

STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE  
NOTICE OF PROPOSED RULES CHANGES

The Rules Committee submitted Parts I and II of its One Hundred Seventy-Eighth Report to the Court of Appeals on April 29, 2013 and June 26, 2013, respectively, recommending rescission of Title 16 of the Maryland Rules of Procedure and replacement of it by new Title 16 (Court Administration), Title 18 (Judges and Judicial Appointees), and Title 19 (Attorneys). The Committee now has submitted to the Court its Supplement to Part I, transmitting thereby proposed new Title 16, as revised.

The Committee's Supplement to Part I of its One Hundred Seventy-Eighth Report and the proposed rules are set forth below.

Interested persons are asked to consider the Supplement to Part I of the Committee's Report and proposed rules changes and to forward on or before April 11, 2016 any written comments they may wish to make to:

Sandra F. Haines, Esq.  
Reporter, Rules Committee  
2011-D Commerce Park Drive  
Annapolis, Maryland 21401

BESSIE M. DECKER  
Clerk  
Court of Appeals of Maryland

March 11, 2016

The Honorable Mary Ellen Barbera,  
Chief Judge

The Honorable Lynne A. Battaglia  
The Honorable Clayton Greene, Jr.  
The Honorable Sally D. Adkins  
The Honorable Robert N. McDonald  
The Honorable Shirley M. Watts  
The Honorable Michele D. Hotten  
Judges

The Court of Appeals of Maryland  
Robert C. Murphy Courts of Appeal Building  
Annapolis, Maryland 21401

Your Honors:

The Rules Committee submits this Supplement to Part I of its 178<sup>th</sup> Report and recommends that the Court adopt the new Rules and amendments to existing Rules as set forth in this Supplement.

### Introduction

The Committee submitted Part I of its 178<sup>th</sup> Report to the Court on April 29, 2013. That Part proposed the reorganization, updating, and restyling of the Rules in Title 16 of the Maryland Rules dealing with court administration. Part I was to be followed by Parts II and III of the 178<sup>th</sup> Report, which would reorganize, update, and restyle the Rules governing judges and attorneys, respectively. Many of those Rules also are currently located in Title 16, although others are found in appendices in other parts of Volume 2 of the Maryland Rules. The intent was, and remains, to repeal all of current Title 16, to place the Rules in Part I dealing with court administration in a new Title 16, to place the Rules in Part II dealing with judges in a new Title 18, and to place the Rules dealing with attorneys in a new Title 19. Current Title 17, dealing with court-annexed ADR, would remain unaffected.

The separation of this overall reorganization into three Parts was recommended because of the magnitude of the project and for the convenience of the Court and the public. This Supplement to Part I contains 208 pages of proposed Rules changes; the Supplement to Part II contains 257 pages; and Part III, filed contemporaneously with the Supplements to Parts I and II, will contain 655 pages.

Part I was the subject of a public hearing on July 2, 2013. The Court requested a number of amendments to the Rules in that Part, which were transmitted on July 23, 2013. Part II was submitted to the Court on June 26, 2013 and was the subject of a public hearing on October 17, 2013.

Although the three Parts deal with different subjects, they are interrelated in many ways and contain cross-references to one another. The Rules Committee recommended, and the Court agreed, that, though considered at different times, all three Parts, if approved, should be made effective on the same day. The delay in completing Part III was due, in part, to the bulk of the project but also to the need to give priority to other matters of more pressing urgency that arose during the interim.

Two versions of Parts I and II were submitted to the Court in 2013 - a "clean" version showing the new Rules as they would appear in the Rule book, for ease of reading, and a "marked" version showing, through underlining and strikeouts, the changes made to the then-current Rules. The Rules Committee has followed that approach with respect to Part III and the Supplements to Parts I and II, except that the marked copies will show the changes from the current (2016) Rules. Accordingly, it will not be necessary for the Court to refer back to the original submissions of Parts I and II.

Most of the changes from the current Rules are the product of updating, clarification, or reorganization. Some are more substantive. Those that are mostly follow recommendations discussed with and approved by the Judicial agencies affected by them and will be the subject of further comment in the two Supplements and in Part III.

### **Outline of Part I**

Part I, dealing with Court Administration, contains nine Chapters, as follows:

- Chapter 100: Court Administrative Structure
- Chapter 200: General Provisions - Circuit and District Courts
- Chapter 300: Circuit Courts - Administration and Case Management
- Chapter 400: Circuit Courts - Clerks' Offices
- Chapter 500: Recording of Proceedings
- Chapter 600: Extended Coverage of Court Proceedings
- Chapter 700: Miscellaneous Judicial Units
- Chapter 800: Miscellaneous Court Administration Matters
- Chapter 900: Access to Court Records

## **Chapter 100**

Chapter 100 (Rules 16-101 through 16-111) sets forth the administrative structure of the Maryland Judiciary. Rule 16-101, for the first time, lists in one place those officials and units that comprise the administrative structure and notes generally the sources of their respective authority.

The Rules dealing with the appellate and circuit courts are derived from current Rule 16-101. The Rules dealing with the District Court are taken from existing Constitutional and statutory provisions. Some of the Rules have been updated to reflect current responsibilities and practice, and all have been restyled for greater clarity.

Rules 16-101 (e), 16-109, and 16-110 bring into Chapter 100 the existence and responsibilities of the Maryland Judicial Conference and the Judicial Council. Those Rules are derived from current Rule 16-802 but are substantially rewritten to reflect the administrative restructuring of the Judiciary that occurred in 2014. The Judicial Council, under Rule 16-110, though functionally an advisory body to the Chief Judge of the Court of Appeals, is now a principal coordinating entity for judicial initiatives by units in the Administrative Office of the Courts (AOC). The various committees that formerly were committees of the Judicial Conference have been reorganized, and those that remain are now committees, subcommittees, or work groups of the Judicial Council.

Rule 16-111 is new. It sets forth the existence and general responsibilities of the AOC and the State Court Administrator.

Although proposed Rule 16-101 refers generally to the administrative duties of the Registers of Wills and the chief judges of the Orphans' Courts, the Rules Committee has not attempted to define in any detail the administrative responsibilities of either. The duties and responsibilities of the Orphans' Court judges and the Registers of Wills are set forth in the Estates and Trusts Article of the Code, and, to some extent, in the Title 6 Rules. Because the Orphans' Courts are a Constitutional part of the Maryland Judiciary, it may be advisable, at some point, for the Court to consider exercising some greater administrative supervision over them, but the Rules Committee does not believe that such an undertaking should be part of what is largely a reorganization and updating of current Rules.

## **Chapter 200: General Provisions - Circuit and District Courts**

As the caption indicates, Chapter 200 collects the general administrative Rules that can apply in both the District and

circuit courts - Rules dealing with court sessions (Rule 16-201), payment of money into court (Rule 16-202), electronic filings other than under MDEC (Rule 16-203), the court information system (Rule 16-204), disposition of court records (Rule 16-205), the prohibition against judicial personnel accepting gratuities (Rule 16-206), problem-solving court programs (Rule 16-207), and the policy with respect to cell phones and other electronic devices (Rule 16-208). Those Rules are all derived from current Rules in Title 16, updated in some instances to reflect current practice and restyled.

Two changes of note are made in Rule 16-201. First, in conformance with a recent Administrative Order of the Chief Judge, section (a) limits the authority to close courts to the Chief Judge of the Court of Appeals or an individual designated by the Chief Judge. Second, section (d) of the Rule recognizes that assignment commissioners, rather than administrative judges, often determine the actual assignment of cases for trial or hearing.

Once MDEC becomes implemented Statewide, Rule 16-203 may become obsolete, and, indeed, current electronic filing plans will need to yield as counties that have them come into MDEC.

Rule 16-205, derived from current Rules 16-505 and 16-818, is completely rewritten. In practice, subject to special requirements for the actual destruction of court records, circuit court records are retained and disposed of in accordance with a retention schedule approved by the Records Management Division of the Department of General Services and the Chief Judge of the Court of Appeals, and District Court records are retained and disposed of in accordance with a District Court Retention and Storage Manual approved by the Chief Judge of that court. See Code, Courts Article, §§1-605 (b) and (d), 2-205, and 2-206 and Code, State Government Article, §10-616.

Those schedules are more detailed than the current Rules and, the Committee was advised, actually govern what the clerks do. They contain forms and instructions that are useful to clerks and are more easily amended as circumstances require. Indeed, with an eye toward MDEC, a subcommittee of the Judicial Council is currently working on amendments to the circuit court schedule. Rather than put too much detail in the Rule, the Rules Committee recommends simply requiring adherence to the applicable schedules. One detail left in the Rule is the requirement that clerks not actually destroy a court record, except as required by the expungement laws or in conformance with Code, Courts Article, §2-206 and Code, State Government Article, §10-616 (b). One area reserved for further study by the Rules Committee is the effect that disposition of court records pursuant to the Rule and the

respective schedules has, or should have, on the Rules governing access to court records, including the Case Search program.

### **Chapter 300: Circuit Courts - Administration and Case Management**

Chapter 300 consolidates existing Rules that deal with administrative matters involving only the circuit courts - the term of court (Rule 16-301), the case management plan for assigning cases to trial (Rule 16-302), motion days (Rule 16-303), the chambers judge (Rule 16-304), the trust clerk (Rule 16-305), the special docket for asbestos cases in Baltimore City (Rule 16-306), family divisions and support services (Rule 16-307), the business and technology case management program (Rule 16-308), and reports required of judges (Rule 16-309).

Two amendments of note are made to Rule 16-302 (b), which is derived from current Rule 16-202, dealing with case management plans. One requires the county administrative judge to send a copy of the plan and all amendments to the State Court Administrator. Apart from providing some assurance that these plans will be kept up-to-date, that amendment will provide a clearing house for examining consistency in the plans. A Judicial Council unit is examining now the prospect of a template for such plans. The second amendment requires the administrative judge to include in the plan procedures for the granting of emergency relief and expedited processing in family law actions when there is a credible prospect of imminent and substantial harm to a child or vulnerable adult. That addition was in response to a problem identified by the Domestic Law Committee of the Judicial Council - delays in conducting hearings in family cases where there really is some urgency to the matter.

### **Chapter 400: Circuit Courts - Clerks' Offices**

Chapter 400 collects existing Rules dealing with the operation of the circuit court clerks' offices - personnel policies (Rule 16-401), procurement, general operations, audits, budgets, supervision by the county administrative judge (Rule 16-402), hours of operation (Rule 16-403), dockets (Rule 16-404), the filing and removal of papers (Rule 16-405), and the monthly notice to the Court of Special Appeals of appeals and applications for leave to appeal filed with the circuit court (Rule 16-406).

### **Chapter 500: Recording of Proceedings**

Although the Rules proposed in Chapter 500 are derived from existing Rules in Title 16, they present two substantial policy

issues for the Court's consideration: (1) what must be recorded, and (2) to the extent that proceedings are recorded electronically, either by audio or by audio-video, what access the public should have to the recordings.

The first issue presents questions regarding bench conferences, possibly some chambers conferences, the extent to which the parties and the court can decide that certain parts of open court proceedings not be recorded - in general, what, if anything, should be allowed to be truly "off the record." That issue does not deal directly with **documents** - exhibits or proposed exhibits - but rather with what is **said** in court. The second issue presents the question of whether a member of the public should be entitled to purchase a copy of an audio recording (that has been redacted to shield statements subject to shielding), to do with it what he or she chooses, or should be entitled only to listen to and make notes from a redacted copy of the recording but not to retain possession of it.

