-306, as follows:

Rule 9-306. FINAL PROTECTIVE ORDER HEARING - WAIVER OF
PETITIONER'S PRESENCE IF RESPONDENT NOT SERVED

(a) Scope of Rule

This Rule applies when (1) the court has entered a temporary protective order pursuant to Code, Family Law Article, §4-505, (2) the court has scheduled a hearing to consider a final protective order pursuant to Code, Family Law Article, §4-506, (3) the respondent does not appear at the hearing due to lack of service of the temporary protective order and notice of the hearing, and (4) pursuant to Code, Family Law Article, §4-505 (c), the court extends the temporary protective order pending service on the respondent.

(b) Presence of Petitioner

The petitioner shall appear at the first scheduled hearing to consider a final protective order and, unless the petitioner's presence is waived pursuant to section (d) of this Rule, at each final protective order hearing scheduled thereafter.

(c) Request for Waiver of Presence by Petitioner

At the first hearing scheduled to consider a final protective order or at any time thereafter prior to service on

the respondent, the petitioner may request a waiver of the petitioner's presence at any final protective order hearings scheduled for a date prior to the date on which the respondent is served with the temporary protective order and notice of the hearing. The request for waiver shall be on a form prepared by the Administrative Office of the Courts and available in the clerks' offices and on the Judiciary website.

(d) Action by Court

(1) By Order entered pursuant to this section, the court shall grant a properly filed request for waiver and excuse the petitioner's presence at final protective order hearings scheduled for a date prior to the date on which the respondent is served.

(2) The Order shall:

(A) require the petitioner to register with the VINE Protective Order Service Program;

Committee note: The VINE Protective Order Service Program is an electronic notification system operated by the Governor's Office of Crime Control and Prevention and the State Board of Victim Services that, by telephone or e-mail, advises registrants of service of protective orders on respondents.

(B) advise the petitioner to confirm the date of the final protective order hearing by contacting the court promptly after being notified that the respondent was served;

(C) require that the clerk promptly mail extended temporary protective orders to the petitioner; and

(D) include notice to the petitioner of the consequences of non-compliance by the petitioner with the requirements in the

Order.

(3) If the court has entered an order under subsection (d) (2) of this Rule, the court, on its own initiative, may excuse a petitioner's non-appearance at a final protective order hearing occurring after service on the respondent and continue or postpone the hearing if the court finds that service on the respondent was so recent that the petitioner may not have been aware of the service.

Committee note: Code, Family Law Article, §4-505 (c) provides that a temporary protective order is not effective for more than seven days after service. It is not uncommon, therefore, for the court, when faced with non-service on the respondent, to reschedule the final protective order hearing every seven days. If service is made on the respondent shortly before the next scheduled hearing, the petitioner may not have received notice, even under VINE, that the respondent was served and thus be unaware that petitioner's presence at the hearing is required. The Committee's intent is that subsection (d) (3) of this Rule be reasonably, but liberally construed. Subsection (d) (3) is not intended to limit or restrict the authority of the court to continue or postpone the hearing for other reasons.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 300 - DOMESTIC VIOLENCE

ADD new Rule 9-307, as follows:

Rule 9-307. FINAL PROTECTIVE ORDERS

Only a judge may issue a final protective order. Final protective orders are governed by Code, Family Law Article, §§4-505 (d) and 4-506.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 300 - DOMESTIC VIOLENCE

ADD new Rule 9-308, as follows:

Rule 9-308. MODIFICATION; RESCISSION; EXTENSION

Only a judge may modify, rescind, or extend a protective order. Modification, rescission, and extension of orders are governed by Code, Family Law Article, §4-507 (a).

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 300 - DOMESTIC VIOLENCE

ADD new Rule 9-309, as follows:

Rule 9-309. APPEALS

An appeal from a decision of a judge to grant or deny relief is governed by Code, Family Law Article, §4-507 (b).

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 10 - GUARDIANS AND OTHER FIDUCIARIES
CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 10-107 to conform with the revision of Rule 1-325, as follows:

Rule 10-107. ASSESSMENT AND WAIVER OF FEES AND COSTS -
GUARDIANSHIPS

(a) Assessment

Upon a determination on the merits of a petition to appoint a guardian, the court may assess the filing fee and other court costs against the assets of the fiduciary estate or against the petitioner.

(b) Waiver

The court shall ~~waive~~ grant a final waiver of open costs and fees if the court finds that the person against whom the costs are assessed is unable to pay them by reason of poverty. The person may seek the waiver at the conclusion of the case by filing a request for a final waiver of open costs, together with (1) an affidavit substantially in the form prescribed by Rule 1-325 (e) (1) (A), or (2) if in accordance with Rule 1-325 (a). If the person was granted a waiver of prepayment of prepaid costs by court order pursuant to ~~that~~ Rule 1-325 (e) and remains unable to pay the costs, ~~the~~ an affidavit ~~required by Rule 1-325 (a) need only~~ that recites the existence of the prior waiver and the

person's continued inability to pay.

Source: This Rule is in part new and in part derived from Rule 2-603 (e).

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

ADD new Rule 11-601, as follows:

Rule 11-601. EXPUNGEMENT OF JUVENILE RECORDS

(a) Applicability

This Rule applies to petitions for expungement of records under Code, Courts Article, §3-8A-27.1.

(b) Definitions

In this Rule, the following definitions apply:

(1) Expungement

"Expungement" means the removal of court or police records from public inspection:

(A) by obliteration;

(B) by removal to a separate secure area to which the public and other persons having no legitimate reason for being there are denied access; or

(C) if access to a court or police record can be obtained only by reference to another court or police record, by the expungement of that record or the part of that record providing the access.

(2) Juvenile Record

"Juvenile record" means a court or police record concerning a child alleged or adjudicated delinquent or in need of supervision or who has received a citation for a violation. A

juvenile record does not include records maintained under Code, Criminal Procedure Article, Title 11, Subtitle 7 or by a law enforcement agency for the sole purpose of collecting statistical information concerning juvenile delinquency and that do not contain any information that would reveal the identity of a person.

(3) Petition

"Petition" means a petition for expungement of juvenile records in accordance with this Rule.

(4) Petitioner

"Petitioner" means the person who files a petition for expungement of juvenile records in accordance with this Rule.

(5) Victim

"Victim" means a person against whom a delinquent act has been committed or attempted.

Cross reference: See Code, Courts Article, §3-801 for other definitions.

(c) Venue

A petitioner may file a petition for expungement of the juvenile record in the court in which the juvenile petition or citation was filed.

(d) Service

The clerk shall have a copy of the petition for expungement served by mail or delivered to:

(1) all listed victims in the case in which the petitioner is seeking expungement at the address listed in the court file in

that case;

(2) all family members of a victim listed in subsection (d)(1) of this Rule, who are listed in the court file as having attended the adjudication for the case in which the petitioner is seeking expungement; and

(3) the State's Attorney.

(e) Contents

The petition shall be substantially in the form set forth in Form 11-601.

(f) Objection

A person entitled to service pursuant to section (d) of this Rule may file an objection to the petition.

(g) Hearing

(1) On Own Initiative

The court may hold a hearing on its own initiative, whether or not an objection is filed.

(2) If Objection Filed

Except as provided in subsection (g)(4) of this Rule, the court shall hold a hearing if an objection is filed within 30 days after the petition is served.

(3) If No Objection Filed

The court may grant the petition without a hearing if no timely objection is filed.

(4) Facially Deficient Petition

The court may deny the petition without a hearing if the court finds that the petition, on its face, fails to meet the

requirements of Code, Courts Article, §3-8A-27.1 (c).

(h) Grant or Denial of Petition Following a Hearing

(1) Expungement Granted

If, after a hearing, the court finds that the petitioner is entitled to expungement, it shall grant the petition and order the expungement of all court and police records relating to the delinquency or the child in need of supervision petition or citation. An order for expungement shall be substantially in the form set forth in Form 11-602.

(2) Expungement Denied

If, after a hearing, the court finds that the petitioner is not entitled to expungement, it shall deny the petition.

(i) Service of Order and Compliance Form

Upon entry of a court order granting or denying expungement, the clerk shall serve a copy of the order and any stay of the order on all parties to the proceeding. Upon entry of an order granting expungement, the clerk shall serve on the custodian of juvenile records, a true copy of the order and a blank form of the Certificate of Compliance set forth in Form 11-603.

(j) Appeal

The petitioner or the State's Attorney may appeal an order granting or denying the petition within 30 days after entry of the order by filing a notice of appeal with the clerk of the court from which the appeal is taken and by serving a copy on the opposing parties or attorneys.

Cross reference: A victim may appeal to the Court of Special Appeals from a final order that denies or fails to consider a right secured to the victim by law. See Code, Criminal Procedure Article, §11-103.

(k) Stay Pending Appeal

(1) Entry

If the court, over the objection of the State's Attorney, enters an order granting expungement, the order is stayed for 30 days after entry and thereafter if a timely notice of appeal is filed, pending the disposition of the appeal and further order of court.

(2) Lifting

The court shall lift a stay upon disposition of any appeal or, if no notice of appeal was timely filed, upon expiration of the time prescribed for filing a notice of appeal. If an order for expungement has been stayed and no appeal is pending, the stay may be lifted upon written consent of the State's Attorney.

(3) Notice

Promptly upon the lifting of a stay, the clerk shall send notice of the lifting of the stay to the parties and to the custodian of records, including the Central Repository, to which an order for expungement and a compliance form are required to be sent pursuant to section (i) of this Rule.

(1) Advice of Compliance

Unless an order is stayed pending an appeal, each custodian of juvenile records subject to the order of expungement shall

advise, in writing, the court, the petitioner, and all parties to the petition for expungement proceeding of compliance with the order within 60 days after entry of the order.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
FORMS FOR EXPUNGEMENT OF RECORDS

ADD new Form 11-601, as follows:

Form 11-601. PETITION FOR EXPUNGEMENT OF JUVENILE RECORDS

(Caption)

PETITION FOR EXPUNGEMENT OF JUVENILE RECORDS
(Code, Courts Article, §3-8A-27.1)

1. (Check one of the following boxes) On or about
_____, I was arrested or served
(Date)
with a citation by an officer of the _____
(Law Enforcement Agency)
at _____, Maryland, as a
result of the following incident _____

_____.

2. I was charged with the offense of _____
_____.

3. On or about _____, the charge was
(Date)

disposed of as follows (check one of the following boxes):

- a. The State's Attorney entered a nolle prosequi.
- b. The delinquency or Child in Need of Supervision
petition or the citation was dismissed.
- c. The court, in an adjudicatory hearing, did not find

that the allegations in the delinquency or Child in Need of Supervision petition or citation were true.

- d. The adjudicatory hearing was not held within two years after the delinquency or Child in Need of Supervision petition or citation was filed.
- e. The court, in a disposition hearing, found that I did not require guidance, treatment, or rehabilitation.
- f. The court, in a disposition hearing, found that I did require guidance, treatment, or rehabilitation.

4. Each of the following statements are true (check each true statement):

- a. I am at least 18 years old.
- b. At least two years have elapsed since the last official action in my juvenile record.
- c. I have never been adjudicated delinquent, or, I was only adjudicated delinquent one time.
- d. I have not subsequently been convicted of any offense.
- e. No delinquency petition or criminal charge is pending against me.
- f. I have not been adjudicated delinquent for an offense that, if committed by an adult, would constitute: a crime of violence (as defined in Code, Criminal Law Article, §14-101); a violation of Code, Criminal Law Article, §3-308; or a felony.
- g. I have not been required to register as a sex offender under Code, Criminal Procedure Article, §11-704.

- h. [] I have not been adjudicated delinquent for an offense involving the use of a firearm, (as defined in Code, Public Safety Article, §5-101) in the commission of a crime of violence (as defined in Code, Criminal Law Article, §14-101).
- i. [] I have fully paid any monetary restitution ordered by the court in the delinquency proceeding.
- j. [] I understand that the court shall consider my best interests, my stability in the community, and the safety of the public in its consideration of this petition.

WHEREFORE, I request the court to enter an Order for Expungement of my juvenile record pertaining to the above action.

I solemnly affirm under the penalties of perjury that the contents of this petition are true to the best of my knowledge, information, and belief.

(Date)

(Signature)

(Address)

(Telephone No.)

MARYLAND RULES OF PROCEDURE
FORMS FOR EXPUNGEMENT OF RECORDS

ADD new Form 11-602, as follows:

Form 11-602. ORDER FOR EXPUNGEMENT OF JUVENILE RECORDS

(Caption)

ORDER FOR EXPUNGEMENT OF JUVENILE RECORDS

Having found that _____
(Name)

of _____
(Address)

is entitled to expungement of the juvenile records and the court records in this action, it is by the _____

Court for _____

City/County, Maryland, this _____ day of _____, _____.
(Month) (Year)

ORDERED that the clerk forthwith shall have a copy of this Order served by certified mail on or delivered to all listed victims in the case in which the person is seeking expungement; and it is further

ORDERED that the clerk forthwith shall have a copy of this Order served by certified mail on or delivered to all family members of the victim, who are designated in the court file as having attended the adjudication for the case in which the person is seeking expungement; and it is further

ORDERED that the clerk forthwith shall have a copy of this

Order served by certified mail on or delivered to the State's Attorney; and it is further

ORDERED that within 60 days after the entry of this Order or, if this Order is stayed, 30 days after the stay is lifted, the clerk and the following custodians of court and police records relating to the delinquency or Child in Need of Supervision petition or citation shall (1) expunge all court and police records relating to the delinquency or Child in Need of Supervision petition, or citation in their custody, (2) file an executed Certificate of Compliance, and (3) serve a copy of the Certificate of Compliance on the petitioner; and it is further

ORDERED that the clerk and other custodians of records forthwith upon receipt of this Order, if it is not stayed, or the stay has been lifted, shall expunge and remove the records from public inspection; and it is further

ORDERED that this Order

[] is stayed pending further order of the court.

