

SUPREME COURT STANDING COMMITTEE  
ON RULES OF PRACTICE AND PROCEDURE

Minutes of a meeting of the Rules Committee held in Rooms 132-133 of the Maryland Judicial Center, 187 Harry S. Truman Parkway, Annapolis, Maryland on Thursday, May 21, 2026.

Members present:

Hon. Yvette M. Bryant, Chair  
Hon. Douglas R.M. Nazarian, Vice  
Chair

Hon. Tiffany H. Anderson  
Del. J. Sandy Bartlett  
Hon. John A. Bielec  
James M. Brault, Esq.  
Jamar R. Brown, Esq.  
Hon. Catherine Chen  
Hon. Yolanda L. Curtin  
Julia Doyle, Esq.  
Arthur J. Horne, Jr., Esq.  
Brian A. Kane, Esq.

Hon. Karen R. Ketterman  
Bruce L. Marcus, Esq.  
Stephen S. McCloskey, Esq.  
Kathleen H. Meredith, Esq.  
Judy Rupp, State Court  
Administrator  
Gregory K. Wells, Esq.  
Hon. Dorothy J. Wilson  
Brian L. Zavin, Esq.

In attendance:

Sandra F. Haines, Esq., Reporter  
Colby L. Schmidt, Esq., Deputy Reporter  
Heather Cobun, Esq., Assistant Reporter  
Meredith A. Drummond, Esq., Assistant Reporter

Colin Casler, Chief Deputy Clerk of the Appellate Court of  
Maryland

Thomas DeGonia II, Esq., Bar Counsel, Attorney Grievance  
Commission

Rachel Dombrowski, Clerk of the Appellate Court of Maryland

Connie Kratovil-Lavelle, Esq., Maryland State Bar Association

Shaoli Sarkar, Esq., Maryland State Bar Association

Gillian Tonkin, Esq., Staff Attorney to Chief Judge, District  
Court of Maryland

The Chair convened the meeting. She welcomed Del. J. Sandy Bartlett to her first meeting.

The Reporter advised that the meeting would be recorded for the purpose of assisting with the preparation of meeting minutes and that speaking will be treated as consent to being recorded.

The Reporter informed the Committee that today's meeting will adjourn by noon to allow staff to prepare for the Supreme Court's open meeting on the 228<sup>th</sup> Report at 1 p.m.

The Reporter also informed the Committee that a draft of the March 2026 meeting minutes was sent to members for review prior to the meeting. A motion to approve the March 2026 minutes was made, seconded, and approved by consensus.

Agenda Item 1. Consideration of proposed amendments to Rule 8-402 (Appearance).

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The Vice Chair presented Rule 8-402, Appearance, for consideration.

MARYLAND RULES OF PROCEDURE  
TITLE 8 – APPELLATE REVIEW IN THE COURT OF  
APPEALS  
AND COURT OF SPECIAL APPEALS  
CHAPTER 400 – PRELIMINARY PROCEDURES  
AMEND Rule 8-402, by deleting existing section  
(b), by adding new section (b) pertaining to an

attorney's appearance in the Appellate Court, by adding new section (c) pertaining to an attorney's appearance in the Supreme Court, by re-lettering existing section (c) as new section (d), by replacing the provisions in new section (d) pertaining to the Appellate Court and Supreme Court with a provision relating to a notice of appearance or motion, by re-lettering existing section (d) as new subsection (c)(3), by deleting certain provisions from new subsection (c)(3), by adding a provision to new subsection (c)(3) pertaining to pro-hac vice admissions, by deleting existing section (e), by deleting existing section (f), by adding new section (e) pertaining to a notice to employ new attorney, by re-lettering existing section (g) as new section (f), and by adding "for a party" and "to represent the same party" to new section (f), and by making stylistic changes, as follows:

#### Rule 8-402. APPEARANCE

##### (a) By Attorney or in Proper Person

Except as otherwise provided by rule or statute:

- (1) an individual may appear by an attorney or in proper person, and
- (2) a person other than an individual may enter an appearance only by an attorney.

##### ~~(b) Continuance of Appearance from Lower Court~~

~~The appearance of an attorney entered in a lower court shall continue in the Appellate Court and the Supreme Court unless (1) the attorney's appearance has been stricken in the lower court pursuant to Rule 2-132 or 4-214, (2) the attorney notifies the Clerk of the appellate court in writing not to enter the attorney's appearance in the appellate court and sends a copy of the notice to the clerk of the lower court and the client, or (3) the attorney's appearance has automatically terminated pursuant to section (g) of this Rule.~~

##### (b) In the Appellate Court

##### (1) Continued from Lower Court

When a notice of appeal or application for leave

to appeal is transmitted to the Appellate Court pursuant to Rule 16-406, each attorney of record in the trial court at the time the notice of appeal or application for leave to appeal is received in the Appellate Court shall continue as an attorney of record in the Appellate Court.

(2) Striking Appearance Before Transmission of the Lower Court Record

Before the record is transmitted to the Appellate Court, an attorney may strike the attorney's appearance: (A) by filing a written notice with the Clerk of the Appellate Court, and if the attorney's withdrawal will leave the client unrepresented by an attorney in the appeal, the notice shall include contact information for the client and a certification that the client has been provided notice at least five days prior to the filing of the notice to withdraw and that a person other than an individual may appear only through an attorney; or (B) pursuant to Rule 2-132 or Rule 4-214, as applicable.

(3) Striking Appearance after Transmission of the Lower Court Record

After the record is transmitted to the Appellate Court, an attorney may strike the attorney's appearance only pursuant to Rule 2-132, except that a motion to withdraw an appearance may not be made in open court.

(c) In the Supreme Court

(1) Petition for Writ of Certiorari

(A) Automatic Appearance by Petitioning Attorney

When a petition for writ of certiorari is filed in the Supreme Court, the appearance of each attorney who filed the petition shall be entered in the Supreme Court case. An attorney's appearance entered in this manner may be stricken only pursuant to Rule 2-132.

(B) Appearance of Non-Petitioning Attorney

The appearance of an attorney whose appearance was entered in the lower court on behalf of the petitioner, but who is not identified as counsel in the petition for writ of certiorari, shall be entered in

the case in the Supreme Court upon the granting of the petition unless the attorney's appearance has been stricken pursuant to:

(i) Rule 2-132 or Rule 4-214; or

(ii) subsection (b)(2) of this Rule.

(C) Entry of Appearance of Attorney for Respondent

The appearance of an attorney entered in the lower court case on behalf of the respondent shall be continued in the Supreme Court case when the petition is filed unless the attorney's appearance has been stricken:

(i) in the trial court pursuant to Rule 2-132 or Rule 4-214;

(ii) by the Clerk of the Supreme Court after the attorney files a notice requesting that the attorney's appearance be stricken certifying that at least one attorney of record remains in the case; or

(iii) by submitting a written request to the Clerk of the Supreme Court if the attorney's withdrawal will leave the respondent unrepresented by an attorney in the appeal. The request shall include current contact information for the potential unrepresented respondent and a certification that the respondent has been provided notice at least five days prior to the filing of the motion (a) of the attorney's intention to withdraw and (b) that a person other than an individual may appear only through an attorney.

(D) When Certiorari is Granted

If a petition for writ of certiorari is granted, the appearance of each attorney of record shall be entered in the appeal and the appearance may be stricken only pursuant to Rule 2-132.

(2) Direct Appeal

When a notice of appeal is transmitted to the Supreme Court pursuant to Rule 16-406, an attorney whose appearance is entered in the lower court shall be entered in the Supreme Court case.

(A) Striking Appearance before Transmission of the Lower Court Record

Before the record is transmitted to the Supreme Court, an attorney may strike the attorney's appearance in the Supreme Court:

(i) pursuant to Rule 2-132 or Rule 4-214; or

(ii) by filing a written notice with the Clerk of the Supreme Court, and if the attorney's withdrawal will leave the client unrepresented by an attorney in the appeal, the notice shall include contact information for the client and a certification that the client has been provided notice at least five days prior to the filing of the notice to withdraw that the attorney intends to withdraw and that a person other than an individual may appear only through an attorney.

(B) Striking Appearance after Transmission of the Lower Court Record

After the record is transmitted to the Supreme Court, an attorney's appearance may be stricken only pursuant to Rule 2-132.

~~(d)~~(3) In Certification Cases

In a proceeding pursuant to Rule 8-305, the appearance of an attorney entered in the certifying court shall continue in the Supreme Court if the attorney has been admitted to practice law in this State. An attorney newly appearing in the case may enter an appearance by filing a written request in the Supreme Court at any time after the certification order is filed. certifying court who is not a Maryland attorney shall seek admission under Rule 19-217 to participate in the certification case.

Cross reference: For special admission of an out-of-state attorney, see Rule 19-217.

~~(e)~~(d) New Appearance

An attorney newly appearing on appeal may enter an appearance by filing a written request ~~(1) in the Appellate Court if the record on appeal has already been filed in that Court, (2) in the Supreme Court if a petition for a writ of certiorari has been filed or the Court has issued a writ on its own initiative, or (3) in the lower court in all other cases.~~ notice of appearance or by filing a motion in the appellate court where the

case is pending.

~~(e) When Entered by Clerk~~

~~The Clerk of the appellate court shall formally enter the appearance of the attorney (1) in the Appellate Court when the record on appeal is filed, (2) in the Supreme Court when a petition for a writ of certiorari is filed or, if the Court issues the writ on its own initiative, when the writ is issued, or (3) when properly requested pursuant to section (c) or (d) of this Rule.~~

(e) Notice to Employ New Attorney

When an attorney's appearance has been stricken by an appellate court and no other attorney's appearance is entered on behalf of the client, the Clerk of the appellate court shall send notice to the client pursuant to Rule 2-132(c).

~~(f) Striking Appearance~~

~~The appearance of an attorney may be stricken pursuant to Rule 2-132, except that a motion to withdraw an appearance must be in writing and may not made in open court.~~

~~(g)~~(f) Automatic Termination of Appearance

The appearance of an attorney for a party entered in the lower court is automatically terminated upon the entry of an appearance by the Public Defender or an attorney designated by the Public Defender to represent the same party.

Source: This Rule is in part derived from former Rules 1005 a and 805 a and in part new.

Rule 8-402 was accompanied by the following Reporter's note:

The Appellate Subcommittee proposes that Rule 8-402 be amended to provide greater clarity as to when an attorney's appearance is entered or stricken from an appellate case. This request originates from the Clerk of the Appellate Court and the Clerk of the

Supreme Court. The main intention of these proposed revisions is to clarify that the procedure surrounding an attorney's appearance depends on whether the record has been transmitted in the Appellate Court or whether Certiorari has been granted in the Supreme Court.

Existing section (b) is proposed to be deleted in its entirety and replaced with proposed new section (b), which covers appearances in the Appellate Court. Subsection (b)(1) establishes that the appearance of each attorney of record in the trial court continues in the appeal. Subsection (b)(2) establishes a permissive standard by which an attorney may strike the attorney's appearance in the Appellate Court prior to the transmission of the record by either filing a request in writing with the Clerk of the Appellate Court or by following the procedures in Rule 2-132 or Rule 4-214. Subsection (b)(3) provides a more restrictive standard by which an attorney must follow the procedures in Rule 2-132 in order to strike the attorney's appearance after transmission of the lower court record.

Proposed new section (c) covers appearances in the Supreme Court. Subsection (c)(1) pertains to petitions for certiorari. Subsection (c)(1)(A) clarifies that each petitioning attorney's appearance is automatically entered in the case and the appearance can be stricken only pursuant to Rule 2-132. Subsection (c)(1)(B) pertains to the appearance of a non-petitioning attorney who was attorney of record in the lower court case for the petitioner, and provides that the attorney's appearance will be entered in the Supreme Court upon the granting of the petition if the attorney has not stricken the attorney's appearance. Subsection (c)(1)(C) provides that the appearance of an attorney for the respondent entered in the lower court case will continue in the Supreme Court unless the attorney's appearance has been stricken as set forth in this subsection. Subsection (c)(1)(D) pertains to the procedures that apply once Certiorari is granted. Subsection (c)(2) applies to direct appeals to the Supreme Court filed pursuant to Rule 16-406. Existing section (d), pertaining to certification cases in the Supreme Court, is proposed to be re-lettered as new subsection (c)(3) so that it is located with the rest

of the case types heard in the Supreme Court. The provisions of this subsection are revised to require a pro-hac vice admission for a non-Maryland attorney to participate.