With respect to what should be recorded, current Rule 16-504 a. provides that, in the District Court, "[a]ll trials, hearings, and other proceedings before a judge in open court shall be recorded verbatim by an audio recording device provided by the Court." The Rule permits the Chief Judge of the District Court to authorize other recording methods, but the Rules Committee was advised that audio recording is the uniform method used in the District Court. Rule 16-504 b. provides for the shielding of portions of the record "that would not be heard in open court or open to public inspection." The clear import of the Rule is that, in the District Court, everything that occurs in open court is supposedly recorded but parts of what is recorded may be shielded from public access.

The circuit court Rule is different. Current Rule 16-404 e. permits a variety of recording methods and provides that "[a]ll proceedings held in open court, including opening statements, closing arguments, and hearings on motions, shall be recorded in their entirety, **unless the court and the parties agree otherwise.**" (Emphasis added). That provides an option - the scope of which is not entirely clear - not expressly permitted in the District Court.

The Rules Committee is of the view that, as a matter of judicial policy, all proceedings before a judge in a courtroom, in both the District and circuit courts, should be recorded, so that there is a complete record of everything that is said in open court, and that, if the court finds that any part of the record should remain confidential, the court should direct that part to be redacted from any copy of the recording accessible to the public and from any transcript accessible to the public. That policy is reflected in proposed Rules 16-502 (a), (f), and (g), 16-503, and

16-504 (a), (g), and (h). This will require the parties, during the court proceeding, to designate the parts of the proceeding they believe should remain confidential, so that the court can make a ruling on the request and the appropriate court employee can properly tag those parts for redaction.<sup>1</sup>

This should prove no more difficult than the current requirement of designating the parts that a party wants "off the record" - bench conferences involving routine matters or sensitive plea discussions in a criminal case, for example. The difference, of course, is that, under current practice, at least in the circuit courts, proceedings that the court allows to be "off the record" may not be recorded at all, but under the proposed Rules nothing would actually be "off the record." There would be an additional duty on the part of a designated court official or employee to make sure that the audio recording is properly tagged, so that the portions subject to redaction are, in fact, redacted from any copies of the recording.

Rule 16-502 applies only to proceedings in the District Court in the presence of a judge. The Rules Committee is advised that, by the end of 2016, at least some proceedings conducted by District Court commissioners also will be recorded. There are some special issues that may arise from recording proceedings before a commissioner. The Rules Committee, in collaboration with the District Court, is currently undertaking an analysis of those issues and likely will be submitting a Rule in the future.

As to the second issue, under current Rule 16-406, which applies in the circuit courts, a member of the public is entitled to purchase an audio recording, including the audio portion of an audio-video recording, of any proceeding not closed to the public but is not entitled to purchase the video portion, except with court approval, which is subject to a number of conditions. Unless the court orders otherwise, there is a right to view the video portion. Rule 16-504, applicable in the District Court, allows the purchase only of an audio recording, but, as there is no video recording of District Court proceedings, the omission of any mention of video recordings is not currently relevant. The Rules Committee was unanimous in the view that, notwithstanding that audio or audio-video recordings do not constitute the official

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<sup>1</sup>Current Rule 16-405 d. already provides that, if a portion of a proceeding recorded by audio or audio-video involves placing on the record matters that would not be heard in open court or be open to public inspection, the court must direct that appropriate safeguards be placed on that portion of the recording. To that extent, the need to be vigilant in identifying parts of proceedings that should be shielded already exists.

record of court proceedings, members of the public should have a right of access to a properly redacted copy of them, at least for the purpose of listening or viewing and making notes from the redacted copy.

The debate was over whether members of the public should have a right to purchase a copy and use it as they wish. Some members of the Committee were concerned about persons who are able to purchase the disk, then broadcasting or putting on-line selected or even altered parts of it, which may present a misleading impression of what occurred and subject parties, witnesses, attorneys, and judges to unfair public humiliation and possibly to physical or other harm. A majority of the Committee, however, voted to allow the public to purchase and possess a redacted copy of an audio recording but agreed that both policies should be presented to the Court for its consideration.

In the initial submission of Part I in 2013, that was done through alternative versions of Rules 16-501 (g) and 16-503 (h). At the public hearing on that submission, the Court voted to retain the present Rule permitting members of the public to purchase a redacted audio version of the proceeding. This Supplement contains that version, along with the right of the public to view, but, except by court order, not to purchase the video portion.

The rest of the material in the Chapter 500 Rules is derived, with some updating, reorganization, and restyling, from the current Rules.

### **Chapter 600: Extended Coverage of Court Proceedings**

Extended coverage of court proceedings -- the recording of proceedings for either simultaneous or later broadcasting, other than by the court itself -- is currently provided for in one long Rule, Rule 16-109. Those provisions are updated, clarified, and split into eight Rules (16-601 through 16-608).

### **Chapter 700: Miscellaneous Judicial Units**

There are a variety of committees, commissions, boards, conferences, and other units that are within the Judicial Branch or have a close connection to it. Some were created by Rule, some by Administrative Order of the Chief Judge, some by other means. Some were created for a special purpose and are or likely will be temporary in nature; others have achieved a permanent status and exercise important ongoing duties.

The Rules Committee proposes not to include in the Rules those units that are likely to be temporary in nature, that do not create or implement significant judicial policy, or that are not currently in the Rules. Some of the permanent units, such as the State Board of Law Examiners, the Attorney Grievance Commission, the Judicial Ethics Committee, and the Commission on Judicial Disabilities, are inextricably connected with the Rules dealing with the activity that they administer or supervise, and the Committee proposes to include their structure and duties as part of the Rules governing the activity.

Chapter 700 is reserved for three other miscellaneous Judicial units -- the Rules Committee (Rule 16-701), the Conference of Circuit Judges (Rule 16-702), and the Maryland Professionalism Center (Rule 16-703).

### **Chapter 800: Miscellaneous Court Administration Matters**

Rule 16-802, derived in part from current Rule 16-801 and Internal Operating Rules of the Court of Appeals<sup>2</sup>, describes in greater detail the actual rule-making process, in both the Rules Committee and the Court of Appeals. Because, under Article IV, §18 of the Maryland Constitution, Rules adopted by the Court have the force of law, the Committee believes that it is important for the public to be better apprised of how those Rules are developed and approved.

Rule 16-803 codifies the duty of the courts to prepare, monitor, and test continuity of operations plans in the event of a public emergency or a catastrophic health emergency and to assure that the judges and other necessary personnel are familiar with the plans. Those plans currently are drafted by the Office of Emergency Preparedness and Court Security, which is a unit in the AOC.

Rule 16-804 deals with continuances and postponements by reason of conflicting case assignments or legislative privilege. It is derived in part from Rules 2-508 and 3-508 but mostly from an Administrative Order. The legislative privilege is well known, but the rules governing conflicting assignments, which can affect all members of the Bar and the courts, are buried in the Administrative Order. The Rules Committee believes that those rules, which initially were developed collaboratively with the U.S. District Court for the District of Maryland, should be codified in the Maryland Rules because they affect trial and motions calendars

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<sup>2</sup>The Internal Operating Rules of the Court of Appeals are located in an Appendix to the Maryland Rules.

throughout the State and the obligation of attorneys when accepting new cases. Conforming amendments are proposed to Rules 2-508 and 3-508.

Finally, Rule 16-805 carries forward current Rule 16-817 (Appointment of Bail Bond Commissioner - Licensing and Regulation of Bail Bondsmen) verbatim.

### **Chapter 900: Access to Court Records**

Chapter 900 consists of the relocation to that Chapter of the access to court record Rules now in Title 16, Chapter 1000. Most of the changes are stylistic. In Rule 16-901, continuity of operations plans are added to the definition of "administrative record," and, in Rule 16-904, those plans are shielded from public inspection. Rule 16-902 (d)(6) adds a new provision to deal with an issue recently addressed by the General Assembly arising under the Public Information Act in connection with disputes over fees charged for locating and copying requested records. The statute creates a Public Information Act Compliance Board and authorizes the Board, among other things, to decide disputes over fees. See Code, General Provisions Article, Title 4, Subtitle 1A. Rule 16-902 (d)(6) authorizes the administrative judges to resolve those disputes with respect to records in their courts.

The access Rules contained in Chapter 900 were adopted in 2004. In light of changes occurring since then -- the development of the various forms of social media, the increasing sophistication of cell phones and other electronic devices, the ongoing conversion of paper records into electronic ones, and the onslaught of hacking, electronic prying, identity theft, and other cyber security issues -- those Rules need to be examined again to determine whether any changes should be made. The Rules Committee has committed to undertake such a study, with the assistance of appropriate consultants.

Respectfully submitted,

Alan M. Wilner  
Chair

AMW:cdc  
cc: Bessie M. Decker, Clerk

**MARYLAND RULES OF PROCEDURE**

**TITLE 16 - COURT ADMINISTRATION**

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TITLE 16 - COURT ADMINISTRATION  
CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE

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MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 100 - ADMINISTRATIVE STRUCTURE

Rule 16-101. GENERAL ADMINISTRATIVE STRUCTURE

The administrative structure of the Maryland Judiciary consists of the following:

(a) The Chief Judge of the Court of Appeals, exercising the administrative powers conferred and duties imposed upon the Chief Judge by the Maryland Constitution, the Maryland Code, and the Maryland Rules;

(b) The Chief Judge of the Court of Special Appeals, exercising the administrative powers conferred and duties imposed upon the Chief Judge by the Maryland Code and the Maryland Rules;

(c) Circuit and County Administrative Judges of the circuit courts, exercising the administrative powers conferred and duties imposed upon them by the Maryland Code and the Maryland Rules;

(d) The Chief Judge and Administrative Judges of the District Court, exercising the administrative powers conferred and duties imposed upon them by the Maryland Constitution, the Maryland Code, and the Maryland Rules;

(e) The Maryland Judicial Council, exercising the administrative powers conferred and duties imposed upon them by the Maryland Rules and Administrative Orders of the Chief Judge of the Court of Appeals;

(f) The Administrative Office of the Courts and the State Court

Administrator, exercising the administrative powers imposed and duties conferred upon them by the Maryland Code, the Maryland Rules, and Administrative Orders and directives of the Chief Judge of the Court of Appeals;

(g) The clerks of the Court of Appeals, the Court of Special Appeals, the circuit courts, and the District Court, exercising the administrative powers conferred and duties imposed upon them by the Maryland Constitution, the Maryland Code, and the Maryland Rules;

(h) The court administrators of the circuit courts, exercising the administrative powers conferred and duties imposed upon them by the county or circuit administrative judges; and

(i) The Registers of Wills and, except in Harford and Montgomery Counties, the chief judges of the Orphans' Courts exercising the administrative powers conferred and duties imposed upon them by the Maryland Constitution, the Maryland Code, and the Maryland Rules.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 100 - ADMINISTRATIVE STRUCTURE

Rule 16-102. CHIEF JUDGE OF THE COURT OF APPEALS

(a) Generally

The Chief Judge of the Court of Appeals is the administrative head of the Maryland judicial system and has overall responsibility for the administration of the courts of this State. In the execution of that responsibility, the Chief Judge:

(1) may exercise the authority granted by the Maryland Constitution, the Rules in this Chapter, or by other law;

(2) shall appoint a State Court Administrator to serve at the pleasure of the Chief Judge;

(3) may delegate administrative duties to other persons within the judicial system, including retired judges recalled pursuant to Code, Courts Article, §1-302; and

(4) may assign judges pursuant to Rule 16-108 (b).

(b) Pretrial Proceeding in Certain Criminal Cases

The Chief Judge of the Court of Appeals, by Administrative Order, may require in any county a pretrial proceeding in the District Court for an offense within the jurisdiction of the District Court punishable by imprisonment for a period in excess of 90 days.