[] is not stayed.

(Custodian) (Address)

Date Judge

NOTICE TO PETITIONER: Until a custodian of records has received a copy of this Order AND filed a Certificate of Compliance, expungement of the records in the custody of that custodian is not complete and may not be relied upon.

MARYLAND RULES OF PROCEDURE
FORMS FOR EXPUNGEMENT OF RECORDS

ADD new Form 11-603, as follows:

Form 11-603. CERTIFICATE OF COMPLIANCE

(CAPTION)

CERTIFICATE OF COMPLIANCE

On this _____ day of _____, _____, I have
(Month) (Year)
complied with the Order for Expungement of Records dated
_____ entered in the above-captioned case.

Custodian

Signature

Title

MARYLAND RULES OF PROCEDURE
TITLE 15 - OTHER SPECIAL PROCEEDINGS
CHAPTER 200 - CONTEMPT

AMEND Rule 15-205 to conform an internal reference to revised Code provisions, as follows:

Rule 15-205. CONSTRUCTIVE CRIMINAL CONTEMPT; COMMENCEMENT;
PROSECUTION

. . .

(b) Who May Institute

(1) The court may initiate a proceeding for constructive criminal contempt by filing an order directing the issuance of a summons or warrant pursuant to Rule 4-212.

(2) The State's Attorney may initiate a proceeding for constructive criminal contempt committed against a trial court sitting within the county in which the State's Attorney holds office by filing a petition with that court.

(3) The Attorney General may initiate a proceeding for constructive criminal contempt committed (A) against the Court of Appeals or the Court of Special Appeals, or (B) against a trial court when the Attorney General is exercising the authority vested in the Attorney General by Maryland Constitution, Art. V, §3, by filing a petition with the court against which the contempt was allegedly committed.

(4) The State Prosecutor may initiate a proceeding for

constructive criminal contempt committed against a court when the State Prosecutor is exercising the authority vested in the State Prosecutor by Code, ~~State Government Article, §9-1201 et seq.~~ Criminal Procedure Article, Title 14, by filing a petition with the court against which the contempt was allegedly committed.

(5) The court or any person with actual knowledge of the facts constituting a constructive criminal contempt may request the State's Attorney, the Attorney General, or the State Prosecutor, as appropriate, to file a petition.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE,
JUDICIAL DUTIES, ETC.

AMEND Rule 16-101 to add a new section (e) pertaining to compliance with certain fiscal, procurement, and personnel standards, as follows:

Rule 16-101. ADMINISTRATIVE RESPONSIBILITY

a. Chief Judge of the Court of Appeals

1. Generally

The Chief Judge of the Court of Appeals has overall responsibility for the administration of the courts of this State. In the execution of that responsibility, the Chief Judge:

(A) may exercise the authority granted by the Rules in this Chapter or otherwise by law;

(B) shall appoint a State Court Administrator to serve at the pleasure of the Chief Judge;

(C) may delegate administrative duties to other persons within the judicial system, including retired judges recalled pursuant to Md. Constitution, Article IV, §3A; and

(D) may assign a judge of any court other than an Orphans' Court to sit temporarily in any other court.

2. Pretrial Proceeding in Certain Criminal Cases

The Chief Judge of the Court of Appeals may, by

Administrative Order, require in any county a pretrial proceeding in the District Court for an offense within the jurisdiction of the District Court punishable by imprisonment for a period in excess of 90 days.

b. Chief Judge of the Court of Special Appeals

The Chief Judge of the Court of Special Appeals, subject to the direction of the Chief Judge of the Court of Appeals and pursuant to the provisions of this Title, shall be responsible for the administration of the Court of Special Appeals. In fulfilling that responsibility, the Chief Judge of the Court of Special Appeals shall possess, to the extent applicable, the authority granted to a County Administrative Judge in section d of this Rule. In the absence of the Chief Judge of the Court of Special Appeals, the provisions of this Rule shall be applicable to the senior judge present in the Court of Special Appeals.

c. Circuit Administrative Judge

1. Designation

In each judicial circuit there shall be a Circuit Administrative Judge, who shall be appointed by order and serve at the pleasure of the Chief Judge of the Court of Appeals. In the absence of any such appointment, the Chief Judge of the judicial circuit shall be the Circuit Administrative Judge.

2. Duties

Each Circuit Administrative Judge shall be generally responsible for the administration of the several courts within the judicial circuit, pursuant to these Rules and subject to the

direction of the Chief Judge of the Court of Appeals. Each Circuit Administrative Judge shall also be responsible for the supervision of the County Administrative Judges within the judicial circuit and may perform any of the duties of a County Administrative Judge. The Circuit Administrative Judge shall also call a meeting of all judges of the judicial circuit at least once every six months.

Cross reference: For more detailed provisions pertaining to the duties of Circuit Administrative Judges, see section (d) of Rule 4-344 (Sentencing - Review); Rule 16-103 (Assignment of Judges); and Rule 16-104 (Judicial Leave).

d. County Administrative Judge

1. Appointment

After considering the recommendation of the Circuit Administrative Judge, the Chief Judge of the Court of Appeals shall appoint a County Administrative Judge for each circuit court, to serve in that capacity at the pleasure of the Chief Judge. Except as permitted by subsection c. 2. of this Rule, the County Administrative Judge shall be a judge of that circuit court.

2. Duties

Subject to the provisions of this Chapter, the general supervision of the Chief Judge of the Court of Appeals, and the general supervision of the Circuit Administrative Judge, the County Administrative Judge is responsible for the administration of the circuit court, including:

(A) supervision of the judges, officials, and employees of

the court;

(B) assignment of judges within the court pursuant to Rule 16-202 (Assignment of Actions for Trial);

(C) supervision and expeditious disposition of cases filed in the court, control over the trial and other calendars of the court, assignment of cases for trial and hearing pursuant to Rule 16-102 (Chambers Judge) and Rule 16-202 (Assignment of Actions for Trial), and scheduling of court sessions;

(D) preparation of the court's budget;

(E) preparation of a case management plan for the court pursuant to Rule 16-202 b.;

(F) preparation of a continuity of operations plan for the court;

(G) preparation of a jury plan for the court pursuant to Code, Courts Article, Title 8, Subtitle 2;

(H) preparation of any plan to create a problem-solving court program for the court pursuant to Rule 16-206;

(I) ordering the purchase of all equipment and supplies for (i) the court, and (ii) the ancillary services and officials of the court, including masters, auditors, examiners, court administrators, court reporters, jury commissioner, staff of the medical offices, and all other court personnel except personnel comprising the Clerk of Court's office;

(J) supervision of and responsibility for the employment, discharge, and classification of court personnel and personnel of its ancillary services and the maintenance of personnel files,

unless a majority of the judges of the court disapproves of a specific action. Each judge, however, has the exclusive right, subject to budget limitations, any applicable administrative order pertaining to the judiciary's anti-nepotism policy, and any applicable personnel plan, to employ and discharge the judge's personal secretary and law clerk;

Committee note: Article IV, §9, of the Constitution gives the judges of any court the power to appoint officers and, thus, requires joint exercise of the personnel power.

(K) implementation and enforcement of all administrative policies, rules, orders, and directives of the Court of Appeals, the Chief Judge of the Court of Appeals, the State Court Administrator, and the Circuit Administrative Judge of the judicial circuit; and

(L) performance of any other administrative duties necessary to the effective administration of the internal management of the court and the prompt disposition of litigation in it.

Cross reference: See *St. Joseph Medical Ctr. v. Hon. Turnbull*, 432 Md. 259 (2013) for authority of the county administrative judge to assign and reassign cases but not to countermand judicial decisions made by a judge to whom a case has been assigned.

3. Delegation of Authority

(A) With the approval of the Circuit Administrative Judge or in accordance with a continuity of operations plan adopted by the court, a County Administrative Judge may delegate one or more of the administrative duties and functions imposed by this Rule to (i) another judge or a committee of judges of the court, or

(ii) one or more other officials or employees of the court.

(B) Except as provided in subsection d. 3. (C) of this Rule, in the implementation of Code, Criminal Procedure Article, §6-103 and Rule 4-271 (a), a County Administrative Judge may (i) with the approval of the Chief Judge of the Court of Appeals, authorize one or more judges to postpone criminal cases on appeal from the District Court or transferred from the District Court because of a demand for jury trial, and (ii) authorize not more than one judge at a time to postpone all other criminal cases.

(C) The administrative judge of the Circuit Court for Baltimore City may authorize one judge sitting in the Clarence M. Mitchell courthouse to postpone criminal cases set for trial in that courthouse and one judge sitting in Courthouse East to postpone criminal cases set for trial in that courthouse.

e. Compliance with Certain Fiscal, Procurement, and Personnel Standards

1. Applicability

Section e. of this Rule applies to units, other than courts, that are not part of the Executive or Legislative Branch of the State; and

(A) that are funded, in whole or in part, through appropriations to the Judicial Branch;

(B) whose budgets are subject to approval by the Court of Appeals or the Chief Judge of that Court; or

(C) that are subject to audit by the Court of Appeals, the Administrative Office of the Courts, or the State Court

Administrator.

2. Budget, Procurement, and Personnel Standards

All units shall prepare their proposed budgets and exercise procurement and personnel decisions in conformance with standards and guidelines promulgated by the State Court

Administrator.

3. Other Supervisory and Approval Authority

Section e. of this Rule is not intended to limit any other supervisory or approval authority of the Court of Appeals, the Chief Judge of that Court, the State Court Administrator, or the Administrative Office of the Courts over units subject to that authority.

Source: This Rule is in part derived from former Rule 1200 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 300 - CIRCUIT COURT CLERKS' OFFICES

AMEND Rule 16-301 to include discipline of an employee in subsection d. (4), to permit the State Court Administrator to grant interim relief during the pendency of a grievance procedure, and to add a Committee note following subsection d. (4), as follows:

Rule 16-301. PERSONNEL IN CLERKS' OFFICES

a. Chief Deputy Clerk

(1) The clerk may appoint a chief deputy clerk. The appointment is not subject to subsection (d) (3) of this Rule.

(2) Subject to paragraph (3) of this section, a chief deputy clerk serves at the pleasure of the clerk.

(3) The appointment, retention and removal of a chief deputy clerk shall be subject to the authority and approval of the Chief Judge of the Court of Appeals, after consultation with the County Administrative Judge.

b. Other Employees

All other employees in the clerk's office shall be subject to a personnel system to be established by the State Court Administrator and approved by the Court of Appeals. The personnel system shall provide for equal opportunity, shall be based on merit principles, and shall include appropriate job

classifications and compensation scales.

c. Certain Deputy Clerks

Persons serving as deputy clerks on July 1, 1991 who qualify for pension rights under Code, State Personnel and Pensions Article, §23-404 shall hold over as deputy clerks but shall have no fixed term and shall in all respects be subject to the personnel system established pursuant to section (b) of this Rule.

d. Personnel Procedures

(1) The State Court Administrator shall develop standards and procedures for the selection and appointment of new employees and the promotion, reclassification, transfer, demotion, suspension, discharge or other discipline of employees in the clerks' offices. These standards and procedures shall be subject to the approval of the Court of Appeals.

(2) If a vacancy occurs in a clerk's office, the clerk shall seek authorization from the State Court Administrator to fill the vacancy.

(3) The selection and appointment of new employees and the promotion, reclassification, transfer, demotion, suspension, discharge or other discipline of employees shall be in accordance with the standards and procedures established by the State Court Administrator.

(4) The State Court Administrator may review the selection, ~~or~~ promotion, or discipline of an employee to ensure compliance with the standards and procedures established pursuant to this

Rule.

(5) An employee grievance shall be resolved in accordance with procedures established by the State Court Administrator. The clerk shall resolve a grievance within the clerk's office, but appeals of the grievance to the State Court Administrator or a designee of the State Court Administrator shall be allowed and shall constitute the final step in the grievance procedure.

During the pendency of the grievance procedure, the State Court Administrator may grant interim relief, which, after consultation with the county administrative judge of each affected court, may include the transfer of an employee.

Committee note: The State Court Administrator may seek appropriate judicial relief to enforce a final determination and directive. See Rule 1-201 (a).

(6) The Administrative Office of the Courts shall prepare the payroll and time and attendance reports for the clerks' offices. The clerks shall submit the information and other documentation that the Administrative Office requires for this purpose.