Existing section (c) is proposed to be re-lettered as new section (d) and revised to conform with the proposed revisions to new sections (b) and (c) of this Rule.

Existing sections (e) and (f) are proposed to be deleted in their entirety.

New section (e) is proposed. The provisions of this section pertaining to a motion to withdraw are proposed to be deleted as redundant, and a new provision is added to require the appellate clerk to send a notice to the client of an attorney's withdraw from the appeal.

Existing section (g) is proposed to be re-lettered as section (f). Revisions are proposed to clarify that the entry of a public defender for the same party represented by another attorney in an appeal automatically terminates the other attorney's appearance in the appeal.

The Vice Chair said that the draft of Rule 8-402, on its face, shows substantial additions and deletions. However, the amendments overall clean up and clarify the process of attorney appearances in the appellate courts. The proposed amendments distinguish the various pathways to the Appellate Court and the Supreme Court and set forth procedures for trial counsel to continue or strike an appearance on appeal. The Vice Chair said that Appellate Court Clerk Rachel Dombrowski and Chief Deputy Clerk Colin Casler are available for questions.

The Vice Chair informed the Committee that current section

(b) is deleted, and new section (b) governs the continuation of a trial attorney's appearance in the Appellate Court. The section addresses when and how that appearance may be stricken.

The Vice Chair explained that new section (c) applies to an attorney's appearance in the Supreme Court, which is more complicated than provisions pertaining to the Appellate Court because there are more paths to review in the Supreme Court, including petitions for certiorari, direct appeals, and certified questions. Sections (d) and (e) address new appearances in the appellate courts. He said that the amendments were drafted by the Clerks of the Appellate Court and the Supreme Court in consultation with Rules Committee staff.

The Reporter commented that the Style Subcommittee will address some of the details and wording of the proposed amendments. She asked whether the references to Rule 2-132 or Rule 4-214, which are trial court Rules, are meant to require that filings be made in the trial court or in the applicable appellate court. Ms. Dombrowski said that the notices regarding appearance should be filed in the appropriate appellate court using the motion procedure of the trial court. The Reporter asked whether this would still be the case if the record has not yet been transmitted to the Appellate Court. Ms. Dombrowski replied that the notice of appeal is transmitted within 24 hours, so the appearance motions should be filed in the

Appellate Court if the attorney is listed on the appeal. She added that subsection (b) (2) addresses this issue.

The Chair suggested that Rule 8-402 state that the filer should "use the process set forth in" Rule 2-132 or 4-214 but make it clear that the filing is made in the appropriate appellate court. By consensus, the Committee agreed to this change.

There being no motion to reject or further amend the proposed amendments to Rule 8-402, they were approved as modified, subject to stylistic changes.

Agenda Item 2. Consideration of proposed amendments to Rule 5-107 (Illustrative Aids) and conforming amendments to Rule 2-516 (Exhibits and Recordings), Rule 3-516 (Exhibits), Rule 4-322 (Exhibits, Computer-Generated Evidence, and Recordings), Rule 7-109 (Record - Contents and Form), Rule 8-413 (Record - Contents and Form), Rule 16-205 (Disposition of Records), Rule 16-405 (Filing and Removal of Papers), and Rule 20-301 (Content of Official Record).

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The Vice Chair presented Rule 5-107, Illustrative Aids, for consideration.

## MARYLAND RULES OF PROCEDURE

### TITLE 5 - EVIDENCE

#### CHAPTER 100 - GENERAL PROVISIONS

ADD new Rule 5-107, as follows:

Rule 5-107. ILLUSTRATIVE AIDS

(a) Permitted Uses

The court may allow a party to present an illustrative aid to help the trier of fact understand the evidence or argument if the aid's utility in assisting comprehension is not outweighed substantially by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by the considerations of undue delay or waste of time.

(b) Record

An illustrative aid used at **a hearing or** trial, including during opening statements and closing arguments, shall be marked for identification and included in the record by the clerk as directed by the court.

(c) Use in Jury Deliberations

An illustrative aid is not evidence and may not be provided to the jury during deliberations unless:

- (1) all parties consent; or
- (2) the court, for good cause, orders otherwise.

If the court permits a jury to see an illustrative aid during deliberations, the court shall give a limiting instruction.

Cross reference: See Rule 5-1006 for admissibility of a summary of voluminous writings, recordings, or photographs.

Source: This Rule is derived from F.R.Ev. 107.

Rule 5-107 was accompanied by the following Reporter's note:

The Rules Committee approved new Rule 5-107 concerning illustrative aids at its January 9<sup>th</sup>, 2026 meeting. The new Rule is derived from new F.R.Ev. 107. It is intended to provide clear and uniform guidance on the use of illustrative aids.

Section (a) delineates the permissible uses of an illustrative aid and establishes that the judge must

determine whether the benefits of the use of the aid are not substantially outweighed by the potential harms of its use.

Section (b) requires that an illustrative aid used at trial, including during opening statements and closing arguments, must be marked for identification and included in the record. **While staff was preparing the conforming amendments set forth below a minor addition to section (b) was determined to be necessary. The phrase “at a hearing or” is proposed to be added because some matters that occur in State courts are hearings and not trials. As staff understood the intention of the Rules Committee, any illustrative aid that is viewed by a trier of fact is required to be part of the record on an appeal, making this proposed amendment necessary. This proposed amendment was approved by the Appellate Subcommittee at its April 17, 2026 meeting.**

Section (c) establishes that an illustrative aid is not evidence, and therefore may not be provided to a jury during deliberation unless the parties agree or the court finds good cause. If a jury is permitted to see an illustrative aid during deliberation, the judge must give a limiting instruction.

A cross reference to Rule 5-1006 is included following section (c).

**Conforming amendments are also proposed to the following Rules: 2-516 (Exhibits and Illustrative Aids; Recordings); 3-516 (Exhibits and Illustrative Aids); 4-322 (Exhibits and Illustrative Aids, Computer-Generated Evidence, and Recordings); 7-109 (Record – Contents and Form); 8-413 (Record – Contents and Form); 16-205 (Disposition of Records); 16-405 (Filing and Removal of Papers); and 20-301 (Content of Official Record) to ensure that the record on an appeal is consistent with the proposed revisions to section (b) of this Rule.**

The Vice Chair informed the Committee that new Rule 5-107

was approved by the Committee in January and has returned for further consideration, along with a series of proposed conforming amendments. He explained that the conforming amendments add illustrative aids used at a hearing or trial to the Rules governing the contents and transmittal of the record. He noted that the new language added to the Rule and Reporter's note since January is shown in bold.

Judge Curtin asked whether the addition of "a hearing or" to Rule 5-107 (b) is intended to encompass any proceeding before a judge or magistrate and, if so, whether the judge or magistrate may consider the aid while deciding the matter as the trier of fact. The Chair said that the Rule restricts the consideration of the illustrative aid by a jury but is silent when the judge or magistrate is the trier of fact.

The Chair said that Judge Curtin raised a good question not covered by the Rule. Mr. Brown commented that, if the illustrative aid is not in evidence, it might not be proper for the judge to consider it. The Vice Chair suggested that the Rule could add a new section (d), applicable to a judge or magistrate as the trier of fact. Mr. Brown asked whether this provision can be added to section (c). Judge Curtin suggested adding "or trier of fact" after "the jury" in section (c). The Chair said that she would like to see the concepts expressed separately because there are different considerations and

fairness issues when a jury is the trier of fact.

Mr. Wells said that, if a new section is added, it could provide for use of an illustrative aid in non-jury proceedings, permitting the judge to consider the illustrative aid unless the parties object. The Reporter noted that Mr. Wells's suggestion would flip the presumption for consideration by the judge compared to consideration by the jury. The Chair opined that the new section could track section (c) but apply to a non-jury trier of fact.

Ms. Meredith asked why a party would not want the trial judge to consider the illustrative aid. The Chair replied that the party that did not use the aid may object. Ms. Meredith said that consideration by a judge is different than by a jury.

Mr. Marcus said that, if something is entered into evidence, it is in the record for consideration by the trier of fact. If an illustrative aid is not in evidence, its use should be governed by the same standard for any trier of fact, whether it is a jury or the court. He agreed that the clarification should be made, but the illustrative aid should be treated the same regardless of the trier of fact.

Judge Chen said that she appreciates the point made by Mr. Marcus. She said that she does not think that a judge should be reviewing an illustrative aid after it is used at a hearing or trial unless the parties agree to the review. The Chair pointed

out that the judge may want to review the aid after the court proceeding. The Vice Chair asked whether there should be a finding on the record. The Chair said that the goal is to address concerns about fairness.

The Vice Chair said that it sounds like the proposal is to add new section (d) governing consideration of the illustrative aid by a non-jury trier of fact and use the same standard as section (c). He said that he can imagine complex civil litigation where the judge and one or both parties may want the judge to be able to review an illustrative aid. Judge Curtin commented that parties sometimes develop helpful diagrams of financial information in family law cases. The Vice Chair said that the court can make the finding that there is good cause to consider the illustrative aid.

Ms. Meredith pointed out that new section (d) should not include the limiting instruction given to the jury in section (c). The Vice Chair agreed.

The Reporter said that the judge may hold a hearing or bench trial and not make a record regarding consideration of the illustrative aid at that time. She asked whether the judge could find good cause later. Ms. Meredith pointed out that the judge might realize after the fact that the illustrative aid would be helpful. Mr. Brown asked how the court would make a finding on the record after the fact. The Chair said that the

court can document whether the parties consent to consideration of the illustrative aid and, if no such consent is documented, make a finding of good cause later in writing for inclusion in the record.

Judge Ketterman pointed out that a magistrate cannot enter an order. The Vice Chair suggested that section (d) say "finds otherwise" rather than "orders otherwise." Judge Curtin commented that both sections (c) and (d) should require the consent or good cause finding to be "on the record or in writing."

The Vice Chair asked the Reporter to summarize the proposed amendments being discussed. The Reporter said that there is a proposal to add "on the record or in writing" to the stem language of section (c). There is also a proposal to add new section (d), which would read, "An illustrative aid is not evidence and may not be considered by the trier of fact unless, on the record in open court or in writing, all parties consent or the court, for good cause, finds otherwise." A motion to approve both amendments was made, seconded, and approved by consensus.

The Vice Chair presented conforming amendments to Rule 2-516, Exhibits and Recordings; Rule 3-516, Exhibits; Rule 4-322, Exhibits, Computer-Generated Evidence, and Recordings; Rule 7-109, Record - Contents and Form; Rule 8-413, Record - Contents

and Form; Rule 16-205, Disposition of Records; Rule 16-405, Filing and Removal of Papers; and Rule 20-301, Content of Official Record, for consideration (see Appendix 1).

The Vice Chair said that the conforming amendments add illustrative aids to the various Rules governing exhibits and the record. There being no motion to amend or reject the proposed conforming amendments, they were approved as presented.

Agenda Item 3. Consideration of proposed new Rule 16-941 (Case Records - Petition to Limit or Deny Inspection), Rule 16-943 (Petition to Shield Criminal Records), Rule 16-944 (Peace and Protective Order Court Records), Rule 16-945 (Victim and Witness Information), and Rule 16-949 (Case Records - Petition to Permit Inspection).