Source: This Rule is derived from former Rule 16-101 a (2016).

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 100 - ADMINISTRATIVE STRUCTURE

Rule 16-103. CHIEF JUDGE OF THE COURT OF SPECIAL APPEALS

Subject to the provisions of this Chapter, other applicable law, and to the direction of the Chief Judge of the Court of Appeals, the Chief Judge of the Court of Special Appeals is responsible for the administration of the Court of Special Appeals and, with respect to that court and to the extent applicable, has the authority of a County Administrative Judge. In the absence of the Chief Judge of the Court of Special Appeals, the provisions of this Rule shall be applicable to the senior judge present in the Court of Special Appeals.

Source: This Rule is derived from former Rule 16-101 b (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 100 - ADMINISTRATIVE STRUCTURE

Rule 16-104. CIRCUIT COURT - CIRCUIT ADMINISTRATIVE JUDGE

(a) Designation

The Chief Judge of the Court of Appeals shall designate, from among the incumbent judges in each judicial circuit, a Circuit Administrative Judge for each judicial circuit, to serve in that capacity at the pleasure of the Chief Judge. The Circuit Administrative Judge shall serve also as the County Administrative Judge of the circuit court for the county within which the judge resides.

(b) Duties

Subject to the provisions of this Chapter and to the direction of the Chief Judge of the Court of Appeals, the Circuit Administrative Judge is generally responsible for the overall administration of the circuit courts within the judicial circuit, and for matters that may affect more than one of those courts. In carrying out those responsibilities, the Circuit Administrative Judge:

(1) shall supervise the other County Administrative Judges within the judicial circuit;

(2) may perform, on a temporary basis, any of the duties of a County Administrative Judge for a circuit court within the judicial circuit in the absence of the County Administrative

## Rule 16-104

Judge or acting County Administrative Judge for that court;

(3) after consulting with the County Administrative Judges in the circuit, may direct the assignment of magistrates appointed on a circuit-wide basis among the courts within the circuit as judicial business requires; and

(4) shall convene a meeting of all of the circuit court judges within the judicial circuit at least once every six months. The meeting may be conducted in person or by video, telephonic, or other electronic means.

Source: This Rule is derived from former Rule 16-101 c (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 100 - ADMINISTRATIVE STRUCTURE

Rule 16-105. CIRCUIT COURT - COUNTY ADMINISTRATIVE JUDGE

(a) Designation

After considering the recommendation of the Circuit Administrative Judge, the Chief Judge of the Court of Appeals shall designate a County Administrative Judge for each circuit court, to serve in that capacity at the pleasure of the Chief Judge. Except as permitted by Rule 16-104 (b) (2), the County Administrative Judge shall be a judge of that circuit court.

(b) Duties

Subject to the provisions of this Chapter, other applicable law, the general supervision of the Chief Judge of the Court of Appeals, and the general supervision of the Circuit Administrative Judge, the County Administrative Judge is responsible for the administration of the circuit court, including:

(1) supervision of the judges, officials, and employees of the court;

(2) assignment of judges within the court pursuant to Rule 16-302 (Assignment of Actions for Trial; Case Management Plan);

(3) supervision and expeditious disposition of cases filed in the court, control over the trial and other calendars of the court, assignment of cases for trial and hearing pursuant to Rule

16-302 (Assignment of Actions for Trial; Case Management Plan) and Rule 16-304 (Chambers Judge), and scheduling of court sessions;

(4) preparation of the court's budget;

(5) preparation of a case management plan for the court pursuant to Rule 16-302;

(6) preparation of a continuity of operations plan for the court pursuant to Rule 16-803;

(7) preparation of a jury plan for the court pursuant to Code, Courts Article, Title 8, Subtitle 2;

(8) preparation of any plan to create a problem-solving court program for the court pursuant to Rule 16-207;

(9) ordering the purchase of all equipment and supplies for (A) the court, and (B) the ancillary services and officials of the court, including magistrates, auditors, examiners, court administrators, court reporters, jury commissioner, staff of the medical offices, and all other court personnel except personnel comprising the Clerk of Court's office;

(10) supervision of and responsibility for the employment, discharge, and classification of court personnel and personnel of its ancillary services and the maintenance of personnel files, unless a majority of the judges of the court disapproves of a specific action. Each judge, however, has the exclusive right, subject to budget limitations, any applicable administrative order pertaining to the judiciary's anti-nepotism policy, and any applicable personnel plan, to employ and discharge the judge's

personal secretary and law clerk;

Committee note: Article IV, §9, of the Constitution gives the judges of any court the power to appoint officers and, thus, requires joint exercise of the personnel power.

(11) implementation and enforcement of all administrative policies, rules, orders, and directives of the Court of Appeals, the Chief Judge of the Court of Appeals, the State Court Administrator, and the Circuit Administrative Judge of the judicial circuit; and

(12) performance of any other administrative duties necessary to the effective administration of the internal management of the court and the prompt disposition of litigation in it.

Cross reference: See *St. Joseph Medical Center v. Turnbull*, 432 Md. 259 (2013) for authority of the county administrative judge to assign and reassign cases but not to countermand judicial decisions made by a judge to whom a case has been assigned.

(c) Delegation of Authority

(1) A County Administrative Judge may delegate one or more of the administrative duties and functions imposed by this Rule to (A) another judge or a committee of judges of the court, including by designation of another judge of the court to serve as acting County Administrative Judge during a temporary absence of the County Administrative Judge, or (B) one or more other officials or employees of the court.

(2) Except as provided in subsection (c)(3) of this Rule, in the implementation of Code, Criminal Procedure Article, §6-103 and Rule 4-271 (a), a County Administrative Judge may (A) with the approval of the Chief Judge of the Court of Appeals,

## Rule 16-105

authorize one or more judges to postpone criminal cases on appeal from the District Court or transferred from the District Court because of a demand for jury trial, and (B) authorize not more than one judge at a time to postpone all other criminal cases.

(3) The administrative judge of the Circuit Court for Baltimore City may authorize one judge sitting in the Clarence M. Mitchell courthouse to postpone criminal cases set for trial in that courthouse and one judge sitting in Courthouse East to postpone criminal cases set for trial in that courthouse.

Source: This Rule is derived from former Rule 16-101 d (2016).

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 100 - ADMINISTRATIVE STRUCTURE

Rule 16-106. CHIEF JUDGE OF THE DISTRICT COURT

(a) Generally

Subject to the provisions of this Chapter and to the direction of the Chief Judge of the Court of Appeals, the Chief Judge of the District Court is the chief administrative officer of that court and is responsible for the maintenance, administration, and operation of the court in all its locations throughout the State.

(b) Administrative Regulations

The Chief Judge of the District Court may adopt administrative regulations for the governance of the District Court, subject to and not inconsistent with the Maryland Rules, other applicable law, or with administrative orders issued by the Chief Judge of the Court of Appeals.

(c) Assignment of Judges

The Chief Judge of the District Court may assign a judge of the District Court to sit temporarily in a county other than the judge's county of residence.

(d) Other Powers and Duties

In addition to the powers conferred and duties imposed by sections (a), (b), and (c) of this Rule, or elsewhere by law or rule, the Chief Judge of the District Court shall exercise the

**Rule 16-106**

powers and duties of that office as set out in Code, Courts  
Article, §1-605.

Source: This Rule new and is derived from Code, Courts Article,  
§1-605.

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 100 - ADMINISTRATIVE STRUCTURE

Rule 16-107. ADMINISTRATIVE JUDGES OF THE DISTRICT COURT

(a) Designation

Subject to the approval of the Chief Judge of the Court of Appeals, the Chief Judge of the District Court shall designate a District Court judge in each district as the administrative judge for that district.

(b) Duties

Subject to the direction of the Chief Judge of the District Court, the administrative judges, in their respective districts, are responsible for (1) the administration, operation, and maintenance of the court; (2) the conduct and scheduling of the court's business; and (3) subject to the approval of the Chief Judge of the District Court, the appointment and discharge of commissioners of the District Court within their respective administrative districts pursuant to Article IV, §41G of the Constitution.

(c) Functional Division of District

If the work of the District Court requires and subject to the approval of the Chief Judge of the District Court, the District Administrative Judge of any district may divide the District Court within that district into civil, criminal, traffic, or other functional divisions.

**Rule 16-107**

Source: This Rule is derived from Code, Courts Article, §1-607 and Article IV, §41G of the Constitution of Maryland.

MARYLAND RULES OF PROCEDURE  
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CHAPTER 100 - ADMINISTRATIVE STRUCTURE

Rule 16-108. ASSIGNMENT OF JUDGES

(a) Generally

The authority provided in this Rule shall be exercised to ensure the full and efficient use of judges throughout the judicial system, to help equalize judicial workloads, and to expedite the disposition of pending cases.

(b) Chief Judge of the Court of Appeals

(1) This section does not apply to an Orphans' Court or a judge elected or appointed to an Orphans' Court.

(2) The Chief Judge of the Court of Appeals, by order, may assign a judge of any court to sit temporarily in another court. The order shall specify the court in which the judge is to sit and the duration of the assignment. While so assigned, the judge shall possess all the power and authority of a judge of the court to which that judge is assigned.

(c) Circuit Administrative Judge

Subject to section (b) of this Rule, a Circuit Administrative Judge may assign a judge of a circuit court within the judicial circuit to sit as a judge of another Circuit Court within the judicial circuit. The assignment may be for a specific case or cases or for a specified time and shall be in writing.

(d) County Administrative Judge

Subject to sections (b) and (c) of this Rule, the assignment of judges within the Circuit Court for a county having more than one resident judge shall be made by the County Administrative Judge. Those assignments may be made orally or in writing.

(e) District Administrative Judge

Subject to section (b) of this Rule, a District Administrative Judge may assign a judge of the District Court within the Administrative Judge's district to sit as a District Court judge in any county within the judicial district. The assignment shall be in writing.

Cross reference: For the power of the Chief Judge of the District Court to assign judges, see Rule 16-106 (c).

Source: Sections (a) through (d) of this Rule are derived from former Rule 16-103 (2016). Section (e) is new.

MARYLAND RULES OF PROCEDURE  
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CHAPTER 100 - ADMINISTRATIVE STRUCTURE

Rule 16-109. MARYLAND JUDICIAL CONFERENCE

(a) Existence; Membership; Chair; Secretariat

There is a Maryland Judicial Conference which consists of the judges of the Court of Appeals, the Court of Special Appeals, the circuit courts, and the District Court. The Chief Judge of the Court of Appeals is the Chair of the Conference. The Administrative Office of the Courts is the secretariat for the Conference.

(b) Duties

The Judicial Conference shall:

(1) monitor the status of judicial business in the Maryland courts,

(2) receive and consider the annual report of the Judicial Council,

(3) consider proposed and enacted legislation, proposed and adopted changes to the Maryland Rules, emerging case law, and trends that may affect the Maryland courts, judges, or the broader legal and judicial community, and

(4) exchange ideas with respect to the improvement of the administration of justice in Maryland.

(c) Sessions

Unless otherwise ordered by the Chief Judge of the Court of

**Rule 16-109**

Appeals, the Conference shall meet in general session at least once a year at the time and place designated by the Chief Judge. Each session of the Conference shall be for the number of days determined by the Chief Judge.

Source: This Rule is derived in part from former Rule 16-802 (2016) and is in part new.

MARYLAND RULES OF PROCEDURE  
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CHAPTER 100 - ADMINISTRATIVE STRUCTURE

Rule 16-110. JUDICIAL COUNCIL

(a) Existence

There is a Judicial Council.