Source: This Rule is former Rule 1212.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 300 - CIRCUIT COURT CLERKS' OFFICES

AMEND Rule 16-307 to conform an internal reference to revised Code provisions, as follows:

Rule 16-307. ELECTRONIC FILING OF PLEADINGS, PAPERS AND REAL PROPERTY INSTRUMENTS

. . .

b. Submission of Plan

A County Administrative Judge may submit to the State Court Administrator a detailed plan for a pilot project for the electronic filing of pleadings and papers or of real property instruments. In developing the plan, the County Administrative Judge shall consult with the Clerk of the Circuit Court, appropriate vendors, the State Court Administrator, and any other judges, court clerks, members of the bar, vendors of electronic filing systems, and interested persons that the County Administrative Judge chooses to ensure that: (1) the proposed electronic filing system is compatible with the data processing systems, operational systems, and electronic filing systems used or expected to be used by the judiciary; (2) the installation and use of the proposed system does not create an undue financial or operational burden on the court; (3) the proposed system is reasonably available for use at a reasonable cost, or an

efficient and compatible system of manual filing will be maintained; (4) the proposed system is effective, secure and not likely to break down; (5) the proposed system makes appropriate provision for the protection of privacy and for public access to public records; and (6) the court can discard or replace the system during or at the conclusion of a trial period without undue financial or operational burden. The State Court Administrator shall review the plan and make a recommendation to the Court of Appeals with respect to it.

Cross reference: For the definition of "public record," see Code, ~~State Government Article, §10-611~~ General Provisions Article, §4-101 (h).

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 300 - CIRCUIT COURT CLERKS' OFFICES

AMEND Rule 16-308 to conform an internal reference to revised Code provisions, as follows:

Rule 16-308. COURT INFORMATION SYSTEM

. . .

c. Inspection of Criminal History Record Information Contained in Court Records of Public Judicial Proceedings

Unless expunged, sealed, marked confidential or otherwise prohibited by statute, court rule or order, criminal history record information contained in court records of public judicial proceedings is subject to inspection by any person at the times and under conditions as the clerk of a court reasonably determines necessary for the protection of the records and the prevention of unnecessary interference with the regular discharge of the duties of his office.

Cross reference: See Code, Courts Article, §§2-203 and 13-101 (d) and (f), Criminal Procedure Article, §§10-201, 10-214, 10-217, and ~~State Government Article, §§10-612 through 10-619~~ General Provisions Article, Title 4.

Cross reference: For definition of court records see Rule 4-502 (d).

Committee note: This Rule does not contemplate the reporting of parking violations.

Source: This Rule is derived from former Rule 1218.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 400 - ATTORNEYS, OFFICERS OF COURT AND OTHER PERSONS

AMEND Rule 16-404 to update an internal reference, as follows:

Rule 16-404. ADMINISTRATION OF COURT REPORTERS

a. Applicability

Section b of this Rule applies to court reporters in the circuit courts and the District Court. Sections c, d, and e apply in the circuit courts only.

b. Establishment of regulations and standards

The Chief Judge of the Court of Appeals shall prescribe regulations and standards regarding court reporters and the system of reporting in the courts of the State. The regulations and standards may include:

(1) the selection, qualifications, and responsibilities of court reporters;

(2) procedures and regulations;

(3) preparation, typing, and format of transcripts;

(4) charges for transcripts and copies;

(5) preservation and maintenance of reporting notes and records, however recorded;

(6) equipment and supplies utilized in reporting; and

(7) procedures for filing and maintaining administrative

records and reports.

Cross reference: Rule 16-504.

c. Number of Court Reporters - Supervisory Court Reporter

Each circuit court shall have the number of court reporters recommended by the County Administrative Judge and approved by the Chief Judge of the Court of Appeals. In a county with more than one court reporter, the County Administrative Judge shall designate one as supervisory court reporter, who shall serve at the pleasure of the County Administrative Judge. The Chief Judge of the Court of Appeals shall prescribe the duties of the supervisory court reporter.

d. Supervision of Court Reporters

Subject to the general supervision of the Chief Judge of the Court of Appeals, the County Administrative Judge shall have the supervisory responsibility for the court reporters in that county. The County Administrative Judge may delegate supervisory responsibility to the supervisory court reporter, including the assignment of court reporters.

e. Methods of Reporting - Proceedings to be Recorded

Each court reporter assigned to record a proceeding shall record verbatim by shorthand, stenotype, mechanical, or electronic audio recording methods, electronic word or text processing methods, or any combination of these methods, and shall maintain that record subject to regulations and standards prescribed by the Chief Judge of the Court of Appeals, except that a court reporter need not record an audio or audiovisual

recording offered or used at a hearing or trial. All proceedings held in open court, including opening statements, closing arguments, and hearings on motions, shall be recorded in their entirety, unless the court and the parties agree otherwise.

Cross reference: See Rules 2-516 and 4-322. See also Rule 16-1006 ~~(g)~~ (j), which provides that backup audio recordings made by any means, computer disks, and notes of a court reporter that have not been filed with the clerk or are not part of the official court record are not ordinarily subject to public inspection.

Source: This Rule is derived from former Rule 1224.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 400 - ATTORNEYS, OFFICERS OF COURT AND OTHER PERSONS

AMEND Rule 16-406 to conform an internal reference to revised Code provisions, as follows:

Rule 16-406. ACCESS TO ELECTRONIC AUDIO AND AUDIO-VIDEO RECORDINGS OF PROCEEDINGS IN THE CIRCUIT COURT

a. Control - In General

Electronic audio and audio-video recordings made pursuant to Rules 16-404 and 16-405 are under the control of the court having custody of them. Access to and copying of those recordings are subject to the provisions of this Rule and Rule 16-405 d.

Cross reference: Code, ~~State Government Article, §10-615~~ General Provisions Article, §4-301.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 500 - COURT ADMINISTRATION - DISTRICT COURT

AMEND Rule 16-503 to conform an internal reference to revised Code provisions, as follows:

Rule 16-503. COURT INFORMATION SYSTEM

a. Reporting and Transmittal of Criminal History Record Information

1. The District Court of Maryland shall transmit to the Central Repository of Criminal History Record Information of the Department of Public Safety and Correctional Services the data elements of criminal history record information on offenses agreed to by the Secretary of the Department of Public Safety and Correctional Services and the Chief Judge of the Court of Appeals or his designee for purposes of completing a criminal history record maintained by the Central Repository of Criminal History Record Information.

2. Transmittal of Reports of Dispositions

When a defendant has been charged by citation and a conviction is entered by reason of his payment of a fine or forfeiture of collateral before trial, the conviction is not a reportable event under Code, Criminal Procedure Article, §10-215 (a) (10).

b. Inspection of Criminal History Record Information Contained
in Court Records of Public Judicial Proceedings

Unless expunged, sealed, marked confidential or otherwise prohibited by statute, court rule or order, criminal history record information contained in court records of public judicial proceedings is subject to inspection by any person at the times and under conditions as the clerk of a court reasonably determines necessary for the protection of the records and the prevention of unnecessary interference with the regular discharge of the duties of his office.

Cross reference: See Code, Courts Article, §§2-203 and 13-101 (d) and (f), Code, Criminal Procedure Article, §§10-201, 10-214, and 10-217, and Code, ~~State Government Article, §§10-612 through 10-619~~ General Provisions Article, Title 4. For definition of court records, see Rule 4-502 (d).

Source: This Rule is former M.D.R. 1218.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 500 - COURT ADMINISTRATION - DISTRICT COURT

AMEND Rule 16-506 to conform an internal reference to revised Code provisions, as follows:

Rule 16-506. ELECTRONIC FILING OF PLEADINGS AND PAPERS

. . .

(b) Submission of Plan

The Chief Judge of the District Court may submit to the Court of Appeals for approval a detailed plan for a pilot project for the electronic filing of pleadings and papers. In developing the plan, the Chief Judge shall consult with the District Administrative Judge and the District Administrative Clerk of each district included in the plan, the District Court Chief Clerk, appropriate vendors, the State Court Administrator, and any other judges, court clerks, members of the bar, vendors of electronic filing systems, and interested persons that the Chief Judge chooses to ensure that: (1) the proposed electronic filing system is compatible with the data processing systems, operational systems, and electronic filing systems used or expected to be used by the judiciary; (2) the installation and use of the proposed system does not create an undue financial or operational burden on the District Court; (3) the proposed system is reasonably available for use at a reasonable cost or an

efficient and compatible system of manual filing will be maintained; (4) the proposed system is effective, secure, and not likely to break down; (5) the proposed system makes appropriate provision for the protection of privacy and for public access to public records; and (6) the court can discard or replace the system during or at the conclusion of a trial period without undue financial or operational burden. The State Court Administrator shall review the plan and make a recommendation to the Court of Appeals with respect to it.

Cross reference: For the definition of "public record," see Code, ~~State Government Article, §10-611~~ General Provisions Article, §4-101 (h).

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 600 - ATTORNEY TRUST ACCOUNTS

AMEND Rule 16-608 to conform an internal reference to revised Code provisions, as follows:

Rule 16-608. INTEREST ON FUNDS IN ATTORNEY TRUST ACCOUNTS

. . .

b. Duty to Report IOLTA Participation

. . .

(5) Enforcement

. . .

(I) Confidentiality

Except as provided in subsection b 5 (H) of this Rule, IOLTA Compliance Reports, whether in paper or electronic form, are confidential and are not subject to inspection or disclosure under Code, ~~State Government Article, §10-615 (2) (iii)~~ General Provisions Article, §4-301. The Administrative Office of the Courts shall not release the Reports to any person or agency, except as provided in this Rule or upon order of the Court of Appeals. Nonidentifying information and data contained in a lawyer's IOLTA Compliance Report are not confidential.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 800 - MISCELLANEOUS

AMEND Rule 16-812.1 to conform internal references to revised Code provisions, as follows:

Rule 16-812.1. JUDICIAL ETHICS COMMITTEE

(a) Definitions

In this Rule the following definitions apply except as expressly otherwise provided or as necessary implication requires:

(1) Committee

"Committee" means the Judicial Ethics Committee.

(2) Ethics Provision

"Ethics provision" means:

(A) a provision of Code, ~~State Government Article, Title 15, Subtitle 5 or 6~~ General Provisions Article, §5-501 et seq. or §5-601 et seq.;

(B) as to a judge, also a provision of the Maryland Code of Judicial Conduct; and

(C) as to a judicial appointee as defined in Rule 16-814, also a provision of the Maryland Code of Conduct for Judicial Appointees.

(3) State Official in Judicial Branch

"State official in the Judicial Branch" means an

individual who is in the Judicial Branch and is a State official, as defined in Code, ~~State Government Article, §15-102~~ General Provisions Article, §5-101 (11).

. . .

(i) Duties

In addition to its other duties imposed by law, the Committee:

(1) shall give advice, as provided in this Rule, with respect to the application or interpretation of the Maryland Code of Judicial Conduct and the Maryland Code of Conduct for Judicial Appointees;

(2) is designated as the body to give advice with respect to the application or interpretation of any provision of Code, ~~State Government Article, Title 15, Subtitles 5 and 6~~ General Provisions Article, §5-501 et seq. and §5-601 et seq., to a State official in the Judicial Branch;

(3) shall review timely appeals from the State Court Administrator's decision not to extend, under Rule 16-815 or 16-816, the period for filing a financial disclosure statement;

(4) shall determine, under Rule 16-815 f or Rule 16-816 g, whether to allow a judge or judicial appointee to correct a deficiency as to a financial disclosure statement or to refer the matter, as to a judge, to the Commission on Judicial Disabilities or, as to a judicial appointee, to the State Ethics Commission; and

(5) shall submit to the Court of Appeals recommendations for

necessary or desirable changes in any ethics provision.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 800 - MISCELLANEOUS

AMEND Rule 16-813 to conform internal references to revised Code provisions, as follows:

Rule 16-813. MARYLAND CODE OF JUDICIAL CONDUCT

. . .

GENERAL PROVISIONS, DEFINITIONS, AND PREAMBLE

. . .

B. DEFINITIONS

. . .

B-103 - Gift

(a) Except as provided in paragraph (b), "**gift**" means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration.

(b) "**Gift**" does not include the solicitation, acceptance, receipt, or regulation of a political contribution that is regulated in accordance with:

- (1) the Election Law Article of the Maryland Code; or
- (2) any other Maryland law regulating the conduct of elections or the receipt of political contributions. See Rule 3.13.

Source: This definition is derived from Code, ~~State Government Article, §15-102 (p)~~ General Provisions Article, §5-101 (p).

. . .

B-109 - Member of judge's or candidate's household

"Member of [judge's] [candidate's] household" means:

(a) if sharing the judge's or candidate's legal residence, the judge's or candidate's spouse, **domestic partner**, child, ward, financially dependent parent, or other financially dependent relative; or

(b) the judge's or candidate's spouse, child, ward, parent, or other relative, over whose financial affairs the judge or candidate has legal or actual control. See Rule 3.13.

Source: This definition is derived from Maryland Code, ~~State Government Article, §15-102 (z)~~ General Provisions Article, §5-101 (z).