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The Vice Chair said that Agenda Item 3 includes a proposal to divide current Rule 16-934, which will be renumbered as Rule 16-941 on July 1, into five separate Rules. He explained that the current Rule has operated as a "catch-all" for closing or opening court records; it has expanded as the legislature has added provisions to the Code permitting or requiring certain information or records to be shielded from the public. The intent of separating its provisions is to make this section of the Access Rules more user-friendly. He informed the Committee that the proposed changes are structural rather than substantive, for the most part.

The Vice Chair reminded the Committee that there is a new Rule 16-942, effective July 1; the proposal is to delete and replace Rule 16-941 and add new Rules 16-943, 16-944, 16-945, and 16-949.

The Vice Chair presented new Rule 16-941, Case Records - Petition to Limit or Deny Inspection, for consideration.

MARYLAND RULES OF PROCEDURE  
TITLE 16 – COURT ADMINISTRATION  
CHAPTER 900 – ACCESS TO JUDICIAL RECORDS  
DIVISION 5 – OTHER REQUESTS

DELETE Rule 16-941 and ADD new Rule 16-941, as follows:

Rule 16-941. CASE RECORDS – PETITION TO LIMIT OR DENY INSPECTION

(a) Applicability

This Rule applies to the limitation or denial of inspection of a case record that otherwise would be subject to inspection, except that the Rule does not apply to: (1) a request to shield personal information by protected individuals described in Code, Courts Article, § 3-2301(e); (2) a petition to shield a judicial record pursuant to Code, Criminal Procedure Article, Title 10, Subtitle 3; (3) a request to shield records subject to shielding under Code, Courts Article, Title 3, Subtitle 15 or Code, Family Law Article, Title 4, Subtitle 5; or (4) a motion or request to shield the address or telephone number of a victim, victim's representative, or witness during a criminal or juvenile delinquency action pursuant Code, Criminal Procedure Article, § 11-301.

Cross reference: See Rules 16-942, 16-943, 16-944, and 16-945.

(b) Generally

A court may enter an order that limits or denies inspection of a case record that otherwise would be subject to inspection if the court finds, by clear and convincing evidence, (1) a compelling reason under the particular circumstances to enter such an order, and (2) that no substantial harm will come from such an order.

(c) Petition

(1) Who May File; Contents of Petition

A party to an action in which a case record is filed and a person who is the subject of, or is specifically identified in, a case record may file in the action a petition to seal, shield, or otherwise limit inspection of a case record filed in that action that is not otherwise restricted from inspection under the Rules in this Chapter or Title 20 or other applicable law. The petition shall be under oath, state the relief requested, and state with particularity the circumstances that justify an order under this Rule.

(2) Venue; Service

The petition shall be filed with the court in which the case record is filed and shall be served on all parties to the action in which the case record was filed. If the petition is filed by a plaintiff prior to service of the original pleading, the petition shall be served on the defendant with the original pleading.

(3) Shielding of Petition and Response

Unless the court orders otherwise, the petition and any response to it shall be shielded.

(d) Shielding of Record upon Petition

This section does not apply to a submission pursuant to Rule 20-201.1 (d). Upon the filing of the petition, the custodian shall deny inspection of the case record for a period not to exceed five business days, including the day the motion is filed, in order to allow the court an opportunity to determine whether a temporary order should issue. Immediately upon docketing, a petition to seal, shield, or otherwise limit inspection of a case record shall be delivered to a judge

for consideration on an expedited basis.

(e) Denial of Petition without a Hearing

If it does not appear clearly from specific facts shown by affidavit or other statement under oath that there is a substantial basis to believe that the case record is properly subject to an order to seal, shield or otherwise limit inspection pursuant to this Rule, the court may, without a hearing, deny the petition. If the court denies the petition pursuant to this section, the petitioner may file a motion for reconsideration no later than 15 days after the date of denial of the petition. The court may reconsider the denial only if the petitioner provides additional facts shown by affidavit or other statement under oath demonstrating a substantial basis to believe that the case record is subject to an order to seal, shield, or otherwise limit inspection pursuant to this Rule.

(f) Temporary Order

The court may enter a temporary order to seal, shield, or otherwise limit inspection of a case record if it clearly appears from specific facts shown by affidavit or other statement under oath that (1) there is a substantial basis for believing that the case record is properly subject to an order pursuant to this Rule, and (2) immediate, substantial, and irreparable harm will result to the person seeking the relief or on whose behalf the relief is sought if temporary relief is not granted before a full adversary hearing can be held on the propriety of a final order to seal, shield, or otherwise limit inspection. For good cause shown, a temporary order entered pursuant to this subsection may be extended for up to 30 days after service under subsection (c)(2) of this Rule.

(g) Hearing

Unless the petition is denied pursuant to section (e) of this Rule, the court, on request or on its own initiative, may hold a hearing:

(1) for a petition filed prior to service of the initial pleading, within 15 days after the earlier of (1) filing of proof of service of the original pleading or (2) filing of the first responsive pleading by the defendant; or

(2) for a petition filed after all parties have been served in the underlying action, within 15 days after the petition is filed.

(h) Appellate Court Referral for Evidentiary Hearing

If a petition is filed in an appellate court and the appellate court determines that an evidentiary hearing is needed pursuant to this Rule, the appellate court may refer the matter to a judge of a circuit court to conduct the evidentiary hearing.

(i) Final Order

(1) Determination

After an opportunity for a hearing, the court shall determine, on clear and convincing evidence:

(A) whether a special and compelling reason exists to seal, shield, or otherwise limit inspection of the particular case record, and, if so, a description of that reason; and

(B) whether any substantial harm is likely to come from the order and, if so, the nature of that harm.

(2) Entry of Order

Unless the time is extended by the court on motion of a party and for good cause, within 30 days after a hearing was held or waived the court shall enter a final order:

(A) sealing, shielding, or otherwise limiting inspection of a case record that is not otherwise restricted from inspection under the Rules in this Chapter; or

(B) denying the petition.

(3) Contents of Order

A final order shall include or be accompanied by findings supporting the determination required by subsection (i)(1) of this Rule and shall be as narrow as practicable in scope and duration to effectuate the interest sought to be protected by the order. The order shall specify whether the order is sealed, shielded, or subject to any other limitations.

(j) Filing of Order

A copy of any temporary or final order shall be filed in the action in which the case record in question was filed and, except as otherwise provided by law, shall be subject to public inspection.

(k) Non-Exclusive Remedy

This Rule does not preclude a court from exercising its authority under other law to enter an appropriate order that seals, shields, or limits inspection of a case record.

Source: This Rule is derived from Rule 16-941 (2026).

Rule 16-941 was accompanied by the following Reporter's note:

The Rules governing Access to Court Records, currently located in Title 16, Chapter 900, set forth broad policies for information and entire documents which should be open to or shielded from public inspection. Rule 16-934, renumbered as Rule 16-941 effective July 1, 2026 pursuant to the 227th Rules Order, contains a "catch-all" procedure for requesting that 1) a record that is otherwise open be sealed or shielded or 2) a closed record be open to inspection.

The Rule has been revised and expanded over the years, which has resulted in a confusing structure and commingling of statutory remedies with the court's equitable authority. The General Court Administration Subcommittee recommends that the current Rule be divided into a series of Rules to provide tailored procedures for each type of request pertaining to restricting or permitting access to court records.

Proposed new Rule 16-941 deletes and replacing the existing Rule with a procedure for requests to limit or deny inspection. It is derived from the provisions of Rule 16-934, which is the current version of the Rule in effect.

Section (a) of Rule 16-941 is derived in part from Rule 16-934 (a)(1). The exceptions refer to requests, petitions, and motions governed by Rule 16-942 and

proposed new Rules 16-943, 16-944, and 16-945.

Section (b) is derived in part from the standard set forth in Rule 16-934 (a)(1).

Subsection (c)(1) is derived from Rule 16-934 (b)(1) and (b)(4). Subsection (c)(2) is derived from Rule 16-934 (b)(2) and (d)(4). Subsection (c)(3) is derived from Rule 16-934 (b)(4).

Section (d) is derived from Rule 16-934 (c) and (d)(1).

Section (e) is derived from Rule 16-934 (d)(2).

Section (f) is derived from Rule 16-934 (d)(3) and (d)(6).

Section (g) is derived from Rule 16-934 (d)(4) and (d)(5).

Section (h) is derived from Rule 16-934 (e).

Subsection (i)(1) is derived from Rule 16-934 (f)(6). Subsection (i)(2) is derived from Rule 16-934 (f)(2) and (f)(7). Subsection (i)(3) is derived from Rule 16-934 (f)(3) and (f)(4).

Section (j) is derived from Rule 16-934 (g).

Section (k) is derived from Rule 16-934 (h).

The Vice Chair said that Rule 16-941 is deleted and replaced with a Rule that is reorganized and streamlined to eliminate references to requests to permit inspection and requests that are governed by a statute.

There being no motion to amend or reject the deletion of current Rule 16-941 and the addition of proposed new Rule 16-941, it was approved as presented.

The Vice Chair presented Rule 16-943, *Petition to Shield Criminal Records*, for consideration.

MARYLAND RULES OF PROCEDURE  
TITLE 16 – COURT ADMINISTRATION  
CHAPTER 900 – ACCESS TO JUDICIAL RECORDS  
DIVISION 5 – OTHER REQUESTS

ADD new Rule 16-943, as follows:

Rule 16-943. PETITION TO SHIELD CRIMINAL RECORDS

(a) Applicability

This Rule applies to a petition to shield a judicial record pursuant to Code, Criminal Procedure Article, Title 10, Subtitle 3.

(b) Petition

(1) Form and Contents

The petition shall be under oath, substantially in the form approved by the State Court Administrator and posted to the Judiciary website, and state that the petition is filed pursuant to this Rule and that it should be shielded.

(2) Venue

The petition shall be filed in the county where the judgment of conviction was entered. The petition shall be shielded, subject to further order of the court.

(3) Service

Service shall be made as directed in Code, Criminal Procedure Article, Title 10, Subtitle 3.

(c) Proceedings

Proceedings on the filing of the petition shall be held as directed in Code, Criminal Procedure Article, Title 10, Subtitle 3.

(d) Contents of Order

An order granting relief under Code, Criminal Procedure Article, Title 10, Subtitle 3 shall comply with the applicable provisions of the statute. If the order pertains to a judgment of conviction in (1) an

appeal from a judgment of the District Court or (2) an action that was removed pursuant to Rule 4-254, the order shall apply to the records of each court in which there is a record of the action, and the clerk shall transmit a copy of the order to each such court.

Source: This Rule is derived from Rule 16-941 (b)(3) and (f)(5) (2026).

Rule 16-943 was accompanied by the following Reporter's note:

The Rules governing Access to Court Records, currently located in Title 16, Chapter 900, set forth broad policies for information and entire documents which should be open to or shielded from public inspection. Rule 16-934, renumbered as Rule 16-941 effective July 1, 2026 pursuant to the 227th Rules Order, contains a "catch-all" procedure for requesting that 1) a record that is otherwise open be sealed or shielded or 2) a closed record be open to inspection. See the Reporter's note to Rule 16-941.

Rule 16-943 is derived from current Rule 16-934 (b)(3) and (f)(5). These sections of the current Rule apply to a petition to shield a judicial record pursuant to Code, Criminal Procedure Article, § 10-303. The statute applies to "shieldable convictions" and sets forth procedures for handling such petitions.

The Vice Chair said that new Rule 16-943 applies to requests to shield certain criminal records pursuant to Code, Criminal Procedure Article, § 10-303.

There being no motion to amend or reject the proposed new Rule 16-943, it was approved as presented.

The Vice Chair presented Rule 16-944, Peace and Protective Order Court Records, for consideration.