(b) Membership; Chair

The Judicial Council consists of:

- (1) the Chief Judge of the Court of Appeals, who is the Chair of the Judicial Council;
- (2) the Chief Judge of the Court of Special Appeals;
- (3) the Chair and Vice Chair of the Conference of Circuit Judges;
- (4) the Chief Judge of the District Court;
- (5) the State Court Administrator;
- (6) the Chair and Vice Chair of the Conference of Circuit Court Clerks;
- (7) the Chair and Vice Chair of the Conference of Circuit Court Administrators;
- (8) the Chair of the Court of Appeals Standing Committee on Rules of Practice and Procedure;
- (9) the Chief Clerk of the District Court; and
- (10) the Chair of the Retired and Recalled Judges Committee; and
- (11) three Circuit Court judges, three District Court

judges, and two District Administrative Clerks appointed by the Chief Judge of the Court of Appeals.

Committee note: The Conference of Circuit Court Clerks, the Conference of Circuit Court Administrators, and the Conference of Retired and Recalled Judges Committee are created and exist only by Administrative Order of the Chief Judge of the Court of Appeals. The inclusion of their Chairs or Vice Chairs on the Judicial Council is not intended to affect the authority of the Chief Judge to alter or revoke those Administrative Orders.

(c) Terms of Appointed Members; Vacancies

(1) The term of each member appointed by the Chief Judge of the Court of Appeals is two years, subject to reappointment for one additional term of two years.

(2) If a vacancy occurs because an appointed member dies, resigns, or leaves the judicial office or office as an administrative clerk that the member occupied when appointed to the Judicial Council, the Chief Judge shall appoint a successor to serve for the balance of the unexpired term.

(d) Duties; Authority

(1) The Judicial Council serves as the principal advisory body to the Chief Judge of the Court of Appeals with respect to the exercise of the Chief Judge's authority as the administrative head of the State judicial system.

Cross reference: See Md. Constitution, Art. IV, §18.

(2) The Judicial Council may create committees, subcommittees, and work groups:

(A) to consider matters relevant to the functioning and improvement of the Maryland Judiciary and the administration of justice in the State; and

(B) to make appropriate recommendations to the Judicial Council.

(3) The Chair of the Judicial Council shall make an annual report.

(e) Secretary

The Chief Judge of the Court of Appeals shall designate an individual to serve as Secretary to the Judicial Council.

(f) Meetings

(1) The Judicial Council shall meet on the call of the Chief Judge of the Court of Appeals.

(2) Unless impracticable due to exigent circumstances, the Secretary to the Judicial Council shall cause notice of all meetings of the Council to be posted on the Judiciary's website, and, subject to reasonable space limitations, all such meetings shall be open to the public. Minutes shall be kept of all meetings and posted on the Judiciary website.

Source: This Rule is derived from former Rule 16-802 (2016).

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Rule 16-111. ADMINISTRATIVE OFFICE OF THE COURTS; STATE COURT ADMINISTRATOR

(a) Administrative Office of the Courts

The Administrative Office of the Courts shall perform the duties required by the Maryland Code, the Maryland Rules, and administrative orders or directives issued by the Chief Judge of the Court of Appeals.

Cross reference: Code, Courts Article, §13-101; Family Law Article, §4-512.

(b) State Court Administrator

The State Court Administrator:

(1) is the head of the Administrative Office of the Courts;  
and

(2) shall perform the duties required by the Maryland Code, the Maryland Rules, and administrative orders or directives of the Chief Judge of the Court of Appeals.

Cross reference: Code, Courts Article, §§7-102, 7-202, 13-101.

Source: This Rule is new.

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TITLE 16 - COURT ADMINISTRATION

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TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURTS

Rule 16-201. COURT SESSIONS

(a) In General

The courts of this State shall be open each day throughout the year from Monday through Friday except:

(1) on days designated pursuant to State law for the observance of legal holidays by State employees; or

(2) when closed because of emergency, inclement weather, or other good cause by order of the Chief Judge of the Court of Appeals or an individual designated by the Chief Judge.

Cross reference: For the definition of "holiday," see Rule 1-202 and Code, State Personnel and Pensions Article, §9-201.

(b) Proceedings When Courts Closed

No trials or other court proceedings shall be conducted when the court is closed pursuant to section (a) of this Rule except when ordered by (1) the Chief Judge of the Court of Appeals or (2) a judge of the particular court in an emergency or as the public welfare may require.

(c) Public or Catastrophic Health Emergency

When required to deal with the effects of a public emergency or a catastrophic health emergency declared by the Governor, the Chief Judge of the Court of Appeals may order that one or more courts remain open on a holiday or weekend.

Cross reference: Code, Public Safety Article, §§14-107, 14-303, 14-3A-02.

(d) Commencement of Sessions

Unless otherwise ordered for good cause by the County Administrative Judge, by the presiding judge, or by regulation of the Chief Judge of the District Court, daily court proceedings ordinarily will commence no later than 10:00 a.m. Except for unexpected or necessary delays or other good cause, particular proceedings shall ordinarily commence at the time scheduled by the County Administrative Judge, the presiding judge, the Chief Judge of the District Court, or by an official or unit of the court authorized to supervise the assignment of cases for trial or hearing.

Source: This Rule is derived from former Rule 16-106 (2016) with style changes.

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TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURTS

Rule 16-202. PAYMENT OF MONEY INTO COURT

All money paid into the District Court or a circuit court under a court order or on account of a pending action shall be deposited by the clerk in a financial institution approved by the State Treasurer for the deposit of State funds. The deposit shall be noted in an appropriate record. The clerk shall disburse the money only upon order of the court.

Source: This Rule is derived from former Rules 16-303 and 16-502 (2016).

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TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURTS

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

(a) Applicability; Conflicts with Other Rules

(1) General Applicability; MDEC

Except for electronic filings subject to the Rules in Title 20, this Rule applies to the electronic filing of pleadings and papers in a circuit court or in the District Court and to the electronic filing of instruments authorized or required by law to be recorded and indexed in the land records.

(2) Conflicts with Other Rules

A pleading, paper, or instrument may not be filed by direct electronic transmission to a court except in accordance with this Rule or the Rules in Title 20. To the extent of any inconsistency with any other Rule, other than the Rules in Title 20, this Rule and any administrative order entered pursuant to it shall prevail.

Cross reference: Code, Real Property Article, §3-502.

(b) Submission of Plan

(1) Circuit Court

A County Administrative Judge may submit to the State Court Administrator a detailed plan for a pilot project for the electronic filing of pleadings and papers or of real property

instruments. In developing the plan, the County Administrative Judge shall consult with the Clerk of the Circuit Court, appropriate vendors, the State Court Administrator, and any other judges, court clerks, members of the bar, vendors of electronic filing systems, and interested persons that the County Administrative Judge chooses, to ensure that the criteria set forth in section (c) of this Rule are met.

(2) District Court

The Chief Judge of the District Court may submit to the Court of Appeals for approval a detailed plan for a pilot project for the electronic filing of pleadings and papers. In developing the plan, the Chief Judge shall consult with the District Administrative Judge and the District Administrative Clerk of each district included in the plan, the District Court Chief Clerk, appropriate vendors, the State Court Administrator, and any other judges, court clerks, members of the bar, vendors of electronic filing systems, and interested persons that the Chief Judge chooses, to ensure that the criteria set forth in section (c) of this Rule are met.

(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:

(1) the proposed electronic filing system is compatible with the data processing systems, operational systems, and electronic

filing systems used or expected to be used by the judiciary;

(2) the installation and use of the proposed system does not create an undue financial or operational burden on the court;

(3) the proposed system is reasonably available for use at a reasonable cost, or an efficient and compatible system of manual filing will be maintained;

(4) the proposed system is effective, secure, and not likely to break down;

(5) the proposed system makes appropriate provision for the protection of privacy and for public access to public records in accordance with the Rules in Chapter 900 of this Title; and

(6) the court can discard or replace the system during or at the conclusion of a trial period without undue financial or operational burden.

The State Court Administrator shall review the plan and make a recommendation to the Court of Appeals with respect to it.

Cross reference: For the definition of "public record," see Code, General Provisions Article, §4-101 (h). See also Rules 16-901 - 16-912 (Access to Court Records).

(d) Approval and Duration of Plan

A plan may not be implemented unless approved by administrative order of the Court of Appeals. The plan shall terminate two years after the date of the administrative order unless the Court terminates it earlier or modifies or extends it by a subsequent administrative order.

(e) Evaluation

The Chief Judge of the Court of Appeals may appoint a

committee consisting of one or more judges, court clerks, attorneys, legal educators, bar association representatives, and other interested and knowledgeable individuals to monitor and evaluate the plan. Before the expiration of the two-year period set forth in section (d) of this Rule, the Court of Appeals, after considering the recommendations of the committee, shall evaluate the operation of the plan.

(f) Public Availability of Plan

The State Court Administrator and the Clerk of the Circuit Court or the Chief Clerk of the District Court, as applicable, shall make available for public inspection a copy of any current plan.

Source: This Rule is derived from former Rules 16-307 and 16-506 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURTS

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

(a) Reporting Requirements

A clerk or the Judicial Information Systems unit of the Administrative Office of the Courts, from data retrieved from the trial courts case management systems, shall:

(1) report to the Central Repository of Criminal History Record Information of the Department of Public Safety and Correctional Services reportable events, as defined in Code, Criminal Procedure Article, §10-215, with respect to the list of offenses agreed to by the Secretary of the Department of Public Safety and Correctional Services and the Chief Judge of the Court of Appeals; and

Cross reference: See Code, Criminal Procedure Article, §10-217 regarding agreement between the Secretary and the Chief Judge.

(2) report to the State Motor Vehicle Administration (A) each conviction, acquittal in a circuit court in an appeal of a conviction in the District Court, forfeiture of bail, or dismissal of an appeal in a case involving a violation of the Maryland Vehicle Law or other traffic law or ordinance that is required by law to be reported; (B) each conviction of manslaughter or assault committed by means of a motor vehicle; (C) each conviction of a felony involving the use of a motor

vehicle; and (D) any conviction or finding by a court that is required by law to be reported.

(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 16-912.

Cross reference: See Code, Courts Article, §§2-203 and 13-101 (d) and (f), Criminal Procedure Article, §§10-201, 10-214, 10-217, and General Provisions Article, Title 4. For the definition of "court records" for expungement purposes, see Rule 4-502 (d). For provisions governing access to court records generally, see Title 16, Chapter 900.

Source: This Rule is derived from former Rules 16-308 and 16-503 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURTS

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 Judge of the Court of Appeals, 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 Judge of the Court of Appeals.

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

(b) Definitions

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 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 Judge of the Court of Appeals.

(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

**Rule 16-205**

District Court and approved by the Chief Judge of the Court of Appeals.

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.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURTS

Rule 16-206. PROHIBITION AGAINST ACCEPTING GRATUITIES

(a) Definition

In this Rule, "officer or employee of a court" includes the sheriff, deputy sheriffs, constables, officials and employees of a clerk's office, and other employees of an office serving a court.

(b) Prohibition

Except as expressly authorized by rule or law, an officer or employee of a court may not accept a gratuity, gift, or any compensation related to the officer's or employee's official duties, either directly or indirectly, from a litigant, an attorney, or any person regularly doing business with the court.

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

Committee note: This Rule is not intended to preclude contributions to or for elected public officials as authorized by and in conformance with the provisions of Code, Election Law Article, Title 13 or to the payment of fees provided for by law.