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 800 - MISCELLANEOUS

AMEND Rule 16-815 to conform internal references to revised Code provisions, as follows:

Rule 16-815. FINANCIAL DISCLOSURE STATEMENT

. . .

d. If a judge or other person who files a certificate of candidacy for nomination for an election to an elected judgeship has filed a statement pursuant to ~~§15-610 (b) of the State Government Article, Annotated Code of Maryland Code, General Provisions Article, §5-610,~~ the person need not file for the same period of time the statement required by paragraph c of this Rule.

e. The State Court Administrator is designated as the person to receive statements from the State Administrative Board of Election Laws pursuant to ~~§15-610 (b) of the State Government Article Code, General Provisions Article, §5-610.~~

f. Extension of Time for Filing

1. Except when the judge or former judge is required to file a statement pursuant to ~~§15-610 (b) of the State Government Article, Annotated Code of Maryland Code, General Provisions Article, §5-610,~~ a judge or former judge may apply to the State Court Administrator for an extension of time for filing the

statement. The application shall be submitted prior to the deadline for filing the statement, and shall set forth in detail the reasons an extension is requested and the date upon which a completed statement will be filed.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 800 - MISCELLANEOUS

AMEND Rule 16-816 to conform internal references to revised Code provisions, as follows:

Rule 16-816. FINANCIAL DISCLOSURE STATEMENT - JUDICIAL APPOINTEES

. . .

d. If a judicial appointee who files a certificate of candidacy for nomination for an elected office has filed a statement pursuant to ~~§15-605 or §15-610 (b) of the State Government Article, Annotated Code of Maryland~~ Code, General Provisions Article, §5-605 or §5-610 (b), the judicial appointee need not file for the same period of time the statement required by paragraph c of this Rule.

e. The State Court Administrator is designated as the person to receive statements from the State Administrative Board of Election Laws pursuant to ~~§15-610 (b) of the State Government Article~~ Code, General Provisions Article, §5-610 (b).

f. (i) Except when the judicial appointee is required to file a statement pursuant to ~~§15-605 or §15-610 (b) of the State Government Article, Annotated Code of Maryland~~ Code, General Provisions Article, §5-605 or §5-610 (b), a judicial appointee may apply to the State Court Administrator for an extension of

time for filing the judicial appointee's statement. The application shall be submitted prior to the deadline for filing the statement, and shall set forth in detail the reasons an extension is requested and the date upon which a completed statement will be filed.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 800 - MISCELLANEOUS

DELETE Rule 16-819, as follows:

~~Rule 16-819. COURT INTERPRETERS~~

~~(a) Definitions~~

~~The following definitions apply in this Rule:~~

~~(1) Certified Interpreter~~

~~"Certified Interpreter" means an interpreter who is certified by:~~

~~(A) the Maryland Administrative Office of the Courts;~~

~~(B) a member of the Consortium for State Court Interpreter Certification; or~~

~~(C) the Federal Administrative Office of the Courts.~~

~~(2) Interpreter~~

~~"Interpreter" means an adult who has the ability to render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written and without explanation.~~

~~(3) Interpreter Eligible for Certification~~

~~"Interpreter eligible for certification" means an interpreter who is not a certified interpreter but who:~~

~~(A) has submitted to the Administrative Office of the Courts a completed Maryland State Judiciary Information Form for~~

~~Spoken and Sign Language Court Interpreters and a statement swearing or affirming compliance with the Maryland Code of Conduct for Court Interpreters;~~

~~(B) has attended the Maryland Judiciary's orientation workshop on court interpreting; and~~

~~(C) does not have, in a state or federal court of record, a pending criminal charge or conviction on a charge punishable by a fine of more than \$500 or imprisonment for more than six months unless pardoned or expunged in accordance with law.~~

~~(4) Non-certified Interpreters~~

~~"Non-certified interpreter" means an interpreter other than a certified interpreter or an interpreter eligible for certification.~~

~~(5) Person Who Needs an Interpreter~~

~~"Person who needs an interpreter" means a party or a witness who is deaf or unable adequately to understand or express himself or herself in spoken or written English.~~

~~(b) Application for the Appointment of an Interpreter~~

~~A person who needs an interpreter may apply to the court for the appointment of an interpreter. As far as practicable, an application for the appointment of an interpreter shall be (1) presented on a form approved by administrative order of the Court of Appeals and available from the clerk of the court and (2) submitted not less than 30 days before the proceeding for which the interpreter is requested.~~

~~(c) Procedures to Determine the Need for Interpreters~~

~~(1) Sign Language Interpreter~~

~~The court shall determine whether a sign language interpreter is needed in accordance with the requirements of the Americans with Disabilities Act, 42 U.S.C. §12101, et seq.; Code, Courts Article, §9-114; and Code, Criminal Procedure Article, §§1-202 and 3-103.~~

~~(2) Spoken Language Interpreter~~

~~(A) Examination of Party or Witness~~

~~To determine whether a spoken language interpreter is needed, the court, on request or on its own initiative, shall examine a party or witness on the record. The court shall appoint a spoken language interpreter if the court determines that:~~

~~(i) the party does not understand English well enough to participate fully in the proceedings and to assist counsel, or~~

~~(ii) the party or a witness does not speak English well enough to be understood by counsel, the court, and the jury.~~

~~(B) Scope of Examination~~

~~The court's examination of the party or witness should include questions relating to:~~

~~(i) identification;~~

~~(ii) active vocabulary in vernacular English; and~~

~~(iii) the court proceedings.~~

~~Committee note: Examples of matters relating to identification are: name, address, birth date, age, and place of birth. Examples of questions that elicit active vocabulary in vernacular English are: How did you come to court today? What kind of work do you do? Where did you go to school? What was the highest~~

~~grade you completed? What do you see in the courtroom? Examples of questions relating to the proceedings are: What do you understand this case to be about? What is the purpose of what we are doing here in court? What can you tell me about the rights of the parties to a court case? What are the responsibilities of a court witness? Questions should be phrased to avoid "yes or no" replies.~~

~~(d) Selection and Appointment of Interpreters~~

~~(1) Certified Interpreter Required; Exceptions~~

~~When the court determines that an interpreter is needed, the court shall make a diligent effort to obtain the services of a certified interpreter. If a certified interpreter is not available, the court shall make a diligent effort to obtain the services of an interpreter eligible for certification. The court may appoint a non-certified interpreter only if neither a certified interpreter nor an interpreter eligible for certification is available. A person related by blood or marriage to a party or to the person who needs an interpreter may not act as an interpreter.~~

~~Committee note: The court should be cautious about appointing a non-certified interpreter and should consider carefully the seriousness of the case and the availability of resources before doing so.~~

~~(2) Inquiry of Prospective Interpreter~~

~~Before appointing an interpreter under this Rule, the court shall conduct an appropriate inquiry of the prospective interpreter on the record.~~

~~Committee note: The court should use the interpreter inquiry questions promulgated by the Maryland Judicial Conference Advisory Committee on Interpreters and published, together with suggested responses, in the October 20, 1998 Report of the Advisory Committee. The questions and suggested responses are reprinted as an Appendix to these Rules.~~

~~(3) Oath~~

~~Upon appointment by the court and before acting as an interpreter in the proceeding, the interpreter shall solemnly swear or affirm under the penalties of perjury to interpret accurately, completely, and impartially and to refrain from knowingly disclosing confidential or privileged information obtained while serving in the proceeding. If the interpreter is to serve in a grand jury proceeding, the interpreter also shall take and subscribe an oath that the interpreter will keep secret all matters and things occurring before the grand jury.~~

~~(4) Multiple Interpreters in the Same Language~~

~~At the request of a party or on its own initiative, the court may appoint more than one interpreter in the same language to ensure the accuracy of the interpretation or to preserve confidentiality if:~~

~~(A) the proceedings are expected to exceed three hours;~~

~~(B) the proceedings include complex issues and terminology or other such challenges; or~~

~~(C) an opposing party requires an interpreter in the same language.~~

~~Committee note: To ensure accurate interpretation, after interpreting for a period of forty five minutes, an interpreter ordinarily should be granted a reasonable rest period.~~

~~(e) Removal from Proceeding~~

~~A court interpreter may be removed from a proceeding by a judge or judicial appointee within the meaning of Rule 16-814 (e)(1), who shall then notify the Administrative Office of the~~

~~Courts that the action was taken.~~

~~(f) Compensation of Court Interpreters~~

~~Compensation for interpreters shall be in accordance with Code, Criminal Procedure Article, §§1-202 and 3-103 and Code, Courts Article, §9-114.~~

~~Committee note: Code, Courts Article, §9-114 provides for the appointment of interpreters for certain parties and witnesses, generally. Code, Criminal Procedure Article, §§1-202 and 3-103 provide for the appointment of interpreters for certain defendants in criminal proceedings and proceedings under Title 3 of that Article.~~

~~Source: This Rule is new.~~

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 900 - PRO BONO LEGAL SERVICE

AMEND Rule 16-903 to conform an internal reference to revised Code provisions, as follows:

Rule 16-903. REPORTING PRO BONO LEGAL SERVICE

. . .

(g) Confidentiality

Pro Bono Legal Service Reports are confidential and are not subject to inspection or disclosure under Code, ~~State Government Article, §10-615 (2) (iii)~~ General Provisions Article, §4-301. The Administrative Office of the Courts shall not release the Reports to any person or agency, except upon order of the Court of Appeals. Nonidentifying information and data contained in a lawyer's Pro Bono Legal Service Report are not confidential.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 1000 - ACCESS TO COURT RECORDS

AMEND Rule 16-1002 (c)(1) to delete the word "attached" and add the words "submitted in support of or in opposition" and to change the tagline of section (c), as follows:

Rule 16-1002. GENERAL POLICY

(a) Presumption of Openness

Court records maintained by a court or by another judicial agency are presumed to be open to the public for inspection. Except as otherwise provided by or pursuant to the Rules in this Chapter, the custodian of a court record shall permit a person, upon personal appearance in the office of the custodian during normal business hours, to inspect the record.

(b) Protection of Records

To protect court records and prevent unnecessary interference with the official business and duties of the custodian and other court personnel,

(1) a clerk is not required to permit in-person inspection of a case record filed with the clerk for docketing in a judicial action or a notice record filed for recording and indexing until the document has been docketed or recorded and indexed; and

(2) the Chief Judge of the Court of Appeals, by administrative order, a copy of which shall be filed with and

maintained by the clerk of each court, may adopt procedures and conditions, not inconsistent with the Rules in this Chapter, governing the timely production, inspection, and copying of court records.

Committee note: It is anticipated that, by Administrative Order, entered pursuant to section (b) of this Rule, the Chief Judge of the Court of Appeals will direct that, if the clerk does not permit inspection of a notice record prior to recording and indexing of the record, (1) persons filing a notice record for recording and indexing include a separate legible copy of those pages of the document necessary to identify the parties to the transaction and the property that is the subject of the transaction and (2) the clerk date stamp that copy and maintain it in a separate book that is subject to inspection by the public.

(c) Exhibit ~~Attached~~ Pertaining to a Motion or Marked for Identification

Unless a judicial action is not open to the public or the court expressly orders otherwise, a court record that consists of an exhibit (1) ~~attached~~ submitted in support of or in opposition to a motion that has been ruled upon by the court or (2) marked for identification at trial, whether or not offered in evidence, and if offered, whether or not admitted, is subject to inspection, notwithstanding that the record otherwise would not have been subject to inspection under the Rules in this Chapter. Cross reference: Rule 2-516.

(d) Fees

(1) In this Rule, "reasonable fee" means a fee that bears a reasonable relationship to the actual or estimated costs incurred or likely to be incurred in providing the requested access.

(2) Unless otherwise expressly permitted by the Rules in this

Chapter, a custodian may not charge a fee for providing access to a court record that can be made available for inspection, in paper form or by electronic access, with the expenditure of less than two hours of effort by the custodian or other judicial employee.

(3) A custodian may charge a reasonable fee if two hours or more of effort is required to provide the requested access.

(4) The custodian may charge a reasonable fee for making or supervising the making of a copy or printout of a court record.

(5) The custodian may waive a fee if, after consideration of the ability of the person requesting access to pay the fee and other relevant factors, the custodian determines that the waiver is in the public interest.

(e) New Court Records

(1) Except as expressly required by other law and subject to Rule 16-1008, neither a custodian nor a court or other judicial agency is required by the Rules in this Chapter to index, compile, re-format, program, or reorganize existing court records or other documents or information to create a new court record not necessary to be maintained in the ordinary course of business. The removal, deletion, or redaction from a court record of information not subject to inspection under the Rules in this Chapter in order to make the court record subject to inspection does not create a new record within the meaning of this Rule.

(2) If a custodian, court, or other judicial agency (A)

indexes, compiles, re-formats, programs, or reorganizes existing court records or other documents or information to create a new court record, or (B) comes into possession of a new court record created by another from the indexing, compilation, re-formatting, programming, or reorganization of other court records, documents, or information, and there is no basis under the Rules in this Chapter to deny inspection of that new court record or some part of that court record, the new court record or a part for which there is no basis to deny inspection shall be subject to inspection.