MARYLAND RULES OF PROCEDURE  
TITLE 16 – COURT ADMINISTRATION  
CHAPTER 900 – ACCESS TO JUDICIAL RECORDS  
DIVISION 5 – OTHER REQUESTS

ADD new Rule 16-944, as follows:

Rule 16-944. PEACE AND PROTECTIVE ORDER  
COURT RECORDS

(a) Applicability

This Rule applies to a request filed by an individual to shield records in a case record that is subject to shielding under Code, Courts Article, Title 3, Subtitle 15 (peace orders) or Code, Family Law Article, Title 4, Subtitle 5 (domestic violence).

Cross reference: See Code, Courts Article, § 3-1510 for definitions of “court record,” “shield,” and “shielding” pertaining to a request to shield case records in a peace order action. See Code, Family Law Article, § 4-512 for definitions of “court record,” “shield,” and “shielding” pertaining to a request to shield case records in a protective order action.

(b) Form; Venue

The petition shall be under oath, substantially in the form approved by the State Court Administrator and posted to the Judiciary website, and filed with the person having custody of the record. The request shall be shielded, subject to further order of the court.

(c) Hearing

The court shall schedule a hearing and send notice as required by the applicable Subtitle.

(d) Compliance

If the request is granted, the custodian shall shield the record as required by the applicable Subtitle. The shield shall remain in effect until terminated or modified by order of court. Any person aggrieved by the custodian's decision may file a petition to permit inspection pursuant to Rule 16-949.

Committee note: If a court or District Court Commissioner grants a request to shield information under this Rule, no adversary hearing is held unless a hearing is required by statute or a person seeking inspection of the shielded information files a petition under Rule 16-949.

Source: This Rule is derived from Rule 16-941 (i) (2026).

Rule 16-944 was accompanied by the following Reporter's note:

The Rules governing Access to Court Records, currently located in Title 16, Chapter 900, set forth broad policies for information and entire documents which should be open to or shielded from public inspection. Rule 16-934, renumbered as Rule 16-941 effective July 1, 2026 pursuant to the 227th Rules Order, contains a "catch-all" procedure for requesting that 1) a record that is otherwise open be sealed or shielded or 2) a closed record be open to inspection.

The Rule has been revised and expanded over the years, which has resulted in a confusing structure and commingling of statutory remedies with the court's equitable authority. The General Court Administration Subcommittee recommends that the current Rule be divided into a series of Rules to provide tailored procedures for each type of request pertaining to restricting or permitting access to court records.

Rule 16-944 is derived from current Rule 16-934 (i). This section of the current Rule applies to a request to shield records in peace and protective order cases pursuant to Code, Courts Article, Title 3, Subtitle 15 (peace orders) and Code, Family Law Article, Title 4, Subtitle 5 (domestic violence).

The Vice Chair said that Rule 16-944 pertains to peace and protective order records that are eligible to be shielded by statute.

There being no motion to amend or reject the proposed new Rule 16-944, it was approved as presented.

The Vice Chair presented Rule 16-945, Victim and Witness Information, for consideration.

MARYLAND RULES OF PROCEDURE  
TITLE 16 – COURT ADMINISTRATION  
CHAPTER 900 – ACCESS TO JUDICIAL RECORDS  
DIVISION 5 – OTHER REQUESTS

ADD new Rule 16-945, as follows:

Rule 16-945. VICTIM AND WITNESS INFORMATION

(a) Applicability

This Rule applies to a motion filed by the State or a request filed by a victim or witness to shield the address or telephone number of a victim, victim's representative, or witness during a criminal or juvenile delinquency action pursuant Code, Criminal Procedure Article, § 11-301(b).

Cross reference: See Rule 16-916 for requests to shield identifying information of a minor victim or victim of sexual assault other than an address or telephone number. See Code, Criminal Procedure Article, § 11-301(c) and (d).

(b) Form; Venue

The motion or request shall be in writing and filed with the person having custody of the record.

(c) Service

A copy of the motion or request shall be served on all parties in the action by first-class mail.

(d) Determination

The court may prohibit the release of the address or telephone number of the victim or witness unless the court determines that good cause exists to release the information.

(e) Compliance

If the motion or request is granted, the custodian shall shield the information as required. The shield shall remain in effect until terminated or modified by order of court. Any person aggrieved by the custodian's decision may file a petition to permit inspection pursuant to Rule 16-949.

Committee note: If a court or District Court Commissioner grants a request to shield information under this Rule, no adversary hearing is held unless a hearing is required by statute or a person seeking inspection of the shielded information files a petition under Rule 16-949.

Source: This Rule is derived from Rule 16-941 (i) (2026).

Rule 16-945 was accompanied by the following Reporter's note:

The Rules governing Access to Court Records, currently located in Title 16, Chapter 900, set forth broad policies for information and entire documents which should be open to or shielded from public inspection. Rule 16-934, renumbered as Rule 16-941 effective July 1, 2026 pursuant to the 227th Rules Order, contains a "catch-all" procedure for requesting that 1) a record that is otherwise open be sealed or shielded or 2) a closed record be open to inspection.

The Rule has been revised and expanded over the years, which has resulted in a confusing structure and commingling of statutory remedies with the court's equitable authority. The General Court Administration Subcommittee recommends that the

current Rule be divided into a series of Rules to provide tailored procedures for each type of request pertaining to restricting or permitting access to court records.

Rule 16-945 is derived from current Rule 16-934 (i). That section of the current Rule applies to a request to shield the address or telephone number of a victim, victim's representative, or witness during a criminal or delinquency action pursuant to Code, Criminal Procedure Article, § 11-301. Currently section (a) of the statute, pursuant to Chapter \_\_, 2026 Laws of Maryland (SB 294), this provision is moved to be section (b).

The Vice Chair said that Rule 16-945 pertains to victim and witness information that may be shielded during a criminal or delinquency proceeding.

There being no motion to amend or reject the proposed new Rule 16-945, it was approved as presented.

The Vice Chair presented Rule 16-949, Case Records - Petition to Permit Inspection, for consideration.

MARYLAND RULES OF PROCEDURE  
TITLE 16 – COURT ADMINISTRATION  
CHAPTER 900 – ACCESS TO JUDICIAL RECORDS  
DIVISION 5 – OTHER REQUESTS

ADD new Rule 16-949, as follows:

Rule 16-949. CASE RECORDS – PETITION TO PERMIT INSPECTION

(a) Applicability

This Rule applies to the authorization of inspection of a case record that is not otherwise

subject to inspection except that this Rule does not apply to, and does not authorize a court to permit inspection of, a case record where inspection would be contrary to: (1) the United States or Maryland Constitution; (2) a Federal statute or regulation that has the force of law; (3) a Maryland statute other than the PIA; or (4) a judicial record that is not subject to inspection under Rule 16-911 (c), (d), (e), or (f).

(b) Generally

A court may enter an order that permits inspection of a case record that is not otherwise subject to inspection if the court finds, by clear and convincing evidence, (1) a compelling reason under the particular circumstances to enter such an order, and (2) that no substantial harm will come from such an order.

(c) Petition

(1) Who May File; Contents of Petition

Subject to section (a) of this Rule, (A) a party to an action in which a case record is filed, (B) a person who is the subject of or is specifically identified in a case record, and (C) an interested person may file in the action a petition to permit inspection of a case record filed in that action that is not otherwise subject to inspection under the Rules in this Chapter or Title 20 or other applicable law. The petition shall be under oath, state the relief request, and state with particularity the circumstances that justify an order under this Rule. Unless the court orders otherwise, the petition and any response to it shall be shielded.

(2) Venue; Service

The petition shall be filed with the court in which the case record is filed and shall be served on all parties to the action in which the case record was filed and each identifiable person who is a subject of the case record. If the petition is filed by a plaintiff prior to service of the original pleading, the petition shall be served on the defendant with the original pleading.

(3) Shielding of Petition and Response

Unless the court orders otherwise, the petition

and any response to it shall be shielded.

(d) Denial of Petition without a Hearing

Where a petition is filed by an interested person pursuant to subsection (c)(1)(C) of this Rule, if it does not appear clearly from specific facts shown by affidavit or other statement under oath that there is a substantial basis to believe that the case record is properly subject to an order to permit inspection pursuant to this Rule, the court may, without a hearing, deny the petition. If the court denies the petition pursuant to this section, the petitioner may file a motion for reconsideration no later than 15 days after the date of denial of the petition. The court may reconsider the denial only if the petitioner provides additional facts shown by affidavit or other statement under oath demonstrating a substantial basis to believe that the case record is subject to an order to permit inspection pursuant to this Rule.

(e) Hearing

A court may not enter an order permitting inspection of a case record not otherwise subject to inspection under the Rules in this Chapter in the absence of an opportunity for a full adversary hearing. Unless the petition is denied pursuant to section (d) of this Rule, the court, on request or on its own initiative, may hold a hearing:

(1) for a petition filed prior to the service of the initial pleading, no sooner than 15 days after the earlier of (A) filing of proof of service of the original pleading or (B) filing of the first responsive pleading by the defendant; or

(2) for a petition filed after all parties have been served in the underlying action, within 15 days after the petition is filed.

(f) Appellate Court Referral for Evidentiary Hearing

If a petition is filed in an appellate court and the appellate court determines that an evidentiary hearing is needed pursuant to this Rule, the appellate court may refer the matter to a judge of a circuit court to conduct the evidentiary hearing.

(g) Final Order

(1) Determination

After an opportunity for a hearing, the court shall determine, on clear and convincing evidence:

(A) whether a special and compelling reason exists to permit inspection of the particular case record, and, if so, a description of that reason; and

(B) whether any substantial harm is likely to come from the order and, if so, the nature of that harm.

(2) Additional Considerations

If the petition seeks to permit inspection of a case record that has been previously sealed by court order pursuant to this Rule and the movant was not a party to the case when the order was entered, the court shall consider the findings and scope of the prior sealing order.

(3) Entry of Order

Unless the time is extended by the court on motion of a party and for good cause, within 30 days after a hearing was held or waived the court shall enter a final order:

(A) permitting inspection, under such conditions and limitations as the court finds necessary, of a case record that is not otherwise subject to inspection under the Rules in this Chapter; or

(B) denying the petition.

(4) Contents of Order

A final order shall include or be accompanied by findings supporting the determination required by subsection (g)(1) of this Rule. The order shall state whether there are any conditions or limitations on the inspection of the record.

(h) Filing of Order

A copy of any temporary or final order shall be filed in the action in which the case record in question was filed and, except as otherwise provided by law, shall be subject to public inspection.

(i) Non-Exclusive Remedy

This Rule does not preclude a court from exercising its authority under other law to enter an appropriate order that makes a case record subject to inspection.

Source: This Rule is derived from Rule 16-941 (2026).

Rule 16-949 was accompanied by the following Reporter's note:

Section (a) is derived in part from Rule 16-934 (a)(1). The exceptions refer to requests, petitions, and motions governed by Rule 16-942 and proposed new Rules 16-943, 16-944, and 16-945.

Section (b) is derived in part from the standard set forth in Rule 16-934 (a)(1).

Subsection (c)(1) is derived in part from Rule 16-934 (b)(1) and (b)(4). Subsection (c)(1)(C) addresses a concern regarding the existing Rules and the implication that current Rule 16-934 permits an interested person, such as a member of the public or a journalist, to request access to a non-public record (e.g., Rule 16-914 (e) shields all papers and submissions in a guardianship but makes docket entries public; a Committee note provides that, "Public access to the docket entries and to orders entered under Rule 10-108 will allow others to be informed of the guardianship and to seek additional access pursuant to Rule 16-934."). Rules Committee minutes from the time of drafting reflect this intent.

However, Rule 16-934 only refers to a petition by "[a] party to an action in which a case record is filed, and a person who is the subject of or is specifically identified in a case record," which is far more restrictive. To the extent that the Rules Committee intended the Rules to permit a member of the public to file a petition and make a showing "by clear and convincing evidence, (A) a compelling reason under the particular circumstances to enter such an order, and (B) that no substantial harm will come from such an order," the addition of subsection (c)(1)(C) makes this

clear. "Interested person" is used because it was the term chosen in Rule 16-504.1 to permit the public to seek to unshield criminal proceeding recordings.