Source: This Rule is derived from former Rule 16-401 b (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURTS

Rule 16-207. PROBLEM-SOLVING COURT PROGRAMS

(a) Definition

(1) Generally

Except as provided in subsection (a)(2) of this Rule, "problem-solving court program" means a specialized court docket or program that addresses matters under a court's jurisdiction through a multi-disciplinary and integrated approach incorporating collaboration by the court with other governmental entities, community organizations, and parties.

(2) Exceptions

(A) The mere fact that a court may receive evidence or reports from an educational, health, rehabilitation, or social service agency or may refer a person before the court to such an agency as a condition of probation or other dispositional option does not make the proceeding a problem-solving court program.

(B) Juvenile court truancy programs specifically authorized by statute do not constitute problem-solving court programs within the meaning of this Rule.

Committee note: Problem-solving court programs include adult and juvenile drug courts, and DUI, mental health, truancy, and family recovery programs under which the judge acts as part of a therapeutic team that collectively monitors the progress of a person enrolled in the program.

(b) Applicability

This Rule applies in its entirety to problem-solving court programs submitted for approval on or after [effective date of Rule 16-207]. Sections (a), (e), (f), and (g) of this Rule apply also to problem-solving court programs in existence on [effective date of Rule 16-207].

(c) Submission of Plan

After consultation with the Office of Problem-Solving Courts and any officials whose participation in the programs will be required, the County Administrative Judge of a circuit court or a District Administrative Judge of the District Court may prepare and submit to the State Court Administrator a detailed plan for a problem-solving court program consistent with the protocols and requirements in an Administrative Order of the Chief Judge of the Court of Appeals.

Committee note: Examples of officials to be consulted, depending on the nature of the proposed program, include individuals in the Office of the State's Attorney, Office of the Public Defender; Department of Juvenile Services; health, addiction, and education agencies; the Division of Parole and Probation; and the Department of Human Resources.

(d) Approval of Plan

After review of the plan, the State Court Administrator shall submit the plan, together with any comments and a recommendation, to the Judicial Council for review by the Council and a recommendation to the Chief Judge of the Court of Appeals. The program shall not be implemented until it is approved by order of Chief Judge of the Court of Appeals.

(e) Acceptance of Participant into Program

(1) Written Agreement Required

As a condition of acceptance into a program and after the advice of an attorney, if any, a prospective participant shall execute a written agreement that sets forth:

(A) the requirements of the program;

(B) the protocols of the program, including protocols concerning the authority of the judge to initiate, permit, and consider ex parte communications pursuant to Rule 18-202.9 of the Maryland Code of Judicial Conduct;

(C) the range of sanctions that may be imposed while the participant is in the program, if any; and

(D) any rights waived by the participant, including rights under Rule 4-215 or Code, Courts Article, §3-8A-20.

Committee note: The written agreement shall be in addition to any advisements that are required under Rule 4-215 or Code, Courts Article, §3-8A-20, if applicable.

(2) Examination on the Record

The court may not accept the prospective participant into the program until, after examining the prospective participant on the record, the court determines and announces on the record that the prospective participant understands the agreement and knowingly and voluntarily enters into the agreement.

(3) Agreement to be Made Part of the Record

A copy of the agreement shall be made part of the record.

(f) Immediate Sanctions; Loss of Liberty or Termination from Program

If permitted by the program and in accordance with the

protocols of the program, the court, for good cause, may impose an immediate sanction on a participant, except that if the participant is considered for the imposition of a sanction involving the loss of liberty or termination from the program, the participant shall be afforded notice, an opportunity to be heard, and the right to be represented by an attorney before the court makes its decision. If a hearing is required by section (f) of this Rule and the participant is not represented by an attorney, the court shall comply with Rule 4-215 in a criminal action or Code, Courts Article, §3-8A-20 in a delinquency action before holding the hearing.

Committee note: In considering whether a judge should be disqualified pursuant to Rule 18-102.11 of the Maryland Code of Judicial Conduct from post-termination proceedings involving a participant who has been terminated from a problem-solving court program, the judge should be sensitive to any exposure to ex parte communications or inadmissible information that the judge may have received while the participant was in the program.

(g) Credit for Incarceration Time Served

If a participant is terminated from a program, any period of time during which the participant was incarcerated as a sanction during participation in the program shall be credited against any sentence imposed or directed to be executed in the action.

Source: This Rule is derived from former Rule 16-206 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURTS

Rule 16-208. CELL PHONES; OTHER ELECTRONIC DEVICES; CAMERAS

(a) Definitions

In this Rule the following definitions apply:

(1) Court Facility

"Court facility" means the building in which a circuit court or the District Court is located. If the court is in a building that also is occupied by county or State executive agencies having no substantial connection with the court, "court facility" means only that part of the building occupied by the court.

(2) Electronic Device

"Electronic device" means (A) a cell phone, a computer, and any other device that is capable of transmitting, receiving, or recording messages, images, sounds, data, or other information by electronic means or that, in appearance, purports to be a cell phone, computer, or such other device; and (B) a camera, regardless of whether it operates electronically, mechanically, or otherwise and regardless of whether images are recorded by using digital technology, film, light-sensitive plates, or other means. "Electronic device" does not include court equipment used by judicial officials or personnel.

(3) Local Administrative Judge

"Local Administrative Judge" means the County Administrative Judge in a circuit court and the District Administrative Judge in the District Court.

(b) Possession and Use of Electronic Devices

(1) Generally

Subject to inspection by court security personnel and the restrictions and prohibitions set forth in section (b) of this Rule, a person may (A) bring an electronic device into a court facility and (B) use the electronic device for the purpose of sending and receiving phone calls and electronic messages and for any other lawful purpose not otherwise prohibited.

(2) Restrictions and Prohibitions

(A) Rule 5-615 Order

An electronic device may not be used to facilitate or achieve a violation of an order entered pursuant to Rule 5-615 (d).

(B) Photographs and Video

Except as permitted in accordance with this Rule, Rules 16-502, 16-503, 16-504, or 16-603, or as expressly permitted by the Local Administrative Judge, a person may not (i) take or record a photograph, video, or other visual image in a court facility, or (ii) transmit a photograph, video, or other visual image from or within a court facility.

Committee note: The prohibition set forth in subsection (b) (2) (B) of this Rule includes still photography and moving visual images. It is anticipated that permission will be granted for the taking of photographs at ceremonial functions.

(C) Interference with Court Proceedings or Work

An electronic device shall not be used in a manner that interferes with court proceedings or the work of court personnel.

Committee note: An example of a use prohibited by subsection (b) (2) (C) of this Rule is a loud conversation on a cell phone near a court employee's work station or in a hallway near the door to a courtroom.

(D) Jury Deliberation Room

An electronic device may not be brought into a jury deliberation room.

(E) Courtroom

(i) Except with the express permission of the presiding judge or as otherwise permitted by this Rule, Rules 16-502, 16-503, 16-504, or 16-603, all electronic devices inside a courtroom shall remain off and no electronic device may be used to receive, transmit, or record sound, visual images, data, or other information.

(ii) Subject to subsection (b) (2) (F) of this Rule, the court shall liberally allow the attorneys in a proceeding currently being heard, their employees, and agents to make reasonable and lawful use of an electronic device in connection with the proceeding.

(F) Security or Privacy Issues in a Particular Case

Upon a finding that the circumstances of a particular case raise special security or privacy issues that justify a restriction on the possession of electronic devices, the Local Administrative Judge or the presiding judge may enter an order

limiting or prohibiting the possession of electronic devices in a courtroom or other designated areas of the court facility. The order shall provide for notice of the designated areas and for the collection of the devices and their return when the individual who possessed the device leaves the courtroom or other area. No liability shall accrue to the security personnel or any other court official or employee for any loss or misplacement of or damage to the device.

(c) Violation of Rule

(1) Security personnel or other court personnel may confiscate and retain an electronic device that is used in violation of this Rule, subject to further order of the court or until the owner leaves the building. No liability shall accrue to the security personnel or any other court official or employee for any loss or misplacement of or damage to the device.

(2) An individual who willfully violates this Rule or any reasonable limitation imposed by the local administrative judge or the presiding judge may be found in contempt of court and sanctioned in accordance with the Rules in Title 15, Chapter 200.

(d) Notice

Notice of the provisions of sections (b) and (c) of this Rule shall be:

- (1) posted prominently at the court facility;
- (2) included on the main judiciary website and the website of each court; and
- (3) disseminated to the public by any other means approved in

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an administrative order of the Chief Judge of the Court of Appeals.

Source: This Rule is derived from former Rule 16-110 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION AND CASE MANAGEMENT

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MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION AND CASE MANAGEMENT

Rule 16-301. TERM OF COURT AND GRAND JURY

(a) Term of Court

For accounting and statistical reporting purposes, each circuit court shall hold a single term each year beginning on July 1 and ending the following June 30.

(b) Term of Grand Jury; Extension to Complete Investigation

(1) Definition

In section (b) of this Rule, "State's Attorney" includes the Attorney General when using a grand jury pursuant to Article V, §3 of the Maryland Constitution or other law and the State Prosecutor when using a grand jury pursuant to Code, Criminal Procedure Article, §14-110.

(2) Term of Grand Jury and Additional Grand Jury

The term of a grand jury for a county shall be as determined in the jury plan for that county. The term of any additional grand jury for a county appointed pursuant to Code, Courts Article, §8-413 shall be determined by the County Administrative Judge.

(3) Extension of Term

On motion of the State's Attorney, the County Administrative Judge or the jury judge may enter an order extending the term of a grand jury or additional grand jury so

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that it may complete an investigation specified by the judge in the order. During an extension, the grand jury shall continue until it concludes its investigation or is sooner discharged by the judge but is limited to the investigation specified in the order.

Cross reference: For the definition of "jury plan," see Code, Courts Article, §8-101 (c).

Source: This Rule is derived from former Rule 16-107 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION AND CASE MANAGEMENT

Rule 16-302. ASSIGNMENT OF ACTIONS FOR TRIAL; CASE MANAGEMENT  
PLAN

(a) Generally

The County Administrative Judge in each county shall supervise the assignment of actions for trial in a manner that maximizes the efficient use of available judicial personnel, brings pending actions to trial, and disposes of them as expeditiously as feasible.

(b) Case Management Plan; Information Report

(1) Development and Implementation

(A) The County Administrative Judge shall develop and, upon approval by the Chief Judge of the Court of Appeals, implement a case management plan for the prompt and efficient scheduling and disposition of actions in the circuit court. The plan shall include a system of differentiated case management in which actions are classified according to complexity and priority and are assigned to a scheduling category based on that classification.

(B) The County Administrative Judge shall monitor the operation of the plan, develop any necessary amendments to it, and, upon approval by the Chief Judge of the Court of Appeals, implement the amended plan.

(C) The County Administrative Judge shall send a copy of the plan and all amendments to it to the State Court Administrator.

(2) Family Law Actions

(A) The plan shall include appropriate procedures for the granting of emergency relief and expedited case processing in family law actions when there is a credible prospect of imminent physical or emotional harm to a child or vulnerable adult.

Committee note: The intent of this subsection is that the case management plan contain procedures for assuring that the court can and will deal immediately with a credible prospect of imminent and substantial physical or emotional harm to a child or vulnerable adult, at least to stabilize the situation pending further expedited proceedings. Circumstances requiring expedited processing include threats to imminently terminate services necessary to the physical or mental health or sustenance of the child or vulnerable adult or the imminent removal of the child or vulnerable adult from the jurisdiction of the court.

(B) In courts that have a family division, the plan shall provide for the implementation of Rule 16-307.

Cross reference: See Rule 9-204 for provisions that may be included in the case management plan concerning an educational seminar for parties in actions in which child support, custody, or visitation are involved.