(f) Access by Judicial Employees, Parties, and Counsel of Record

The Rules in this Chapter address access to court records by the public at large. The Rules do not limit access to court records by judicial officials or employees in the performance of their official duties, or to a case record by a party or counsel of record in the action.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 1000 - ACCESS TO COURT RECORDS

AMEND Rule 16-1003 (a) to change an internal reference, as follows:

Rule 16-1003. COPIES

(a) Except as otherwise expressly provided by law, a person who is entitled to inspect a court record is entitled to have a copy or printout of the court record. The copy or printout may be in paper form or, subject to Rule 16-1008 ~~(a)(3)~~ (b), in electronic form.

(b) To the extent practicable, a copy or printout in paper form shall be made where the court record is kept and while the court record is in the custody of the custodian.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 1000 - ACCESS TO COURT RECORDS

AMEND Rule 16-1004 to conform an internal reference in subsection (b) (1) to revised Code provisions, to add a cross reference after subsection (b) (2) (D), to change the language of section (c), and to add a Committee note after section (c), as follows:

Rule 16-1004. ACCESS TO NOTICE, ADMINISTRATIVE, AND BUSINESS LICENSE RECORDS

(a) Notice Records

A custodian may not deny inspection of a notice record that has been recorded and indexed by the clerk.

(b) Administrative and Business License Records

(1) Except as otherwise provided by the Rules in this Chapter, the right to inspect administrative and business license records is governed by the applicable provisions of Code, State Government Article, §§10-611 through 10-626 General Provisions Article, Title 4.

(2) (A) A custodian shall deny inspection of an administrative record used by the jury commissioner in the jury selection process, except (i) as a trial judge orders in connection with a challenge under Code, Courts Article, §§8-408 and 8-409; and (ii) as provided in (B) and (C) of this

subsection.

(B) Upon request, a custodian shall disclose the names and zip codes of the sworn jurors contained on a jury list after the jury has been impaneled and sworn, unless otherwise ordered by the trial judge.

Cross reference: See Rule 4-312 (d).

(C) After a source pool of qualified jurors has been emptied and re-created in accordance with Code, Courts Article, §8-207, and after every person selected to serve as a juror from that pool has completed the person's service, a trial judge shall, upon request, disclose the name, zip code, age, sex, education, occupation, and spouse's occupation of each person whose name was selected from that pool and placed on a jury list, unless, in the interest of justice, the trial judge determines that this information remain confidential in whole or in part.

(D) A jury commissioner may provide jury lists to the Health Care Alternative Dispute Resolution Office as required by that Office in carrying out its duties, subject to that Office adopting regulations to ensure against improper dissemination of juror data.

Cross reference: See Rule 4-312 (d).

(E) At intervals acceptable to the jury commissioner, a jury commissioner shall provide the State Board of Elections and State Motor Vehicle Administration with data about prospective, qualified, or sworn jurors needed to correct erroneous or obsolete information, such as that related to a death or change

of address, subject to the Board's and Administration's adoption of regulations to ensure against improper dissemination of juror data.

(c) Personnel Records - Generally

Except as otherwise permitted by the Maryland Public Information Act or by this Rule, a custodian shall deny to a person other than the person who is the subject of the record inspection of the personnel records of an employee of the court or other judicial agency or of an individual who has applied for employment with the court or other judicial agency. ~~Except as otherwise required by law, the~~ The following records or information are not subject to this exclusion and, unless sealed or otherwise shielded pursuant to the Maryland Rules or other law, shall be open to inspection:

- (1) The full name of the individual;
- (2) The date of the application for employment and the position for which application was made;
- (3) The date employment commenced;
- (4) The name, location, and telephone number of the court or judicial agency to which the individual has been assigned;
- (5) The current and previous job titles and salaries of the individual during employment by the court or judicial agency;
- (6) The name of the individual's current supervisor;
- (7) The amount of monetary compensation paid to the individual by the court or judicial agency and a description of any health, insurance, or other fringe benefit that the

individual is entitled to receive from the court or judicial agency;

(8) Unless disclosure is prohibited by law, other information authorized by the individual to be released; and

(9) A record that has become a case record.

Committee note: Although a court record that has become a case record is not subject to the exclusion under section (c) of this Rule, it may be subject to sealing or shielding under other Maryland Rules or law.

(d) Personnel Records - Retirement

Unless inspection is permitted under the Maryland Public Information Act or the record has become a case record, a custodian shall deny inspection of a retirement record of an employee of the court or other judicial agency.

(e) Certain Administrative Records

A custodian shall deny inspection of the following administrative records:

(1) Judicial work product, including drafts of documents, notes, and memoranda prepared by a judge or other court personnel at the direction of a judge and intended for use in the preparation of a decision, order, or opinion;

(2) An administrative record that is:

(A) prepared by or for a judge or other judicial personnel;

(B) either (i) purely administrative in nature but not a local rule, policy, or directive that governs the operation of the court or (ii) a draft of a document intended for consideration by the author or others and not intended to be

final in its existing form; and

(C) not filed with the clerk and not required to be filed with the clerk.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 1000 - ACCESS TO COURT RECORDS

AMEND Rule 16-1005 to conform an internal reference to revised Code provisions, as follows:

Rule 16-1005. CASE RECORDS - REQUIRED DENIAL OF INSPECTION - IN GENERAL

. . .

(b) Unless inspection is otherwise permitted by the Rules in this Chapter, a custodian shall deny inspection of a case record or any part of a case record if inspection would be contrary to a statute enacted by the Maryland General Assembly, other than the Maryland Public Information Act ~~(Code, State Government Article, §§10-611 through 10-626)~~ (Code, General Provisions Article, Title 4), that expressly or by necessary implication applies to a court record.

Committee note: Subsection (a)(5) allows a court to seal a record or otherwise preclude its disclosure. So long as a court record is under seal or subject to an order precluding or limiting disclosure, it may not be disclosed except in conformance with the order. The authority to seal a court record must be exercised in conformance with the general policy of these Rules and with supervening standards enunciated in decisions of the United States Supreme Court and the Maryland Court of Appeals.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 1000 - ACCESS TO COURT RECORDS

AMEND Rule 16-1006 to add a new section (d) pertaining to case records required to be shielded pursuant to certain statutes, to add a new section (f) pertaining to certain papers filed by a guardian of the property of a disabled adult, to conform an internal reference in subsection (h) (3) (B) to revised Code provisions, and to make stylistic changes, as follows:

Rule 16-1006. REQUIRED DENIAL OF INSPECTION - CERTAIN CATEGORIES OF CASE RECORDS

Except as otherwise provided by law, court order, or the Rules in this Chapter, the custodian shall deny inspection of:

(a) All case records filed in the following actions involving children:

(1) Actions filed under Title 9, Chapter 100 of the Maryland Rules for:

(A) Adoption;

(B) Guardianship; or

(C) To revoke a consent to adoption or guardianship for which there is no pending adoption or guardianship proceeding in that county.

(2) Delinquency, child in need of assistance, and child in need of supervision actions in Juvenile Court, except that, if a

hearing is open to the public pursuant to Code, Courts Article, §3-8A-13 (f), the name of the respondent and the date, time, and location of the hearing are open to inspection.

(b) The following case records pertaining to a marriage license:

(1) A certificate of a physician or certified nurse practitioner filed pursuant to Code, Family Law Article, §2-301, attesting to the pregnancy of a child under 18 years of age who has applied for a marriage license.

(2) Until a license becomes effective, the fact that an application for a license has been made, except to the parent or guardian of a party to be married.

Cross reference: See Code, Family Law Article, §2-402 (f).

(c) Case records pertaining to petitions for relief from abuse filed pursuant to Code, Family Law Article, §4-504, which shall be sealed until the earlier of 48 hours after the petition is filed or the court acts on the petition.

(d) Case records required to be shielded pursuant to Code, Courts Article, §3-1510 or Code, Family Law Article, §4-512.

~~(d)~~ (e) In any action or proceeding, a record created or maintained by an agency concerning child abuse or neglect that is required by statute to be kept confidential.

Committee note: Statutes that require child abuse or neglect records to be kept confidential include Code, Human Services Article, §§1-202 and 1-203 and Code, Family Law Article, §5-707.

(f) The following papers filed by a guardian of the property of a disabled adult:

(1) the annual fiduciary account filed pursuant to Rule 10-706, and

(2) the inventory and information report filed pursuant to Rule 10-707.

~~(e)~~ (g) The following case records in actions or proceedings involving attorneys or judges:

(1) Records and proceedings in attorney grievance matters declared confidential by Rule 16-723 (b).

(2) Case records with respect to an investigative subpoena issued by Bar Counsel pursuant to Rule 16-732;

(3) Subject to the provisions of Rule 19 (b), (c), and (d) of the Rules Governing Admission to the Bar, case records relating to bar admission proceedings before the Accommodations Review Committee and its panels, a Character Committee, the State Board of Law Examiners, and the Court of Appeals.

(4) Case records consisting of IOLTA Compliance Reports filed by an attorney pursuant to Rule 16-608 and Pro Bono Legal Service Reports filed by an attorney pursuant to Rule 16-903.

(5) Case records relating to a motion filed with respect to a subpoena issued by Investigative Counsel for the Commission on Judicial Disabilities pursuant to Rule 16-806.

~~(f)~~ (h) The following case records in criminal actions or proceedings:

(1) A case record that has been ordered expunged pursuant to Rule 4-508.

(2) The following case records pertaining to search warrants:

(A) The warrant, application, and supporting affidavit, prior to execution of the warrant and the filing of the records with the clerk.

(B) Executed search warrants and all papers attached thereto filed pursuant to Rule 4-601.

(3) The following case records pertaining to an arrest warrant:

(A) A case record pertaining to an arrest warrant issued under Rule 4-212 (d) and the charging document upon which the warrant was issued until the conditions set forth in Rule 4-212 (d) (3) are satisfied.

(B) Except as otherwise provided in Code, ~~State Government Article, §10-616 (q)~~ General Provisions Article, §4-316, a case record pertaining to an arrest warrant issued pursuant to a grand jury indictment or conspiracy investigation and the charging document upon which the arrest warrant was issued.

(4) A case record maintained under Code, Courts Article, §9-106, of the refusal of a person to testify in a criminal action against the person's spouse.

(5) A presentence investigation report prepared pursuant to Code, Correctional Services Article, §6-112.

(6) A case record pertaining to a criminal investigation by (A) a grand jury, (B) a State's Attorney pursuant to Code, Criminal Procedure Article, §15-108, or (C) the State Prosecutor pursuant to Code, Criminal Procedure Article, §14-110.

Committee note: Although this Rule shields only case records

pertaining to a criminal investigation, there may be other laws that shield other kinds of court records pertaining to such investigations. This Rule is not intended to affect the operation or effectiveness of any such other law.

~~(g)~~ (i) A transcript, tape recording, audio, video, or digital recording of any court proceeding that was closed to the public pursuant to rule or order of court.

~~(h)~~ (j) Backup audio recordings made by any means, computer disks, and notes of a court reporter that are in the possession of the court reporter and have not been filed with the clerk.

~~(i)~~ (k) The following case records containing medical information:

(1) A case record, other than an autopsy report of a medical examiner, that (A) consists of a medical or psychological report or record from a hospital, physician, psychologist, or other professional health care provider, and (B) contains medical or psychological information about an individual.

(2) A case record pertaining to the testing of an individual for HIV that is declared confidential under Code, Health-General Article, §18-338.1 or §18-338.2.

(3) A case record that consists of information, documents, or records of a child fatality review team, to the extent they are declared confidential by Code, Health-General Article, §5-709.

(4) A case record that contains a report by a physician or institution concerning whether an individual has an infectious disease, declared confidential under Code, Health-General Article, §18-201 or §18-202.

(5) A case record that contains information concerning the consultation, examination, or treatment of a developmentally disabled person, declared confidential by Code, Health-General Article, §7-1003.

(6) A case record relating to a petition for an emergency evaluation made under Code, Health-General Article, §10-622 and declared confidential under Code, Health-General Article, §10-630.

~~(j)~~ (l) A case record that consists of the federal or Maryland income tax return of an individual.

~~(k)~~ (m) A case record that:

(1) a court has ordered sealed or not subject to inspection, except in conformance with the order; or

(2) in accordance with Rule 16-1009 (b), is the subject of a motion to preclude or limit inspection.

~~(l)~~ (n) As provided in Rule 9-203 (d), a case record that consists of a financial statement filed pursuant to Rule 9-202.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 1000 - ACCESS TO COURT RECORDS

AMEND Rule 16-1007 to conform an internal reference in section (b) to revised Code provisions, to add a new section (c) pertaining to certain personal information of a victim or victims' representative, to delete from section (d) a certain exclusion, and to make stylistic changes, as follows:

Rule 16-1007. REQUIRED DENIAL OF INSPECTION - SPECIFIC INFORMATION IN CASE RECORDS

Except as otherwise provided by law, the Rules in this Chapter, or court order, a custodian shall deny inspection of a case record or a part of a case record that would reveal:

(a) The name, address, telephone number, e-mail address, or place of employment of a person who reports the abuse of a vulnerable adult pursuant to Code, Family Law Article, §14-302.