Subsection (c)(2) is derived from Rule 16-934 (b)(2) and (d)(4). Subsection (c)(3) is derived from Rule 16-934 (b)(4).

Section (d) is derived from Rule 16-934 (d)(2). In light of the proposal to explicitly permit a member of the public to petition for access to a record using this Rule, this section would permit the court to dismiss clearly meritless requests from a non-party to the case or individual not identified in the record. This protects the interests of the parties and subjects of records who rely on their records being non-public and should not be required to spend time and resources opposing frivolous requests to open their records to inspection.

Section (e) is derived from Rule 16-934 (f)(1), (d)(4), and (d)(5).

Section (f) is derived from Rule 16-934 (e).

Subsections (g)(1) and (g)(2) are derived from Rule 16-934 (f)(6). Subsection (g)(3) is derived from Rule 16-934 (f)(7) and (f)(2). Subsection (g)(4) is derived from Rule 16-934 (f)(3) and (f)(2)(B).

Section (h) is derived from Rule 16-934 (g).

Section (i) is derived from Rule 16-934 (h).

The Vice Chair informed the Committee that new Rule 16-949 applies to petitions to permit inspection of case records that are not otherwise open to inspection. He asked Assistant Reporter Cobun to explain the substantive change from the current Rule.

Assistant Reporter Cobun said that the General Court Administration Subcommittee recommended that any interested person be permitted to file a petition under the new Rule; the

current Rule only permits a party to the case or the subject of the record to file. She explained that other places in the Rules imply that a non-party may use a petition to permit inspection to ask the court to "unshield" a record, but the current Rule does not permit that.

Assistant Reporter Cobun informed the Committee that the press has raised the issue at least once in recent years of whether the current Rule applies to reporters. The proposed new Rule answers that question and permits a non-party to ask the court, with notice to the parties and the subject of the record, to make a finding that a special and compelling reason exists to permit inspection of the record and that no substantial harm is likely to result.

There being no motion to amend or reject the proposed new Rule 16-949, it was approved as presented.

The Vice Chair presented conforming amendments to Rule 2-512, Jury Selection; Rule 9-203, Financial Statements; Rule 16-203, Electronic Filing of Pleadings, Papers, and Real Property Instruments; Rule 16-204, Reporting of Criminal and Motor Vehicle Information; Rule 16-904, General Policy; Rule 16-914, Case Records - Required Denial of Inspection - Certain Categories; and Rule 20-504, Agreements with Vendors, for consideration (see Appendix 2).

The Vice Chair informed the Committee that the various

conforming amendments update internal references due to the new Rule numbers.

There being no motion to amend or reject the proposed conforming amendments, they were approved as presented.

Agenda Item 4. Consideration proposed amendments to Rule 16-915 (Case Records - Required Denial of Inspection - Specific Information), Rule 4-211 (Filing of Charging Document), and Rule 11-410 (Waiver of Jurisdiction).

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The Vice Chair informed the Committee that Agenda Item 4 implements Chapter 542, 2026 Laws of Maryland (SB 294). The legislation expands protections for identifying information of a victim to victims of sexual assault and stalking.

The Vice Chair presented Rule 16-915, Case Records - Required Denial of Inspection - Specific Information; Rule 4-211, Filing of Charging Document; and Rule 11-410, Waiver of Jurisdiction, for consideration.

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO JUDICIAL RECORDS  
DIVISION 2 - LIMITATIONS ON ACCESS

AMEND Rule 16-915 by adding victims of sexual assault and stalking to section (d), by making a stylistic amendment to the cross reference following section (d), by updating references to Rule 16-941 in section (e) and the cross reference following section (i),

as follows:

Rule 16-915. CASE RECORDS – REQUIRED DENIAL OF INSPECTION – SPECIFIC INFORMATION

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:

• • •

(d) The name of a minor victim, **a victim of sexual assault, or a victim of stalking**, or any other information that could reasonably be expected to identify **a minor that** victim in a criminal action or a juvenile delinquency action where the juvenile court waives jurisdiction.

Cross reference: See Code, Criminal Procedure Article, § 11-301**(b)**.

(e) The address, telephone number, and e-mail address of a witness in a criminal or juvenile delinquency action, who has requested, or as to whom the State has requested, that such information be shielded. Such a request may be made at any time, including a request or petition filed under Rule ~~16-941~~ 16-945.

(f) Any part of the Social Security or federal tax identification number of an individual.

(g) A trade secret, confidential commercial information, confidential financial information, or confidential geological or geophysical information.

(h) Information about a person who has received a copy of a case record containing information prohibited by Rule 1-322.1.

(i) The address, telephone number, and e-mail address of a payee contained in a Consent by the payee filed pursuant to Rule 15-1302 (c)(1)(F).

Cross reference: See Rule ~~16-941(i)~~ 16-944 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.

For obligations of a filer of a submission containing restricted information, see Rules 16-916 and 20-201.1.

Source: This Rule is derived from former Rule 16-908 (2019).

Rule 16-915 was accompanied by the following Reporter's note:

Proposed amendments to Rule 16-915 implement Chapter \_\_, 2026 Laws of Maryland (SB 294) and make conforming amendments to implement the proposed reorganization of current Rule 16-934 (renumbered to Rule 16-941 by the 227<sup>th</sup> Rules Order).

The bill, which was signed by the Governor on May 12, 2026, extends the protection of identifying information currently afforded to minor victims to victims of sexual assault and victims of stalking. The bill also reorganizes Code, Criminal Procedure Article, § 11-301 generally.

Rule 16-915 (d) is amended to add victims of sexual assault and victims of stalking. The cross reference following section (d) is amended to remove the section reference in the Code.

Additional proposed amendments to Rule 16-915 implement the proposed reorganization of current Rule 16-934, which relocates provisions currently in Rule 16-934 to their own Rules.

Section (e) is amended to refer to new Rule 16-945.

The cross reference following section (i) is amended to refer to Rule 16-944.

## MARYLAND RULES OF PROCEDURE

### TITLE 4 – CRIMINAL CAUSES

#### CHAPTER 200 – PRETRIAL PROCEDURES

AMEND Rule 4-211 by altering the tagline of section (e) to refer to “Certain Victims” and by adding reference to a victim of sexual assault or victim of

stalking to section (e), as follows:

Rule 4-211. FILING OF CHARGING DOCUMENT

...

(e) Identity of ~~Minor Victim~~ Certain Victims

If a person responsible for filing a charging document with the court pursuant to this Rule knows that the charging document contains the name of or any other information that reasonably could be expected to identify a minor victim, a victim of sexual assault, or victim of stalking, the person shall notify the clerk in writing of the presence of identifying information in the document and where in the document that information is contained.

Cross reference: See Code, Criminal Procedure Article, § 11-301.

...

Rule 4-211 was accompanied by the following Reporter's note:

Proposed amendments to Rule 4-211 implement Chapter \_\_, 2026 Laws of Maryland (SB 294).

The bill, which was signed by the Governor on May 12, 2026, extends the protection of identifying information currently afforded to minor victims to victims of sexual assault and victims of stalking. The bill also reorganizes Code, Criminal Procedure Article, § 11-301 generally.

Records in criminal proceedings involving covered victims must comply with the statute. The Rules contain procedures for filers to alert the court that filings contain information that is not public:

Rule 20-101 defines “restricted information” as “information that, by Rule or other law, is not subject to public inspection or is prohibited from being included in a court record absent a court order.”

Rule 20-201 (h) prohibits a submission by certain filers from containing restricted information.

Rule 20-201.1 (c) requires (1) the completion of a Notice of Restricted Information form, (2) the redaction of the restricted information, and (3) the filing of the redacted copy for public access and an unredacted copy under seal that is not accessible to members of the general public.

In implementing the prior version of the statute for minor victim identifying information, the Committee determined that the statute established the identifying information as “restricted information” subject to the above Rules. Prosecutors and defense attorneys must comply with the Title 20 Rules, but District Court Commissioners do not. The Committee recommended the addition of section (d) to Rule 4-211 to clarify that the person filing a charging document with the clerk must notify the clerk of any identifying information subject to the law.

Rule 4-211 (e) is amended to alter the tagline and to add victims of sexual assault and victims of stalking. The cross reference following section (d) is amended to remove the section reference in the Code.

See Rule 16-916 for the procedures for a party of subject of a record to notify the clerk of restricted information in an existing court record.

## MARYLAND RULES OF PROCEDURE

### TITLE 11 – JUVENILE CAUSES

#### CHAPTER 400 – DELIQUENCY AND CITATION PROCEEDINGS

AMEND Rule 11-410 (f) as follows:

Rule 11-410. WAIVER OF JURISDICTION

• • •

(f) Waiver Order

(1) Statement of Grounds; Contents of Order

If the court concludes that its jurisdiction should be waived, it shall prepare and file or dictate into the

record a statement of the grounds for its decision and enter an order:

(A) waiving its jurisdiction and ordering the child held for trial under the appropriate criminal procedure;

(B) committing the child to the custody of the sheriff or other appropriate officer in an adult detention facility pending a pretrial release hearing pursuant to Rule 4-222; and

(C) if identifying information of a minor victim, a victim of sexual assault, or a victim of stalking, or other restricted information is in the case record, ordering the State's Attorney or other filer to comply with the requirements of Rule 20-201.1 prior to the transfer of the case record to the court exercising criminal jurisdiction.

Cross reference: See Code, Courts Article, § 11-301 pertaining to redaction of identifying information of a ~~minor victim~~ certain victims.

### (2) Effect of Delinquency Petition

The delinquency petition shall be considered a charging document for the purpose of detaining the respondent child pending a pre-trial release hearing.

### (3) Copies

Pending a pre-trial release hearing, the clerk promptly shall furnish to the appropriate officer true copies of the delinquency petition and the court's waiver order.

Source: This Rule is derived in part from former Rule 11-113 (2021) and is in part new.

Rule 11-410 was accompanied by the following Reporter's note:

Proposed amendments to Rule 11-410 implement Chapter \_\_, 2026 Laws of Maryland (SB 294).

The bill, which was signed by the Governor on

May 12, 2026, extends the protection of identifying information currently afforded to minor victims to victims of sexual assault and victims of stalking. The bill also reorganizes Code, Criminal Procedure Article, § 11-301 generally. See the Reporter's note to Rule 4-211.

Rule 11-410 (f) is amended to add victims of sexual assault and victims of stalking. The cross reference following subsection (f)(1)(C) is amended to clarify the scope of the statute.

The Vice Chair said that Agenda Item 4 does not come from a Subcommittee and asked Assistant Reporter Cobun to explain the proposed amendments. Assistant Reporter Cobun said that a bill was recently signed into law that impacts new Rule 16-945 from Agenda Item 3 and overlaps with a conforming amendment to Rule 16-915, which was also connected to the previous item. She said that it was determined that the legislation should be addressed now to avoid piecemeal implementation.

The Vice Chair said that Rule 16-915 is amended to add references to a victim of sexual assault and a victim of stalking. The bolded language in Rule 16-915 reflects amendments pertaining to the legislation; the un-bolded amendments were approved by the General Court Administration Subcommittee in connection with Agenda Item 3, including conforming amendments to replace references to Rule 16-941 with new Rules 16-944 and 16-945, as applicable.

The Vice Chair explained that proposed amendments to Rules

4-211 and 11-410 add the additional types of victims covered by the statute.

The Vice Chair said that, because the proposed amendments are not recommended by a Subcommittee, they will require a motion to approve. A motion to amend Rules 16-915, 4-211, and 11-410 was made, seconded, and approved by consensus.

There being no further business before the Committee, the Chair adjourned the meeting.