(3) Consultation

In developing, monitoring, and implementing the case management plan, the County Administrative Judge shall (A) consult with the Administrative Office of the Courts and with other County Administrative Judges who have developed such plans, in an effort to achieve as much consistency and uniformity among the plans as is reasonably practicable, and (B) seek the assistance of the county bar association and such other

interested groups and persons as the judge deems advisable.

(4) Information Report

As part of the plan, the clerk shall make available to the parties, without charge, a form approved by the County Administrative Judge that will provide the information necessary to implement the case management plan. The information contained in the information report shall not be used for any purpose other than case management. The clerk of each circuit court shall make available for public inspection a copy of the current administrative order of the Chief Judge of the Court of Appeals exempting categories of actions from the information report requirement of Rule 2-111 (a).

(c) Additional Features of Case Management Plan

As part of the case management plan, the County Administrative Judge shall adopt procedures consistent with the Maryland Rules designed to:

- (1) eliminate docket calls in open court;
- (2) ensure the prompt disposition of motions and other preliminary matters;
- (3) provide for the use of scheduling and pretrial conferences, and the establishment of a calendar for that purpose, when appropriate;
- (4) provide for the prompt disposition of uncontested and ex parte matters, including referrals to an examiner or magistrate, when appropriate;
- (5) provide for the disposition of actions under Rule 2-507;

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(6) to the extent permitted by law and when feasible and approved by the presiding judge, provide for non-evidentiary hearings to be conducted by telephonic, video, or other electronic means.

(7) establish trial and motion calendars and other appropriate systems under which actions ready for trial will be assigned for trial and tried, after proper notice to parties, without necessity of a request for assignment from any party; and  
Cross reference: See Rule 16-303 (Motion Day).

(8) establish systems of regular reports that will show the status of all pending actions with respect to their readiness for trial, the disposition of actions, and the availability of judges for trial work.

Source: This Rule is derived from former Rule 16-202 (2016).

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TITLE 16 - COURT ADMINISTRATION

CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION AND CASE MANAGEMENT

Rule 16-303. MOTION DAY

(a) Motion Day

The Circuit Administrative Judge may prescribe for any of the circuit courts in the judicial circuit, motion days on which pending motions and other preliminary matters scheduled for hearing shall be heard.

(b) Motions Calendar

The circuit court clerk in each county shall maintain a motions calendar in the form prescribed by the County Administrative Judge. Upon the filing of a response pursuant to Rule 2-311 (b), or upon the date on which the response should have been filed, the clerk shall list the case on the motions calendar.

(c) Assignment When Hearing Required

The County Administrative Judge shall review the motions calendar at appropriate intervals and determine which matters on the calendar require hearings. Hearing dates for those matters shall be assigned, and all parties shall be notified of the dates.

(d) Notice of Lengthy Hearing

If it is anticipated that the hearing on a motion will exceed a total of 30 minutes, the parties shall inform the

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assignment clerk, who may calendar the motion specially.

Source: This Rule is derived from former Rule 16-201 (2016).

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TITLE 16 - COURT ADMINISTRATION

CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION AND CASE MANAGEMENT

Rule 16-304. CHAMBERS JUDGE

(a) Designation

(1) County With More than Four Judges

In a county with more than four resident circuit court judges, the County Administrative Judge shall (A) from time to time designate one or more of the resident judges to sit as chambers judge, and (B) ensure that whenever the courthouse is open, a chambers judge is on duty in the courthouse to handle motions and emergency or other matters.

(2) Other Counties

In any other county, the County Administrative Judge may from time to time designate one or more judges sitting in the court to sit as chambers judge.

(b) Duties

Subject to section (c) of this Rule or unless a different procedure is prescribed by the County Administrative Judge, a chambers judge shall have primary responsibility for:

(1) the prompt disposition of motions and other preliminary matters that may be disposed of without a hearing;

(2) consideration of and, when appropriate, signing show cause orders;

(3) the conduct of pre-trial conferences and control of the

pre-trial calendar, if one has been established; and

(4) consideration of and, when appropriate, signing orders and judgments in uncontested or ex parte cases, and the disposition of motions for continuances or postponements in civil actions.

Cross reference: For postponement of criminal actions, see Rule 16-105 (c).

(c) Exceptions

Section (b) of this Rule does not apply to (1) motions or other matters that are to be resolved by another judge pursuant to a scheduling order or (2) other orders entered in an action or motions made or filed during the course of a trial or on the day an action is scheduled for trial.

Source: This Rule is derived from former Rule 16-102 (2016).

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TITLE 16 - COURT ADMINISTRATION

CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION AND CASE MANAGEMENT

Rule 16-305. TRUST CLERK

The circuit court for each county shall designate a trust clerk and shall determine the trust clerk's compensation.

Cross reference: See Rule 10-706 for duties of the trust clerk.

Source: This Rule is derived from former Rule 16-403 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION AND CASE MANAGEMENT

Rule 16-306. SPECIAL DOCKET FOR ASBESTOS CASES

(a) Definition

In this Rule, "asbestos case" means an action seeking money damages for personal injury or death allegedly caused by exposure to asbestos or products containing asbestos. It does not include an action seeking principally equitable relief or seeking principally damages for injury to property or for removal of asbestos or products containing asbestos from property.

(b) Special Docket

The Administrative Judge of the Circuit Court for Baltimore City may establish and maintain a special inactive docket for asbestos cases filed in or transferred to that court. The order:

(1) shall specify the criteria and procedures for placement of an asbestos case on the inactive docket and for removal of a case from the docket;

(2) may permit an asbestos case meeting the criteria for placement on the inactive docket to be placed on that docket at any time prior to trial; and

(3) with respect to any case placed on the inactive docket, may stay the time for filing responses to the complaint, discovery, and other proceedings until the case is removed from the docket.

(c) Transfer of Cases from Other Counties

(1) The Circuit Administrative Judge for any other judicial circuit, by order, may:

(A) adopt the criteria established in an order entered by the Administrative Judge of the Circuit Court for Baltimore City pursuant to section (b) of this Rule for placement of an asbestos case on the inactive docket for asbestos cases;

(B) provide for the transfer to the Circuit Court for Baltimore City, for placement on the inactive docket, of any asbestos case filed in a circuit court in that other circuit for which venue would lie in Baltimore City; and

(C) establish procedures for the prompt disposition in the circuit court where the action was filed of any dispute as to whether venue would lie in Baltimore City.

(2) If an action is transferred pursuant to this Rule, the clerk of the circuit court where the action was filed shall transmit the record to the clerk of the Circuit Court for Baltimore City, and, except as provided in subsection (c)(3) of this Rule, the action shall thereafter proceed as if initially filed in the Circuit Court for Baltimore City.

(3) Unless the parties agree otherwise, any action transferred pursuant to section (c) of this Rule, upon removal from the inactive docket, shall be re-transferred to the circuit court in which it was originally filed and all further proceedings shall take place in that court.

(d) Exemption from Rule 2-507

Any action placed on an inactive docket pursuant to this Rule shall not be subject to Rule 2-507 until the action is removed from that docket.

(e) Effect on Rule 2-327 (d)

To the extent of any inconsistency with Rule 2-327 (d), this Rule shall prevail.

Committee note: Section (e) of this Rule does not preclude a transfer under Rule 2-327 upon retransfer of an action under subsection (c) (3) of this Rule.

(f) Applicability of Rule

This Rule shall apply only to actions filed on or after December 8, 1992.

Source: This Rule is derived from former Rule 16-203 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION AND CASE MANAGEMENT

Rule 16-307. FAMILY DIVISION AND SUPPORT SERVICES

(a) Family Division

(1) Established

In each county having more than seven resident judges of the circuit court authorized by law, there shall be a family division in the circuit court.

(2) Actions Assigned

In a court that has a family division, the following categories of actions and matters shall be assigned to that division:

(A) dissolution of marriage, including divorce, annulment, and property distribution;

(B) child custody and visitation, including proceedings governed by the Maryland Uniform Child Custody Jurisdiction and Enforcement Act, Code, Family Law Article, Title 9.5, and the Parental Kidnapping Prevention Act, 28 U.S.C. §1738A;

(C) alimony, spousal support, and child support, including proceedings under the Maryland Uniform Interstate Family Support Act, Code, Family Law Article, Title 10, Subtitle 3;

(D) establishment and termination of the parent-child relationship, including paternity, adoption, guardianship that terminates parental rights, and emancipation;

(E) criminal nonsupport and desertion, including proceedings under Code, Family Law Article, Title 10, Subtitle 2 and Code, Family Law Article, Title 13;

(F) name changes;

(G) guardianship of minors and disabled individuals under Code, Estates and Trusts Article, Title 13;

(H) involuntary admission and emergency evaluation under Code, Health General Article, Title 10, Subtitle 6;

(I) family legal-medical issues, including decisions on the withholding or withdrawal of life-sustaining medical procedures;

(J) actions involving domestic violence under Code, Family Law Article, Title 4, Subtitle 5;

(K) juvenile causes under Code, Courts Article, Title 3, Subtitles 8 and 8A;

(L) matters assigned to the family division by the County Administrative Judge that are related to actions in the family division and appropriate for assignment to the family division; and

(M) civil or criminal contempt arising out of any of the categories of actions and matters set forth in subsection

(a) (2) (A) through (a) (2) (L) of this Rule.

Committee note: The jurisdiction of the circuit courts, the District Court, and the orphans' court is not affected by section (a) of this Rule. For example, the District Court has concurrent jurisdiction with the circuit court over proceedings under Code, Family Law Article, Title 4, Subtitle 5, and the orphans' courts and circuit courts have concurrent jurisdiction over guardianships of the person of a minor and over protective proceedings for minors under Code, Estates and Trusts Article, §13-105.

(3) Family Support Services

Subject to the availability of funds, the following family support services shall be available through the family division for use when appropriate in a particular action assigned to the family division:

(A) mediation in custody and visitation matters;

(B) custody investigations;

(C) trained personnel to respond to emergencies;

(D) mental health evaluations and evaluations for alcohol and drug abuse;

(E) information services, including procedural assistance to self-represented litigants;

Committee note: This subsection is not intended to interfere with existing projects that provide assistance to self-represented litigants.

(F) information regarding attorney referral services;

(G) parenting coordination services as permitted by Rule 9-205.2;

(H) parenting seminars; and

(I) any additional family support services for which funding is provided.

Committee note: Examples of additional family support services that may be provided include general mediation programs, case managers, and family follow-up services.

(4) Responsibilities of the County Administrative Judge

The County Administrative Judge of the Circuit Court for each county having a family division shall:

(A) allocate sufficient available judicial resources to the

family division so that actions are heard expeditiously in accordance with applicable law and the case management plan required by Rule 16-302 (b);

Committee note: This Rule neither requires nor prohibits the assignment of one or more judges to hear family division cases on a full-time basis. Rather, it allows each County Administrative Judge the flexibility to determine how that county's judicial assignments are to be made so that actions in the family division are heard expeditiously. Additional matters for county-by-county determination include whether and to what extent magistrates, special magistrates, and examiners are used to assist in the resolution of family division cases. Nothing in this Rule affects the authority of a circuit court judge to act on any matter within the jurisdiction of the circuit court and properly assigned to that judge.

(B) provide in the case management plan required by Rule 16-302 (b) criteria for:

(i) requiring parties in an action assigned to the family division to attend a scheduling conference in accordance with Rule 2-504.1 (a) (1), and

(ii) identifying those actions in the family division that are appropriate for assignment to a specific judge who shall be responsible for the entire action unless the County Administrative Judge subsequently decides to reassign it;

Cross reference: For rules concerning the referral of matters to magistrates as of course, see Rules 2-541 and 9-208.