(b) Except as provided in Code, ~~State Government Article, §10-617~~ (e) General Provisions Article, §4-331, the home address or telephone number of an employee of the State or a political subdivision of the State.

(c) The address, telephone number, and e-mail address of a victim or victim's representative in a criminal action, juvenile delinquency action, or an action under Code, Family Law Article, Title 4, Subtitle 5, who has requested that such information be

shielded. Such a request may be made at any time, including in a victim notification request form filed with the clerk or a request or motion filed under Rule 16-1009.

~~(c)~~ (d) Any part of the social security or Federal Identification Number of an individual, ~~other than the last four digits.~~

~~(d)~~ (e) Information about a person who has received a copy of a sex offender's or sexual predator's registration statement.

Cross reference: See Rule 16-1009 (b) (2) concerning information shielded upon a request authorized by Code, Courts Article, Title 3, Subtitle 15 (peace orders) or Code, Family Law Article, Title 4, Subtitle 5 (domestic violence) and in criminal actions.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 1000 - ACCESS TO COURT RECORDS

AMEND Rule 16-1008 to change the title of the Rule; to delete subsection (a) (1); to change subsection (a) (2) to section (a); to delete language from and add language referring to certain Rules and to other applicable law to section (a); to change subsection (a) (3) (A) to sections (b) and (c) and to add taglines for those sections; to delete language from sections (b) and (c); to change section (b) to section (d) and add language providing for a certain date; to change section (c) to section (e); to add new subsections (e) (1) and (e) (2); to change the word "application" in subsections (e) (1) and (e) (2) to the word "request;" to delete language from and add language pertaining to procedures for access to court records to subsection (e) (2); to add a new subsection (e) (3) pertaining to procedures for access to court records after access has been denied; to add a new subsection (e) (4) pertaining to referral to the Judicial Council after access has been denied; to add a new subsection (e) (5) pertaining to a recommendation by the Judicial Council for approval of a request for access; to add a new subsection (e) (6) providing for the ability to resubmit a request for access after a denial by the Judicial Council; and to make stylistic changes, as follows:

Rule 16-1008. ~~ELECTRONIC RECORDS AND RETRIEVAL~~ CONVERSION OF PAPER RECORDS

(a) In General

~~(1) Subject to the conditions stated in this Rule, a court record that is kept in electronic form is open to inspection to the same extent that the record would be open to inspection in paper form.~~

~~(2) Subject to the other provisions of this Rule, the Rules in this Title and Title 20, and any other to other applicable law, or any and to administrative orders of the Chief Judge of the Court of Appeals, a custodian, court, or other judicial agency, for the purpose of providing public access to court records in electronic form, is authorized but not required:~~

~~(A) (1) to convert paper court records into electronic court records;~~

~~(B) (2) to create new electronic records, databases, programs, or computer systems;~~

~~(C) to provide computer terminals or other equipment for use by the public;~~

~~(D) (3) to create the ability to inspect or copy court records through remote access; or~~

~~(E) (4) to convert, supplement, modify, or replace an existing electronic storage or retrieval system.~~

~~(3) (A) (b) Limiting Access to Court Records~~

~~Subject to the other provisions of this Rule, a A~~

custodian may limit access to court records in electronic form to the manner, form, and program that the electronic system used by the custodian, without modification, is capable of providing.

(c) Facilitating Access to Court Records

~~Subject to the Rules in Title 20, if~~ If a custodian, court, or other judicial agency converts paper court records into electronic court records or otherwise creates new electronic records, databases, or computer systems, it shall, to the extent practicable, design those records, databases, or systems to facilitate access to court records that are open to inspection under the Rules in this Chapter.

~~(B) (i) Subject to subsection (a) (3) (B) (ii) of this Rule and except for identifying information relating to law enforcement officers, other public officials or employees acting in their official capacity, and expert witnesses, a custodian shall prevent remote access to the name, address, telephone number, date of birth, e-mail address, and place of employment of a victim or nonparty witness in (1) a criminal action, (2) a juvenile delinquency action under Title 3, Subtitle 8A of the Courts Article, (3) an action under Title 4, Subtitle 5 of the Family Law Article (domestic violence), or (4) an action under Title 3, Subtitle 15 of the Courts Article (peace order).~~

~~(ii) A person who files or otherwise causes to be placed in a court record identifying information relating to a witness shall give the custodian written or electronic notice as to whether or not the identifying information is not subject to~~

~~remote access under Rule 1-322.1, Rule 20-201, or subsection (a) (3) (B) (i) of this Rule. Except as may be provided by federal law, in the absence of such notice, a custodian is not liable for allowing remote access to the information.~~

~~(4) Subject to subsection (a) (3) (B) of this Rule, the Rules in Title 20, and procedures and conditions established by administrative order of the Chief Judge of the Court of Appeals, a person may view and copy electronic court records that are open to inspection under the Rules in this Chapter:~~

~~(A) at computer terminals that a court or other judicial agency makes available for public use at the court or other judicial agency; or~~

~~(B) by remote access that the court or other judicial agency makes available through dial-up modem, web site access, or other technology.~~

~~(b) (d) Current Programs Providing Electronic Access to Databases~~

Any electronic access to a database of court records that is provided by a court or other judicial agency and is in effect on ~~October 1, 2004~~ July 1, 2015 may continue in effect, subject to review by the ~~Technology Oversight Board~~ Judicial Council for consistency with the Rules in this Chapter. After review, the ~~Board Council~~ Judicial Council may make or direct any changes that it concludes are necessary to make the electronic access consistent with the Rules in this Chapter.

~~(c) (e) New Requests for Electronic Access to or Information~~

from Databases

(1) A person who desires to obtain electronic access to or information from a database of court records to which electronic access is not then immediately and automatically available shall submit to the Office of Communications and Public Affairs a written ~~application~~ request that describes the court records to which access is desired and the proposed method of achieving that access.

(2) The Office of Communications and Public Affairs shall review the ~~application~~ request and may consult the Judicial Information Systems. Without undue delay and, unless impracticable, within 30 days after receipt of the ~~application~~ request, the Office of Communications and Public Affairs shall take one of the following actions:

(A) ~~The Office of Communications and Public Affairs~~ It shall approve ~~the application if it determines that the application does not request access to court records not subject to inspection under the Rules in this Chapter or Title 20 and will not impose a significant fiscal, personnel, or operational burden on any court or judicial agency. The approval may be conditioned on the applicant's paying or reimbursing the court or agency for any additional expense that may be incurred in implementing the application.~~ a request that seeks access to court records subject to inspection under the Rules in this Chapter or Title 20 and will not directly or indirectly impose significant fiscal or operational burdens on any court or

judicial agency;

~~(B) If the Office of Communications and Public Affairs is unable to make the findings provided for in subsection (c) (2) (A) of this Rule, it shall inform the applicant and:~~

~~(i) deny the application;~~

~~(ii) offer to confer with the applicant about amendments to the application that would meet the concerns of the Office of Communications and Public Affairs; or~~

~~(iii) if the applicant requests, refer the application to the Technology Oversight Board for its review. It shall conditionally approve a request that seeks access to court records subject to inspection under the Rules in this Chapter or Title 20 but will directly or indirectly impose significant and reasonably calculable fiscal or operational burdens on a court or judicial agency on condition of the requestor's prepayment in full of all additional expenses reasonably incurred as a result of the approval.~~

~~(C) If the application is referred to the Technology Oversight Board, the Board shall determine whether approval of the application would be likely to permit access to court records or information not subject to inspection under the Rules in this Chapter, create any undue burden on a court, other judicial agency, or the judicial system as a whole, or create undue disparity in the ability of other courts or judicial agencies to provide equivalent access to court records. In making those determinations, the Board shall consider, to the extent relevant:~~

It shall deny the request and state the reason for the denial if:

(i) the request would impose significant and reasonably calculable operational burdens on a court or judicial agency that cannot be overcome merely by prepayment of additional expenses under subsection (e) (2) (B) of this Rule or any other practicable condition;

(ii) the requester fails or refuses to satisfy a condition imposed under subsection (e) (2) (B) of this Rule;

(iii) the request seeks access to court records not subject to inspection under the Rules in this Chapter or Title 20; or

(iv) the request directly or indirectly imposes a significant but not reasonably calculable fiscal or operational burden on any court or judicial agency.

(3) Upon receipt of a denial, the requester may ask for a conference with the Office of Communications and Public Affairs to address any basis for denial. If, after a conference the matter is not resolved, the requester may ask for referral of the request or any proposed but rejected amendment to the request to the Judicial Council for its review.

(4) Upon referral to the Judicial Council, the Council shall consider each of the Office of Communications and Public Affairs' stated grounds for denial of the request and any previously proposed but rejected amendment thereof, and also consider, to the extent relevant thereto:

(i) (A) whether the data processing system, operational

system, electronic filing system, or manual or electronic storage and retrieval system used by or planned for the court or judicial agency that maintains the records can currently provide the access requested in the manner requested and in conformance with Rules 16-1001 through 16-1007, and, if not, ~~what~~ any changes or effort ~~would be~~ required to ~~make~~ enable those systems ~~capable of providing to provide~~ that access;

~~(ii)~~ (B) whether any changes to the data processing, operational electronic filing, or storage or retrieval systems used by or planned for other courts or judicial agencies in the State ~~that~~ would be required in order to avoid undue disparity in the ability of those courts or agencies to provide equivalent access to court records maintained by them;

~~(iii)~~ (C) any other fiscal, personnel, or operational impact of the proposed program on the court or judicial agency or on the State judicial system as a whole;

~~(iv)~~ (D) whether there is a substantial possibility that information retrieved through the program may be used for any fraudulent or other unlawful purpose or may result in the dissemination of inaccurate or misleading information concerning court records or individuals who are the subject of court records and, if so, whether there are any safeguards to prevent misuse of disseminated information and the dissemination of inaccurate or misleading information; and

~~(v)~~ (E) any other consideration that the ~~Technology Oversight Board~~ Judicial Council finds relevant.

~~(D) (5) If, upon Upon~~ consideration of the factors set forth in subsection ~~(c)(2)(C)~~ (e)(4) of this Rule, and without undue delay, the ~~Technology Oversight Board~~ Judicial Council concludes that the proposal would create (i) an undue fiscal, personnel, or operational burden on a court, other judicial agency, or the judicial system as a whole, or (ii) an undue disparity in the ability of other courts or judicial agencies to provide equivalent access to judicial records, the Board shall inform the Office of Communications and Public Affairs and the applicant in writing of its conclusions. The Office of Communications and Public Affairs and the applicant may then discuss amendments to the application to meet the concerns of the Board, including changes in the scope or method of the requested access and arrangements to bear directly or reimburse the appropriate agency for any expense that may be incurred in providing the requested access and meeting other conditions that may be attached to approval of the application. The applicant may amend the application to reflect any agreed changes. The application, as amended, shall be submitted to the Technology Oversight Board for further consideration. shall inform the Office of Communications and Public Affairs and the requester that the request should be:

(A) approved, because it complies with the requirements of subsection (e)(2)(A) of this Rule;

(B) conditionally approved, because it complies with the requirements of subsection (e)(2)(B) of this Rule and the

requester has agreed to comply with the conditions established by the Judicial Council; or

(C) denied under subsection (e) (2) (C) of this Rule.

(6) Upon receiving a denial by the Judicial Council, the requester is not barred from resubmitting to the Office of Communications and Public Affairs an amended request that addresses the Judicial Council's stated grounds for denial.

Source: This Rule is ~~new~~ derived from former Rule 16-1008 (2014).

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 900 - ACCESS TO COURT RECORDS

ADD new Rule 16-1008.1, as follows:

Rule 16-1008.1. ACCESS TO ELECTRONIC RECORDS

(a) In General

Subject to the other Rules in this Title and in Title 20 and other applicable law, a court record that is kept in electronic form is open to inspection to the same extent that the record would be open to inspection in paper form.

(b) Denial of Access

(1) Restricted Information

A custodian shall take reasonable steps to prevent access to restricted information, as defined in Rule 20-101 (s), that the custodian is on notice is included in a court record.

(2) Certain Identifying Information

(A) In General

Except as provided in subsection (b) (2) (B) of this Rule, a custodian shall prevent remote access to the name, address, telephone number, date of birth, e-mail address, and place of employment of a victim or nonparty witness in:

(i) a criminal action,

(ii) a juvenile delinquency action under Code, Courts Article, Title 3, Subtitle 8A,

(iii) an action under Code, Family Law Article, Title 4, Subtitle 5 (domestic violence), or

(iv) an action under Code, Courts Article, Title 3, Subtitle 15 (peace order).

(B) Exception

Identifying information relating to law enforcement officers, other public officials or employees acting in their official capacity, and expert witnesses, may be remotely accessible.

(C) Notice to Custodian

A person who places in a court record identifying information relating to a witness shall give the custodian written or electronic notice that such information is included in the record, where in the record that information is contained, and whether that information is not subject to remote access under this Rule, Rule 1-322.1, Rule 20-201, or other applicable law. Except as federal law may otherwise provide, in the absence of such notice a custodian is not liable for allowing remote access to the information.