# **APPENDIX 1**

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

AMEND Rule 2-516 by adding “, and all illustrative aids used at a hearing or trial” and “or illustrative aid” to subsection (a)(1), by adding a cross reference following subsection (a)(1), by adding “and illustrative aids” and “or illustrative aid” to subsection (a)(2), by adding “or illustrative aid” to subsections (a)(2)(B) and (a)(2)(C), by adding “and illustrative aids” to the Committee note and cross reference following subsection (a)(2)(C), and by making stylistic changes, as follows:

Rule 2-516. EXHIBITS AND ILLUSTRATIVE AIDS; RECORDINGS

(a) Exhibits and Illustrative Aids ~~Generally~~

(1) Formation of Record

All exhibits marked for identification at a hearing or trial, whether or not offered in evidence and, if offered, whether or not admitted, and all illustrative aids used at a hearing or trial shall form part of the record. With leave of court, a party may substitute a photograph or copy for any exhibit or illustrative aid.

Committee note: Exhibits that are pre-marked by a party or pre-filed at the direction of the court do not constitute part of the record prior to being marked or offered as provided in subsection (a)(1) of this Rule.

Cross reference: See Rule 5-107 for permissible uses of illustrative aids.

Rule 2-516  
Appellate SC Approved  
For 5/21/26 RC

(2) Custody of Exhibits and Illustrative Aids

Unless the court orders otherwise, all exhibits and illustrative aids described in subsection (a)(1) of this Rule shall remain in the custody of the clerk. If the court orders that the custodian of an exhibit or illustrative aid be someone other than the clerk, the court shall: (A) state the identity of the custodian on the record; (B) instruct the custodian, until relieved of the responsibility by law or by court order, to secure the exhibit or illustrative aid until final determination of the action, including all appellate proceedings, and retain the exhibit or illustrative aid as required by Rule 16-405 and any statutory retention provisions; and (C) instruct the clerk to make a docket entry identifying the court-ordered custodian of the exhibit or illustrative aid.

Committee note: The requirements of subsection (a)(2) of this Rule also apply to exhibits and illustrative aids returned to the parties at the conclusion of a proceeding.

Cross reference: See Rule 16-405 regarding filing and removal of papers, ~~and~~ exhibits, and illustrative aids.

(b) Audio, Audiovisual, or Video Recordings

(1) Recording

A party who offers or uses an audio, audiovisual, or video recording at a hearing or trial shall:

(A) ensure that the recording is marked for identification and made part of the record and that an additional copy is provided to the court;

Committee note: A party may provide the court with a copy of a recording in a physical media format or in a digital media format using a digital storage platform approved by the State Court Administrator.

(B) if only a portion of the recording is offered or used, ensure that a description that identifies the portion offered or used is made part of the record; and

(C) if the recording is not on a medium or in a format in common use by the general public, preserve it, furnish it to the clerk in a manner suitable for transmittal as part of the record, and upon request present it to an appellate court in a format designated by the court.

Cross reference: See Rules 8-413 (a)(4) and 20-402 (a)(2) regarding inclusion of audio, audiovisual, and video recordings, including any digital media, in the record on appeal.

(2) Transcript of Recording

A party who offers or uses a transcript of the recording at a hearing or trial shall ensure that the transcript is made part of the record.

Cross reference: For a schedule of retention and disposal of court records, see Rule 16-205.

Source: This Rule is derived in part from former Rule 635 b and is in part new.

REPORTER'S NOTE

See Reporter's Note from Rule 5-107.

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

AMEND Rule 3-516 by adding “, and all illustrative aids used at a hearing or trial” and “or illustrative aid” to section (a), by adding a cross reference following section (a), by adding “and illustrative aids” to section (b), by adding “and illustrative aids” and “or illustrative aid” to section (c) and by making stylistic changes, as follows:

Rule 3-516. EXHIBITS AND ILLUSTRATIVE AIDS

(a) Generally

All exhibits marked for identification at a hearing or trial, whether or not offered in evidence and, if offered, whether or not admitted, and all illustrative aids used at a hearing or trial shall form part of the record. With leave of court, a party may substitute a photograph or copy for any exhibit or illustrative aid.

Committee note: Exhibits that are pre-marked by a party or pre-filed at the direction of the court do not constitute part of the record prior to being marked or offered as provided in section (a) of this Rule.

Cross reference: See Rule 5-107 for permissible uses of illustrative aids.

(b) If Appeal is De Novo

In an action where an appeal would be tried de novo, exhibits and illustrative aids shall be returned to the parties at the conclusion of the

proceeding unless the court orders otherwise.

Cross reference: See Rule 7-102 (a) concerning appeals tried de novo.

(c) If Appeal is on the Record

In an action where an appeal would be heard on the record made in the District Court, all exhibits and illustrative aids described in section (a) of this Rule shall remain in the custody of the District Court clerk unless the court orders otherwise. If the court orders that the custodian of an exhibit or illustrative aid be someone other than the clerk, the court shall: (1) state the identity of the custodian on the record; (2) instruct the custodian, until relieved of the responsibility by law or by court order, to secure the exhibit or illustrative aid until final determination of the action, including all appellate proceedings; and (3) instruct the clerk to make a docket entry identifying the court-ordered custodian of the exhibit or illustrative aid.

Source: This Rule is derived in part from former Rule 635 b, and is in part new.

REPORTER'S NOTE

See Reporter's Note from Rule 5-107.

MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

CHAPTER 300 – TRIAL AND SENTENCING

AMEND Rule 4-322 by adding “, and all illustrative aids used at a hearing or trial” and “or illustrative aid” to subsection (a)(1), by adding a cross reference following subsection (a)(1), by adding “and illustrative aids” and “or illustrative aid” to subsection (a)(2), by adding “and illustrative aids” to the Committee note and cross reference following subsection (a)(2), by adding “and illustrative aids” to subsection (a)(3), and by making stylistic changes as follows:

Rule 4-322. EXHIBITS AND ILLUSTRATIVE AIDS, COMPUTER-GENERATED EVIDENCE, AND RECORDINGS

(a) Generally

(1) Formation of Record

All exhibits marked for identification at a hearing or trial, whether or not offered in evidence and, if offered, whether or not admitted, and all illustrative aids used at a hearing or trial shall form part of the record. With leave of court, a party may substitute a photograph or copy for any exhibit or illustrative aid.

Committee note: Exhibits that are pre-marked by a party or pre-filed at the direction of the court do not constitute part of the record prior to being marked or offered as provided in subsection (a)(1) of this Rule.

Rule 4-322  
Appellate SC Approved  
For 5/21/26 RC

Cross reference: See Rule 5-107 for permissible uses of illustrative aids.

(2) Custody of Exhibits and Illustrative Aids—Generally

Unless the court orders otherwise and except as provided in subsection (a)(3) of this Rule, all exhibits and illustrative aids described in subsection (a)(1) of this Rule shall remain in the custody of the clerk. If the court orders that the custodian of an exhibit or illustrative aid be someone other than the clerk, the court shall: (A) state the identity of the custodian on the record; (B) instruct the custodian, until relieved of the responsibility by law or by court order, to secure the exhibit or illustrative aid until final determination of the action, including all appellate proceedings, and retain the exhibit or illustrative aid as required by Rule 16-405 and any statutory retention provisions; and (C) instruct the clerk to make a docket entry identifying the court-ordered custodian of the exhibit or illustrative aid.

Committee note: The requirements of subsection (a)(2) of this Rule also apply to exhibits and illustrative aids returned to the parties at the conclusion of a proceeding, including any exhibits and illustrative aids returned to the State's Attorney or law enforcement. Additionally, statutes may govern retention of certain evidence by the State. See, e.g., Code, Criminal Procedure Article, § 8-201, requiring the State to preserve scientific identification evidence.

Cross reference: See Rule 16-405 regarding filing and removal of papers, ~~and~~ exhibits, and illustrative aids.

(3) District Court--Appeal Tried De Novo

In an action in District Court where an appeal would be tried de novo, exhibits and illustrative aids shall be returned to the parties at the conclusion of the proceeding unless the court orders otherwise.

Cross reference: See Rule 7-102 (a) concerning appeals tried de novo.

(b) Preservation of Computer-Generated Evidence

A party who offers or uses computer-generated evidence at any proceeding shall preserve the computer-generated evidence, furnish it to the clerk in a manner suitable for transmittal as a part of the record on appeal, and present the computer-generated evidence to an appellate court if the court so requests.

Cross reference: For the definition of “computer-generated evidence,” see Rule 2-504.3.

Committee note: This section requires the proponent of computer-generated evidence to reduce the computer-generated evidence to a medium that allows review on appeal. The medium used will depend upon the nature of the computer-generated evidence and the technology available for preservation of that computer-generated evidence. No special arrangements are needed for preservation of computer-generated evidence that is presented on paper or through spoken words. Ordinarily, the use of technology that is in common use by the general public at the time of the hearing or trial will suffice for preservation of other computer-generated evidence. However, when the computer-generated evidence involves the creation of a three-dimensional image or is perceived through a sense other than sight or hearing, the proponent of the computer-generated evidence must make other arrangements for preservation of the computer-generated evidence and any subsequent presentation of it that may be required by an appellate court.

(c) Audio, Audiovisual, or Video Recordings

(1) Recording

A party who offers or uses an audio, audiovisual, or video recording at a hearing or trial shall:

(A) ensure that the recording is marked for identification and made part of the record and that an additional copy is provided to the court;

Committee note: A party may provide the court with a copy of a recording in a physical media format or in a digital media format using a digital storage platform approved by the State Court Administrator.

(B) if only a portion of the recording is offered or used, ensure that a description that identifies the portion offered or used is made part of the record; and

(C) if the recording is not on a medium or in a format in common use by the general public, preserve it, furnish it to the clerk in a manner suitable for transmittal as part of the record, and upon request present it to an appellate court in a format designated by the court.

Cross reference: See Rules 8-413 (a)(4) and 20-402 (a)(2) regarding inclusion of audio, audiovisual, and video recordings, including any digital media, in the record on appeal.

(2) Transcript of Recording

A party who offers or uses a transcript of the recording at a hearing or trial shall ensure that the transcript is made part of the record.

Cross reference: For a schedule of retention and disposal of court records, see Rule 16-205.

Source: This Rule is new.

REPORTER'S NOTE

See Reporter's Note from Rule 5-107.

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 7-109 by adding “and illustrative aids” and “or Rule 5-107” to subsection (a)(4), and by making stylistic changes as follows:

Rule 7-109. RECORD – CONTENTS AND FORM

(a) Contents of Record

The record on appeal shall include:

- (1) a certified copy of the docket entries in the District Court;
- (2) a transcript, if required by Rule 7-113;
- (3) all original papers filed in the action in the District Court except a supersedeas bond or alternative security and those other items that the parties stipulate may be omitted; and

(4) in an appeal heard on the record made in the District Court pursuant to Rule 7-102 (b), copies or photographs of physical exhibits and illustrative aids made part of the record pursuant to Rule 3-516, ~~or~~ Rule 4-322, or Rule 5-107 and the original of any audio, audiovisual, or video recording made part of the record pursuant to Rule 3-516 or Rule 4-322.

Committee note: Exhibits that are audio, audiovisual, or video recordings may be stored and accessed using a digital storage platform approved by the State Court Administrator. Absent any dispute as to the authenticity or accuracy of

Rule 7-109  
Appellate SC Approved  
For 5/21/26 RC

the file, the file stored on the approved digital storage platform is considered the original for the purposes of this Rule.

(b) Formation of Record; Original Papers

The clerk of the District Court shall append a certificate clearly identifying the papers included in the record. The District Court may order that the original papers in the action be kept in the District Court pending the appeal, in which case the clerk of the District Court shall transmit only a certified copy of the original papers.

(c) Statement of Case in Lieu of Entire Record

If the parties agree that the questions presented by an appeal can be determined without an examination of the entire record or a trial de novo, as the case may be, they may sign and, upon approval by the District Court, file with the clerk of the District Court 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 statement, the judgment from which the appeal is taken, and any opinion of the District Court shall constitute the record on appeal. The circuit court may direct the District Court clerk to transmit all or part of the balance of the record in the District Court as a supplement to the record on appeal.