(C) appoint a family support services coordinator whose responsibilities include:

(i) compiling, maintaining, and providing lists of available public and private family support services,

(ii) coordinating and monitoring referrals in actions assigned to the family division, and

(iii) reporting to the County Administrative Judge concerning the need for additional family support services or the modification of existing services; and

(D) prepare and submit to the Chief Judge of the Court of Appeals, no later than October 15 of each year, a written report that includes a description of family support services provided by the court's family division in the preceding fiscal year.

(b) Circuit Courts Without a Family Division

(1) Applicability

Section (b) of this Rule applies to circuit courts for counties having fewer than eight resident judges of the circuit court authorized by law.

(2) Family Support Services

Subject to availability of funds, the family support services listed in subsection (a)(3) of this Rule shall be available through the court for use when appropriate in cases in the categories listed in subsection (a)(2) of this Rule.

(3) Family Support Services Coordinator

The County Administrative Judge shall appoint a full-time or part-time family support services coordinator whose responsibilities shall be substantially as set forth in subsection (a)(4)(C) of this Rule.

(4) Report to the Chief Judge of the Court of Appeals

The County Administrative Judge shall prepare and submit to the Chief Judge of the Court of Appeals, no later than October 15 of each year, a written report that includes a description of

the family support services provided by the court in the preceding fiscal year.

Source: This Rule is derived from former Rule 16-204 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION AND CASE MANAGEMENT

Rule 16-308. BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM

(a) Definitions

The following definitions apply in this Rule:

(1) ADR

"ADR" means "alternative dispute resolution" as defined in Rule 17-102.

(2) Program

"Program" means the business and technology case management program established pursuant to this Rule.

(3) Program Judge

"Program judge" means a judge of a circuit court who is assigned to the program.

(b) Program Established

Subject to the availability of fiscal and human resources, a program approved by the Chief Judge of the Court of Appeals shall be established to enable each circuit court to handle business and technology matters in a coordinated, efficient, and responsive manner and to afford convenient access to attorneys and litigants in business and technology matters. The program shall include:

(1) a program track within the differentiated case management system established under Rule 16-302;

(2) a procedure by which an action is assigned to the program;

(3) program judges who are specially trained in business and technology; and

(4) ADR proceedings conducted by individuals qualified under Title 17 of these Rules and specially trained in business and technology.

Cross reference: See Rules 16-102 (a) and 16-108 (a) concerning the assignment of a judge of the circuit court for a county to sit as a program judge in the circuit court for another county.

(c) Assignment of Actions to the Program

On written request of a party or on the court's own initiative, the County Administrative Judge or that judge's designee may assign the action to the program if the judge determines that the action presents commercial or technological issues of such a complex or novel nature that specialized treatment is likely to improve the administration of justice. Factors that the judge may consider in making the determination include: (1) the nature of the relief sought, (2) the number and diverse interests of the parties, (3) the anticipated nature and extent of pretrial discovery and motions, (4) whether the parties agree to waive venue if assignment of the action to the program makes that necessary, (5) the degree of novelty and complexity of the factual, legal, or evidentiary issues presented, (6) whether business or technology issues predominate over other issues presented in the action, and (7) the willingness of the parties to participate in ADR procedures.

(d) Assignment to Program Judge

Each action assigned to the program shall be assigned to a specific program judge. To the extent feasible, the program judge to whom the action is assigned shall hear all proceedings until the matter is concluded, except that, if necessary to prevent undue delay, prejudice, or injustice, the Circuit Administrative Judge or the Circuit Administrative Judge's designee may designate another judge to hear a particular pretrial matter. That judge shall be a program judge, if practicable.

(e) Scheduling Conference; Order

Promptly after an action is assigned, the program judge shall (1) hold a scheduling conference under Rule 2-504.1 at which the program judge and the parties discuss the scheduling of discovery, ADR, and a trial date and (2) enter a scheduling order under Rule 2-504 that includes case management decisions made by the court at or as a result of the scheduling conference.

Source: This Rule is derived from former Rule 16-205 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION AND CASE MANAGEMENT

Rule 16-309. REPORTS

Each judge of a circuit court shall submit the reports required from time to time by the Chief Judge of the Court of Appeals. The reports shall be submitted in the form and manner directed by the Chief Judge of the Court of Appeals.

Source: This Rule is derived from former Rule 16-105 (2016).

MARYLAND RULES OF PROCEDURE  
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MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 400 - CIRCUIT COURTS - CLERKS' OFFICES

Rule 16-401. PERSONNEL

(a) Chief Deputy Clerk

(1) Appointment

The clerk of each circuit court may appoint a chief deputy clerk for that court. The appointment is not subject to section (b) of this Rule.

(2) Tenure

Subject to subsection (a)(3) of this Rule, a chief deputy clerk serves at the pleasure of the clerk.

(3) Approval of Chief Judge

The appointment, retention and removal of a chief deputy clerk shall be subject to the approval of the Chief Judge of the Court of Appeals, after consultation with the County Administrative Judge.

(b) Other Employees

(1) Authorization to Fill Vacancy

If a vacancy occurs in a clerk's office, the clerk shall seek authorization from the State Court Administrator to fill the vacancy.

(2) Personnel System

(A) Generally

The selection and appointment of other employees in

the clerk's office and the promotion, classification and reclassification, transfer, demotion, suspension, discharge, and other discipline of such employees shall be subject to and conform with the standards and procedures set forth in a personnel system developed by the State Court Administrator and approved by the Court of Appeals. The personnel system shall (i) provide for equal opportunity, (ii) be based on merit principles, (iii) include appropriate job classifications and compensation scales, and (iv) include a grievance procedure in conformance with subsection (b) (2) (B) of this Rule.

(B) Grievance Procedure

The clerk shall resolve a grievance within the clerk's office, but the grievance procedure shall permit an aggrieved party to appeal from the decision of the clerk to the State Court Administrator or his or her designee. The decision of the State Court Administrator or designee shall constitute the final administrative decision. During the pendency of an appeal, the State Court Administrator may grant interim relief which, after consultation with the county administrative judge of each affected court, may include a transfer of an employee.

Committee note: The State Court Administrator may seek appropriate judicial relief to enforce a final determination and directive. See Rule 1-201 (a).

(3) Review for Compliance

The State Court Administrator may review the selection, ~~or~~ promotion, or discipline of an employee to ensure compliance with the standards and procedures in the personnel system.

(c) Certain Deputy Clerks

Individuals who were serving as deputy clerks on July 1, 1991 and who qualify for pension rights under Code, State Personnel and Pensions Article, §23-404 shall hold over as deputy clerks but shall have no fixed term and shall be subject to the personnel system established pursuant to section (b) of this Rule.

(d) Payroll and Time Sheets

The Administrative Office of the Courts shall prepare forms for the payroll and time and attendance reports for the clerks' offices. The clerks shall submit the information and documentation the Administrative Office requires on the forms.

Source: This Rule is derived from former Rule 16-301 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 400 - CIRCUIT COURTS - CLERKS' OFFICES

Rule 16-402. OPERATIONS

(a) Procurement

A clerk may not procure any service or property except in accordance with procedures established by the State Court Administrator. Unless otherwise provided by those procedures, the clerk shall submit all procurement requests to the State Court Administrator in the form and with the documentation the State Court Administrator requires.

(b) General Operations

The State Court Administrator shall develop policies, procedures, and standards for all judicial and non-judicial operations of the clerks' offices, including case processing, records management, forms control, accounting, budgeting, inventory, and data processing. The data processing systems in Baltimore City, Prince George's County, and Montgomery County in effect on July 1, 2016 shall not be replaced, other than by MDEC, except by order of the Chief Judge of the Court of Appeals.

(c) Audits

The Administrative Office of the Courts may audit the operations and accounts of the clerks' offices.

(d) Submission of Budget

Each clerk shall submit an annual budget to the State

## Rule 16-402

Court Administrator for review and approval by the Chief Judge of the Court of Appeals. The budget shall be submitted at the time specified by the State Court Administrator and shall be in the form prescribed by the Secretary of Budget and Management.

(e) County Administrative Judge to Supervise Certain Functions

The case assignment function and the jury selection process, whether or not located in the clerk's office, shall be subject to the overall supervision of the County Administrative Judge or a judge designated by the County Administrative Judge.

Source: This Rule is derived from former Rule 16-302 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 400 - CIRCUIT COURTS - CLERKS' OFFICES

Rule 16-403. HOURS

(a) Generally

Except as provided in section (b) of this Rule, the office of each clerk of a circuit court shall be open to the public throughout the year for the transaction of all business of the court from at least 8:30 a.m. to 4:30 p.m. Monday through Friday of each week except:

(1) on days designated pursuant to State law for the observance of legal holidays by State employees; or

(2) on days when the court is closed because of an emergency, inclement weather, or other good cause by order of the Chief Judge of the Court of Appeals, the County Administrative Judge, or the Circuit Administrative Judge for the judicial circuit.

(b) Public or Catastrophic Health Emergency

The clerk's office shall remain open on each day that the Chief Judge of the Court of Appeals orders the court to remain open pursuant to Rule 16-201 (c) (Public or Catastrophic Health Emergency).

Source: This Rule is derived from former Rule 16-304 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 400 - CIRCUIT COURTS - CLERKS' OFFICES

Rule 16-404. DOCKETS

The clerks of the circuit courts shall maintain dockets in the form and containing the information prescribed by the Chief Judge of the Court of Appeals.

Source: This Rule is derived from former Rule 16-305 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 400 - CIRCUIT COURTS - CLERKS' OFFICES

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. 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) 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.

(d) 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 a 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 his or her official duties; or

(D) pursuant to the Rules in Title 20.

(2) Exhibits Offered During Trial

(A) Exhibits that are introduced in evidence or marked for identification during the 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 is received within 30 days from the date of the notice, the exhibits 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 at that time is precluded by law, the clerk shall dispose of the exhibits 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.

(e) 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).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 400 - CIRCUIT COURTS - CLERKS' OFFICES

Rule 16-406. NOTICE TO COURT OF SPECIAL APPEALS

By the third business day of each month, the Clerk of each circuit court shall send to the Clerk of the Court of Special Appeals a list of all actions in which, during the preceding calendar month, (1) a notice of appeal or application for leave to appeal to the Court of Special Appeals was filed, (2) a timely motion pursuant to Rule 2-532, 2-533, or 2-534 was filed after the filing of a notice of appeal, or (3) an appeal to the Court of Special Appeals was stricken pursuant to Rule 8-203. The list shall include the title and docket number of the case, the name and address of the attorney for each appellant, and the date on which the notice of appeal, the motion, or the dismissal was filed.

Source: This Rule is derived from former Rule 16-309 (2016).

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
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MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 500 - RECORDING OF PROCEEDINGS

Rule 16-501. APPLICATION OF CHAPTER

The Rules in this Chapter apply to the recording of proceedings in the circuit and district courts by the respective courts. See Chapter 600 for Rules governing the recording of court proceedings by other persons.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 500 - RECORDING OF PROCEEDINGS

Rule 16-502. IN DISTRICT COURT

(a) Proceedings to be Recorded

In the District Court, all trials, hearings, testimony, and other judicial proceedings held in a courtroom in the presence of a judge shall be recorded verbatim in their entirety.

Committee note: Section (a) of this Rule does not apply to ADR proceedings conducted pursuant to Title 17, Chapter 300 of these Rules.

(b) Method of Recording

(1) Generally

Proceedings shall be recorded by an audio recording device provided by the court.