(c) Availability of Computer Terminals

Clerks shall make available computer terminals at convenient places in the courthouses that the public may use free of charge in order to access court records and parts of court records that are open to inspection, including court records as to which remote access is otherwise prohibited. To the extent authorized by administrative order of the Chief Judge of the

Court of Appeals, computer terminals may be made available at other facilities for that purpose.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 17-101 by adding a new section (f) pertaining to the applicability of Chapter 500 and by making conforming amendments to section (a) and to the Committee note following section (a), as follows:

Rule 17-101. APPLICABILITY

(a) General Applicability of Title

Except as provided in sections (b) and (f) of this Rule, the Rules in this Title apply when a court refers all or part of a civil action or proceeding to ADR.

Committee note: The Rules in this Title other than the Rules in Chapter 500 do not apply to an ADR process in which the parties participate without a court order of referral to that process.

(b) Exceptions

Except as otherwise provided by Rule, the Rules in this Title do not apply to:

(1) an action or order to enforce a contractual agreement to submit a dispute to ADR;

(2) an action to foreclose a lien against owner-occupied residential property subject to foreclosure mediation conducted by the Office of Administrative Hearings under Rule 14-209.1;

(3) an action pending in the Health Care Alternative Dispute Resolution Office under Code, Courts Article, Title 3, Subtitle

2A, unless otherwise provided by law; or

(4) a matter referred to a master, examiner, auditor, or parenting coordinator pursuant to Rule 2-541, 2-542, 2-543, or 9-205.2.

(c) Applicability of Chapter 200

The Rules in Chapter 200 apply to actions and proceedings pending in a circuit court.

(d) Applicability of Chapter 300

The Rules in Chapter 300 apply to actions and proceedings pending in the District Court.

(e) Applicability of Chapter 400

The Rules in Chapter 400 apply to civil appeals pending in the Court of Special Appeals.

(f) Applicability of Chapter 500

The Rules in Chapter 500 apply to collaborative law processes under the Maryland Uniform Collaborative Law Act, regardless of whether an action or proceeding is pending in a court.

Source: This Rule is derived from former Rule 17-101 (2011).

MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 500 - COLLABORATIVE LAW PROCESS

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MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 500 - COLLABORATIVE LAW PROCESS

ADD new Rule 17-501, as follows:

Rule 17-501. APPLICABILITY

This Chapter applies to a collaborative law process under Code, Courts Article, Title 3, Subtitle 20 (Maryland Uniform Collaborative Law Act).

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 500 - COLLABORATIVE LAW PROCESS

ADD new Rule 17-502, as follows:

Rule 17-502. DEFINITIONS

In this Chapter, the definitions in Code, Courts Article §3-2001 apply except as expressly otherwise provided or as necessary implication requires, and the term "collaborative attorney" has the meaning stated in Code, Courts Article, §3-2001 (e) for "collaborative lawyer."

Committee note: Code, Courts Article, §3-2001 contains definitions of "person" and "proceeding" that differ from the definition in Rule 1-202. In this Chapter, the statutory definitions supersede the definitions of "person" and "proceeding" in Rule 1-202.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 500 - COLLABORATIVE LAW PROCESS

ADD new Rule 17-503 as follows:

Rule 17-503. INFORMED CONSENT; CONTENTS OF AGREEMENT

(a) Requirements Before a Collaborative Law Process Begins

Before beginning a collaborative law process, an attorney shall:

(1) discuss with the client factors the attorney reasonably believes relate to whether a collaborative law process is appropriate, including reasonably available alternatives to a collaborative law process;

(2) provide the client with information that the attorney reasonably believes is sufficient for the client to make an informed decision about the material benefits and risks of a collaborative law process;

(3) advise the client that participation in a collaborative law process is voluntary and any party has the right unilaterally to terminate a collaborative law process with or without cause;

(4) explain to the client that if the collaborative law proceeding terminates prior to full resolution of all collaborative matters, the client will need to obtain another attorney or proceed without an attorney; and

(5) make a reasonable effort to determine whether the client

has a history of a coercive or violent relationship with another prospective party, and if such circumstances exist, to determine whether a collaborative law process is appropriate.

(b) Certification and Acknowledgment

In addition to complying with the requirements of Code, Courts Article, §3-2002, a collaborative law participation agreement shall contain a certification by each collaborative attorney that the collaborative attorney has complied with section (a) of this Rule and an acknowledgment by all parties of the requirements under Rule 17-506 applicable to the party's attorney and to each other attorney who will participate in the collaborative law process.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 500 - COLLABORATIVE LAW PROCESS

ADD new Rule 17-504, as follows:

Rule 17-504. STAY

(a) Motion

The parties to a pending court action may file a joint motion to stay court proceedings during a collaborative law process. The motion shall include a certification that a collaborative law participation agreement that complies with the requirements of Code, Courts Article, §3-2002 and Rule 17-503 has been signed by all parties and their attorneys.

(b) Order; Extension of Stay

Subject to sections (c) and (d) of this Rule, upon the filing of a joint motion by all parties, the court shall stay court proceedings for a reasonable period of time during the collaborative law process, unless the court finds the existence of extraordinary circumstances requiring denial of the motion. On motion of the parties, for good cause shown, the court may enter an order to extend a stay. An order to stay court proceedings and an order to extend a stay shall specify the date on which the stay terminates, subject to an earlier lifting of the stay in accordance with section (d) of this Rule.

(c) Proceedings During Stay

During a stay, a party and the party's attorney may appear before a court to:

(1) request or defend against a request for an emergency order to protect the health, safety, welfare, or interest of a party or party eligible for relief; or

(2) request approval of a full or partial settlement of a collaborative law matter.

Cross reference: See Code, Courts Article, §§3-2004 and 3-2005.

(d) Lift of Stay

A court shall lift a stay:

(1) upon request of any party;

(2) on the date stated in an order for stay or for extension of the stay entered pursuant to section (b) of this Rule;

(3) for lack of prosecution under Rule 2-507 or 3-507; or

(4) as necessary to comply with statutory time requirements for proceedings in an orphans' court or before a register of wills relating to the settlement of decedents' estates under Title 6 of the Maryland Rules.

Committee note: Time elapsed during a stay under this Rule is not included in the computation of time under any applicable case management time standards or guidelines.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 500 - COLLABORATIVE LAW PROCESS

ADD new Rule 17-505, as follows:

Rule 17-505. TERMINATION OF COLLABORATIVE LAW PROCESS;
WITHDRAWAL OF APPEARANCE

(a) If All Collaborative Matters Resolved

At the conclusion of a collaborative law process that resolves all collaborative matters and all other issues in an action pending in a court, the parties shall file:

- (1) a stipulation of dismissal;
- (2) a consent judgment; or
- (3) a request for other appropriate relief necessary or desirable to implement the parties' agreement resulting from the collaborative law process.

(b) Unresolved Collaborative Matters

If a collaborative matter or other issue remains unresolved at the conclusion of a collaborative law process pertaining to an action pending in a court, a collaborative law attorney shall:

- (1) notify the court that the collaborative law process has terminated and, if a stay is in effect, request that it be lifted;

(2) if the parties agreed to a resolution of any collaborative matter that requires court action for implementation of the parties' agreement, request such action from the court; and

(3) file a notice or a motion, as appropriate, to withdraw.
Cross reference: See Rules 2-132 and 3-132.

(c) Motion to Require Compliance

If a collaborative attorney who is required to file a notice or motion to withdraw has not done so within a reasonable time after termination of the collaborative law process, a party may file a motion to require the collaborative law attorney to comply with subsection (b) (3) of this Rule.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 500 - COLLABORATIVE LAW PROCESS

ADD new Rule 17-506, as follows:

Rule 17-506. SCOPE OF REPRESENTATION

(a) Definitions

In this Rule, "firm" and "screened" have the meanings stated in Rule 1.0 of the Maryland Lawyers' Rules of Professional Conduct.

(b) Generally

Except as otherwise provided in section (c) of this Rule:

(1) a collaborative attorney who represents a client in a collaborative law process pursuant to a collaborative law participation agreement may not represent a party in a proceeding related to the collaborative matter, notwithstanding any subsequent agreement between the client and the attorney; and

(2) an attorney associated with a firm with which the collaborative attorney is associated may not appear before a tribunal to represent a party in a proceeding related to the collaborative matter if the collaborative attorney is prohibited from doing so under this section.

(c) Exceptions

(1) If the collaborative attorney is associated with a firm that is (A) a legal services organization providing legal

services to indigent individuals or (B) the legal department of a government, another attorney in the firm may represent the collaborative attorney's client in a proceeding, provided that the collaborative attorney is timely screened from participation in the subsequent representative and full disclosure of this exception is made and acknowledged in the collaborative law participation agreement.

Cross reference: See Rule 17-503 (b).

(2) A collaborative attorney may represent a party in connection with the filing of a stipulation, consent judgment, or request for court action to implement an agreement resolving a collaborative matter.

Cross reference: See Rule 17-505 (a) and (b) (2).

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 500 - COLLABORATIVE LAW PROCESS

ADD new Rule 17-507, as follows:

Rule 17-507. CONFIDENTIALITY; PRIVILEGE

Code, Courts Article, §§3-2008 through 3-2011 govern confidentiality of collaborative law communications and the privilege against disclosure of information.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 20 - ELECTRONIC FILING AND CASE MANAGEMENT
CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 20-109 to clarify it, to change an internal reference, and to authorize remote electronic access under certain circumstances for registered users acting on behalf of the Department of Juvenile Services, as follows:

Rule 20-109. ACCESS TO ELECTRONIC COURT RECORDS

. . .

(e) Public Access

(1) Names of Litigants and Docket Entries

Members of the public shall have free access, including remote access, to unshielded docket information made available pursuant to Rule ~~16-1008 (a) (4)~~ 16-1008.1 (c).

(2) Unshielded Documents

Subject to any protective order issued by the court, members of the public shall have free access to unshielded case records and unshielded parts of case records from computer terminals that the court makes available for that purpose. Each clerk's office shall provide a reasonable number of terminals for use by the public. The terminals shall not permit the user to download, alter, or forward the information, but the user is entitled to a copy of or printout of a case record in accordance with Rules 16-1002 (d) (4) and 16-1003.

. . .

(f) Department of Juvenile Services

Subject to any protective order issued by the court, a registered user authorized by the Department of Juvenile Services to act on its behalf shall have full access, including remote access, to all case records in an affected action to the extent the access is (1) authorized by Code, Courts Article, §3-8A-27 and (2) necessary to the performance of the individual's official duties on behalf of the Department.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 20 - ELECTRONIC FILING AND CASE MANAGEMENT
CHAPTER 200 - FILING AND SERVICE

AMEND Rule 20-201 to modify certain provisions in section (h) pertaining to the filing of proposed orders, to add a Committee note following section (h), and to add to section (i) certain provisions concerning requests for the waiver of prepayment of fees and the docketing of submissions in MDEC, as follows:

Rule 20-201. REQUIREMENTS FOR ELECTRONIC FILING

. . .

(h) Proposed Orders

A proposed order to be signed by a judge or judicial appointee shall be ~~in an editable text form specified by the State Court Administrator~~ (1) in an electronic text format specified by the State Court Administrator and (2) filed as a separate document identified as relating to the motion or other request for court action to which the order pertains.

Committee note: As originally adopted, section (h) of this Rule required that a proposed order be submitted in "an editable text form." Because at the time of initial implementation, the MDEC system could only accept pdf documents, amendments to section (h) were made in 2015 to give the State Court Administrator the flexibility to specify the electronic format of the proposed order. The filer should consult the MDEC policies and procedures posted on the Judiciary website for any changes to the required format.

(i) Fee

(1) Generally

A submission shall be accompanied, in a manner allowed by the published policies and procedures adopted by the State Court Administrator, by any fee required to be paid in connection with the filing.

(2) Waiver - Civil Action

(A) A filer in a civil action who (i) desires to file electronically a submission that requires a prepaid fee, (ii) has not previously obtained and had docketed a waiver of prepayment of the fee, and (iii) seeks a waiver of such prepayment, shall file a request for a waiver pursuant to Rule 1-325 or Rule 1-325.1, as applicable.

(B) The request shall be accompanied by (i) the documents required by Rule 1-325 or Rule 1-325.1, as applicable, (ii) the submission for which a waiver of the prepaid fee is requested, and (iii) if applicable, a proposed order granting the request.

(C) No fee shall be charged for the filing of the waiver request.

(D) The clerk shall docket the request for waiver ~~but not the submission requiring a prepaid fee and shall transmit the request, with the accompanying documents, to a judge.~~ If the clerk waives prepayment of the prepaid fee pursuant to Rule 1-325 (d) or the applicable provision of Rule 1-325.1, the clerk also shall docket the attached submission. If prepayment is not waived by the clerk, the clerk and the court shall proceed in accordance with Rule 1-325 (e) or Rule 1-325.1 (c), as

applicable.