(d) Duties of District Court Clerk

The clerk shall prepare and attach to the beginning of the record a certified copy of the docket entries in the District Court. The original papers shall be fastened together in one or more file jackets and numbered

consecutively, except that the pages of a transcript of testimony need not be renumbered. The clerk shall also prepare and transmit with the record a statement of the costs of preparing and certifying the record, the costs taxed against each party prior to the transmission of the record, and the costs of all transcripts and of copies, if any, of the transcripts for each of the parties. The clerk shall serve a copy of the docket entries on each party.

(e) Correction of Record

On motion or on its own initiative, the circuit court may order that an error or omission in the record be corrected.

(f) Return of Record to District Court Pending Appeal

Upon a determination that the record needs to be returned to the District Court because of a proceeding pending in that court, the circuit court may order that the record be so returned, subject to the conditions stated in the order.

Source: This Rule is derived from former Rules 1326 and 1327.

REPORTER'S NOTE

See Reporter's Note from Rule 5-107.

MARYLAND RULES OF PROCEDURE

TITLE 8 – APPELLATE REVIEW IN THE SUPREME COURT AND THE

APPELLATE COURT

CHAPTER 400 – PRELIMINARY PROCEDURES

AMEND Rule 8-413 by deleting “any” and “or” from subsection (a)(3), by adding “each”, “and illustrative aid”, and “, or 5-107” to subsection (a)(3), by adding “or illustrative aid” to subsection (b)(1)(A), by adding “and illustrative aids” and “and illustrative aid” to subsection (b)(1)(B), by adding “and illustrative aids to the cross reference following subsection (b)(1)(B), by adding “and illustrative aids used at a hearing or trial pursuant to Rule 5-107” and “or illustrative aid” to subsection (b)(2), and by making stylistic changes, as follows:

Rule 8-413. RECORD – CONTENTS AND FORM

(a) Contents of Record

The record on appeal shall include:

- (1) a certified copy of the docket entries in the lower court;
- (2) the transcript required by Rule 8-411;
- (3) a copy or photograph of ~~any~~ each physical exhibit and illustrative aid made part of the record pursuant to Rules 2-516, 3-516, ~~or~~ 4-322, or 5-107;
- (4) the original of any audio, audiovisual, or video recording made part of the record pursuant to Rules 2-516, 3-516, or 4-322;

Rule 8-413  
Appellate SC Approved  
For 5/21/26 RC

Committee note: Exhibits that are audio, audiovisual, or video recordings may be stored and accessed using a digital storage platform approved by the State Court Administrator. Absent any dispute as to the authenticity or accuracy of the file, the file stored on the approved digital storage platform is considered the original for the purposes of this Rule.

A party who offers or uses an audio, audiovisual, or video recording in a format not in common use by the general public is required to provide the recording to the clerk in a medium and format suitable for transmittal as part of the record. See Rule 2-516 (b) and Rule 4-322 (c) pertaining to the use of a recording at a hearing or trial.

(5) all original papers filed in the action in the lower court except a supersedeas bond or alternative security and those other items that the parties stipulate may be omitted; and

(6) when the Supreme Court reviews an action pending in or decided by the Appellate Court, the record of any proceedings in the Appellate Court.

(b) Formation of Record; Disputes

(1) Certificate

The clerk of the lower court shall append a certificate clearly identifying:

(A) the papers included in the record, including any copy or photograph substituted for an exhibit or illustrative aid;

(B) any tangible exhibits and illustrative aids not included for transmission and the custodian of each exhibit and illustrative aid; and

(C) any digital media included in the record and instructions for access by the appellate court.

Cross reference: See Rules 2-516, 3-516, and 4-322 regarding custody of exhibits and illustrative aids.

(2) Original Papers, ~~and Exhibits,~~ and Illustrative Aids

The lower court may order that the original papers in the action be kept in the lower court pending the appeal, in which case the clerk of the lower court shall transmit only a certified copy of the original papers. Original exhibits and illustrative aids used at a hearing or trial pursuant to Rule 5-107 shall be retained pursuant to Rule 16-405 or as otherwise ordered by the court. The clerk of the lower court shall transmit an original exhibit or illustrative aid to the appellate court upon request by the appellate court.

(3) Disputes; Correction and Modification

The lower court, by order, shall resolve any dispute whether the record accurately discloses what occurred in the lower court, and shall cause the record to conform to its decision. The lower court also shall correct or modify the record if directed by an appellate court pursuant to Rule 8-414 (b)(2).

(c) Statement of Case in Lieu of Entire Record

(1) Generally

If the parties agree that the questions presented by an appeal can be determined without an examination of all the pleadings and evidence, they may sign and, upon approval by the lower court, 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 statement, the judgment from which the appeal is taken, and any opinion of the lower court

shall constitute the record on appeal. The appellant shall reproduce the statement in the appellant's brief, either in lieu of the statement of facts or as an appendix to the brief.

(2) Supplement

The appellate court may direct the lower court clerk to transmit all or part of the balance of the record in the lower court as a supplement to the record on appeal.

(d) Duties of Lower Court Clerk

(1) Attachments

The clerk shall prepare and attach to the beginning of the record a cover page, a complete table of contents, and the certified copy of the docket entries in the lower court. The original papers shall be fastened together in one or more binders and numbered consecutively, except that the pages of a transcript of testimony need not be renumbered.

(2) Statement of Cost

The clerk shall prepare and transmit with the record a statement of the cost of preparing and certifying the record, the costs taxed against each party prior to the transmission of the record, and the cost of all transcripts and of copies, if any, of the transcripts for each of the parties.

(3) Service on Parties

The clerk shall serve a copy of the docket entries on each party.

Cross reference: See Code, Criminal Procedure Article, § 11-104(f)(2) for victim notification procedures.

**RULE 8-413**

Source: This Rule is derived in part from former Rule 1026 and Rule 826 and is in part new.

REPORTER'S NOTE

See Reporter's Note from Rule 5-107.

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 200 – GENERAL PROVISIONS – CIRCUIT AND DISTRICT COURTS

AMEND Rule 16-205 by adding “and illustrative aids” to subsection (b)(2), as follows:

Rule 16-205. DISPOSITION OF RECORDS

(a) Applicability

(1) This Rule does not apply to records initially filed or submitted for filing in paper form and subsequently scanned into electronic form pursuant to Rule 20-106. Upon scanning, those written documents cease to be court records and shall be disposed of in accordance with Rule 20-106.

(2) This Rule applies to records in the custody of a circuit court or the District Court that (A) for a circuit court are subject to a Records Retention and Disposal Schedule for the Circuit Courts adopted by the Records Management Division of the Department of General Services and approved by the Chief Justice of the Supreme Court, or (B) for the District Court, are subject to a District Court Records Retention and Storage Manual adopted by the Chief Judge of that Court and approved by the Chief Justice of the Supreme Court.

Committee note: This Rule is to be read in harmony with the statutes and Rules governing the expungement of court records.

(b) Definitions

Rule 16-205  
Appellate SC Approved  
For 5/21/26 RC

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

(1) Dispose

“Dispose” means to destroy or remove.

(2) Records

“Records” means original papers, official books, documents, files, dockets, electronic recordings of testimony and court proceedings, and exhibits and illustrative aids in the custody of the court.

(c) Circuit Court Records

(1) Duty of Clerk and County Administrative Judge

Except as otherwise required by law, each custodian of records of a circuit court and the county administrative judge of that court shall dispose of the records in their custody in accordance with the procedures, schedules, forms, and exhibits set forth in the Records Retention and Disposal Schedule for the Circuit Courts of Maryland most recently adopted by the Records Management Division of the Department of General Services and approved by the Chief Justice of the Supreme Court.

(2) Duty of State Court Administrator

The State Court Administrator shall assure that a copy of the most recently adopted and approved Schedule is delivered to each county administrative judge and each clerk of a circuit court, along with any appropriate instructions regarding its use.

(d) District Court Records

The Chief Clerk of the District Court and the Chief Judge of the District Court shall dispose of records of the District Court in accordance with the procedures, schedules, forms, and exhibits set forth in the District Court Records Retention and Storage Manual most recently adopted by the Chief Judge of the District Court and approved by the Chief Justice of the Supreme Court.

Cross reference: See Code, Courts Article, §§ 1-605 (d)(6) and 2-205; Code, Family Law Article, § 7-106; and Code, State Government Article, Title 10, Subtitle 6, Part III, concerning destruction of records.

Source: This Rule is new.

REPORTER'S NOTE

See Reporter's Note from Rule 5-107.

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 400 – CIRCUIT COURTS – CLERKS’ OFFICES

AMEND Rule 16-405 by adding “and, if used in a hearing or trial, illustrative aids” to subsection (a)(1), by adding “and illustrative aids that are used” and “a hearing or” to subsection (e)(2)(A), by deleting “the” from subsection (e)(2)(A), by adding “exhibits and illustrative aids” and “and illustrative aids” to subsection (e)(2)(B), and by making stylistic changes, as follows:

Rule 16-405. FILING AND REMOVAL OF PAPERS

(a) Applicability; Other Rules.

(1) Generally

This Rule applies to the filing in a circuit court of items filed in paper form and to tangible exhibits and, if used in a hearing or trial, illustrative aids. Items filed in electronic form shall be handled by the clerk in accordance with the Rules governing electronic filing and the maintenance of electronic records.

(2) Other Rules

This Rule is subject to Rules governing the sealing or shielding of court records or information contained in court records.

(b) Flat Filing

Papers received by the clerk for filing shall be filed flat in an appropriate

folder.

(c) Docket Entries

Each case file shall include a copy of the docket entries pertaining to that case.

(d) Exhibits Filed with Pleadings

Unless not practicable, the clerk shall file exhibits with the papers the exhibits accompany. If that is not practicable, the clerk shall file exhibits by any other convenient and practicable method.

(e) Removal of Papers and Exhibits

(1) Papers and Exhibits Filed with the Clerk

A paper or exhibit filed with the clerk in an action may not be removed from the clerk's office, except:

(A) by direction of a judge of the court;

(B) upon signing a receipt, by an attorney of record in the case for the purpose of presenting the paper or exhibit to the court;

(C) upon signing a receipt, by an auditor, magistrate, or examiner or examiner-magistrate in connection with the performance of the official duties of the signer; or

(D) pursuant to the Rules in Title 20.

(2) Exhibits Offered and Illustrative Aids Used During a Hearing or Trial

(A) Exhibits that are introduced in evidence or marked for identification and illustrative aids that are used during the a hearing or trial of an action and

that had not previously been filed with the clerk shall be retained by the clerk or other person designated by the court.

(B) Except as otherwise required by law, upon the entry of judgment in the case and after the time for appeal has expired, or, if an appeal has been taken, the clerk has received a mandate issued by the final appellate court to consider a direct appeal from the judgment and the time for seeking any possible further review has expired, the clerk shall send written notice to all counsel of record and to each self-represented party advising that if no request to withdraw the exhibits and illustrative aids is received within 30 days from the date of the notice, the exhibits and illustrative aids will be disposed of. Unless (i) a request is received by the clerk within 30 days after the date of notice, (ii) the court within that period orders otherwise, or (iii) destruction of the exhibits and illustrative aids at that time is precluded by law, the clerk shall dispose of the exhibits and illustrative aids in any appropriate manner, including destruction.

Committee note: Some statutes require that certain evidence be retained. See, for example, Code, Criminal Procedure Article, § 8-201, requiring the State to preserve scientific identification evidence.

(f) Record of Removed Papers

Whenever a court file or any paper contained in it is removed from the clerk's office pursuant to this Rule, the clerk shall maintain an appropriate record of its location. If the file or papers are removed from the courthouse, the clerk shall make a notation on the docket of the removal and return of the item.

Source: This Rule is derived from former Rule 16-306 (2016).

REPORTER'S NOTE

See Reporter's Note from Rule 5-107.