~~(E) If the judge waives prepayment in full, the clerk shall docket the submission.~~

~~(F) If the judge denies the waiver in whole or in part, the clerk shall notify the filer but shall not docket the submission until the fee or non-waived part of the fee, is paid.~~

(3) Waiver - Criminal Action

A fee waiver in a criminal action is governed by Rule 7-103 (c) (2), 8-201 (b) (2), or 8-303 (a) (2), as applicable.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 20 - ELECTRONIC FILING AND CASE MANAGEMENT
CHAPTER 200 - FILING AND SERVICE

AMEND Rule 20-202 to add a reference to Rule 20-201 (i), as follows:

Rule 20-202. EFFECTIVE DATE OF FILING

The MDEC system shall record the date and time an electronically filed submission is received by the MDEC system. Subject to Rules 20-201 (i) and 20-203, the date recorded shall be the effective date of filing and shall serve as the docket date of the submission filed.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 20 - ELECTRONIC FILING AND CASE MANAGEMENT
CHAPTER 200 - FILING AND SERVICE

AMEND Rule 20-203 (d) to change the enforcement mechanism pertaining to correction of certain deficiencies and to provide for judicial review of a deficiency determination, as follows:

Rule 20-203. REVIEW BY CLERK; STRIKING OF SUBMISSION;
DELINQUENCY NOTICE; CORRECTION; ENFORCEMENT

. . .

(d) Deficiency Notice

(1) Issuance of Notice

If, upon review, the clerk concludes that a submission is not subject to striking under section (c) of this Rule but materially violates a provision of the Rules in Title 20 or an applicable published policy or procedure established by the State Court Administrator, the clerk shall send to the filer with a copy to the other parties a deficiency notice describing the nature of the violation.

(2) Correction; Enforcement

~~If the deficiency is not corrected within two business days after the date of the notice, any party may move to strike the submission~~ Unless the court orders otherwise, the court will take no further action on the submission until the deficiency is corrected or withdrawn.

(3) Judicial Review

The filer may file a request that the administrative judge, or a judge designated by the administrative judge, direct the clerk to withdraw the deficiency notice.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 20 - ELECTRONIC FILING AND CASE MANAGEMENT
CHAPTER 200 - FILING AND SERVICE

ADD new Rule 20-204.2, as follows:

Rule 20-204.2. ISSUANCE OF ORIGINAL PROCESS - CRIMINAL

(a) Definitions

The definitions in Rule 4-102 apply in this Rule, except that in this Rule "charging document" does not include a citation electronically filed with the District Court in accordance with Code, Transportation Article, §26-407.

(b) Filing of Charging Document; Issuance of Paper Warrant or Summons

A charging document shall be filed in paper form and the clerk shall scan the document into the MDEC system. In accordance with the applicable Rules in Title 4, a warrant or summons pertaining to the charging document shall be issued in paper form.

(c) Subsequent Submissions

Unless exempted by the State Court Administrator, the filing of subsequent submissions in a criminal action shall be governed by the Rules in this Title.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

APPENDIX: THE MARYLAND LAWYERS' RULES OF PROFESSIONAL CONDUCT
CLIENT-RELATIONSHIP

AMEND Rule 1.2 to require that under certain circumstances the scope and limitations of a limited representation by an attorney be set forth in a writing, to add a new Comment [8] pertaining to the scope of a limited representation, to add a new Comment [9] pertaining to representation of a client in a collaborative law process, and to renumber existing Comments [8] through [13], as follows:

Rule 1.2. SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY
BETWEEN CLIENT AND LAWYER

(a) Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decisions concerning the objectives of the representation and, when appropriate, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

(b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement

of the client's political, economic, social or moral views or activities.

(c) A lawyer may limit the scope of the representation in accordance with applicable Maryland Rules if (1) the limitation is reasonable under the circumstances, and (2) the client gives informed consent, and (3) the scope and limitations of any representation, beyond an initial consultation or brief advice provided without a fee, are clearly set forth in a writing, including any duty on the part of the lawyer under Rule 1-324 to forward notices to the client.

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

COMMENT

Scope of Representation. - [1] Both lawyer and client have authority and responsibility in the objectives and means of representation. The client has ultimate authority to determine the purposes to be served by legal representation, within the limits imposed by law and the lawyer's professional obligations. Within those limits, a client also has a right to consult with the lawyer about the means to be used in pursuing those objectives. At the same time, a lawyer is not required to pursue objectives or employ means simply because a client may wish that the lawyer do so. A clear distinction between objectives and means sometimes cannot be drawn, and in many cases the client-lawyer relationship partakes of a joint undertaking. In questions of means, the lawyer should assume responsibility for technical and legal tactical issues, but should defer to the client regarding such questions as the expense to be incurred and concern for third persons who might be adversely affected.

[2] On occasion, however, a lawyer and a client may disagree about the means to be used to accomplish the client's objectives. Because of the varied nature of the matters about which a lawyer and client might disagree and because the actions in question may implicate the interests of a tribunal or other persons, this Rule does not prescribe how such disagreements are to be resolved. Other law, however, may be applicable and should be consulted by the lawyer. The lawyer should also consult with the client and seek a mutually acceptable resolution of the disagreement. If such efforts are unavailing and the lawyer has a fundamental disagreement with the client, the lawyer may withdraw from the representation. See Rule 1.16 (b) (4). Conversely, the client may resolve the disagreement by discharging the lawyer. See Rule 1.16 (a) (3).

[3] At the outset of a representation, the client may authorize the lawyer to take specific action on the client's behalf without further consultation. Absent a material change in circumstances and subject to Rule 1.4, a lawyer may rely on such an advance authorization. The client may, however, revoke such authority at any time.

[4] In a case in which the client appears to be suffering diminished capacity, the lawyer's duty to abide by the client's decisions is to be guided by reference to Rule 1.14.

Independence from Client's Views or Activities. - [5] Legal representation should not be denied to people who are unable to afford legal services, or whose cause is controversial or the subject of popular disapproval. By the same token, representing a client does not constitute approval of the client's views or activities.

Agreements Limiting Scope of Representation. - [6] The scope of services to be provided by a lawyer may be limited by agreement with the client or by the terms under which the lawyer's services are made available to the client. When a lawyer has been retained by an insurer to represent an insured, for example, the representation may be limited to matters related to the insurance coverage. A limited representation may be appropriate because the client has limited objectives for the representation. In addition, the terms upon which representation is undertaken may exclude specific means that might otherwise be used to accomplish the client's objectives. Such limitations may exclude actions that the client thinks are too costly or that the lawyer regards as repugnant or imprudent.

[7] Although this Rule affords the lawyer and client substantial latitude to limit the representation, the limitation must be reasonable under the circumstances. If, for example, a client's objective is limited to securing general information

about the law the client needs in order to handle a common and typically uncomplicated legal problem, the lawyer and client may agree that the lawyer's services will be limited to a brief telephone consultation. Such a limitation, however, would not be reasonable if the time allotted was not sufficient to yield advice upon which the client could rely. Although an agreement for a limited representation does not exempt a lawyer from the duty to provide competent representation, the limitation is a factor to be considered when determining the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation. See Rule 1.1.

[8] A lawyer and a client may agree that the scope of the representation is to be limited to clearly defined specific tasks or objectives, including: (1) without entering an appearance, filing papers, or otherwise participating on the client's behalf in any judicial or administrative proceeding, (i) giving legal advice to the client regarding the client's rights, responsibilities, or obligations with respect to particular matters, (ii) conducting factual investigations for the client, (iii) representing the client in settlement negotiations or in private alternative dispute resolution proceedings, (iv) evaluating and advising the client with regard to settlement options or proposed agreements, or (v) drafting documents, performing legal research, and providing advice that the client or another attorney appearing for the client may use in a judicial or administrative proceeding; or (2) in accordance with applicable Maryland Rules, representing the client in discrete judicial or administrative proceedings, such as a court-ordered alternative dispute resolution proceeding, a *pendente lite* proceeding, or proceedings on a temporary restraining order, a particular motion, or a specific issue in a multi-issue action or proceeding. Before entering into such an agreement, the lawyer shall fully and fairly inform the client of the extent and limits of the lawyer's obligations under the agreement, including any duty on the part of the lawyer under Rule 1-324 to forward notices to the client.

[9] Representation of a client in a collaborative law process is a type of permissible limited representation. It requires a collaborative law participation agreement that complies with the requirements of Code, Courts Article, §3-1902 and Rule 17-503 (b) and is signed by all parties after informed consent.

~~†8†~~ [10] All agreements concerning a lawyer's representation of a client must accord with the Maryland Lawyers' Rules of Professional Conduct and other law. See, e.g., Rule 1.1, 1.8 and 5.6.

Criminal, Fraudulent and Prohibited Transactions. - ~~[9]~~ [11] Paragraph (d) prohibits a lawyer from knowingly counseling or assisting a client to commit a crime or fraud. This prohibition, however, does not preclude the lawyer from giving an honest opinion about the actual consequences that appear likely to result from a client's conduct. The fact that a client uses advice in a course of action that is criminal or fraudulent does not, of itself, make a lawyer a party to the course of action. There is a critical distinction between presenting an analysis of legal aspects of questionable conduct and recommending the means by which a crime or fraud might be committed with impunity.

~~[10]~~ [12] When the client's course of action has already begun and is continuing, the lawyer's responsibility is especially delicate. The lawyer is required to avoid assisting the client, for example, by drafting or delivering documents that the lawyer knows are fraudulent or by suggesting how the wrongdoing might be concealed. A lawyer may not continue assisting a client in conduct that the lawyer originally supposed was legally proper but then discovers is criminal or fraudulent. The lawyer must, therefore, withdraw from the representation of the client in the matter. See Rule 1.16 (a). In some cases withdrawal alone might be insufficient. It may be necessary for the lawyer to give notice of the fact of withdrawal and to disaffirm any opinion, document, affirmation or the like. See Rules 1.6, 4.1.

~~[11]~~ [13] Where the client is a fiduciary, the lawyer may be charged with special obligations in dealings with a beneficiary.

~~[12]~~ [14] Paragraph (d) applies whether or not the defrauded party is a party to the transaction. Hence, a lawyer must not participate in a transaction to effectuate criminal or fraudulent avoidance of tax liability. Paragraph (d) does not preclude undertaking a criminal defense incident to a general retainer for legal services to a lawful enterprise. The last clause of paragraph (d) recognizes that determining the validity or interpretation of a statute or regulation may require a course of action involving disobedience of the statute or regulation or of the interpretation placed upon it by governmental authorities.

~~[13]~~ [15] If a lawyer comes to know or reasonably should know that a client expects assistance not permitted by the Maryland Lawyers' Rules of Professional Conduct or other law or if the lawyer intends to act contrary to the client's instructions, the lawyer must consult with the client regarding the limitations on the lawyer's conduct. See Rule 1.4 (a)(4).

Model Rules Comparison. -- Rule 1.2 is substantially similar to the language of the Ethics 2000 Amendments to the ABA Model Rules of Professional Conduct except for wording changes in Rule 1.2

(a) the addition of Comments [8] and [9], and the retention of existing Maryland language in Comment [1].

MARYLAND RULES OF PROCEDURE

APPENDIX: MARYLAND CODE OF CONDUCT FOR COURT INTERPRETERS:

MARYLAND CODE OF CONDUCT FOR COURT INTERPRETERS

AMEND Appendix: Maryland Code of Conduct for Court Interpreters to revise an internal reference in the Appendix, as follows:

APPENDIX: MARYLAND CODE OF CONDUCT FOR COURT INTERPRETERS

Preamble

In the absence of a court interpreter, many persons who come before the courts are partially or completely excluded from full participation in the proceedings because they have limited proficiency in the English language, have a speech impairment, or are deaf or hard of hearing. It is essential that the resulting communication barrier be removed, as far as possible, so that these persons are placed in the same position and enjoy equal access to justice as similarly situated persons for whom there is no such barrier. As officers of the court, interpreters help to ensure that these persons enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively.

Applicability

This Code shall guide and be binding upon all certified interpreters and interpreters eligible for certification, as those terms are defined in Rule ~~16-819~~ 1-333, and all agencies

and organizations that administer, supervise the use of, or deliver interpreting services in the courts of this State.

. . .

MARYLAND RULES OF PROCEDURE

APPENDIX: COURT INTERPRETER INQUIRY QUESTIONS

AMEND Appendix: Court Interpreter Inquiry Questions to update date references to a certain Administrative Order, as follows:

APPENDIX: COURT INTERPRETER INQUIRY QUESTIONS

. . .

Explanation of Responses to *Voir Dire* Questions for Interpreters*:

The following is an explanation or suggested responses to the voir dire questions used to determine the qualifications of interpreters working in Maryland courts. In some instances, the appropriateness of the response will depend on whether a sign or spoken language interpreter is being questioned.

. . .

(10) Have you attended the Maryland Judiciary's Orientation Workshop for Court Interpreters?

The answer should be "yes", as this is required under the Administrative Order issued on ~~December 7, 1995~~ October 18, 2012. This workshop includes components on legal terminology, ethics, and skills but is merely a 2-day overview and not an intensive course.

. . .

(31) Have you submitted to the Administrative Office of the Courts a completed information form, a statement swearing or

affirming compliance with the Maryland Code of Conduct for Court Interpreters and a statement subscribing to the Interpreter's Oath?

The answer to this question should be "yes" as to the information form, as this is required under the Administrative Order dated ~~December 7, 1995~~ October 18, 2012. The remaining documents will be required should the Subcommittee report be adopted.

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