MARYLAND RULES OF PROCEDURE  
TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT  
CHAPTER 300 – OFFICIAL RECORD

AMEND Rule 20-301 by adding “or 5-107” to subsection (a)(4), and by making stylistic changes to subsection (a)(4), as follows:

Rule 20-301. CONTENT OF OFFICIAL RECORD

(a) Generally

The official record of an action consists of:

- (1) the electronic version of all submissions filed electronically or filed in paper form and scanned into the MDEC system;
- (2) all other submissions and tangible items filed in the action that exist only in non-electronic form;
- (3) the electronic version of all documents offered or admitted into evidence or for inclusion in the record at any judicial proceeding, pursuant to Rule 20-106 (e);
- (4) all audio, audiovisual, or video recording exhibits and illustrative aids, including digital media, that are made part of the record pursuant to Rules 2-516, 3-516, ~~or 4-322;~~ or 5-107;
- (5) all tangible items offered or admitted into evidence that could not be filed electronically or scanned into the MDEC system;
- (6) a transcript of all court recordings of proceedings in the action; and

Rule 20-301  
Appellate SC Approved  
For 5/21/26 RC

(7) all other documents or items that, for good cause, the court orders be part of the record.

(b) Hyperlinks

A hyperlink embedded in a submission is not a part of the official record unless it is linked to another document that is a part of the official record.

Source: This Rule is new.

REPORTER'S NOTE

See Reporter's Note from Rule 5-107.

# **APPENDIX 2**

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

AMEND Rule 2-512 by updating a reference to Rule 16-941 in the cross reference following subsection (c)(3), as follows:

Rule 2-512. JURY SELECTION

• • •

(c) Jury List

(1) Contents

Before the examination of qualified jurors, each party shall be provided with a list that includes each juror's name, address, age, sex, education, occupation, spouse's occupation, and any other information required by Rule. Unless the trial judge orders otherwise, the address shall be limited to the city or town and zip code and shall not include the street address or box number.

(2) Dissemination

(A) Allowed

A party may provide the jury list to any person employed by the party to assist in jury selection. With permission of the trial judge, the list may be disseminated to other individuals such as the courtroom clerk or court reporter for use in carrying out official duties.

(B) Prohibited

Unless the trial judge orders otherwise, a party and any other person to whom the jury list is provided in accordance with subsection (c)(2)(A) of this Rule may not disseminate the list or the information contained on the list to any other person.

(3) Not Part of the Case Record; Exception

Unless the court orders otherwise, copies of jury lists shall be returned to the jury commissioner. Unless marked for identification and offered in evidence pursuant to Rule 2-516, a jury list is not part of the case record.

Cross reference: See Rule 16-941 concerning petitions to ~~permit or deny~~ inspection of a case record. See Rule 16-949 concerning petitions to permit inspection of a case record

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REPORTER'S NOTE

Proposed amendments to Rule 2-512 are conforming ones to implement the proposed reorganization of current Rule 16-934 (renumbered to Rule 16-941 by the 227<sup>th</sup> Rules Order). The proposed amendments separate petitions to permit inspection of case records into a new Rule 16-949.

MARYLAND RULES OF PROCEDURE

TITLE 9– FAMILY LAW ACTIONS

CHAPTER 200 – DIVORCE, ANNULMENT, ALIMONY, CHILD SUPPORT, AND  
CHILD CUSTODY

AMEND Rule 9-203, 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, 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.

Cross reference: See Rule 16-904 (c) and Rule ~~16-918~~ 16-941.

Source: This Rule is new.

REPORTER'S NOTE

## **RULE 9-203**

The proposed amendment to Rule 9-203 updates an outdated reference in the cross reference at the end of the Rule. The relevant provisions in Rule 16-918 are now in Rule 16-941.

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 200 – GENERAL PROVISIONS – CIRCUIT AND DISTRICT COURTS

AMEND Rule 16-203 by updating a reference to the Rules in Chapter 900 of Title 16 in the cross reference following subsection (c)(6), as follows

Rule 16-203. ELECTRONIC FILING OF PLEADINGS, PAPERS, AND REAL PROPERTY INSTRUMENTS

...

(c) Criteria for Adoption of Plan

In developing a plan for the electronic filing of pleadings, the County Administrative Judge or the Chief Judge of the District Court, as applicable, shall be satisfied that the following criteria are met:

...

(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 Chief Justice of the Supreme Court with respect to it.

Cross reference: For the definition of “public record,” see Code, General Provisions Article, § 4-101. See also ~~Rules 16-901 through 16-942~~ the Rules in Chapter 16, Chapter 900 (Access to Judicial Records).

...

REPORTER'S NOTE

The proposed amendment to Rule 16-203 is a conforming one to implement the proposed reorganization of current Rule 16-934 (renumbered to Rule 16-941 by the 227<sup>th</sup> Rules Order). The cross reference following subsection (c)(6) is amended to refer to Title 16, Chapter 900 instead of a range of Rules.

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 200 – GENERAL PROVISIONS – CIRCUIT AND DISTRICT COURTS

AMEND Rule 16-204 by updating a reference the Rules in Chapter 900 of Title 16 in section (b), as follows:

Rule 16-204. REPORTING OF CRIMINAL AND MOTOR VEHICLE INFORMATION

...

(b) Inspection of Criminal History Record Information Contained in Court Records of Public Judicial Proceedings

Criminal history record information contained in court records of public judicial proceedings is subject to inspection in accordance with ~~Rules 16-901 through 16-942~~ the Rules in Title 16, Chapter 900.

...

REPORTER'S NOTE

The proposed amendment to Rule 16-204 is a conforming one to implement the proposed reorganization of current Rule 16-934 (renumbered to Rule 16-941 by the 227<sup>th</sup> Rules Order). Section (b) is amended to refer to Title 16, Chapter 900 instead of a range of Rules.

MARYLAND RULES OF PROCEDURE  
TITLE 16 – COURT ADMINISTRATION  
CHAPTER 900 – ACCESS TO JUDICIAL RECORDS  
DIVISION 1 – GENERAL PROVISIONS

AMEND Rule 16-904 by updating a reference to Rule 16-941 in the Committee note following section (c), as follows:

Rule 16-904. GENERAL POLICY

• • •

(c) Exhibit Pertaining to Motion or Marked for Identification

Unless a judicial proceeding is not open to the public or the court expressly orders otherwise and except for identifying information shielded pursuant to law, a case record that consists of an exhibit (1) submitted in support of or in opposition to a motion or (2) marked for identification by the clerk at a hearing or trial or offered in evidence, 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: See Rules 2-516, 3-516, and 4-322 concerning exhibits.

Committee note: Section (c) is based on the general principle that the public has a right to know the evidence upon which a court acts in making decisions, except to the extent that a superior need to protect privacy, safety, or security recognized by law permits particular evidence, or the evidence in particular cases, to be *sealed or shielded*. ~~See Rule 16-941 authorizing a court to permit inspection of a case record that is not otherwise subject to inspection or to~~

Rule 16-904 (post-227<sup>th</sup> Rules Order)  
Title 16, Ch 900, Div 5 conforming  
*Recommended conforming amendment to  
Rule 1-202 “seal” and “shield” definitions*

~~deny inspection of a case record that otherwise would be subject to inspection.~~  
See the Rules in Division 5 of this Chapter pertaining to requests to deny inspection of a case record that otherwise would be subject to inspection or to permit inspection of a case record that is not otherwise subject to inspection.

• • •

REPORTER'S NOTE

The proposed amendment to Rule 16-904 is a conforming one to implement the proposed reorganization of current Rule 16-934 (renumbered to Rule 16-941 by the 227<sup>th</sup> Rules Order). The Committee note following section (c) is amended to refer to the Rules in Title 16, Chapter 900, Division 5.

MARYLAND RULES OF PROCEDURE  
TITLE 16 – COURT ADMINISTRATION  
CHAPTER 900 – ACCESS TO JUDICIAL RECORDS  
DIVISION 2 – LIMITATIONS ON ACCESS

AMEND Rule 16-914 by updating references to Rule 16-941 in the Committee note following section (e) and in subsection (k)(2), as follows:

Rule 16-914. CASE RECORDS – REQUIRED DENIAL OF INSPECTION – CERTAIN CATEGORIES

Except as otherwise provided by law, court order, or the Rules in this Chapter, the custodian shall deny inspection of:

• • •

(e) Except for docket entries and orders entered under Rule 10-108, papers and submissions filed in guardianship actions or proceedings under Title 10, Chapter 200, 300, 400, or 700 of the Maryland Rules.

Committee note: Most filings in guardianship actions are likely to be permeated with financial, medical, or psychological information regarding the minor or disabled person that ordinarily would be sealed or shielded under other Rules. Rather than require custodians to pore through those documents to redact that kind of information, this Rule shields the documents themselves subject to Rule ~~16-941~~ 16-949, which permits the court, on a motion and for good cause, to permit inspection of case records that otherwise are not subject to inspection. There may be circumstances in which that should be allowed. Parties to the action have access to the case records unless the court orders otherwise. See Rule 10-105 (b). The guardian, as a party, has access to the case records and may need to share some of them with third persons in order to perform the duties of the guardian. This Rule is not intended to impede the

Rule 16-914 (post-227<sup>th</sup> Rules Order)  
Title 16, Ch 900, Div 5 conforming  
*Recommended conforming amendment to  
Rule 1-202 “seal” and “shield” definitions*

guardian from doing so. Public access to the docket entries and to orders entered under Rule 10-108 will allow others to be informed of the guardianship and to seek additional access pursuant to Rule ~~16-941~~ 16-949.

• • •

(k) A case record that:

(1) a court has ordered sealed or ~~not subject to inspection~~ shielded, except in conformance with the order; or

(2) in accordance with Rule 16-941 ~~(b)(c)~~ is the subject of a pending petition to preclude or limit inspection.

• • •

REPORTER'S NOTE

Proposed amendments to Rule 16-914 are conforming ones to implement the proposed reorganization of current Rule 16-934 (renumbered to Rule 16-941 by the 227<sup>th</sup> Rules Order). The proposed amendments separate petitions to permit inspection of case records into a new Rule 16-949. References to Rule 16-941 in the Committee note following section (e) are changed to Rule 16-949.

Subsection (k)(2) updates an internal reference to conform it to new Rule 16-941.

MARYLAND RULES OF PROCEDURE  
TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT  
CHAPTER 500 – MISCELLANEOUS RULES

AMEND Rule 20-504 by updating a reference to the Rules in Chapter 900 of Title 16 in the cross reference following section (b), as follows:

Rule 20-504. AGREEMENTS WITH VENDORS

• • •

(b) Agreement With Administrative Office of the Courts

As a condition of having the access to MDEC necessary for a person to become a vendor, the person must enter into a written agreement with the Administrative Office of the Courts that, in addition to any other provisions, (1) requires the vendor to abide by all Maryland Rules and other applicable law that limit or preclude access to information contained in case records, whether or not that information is also stored in the vendor's database, (2) permits the vendor to share information contained in a case record only with a party or attorney of record in that case who is a customer of the vendor, (3) provides that any material violation of that agreement may result in the immediate cessation of remote electronic access to case records by the vendor, and (4) requires the vendor to include notice of the agreement with the Administrative Office of the Courts in all agreements between the vendor and its customers.

Cross reference: See ~~Maryland Rules~~ Rule 20-109 and 16-901 through 16-942 the Rules in Title 16, Chapter 900.

Rule 20-504 (post-227<sup>th</sup> Rules Order)  
Title 16, Ch 900, Div 5 conforming

Source: This Rule is new.

REPORTER'S NOTE

The proposed amendment to Rule 20-504 is a conforming one to implement the proposed reorganization of current Rule 16-934 (renumbered to Rule 16-941 by the 227<sup>th</sup> Rules Order). The cross reference following section (b) is amended to refer to the Rules in Title 16, Chapter 900, Division 5.