(2) As Authorized By Chief Judge

The Chief Judge of the District Court may authorize recording by additional means, including audio-video recording. Audio-video recording of a proceeding and access to an audio-video recording shall be in accordance with this Rule and Rules 16-503 and 16-504.

(c) Control of and Direct Access to Electronic Recordings

(1) Under Control of District Court

Electronic recordings made pursuant to this Rule shall be under the control of the District Court.

(2) Restricted Access or Possession

No person other than an authorized Court official or employee of the District Court may have direct access to or possession of an official electronic recording.

(d) Filing of Recordings

Subject to section (c) of this Rule, audio recordings and any other recording authorized by the Chief Judge of the District Court shall be maintained by the court in accordance with the standards specified in an administrative order of the Chief Judge of the Court of Appeals.

Cross reference: See Rule 16-505 (a) providing for an administrative order of the Chief Judge of the Court of Appeals.

(e) Court Reporters and Persons Responsible for Recording Court Proceedings

Regulations and standards adopted by the Chief Judge of the Court of Appeals pursuant to Rule 16-505 (a) apply with respect to court reporters and persons responsible for recording court proceedings employed in or designated by the District Court.

(f) Safeguarding Confidential Portions of Proceedings

If a portion of a proceeding involves placing on the record matters that, on motion, the court finds should and lawfully may be shielded from public access and inspection, the court shall direct that appropriate safeguards be placed on that portion of the recording. The clerk shall create a log listing the recording references for the beginning and end of the safeguarded portions of the recording. The log shall be kept in the court file, and a copy of the log shall be kept with the

recording.

(g) Right to Obtain Copy of Audio Recording

(1) Generally

Except (A) for proceedings closed pursuant to law, (B) as otherwise provided in this Rule, or (C) as ordered by the court, the authorized custodian of an official audio recording shall make a copy of the audio recording available to any person upon written request and, unless waived by the court, upon payment of the reasonable costs of making the copy.

(2) Redacted Portions of Recording

Unless otherwise ordered by the District Administrative Judge, the custodian of the recording shall assure that all portions of the recording that the court directed be safeguarded pursuant to section (f) of this Rule are redacted from any copy of a recording made for a person under subsection (g)(1) of this Rule. Delivery of the copy may be delayed for a period reasonably required to accomplish the redaction.

(3) Exceptions

Upon written request and subject to the conditions in section (g) of this Rule, the custodian shall make available to the following persons a copy of the audio recording of proceedings that were closed pursuant to law or from which safeguarded portions have not been redacted:

(A) the Chief Judge of the Court of Appeals;

(B) the Chief Judge of the District Court;

(C) the District Administrative Judge having supervisory

authority over the court;

(D) the presiding judge in the case;

(E) the Commission on Judicial Disabilities or, at its direction, Investigative Counsel;

(F) Bar Counsel;

(G) unless otherwise ordered by the court, a party to the proceeding or the attorney for a party;

(H) a stenographer or transcription service designated by the court for the purpose of preparing an official transcript of the proceeding, provided that (i) the transcript of unredacted safeguarded portions of a proceeding, when filed with the court, shall be placed under seal or otherwise shielded by order of court and (ii) no transcript of a proceeding closed pursuant to law or containing unredacted safeguarded portions shall be prepared for or delivered to any person not listed in subsection (g) (3) of this Rule; and

(I) any other person authorized by the District Administrative Judge.

Source: This Rule is derived from former Rule 16-504 (2016).

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 500 - RECORDING OF PROCEEDINGS

Rule 16-503. IN CIRCUIT COURT

(a) Proceedings to be Recorded

(1) Proceedings in the Presence of Judge

In a circuit court, all trials, hearings, testimony, and other proceedings before a judge in a courtroom shall be recorded verbatim in their entirety, except that, unless otherwise ordered by the court, a court reporter need not report or separately record an audio or audio-video recording offered as evidence at a hearing or trial.

Committee note: An audio or audio-video recording offered at a hearing or trial must be marked for identification and made part of the record, so that it is available for future transcription. See Rules 2-516 (b) (1) (A) and 4-322 (c) (1) (A). Section (a) does not apply to ADR proceedings conducted pursuant to Rule 9-205 or Title 17 of these Rules.

(2) Proceedings Before Magistrate, Examiner, or Auditor

Proceedings before a magistrate, examiner, or auditor shall be recorded verbatim in their entirety, except that:

(A) the recording of proceedings before a magistrate may be waived in accordance with Rules 2-541 (d) (3) or 9-208 (c) (3);

(B) the recording of proceedings before an examiner may be waived in accordance with Rule 2-542 (d) (4); and

(C) the recording of proceedings before an auditor may be waived in accordance with Rule 2-543 (d) (3).

(b) Method of Recording

## Rule 16-503

Proceedings may be recorded by any reliable method or combination of methods approved by the County Administrative Judge. If proceedings are recorded by a combination of methods, the County Administrative Judge shall determine which method shall be used to prepare a transcript.

Source: This Rule is derived in part from former Rule 16-404 (2016).

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 500 - RECORDING OF PROCEEDINGS

Rule 16-504. ELECTRONIC RECORDING OF CIRCUIT COURT PROCEEDINGS

(a) Control of and Direct Access to Electronic Recordings

(1) Under Control of Court

Electronic recordings made pursuant to Rule 16-503 and this Rule are under the control of the court.

(2) Restricted Access or Possession

No person other than a duly authorized official or employee of the circuit court shall have direct access to or possession of an official electronic recording.

(b) Filing of Recordings

Audio and audio-video recordings shall be maintained by the court in accordance with standards specified in an administrative order of the Chief Judge of the Court of Appeals.

(c) Court Reporters

Regulations and standards adopted by the Chief Judge of the Court of Appeals under Rule 16-505 (a) apply with respect to court reporters employed in or designated by a circuit court.

(d) Presence of Court Reporters Not Necessary

Unless otherwise ordered by the court with the approval of the administrative judge if circuit court proceedings are recorded by audio or audio-video recording, which is otherwise effectively monitored, a court reporter need not be present in

the courtroom.

(e) Identification Label

Whenever proceedings are recorded by electronic audio or audio-video means, the clerk or other designee of the court shall affix to each electronic audio or audio-video recording a label containing the following information:

(1) the name of the court;

(2) the docket reference of each proceeding included on the recording;

(3) the date on which each proceeding was recorded; and

(4) any other identifying letters, marks, or numbers necessary to identify each proceeding recorded.

(f) Information Required to be Kept

(1) Duty to Keep

The clerk or other designee of the court shall keep the following items:

(A) a proceeding log identifying (i) each proceeding recorded on an audio or audio-video recording, (ii) the time the proceeding commenced, (iii) the time of each recess, and (iv) the time the proceeding concluded;

(B) an exhibit list;

(C) a testimonial log listing (i) the recording references for the beginning and end of each witness's testimony and (ii) each portion of the audio or audio-video recording that has been safeguarded pursuant to section (g) of this Rule.

(2) Location of Exhibit List and Logs

The exhibit list shall be kept in the court file. The proceeding and testimonial logs shall be kept with the audio or audio-video recording.

(g) Safeguarding Confidential Portions of Proceeding

If a portion of a proceeding involves placing on the record matters that, on motion, the court finds should and lawfully may be shielded from public access and inspection, the court shall direct that appropriate safeguards be placed on that portion of the recording. For audio and audio-video recordings, the clerk or other designee shall create a log listing the recording references for the beginning and end of the safeguarded portions of the recording.

(h) Right to Obtain Copy of Audio Recording

(1) Generally

Except (A) for proceedings closed pursuant to law, (B) as otherwise provided in this Rule, or (C) as ordered by the court, the authorized custodian of an audio recording shall make a copy of the audio recording or, if practicable, the audio portion of an audio-video recording, available to any person upon written request and, unless waived by the court, upon payment of the reasonable costs of making the copy.

(2) Redacted Portions of Recording

Unless otherwise ordered by the County Administrative Judge, the custodian of the recording shall assure that all portions of the recording that the court has directed be safeguarded pursuant to section (g) of this Rule are redacted

from any copy of a recording made for a person under subsection (h) (1) of this Rule. Delivery of the copy may be delayed for a period reasonably required to accomplish the redaction.

(3) Exceptions

Upon written request and subject to the conditions in section (h) of this Rule, the custodian shall make available to the following persons a copy of the audio recording or, if practicable, the audio portion of an audio-video recording of proceedings that were closed pursuant to law or from which safeguarded portions have not been redacted:

- (A) the Chief Judge of the Court of Appeals;
- (B) the County Administrative Judge;
- (C) the Circuit Administrative Judge having supervisory authority over the court;
- (D) the presiding judge in the case;
- (E) the Commission on Judicial Disabilities or, at its direction, Investigative Counsel;
- (F) Bar Counsel;
- (G) unless otherwise ordered by the court, a party to the proceeding or the attorney for a party;
- (H) a stenographer or transcription service designated by the court for the purpose of preparing an official transcript of the proceeding, provided that (i) the transcript of unredacted safeguarded portions of a proceeding, when filed with the court, shall be placed under seal or otherwise shielded by order of court, and (ii) no transcript of a proceeding closed pursuant to

law or containing unredacted safeguarded portions shall be prepared for or delivered to any person not listed in subsection (h) (3) of this Rule; and

(I) any other person authorized by the County Administrative Judge.

(i) Right to Listen to and View Audio-video Recording

(1) Generally

Except for proceedings closed pursuant to law or as otherwise provided in this Rule or ordered by the Court, the authorized custodian of an audio-video recording, upon written request from any person, shall permit the person to listen to and view the recording at a time and place designated by the court, under the supervision of the custodian or other designated court official or employee.

Committee note: If space is limited and there are multiple requests, the custodian may require several persons to listen to and view the recording at the same time or accommodate the requests in the order they were received.

(2) Safeguarded Portions of Recording

Unless otherwise ordered by the County Administrative Judge, the custodian of the recording shall assure that all portions of the recording that the court directed to be safeguarded pursuant to section (g) of this Rule are not available for listening or viewing. Access to the recording may be delayed for a period reasonably necessary to accomplish the safeguarding.

(3) Copying Prohibited

A person listening to and viewing the recording may not

make a copy of it or have in his or her possession any device that, by itself or in combination with any other device, can make a copy. The custodian or other designated court official or employee shall take reasonable steps to enforce this prohibition, and any willful violation of the prohibition may be punished as a contempt.

(j) Right to Obtain Copy of Audio-video Recording

(1) Who May Obtain Copy

Upon written request and subject to the conditions in this section, the custodian shall make available to the following persons a copy of the audio-video recording, including a recording of proceedings that were closed pursuant to law or from which safeguarded portions have not been redacted:

- (A) the Chief Judge of the Court of Appeals;
- (B) the County Administrative Judge;
- (C) the Circuit Administrative Judge having supervisory authority over the court;
- (D) the presiding judge in the case;
- (E) the Commission on Judicial Disabilities or, at its direction, Investigative Counsel;
- (F) Bar Counsel;
- (G) unless otherwise ordered by the court, a party to the proceeding or the attorney for a party;
- (H) a stenographer or transcription service designated by the court for the purpose of preparing an official transcript of the proceeding, provided that, (i) if the recording is of a

proceeding closed pursuant to law or from which safeguarded portions have not been redacted, the transcript, when filed with the court, shall be placed under seal or otherwise shielded by order of the court, and (ii) no transcript of a proceeding closed pursuant to law or containing unredacted safeguarded portions shall be prepared for or delivered to any person not listed in subsection (j) (1) of this Rule;

(I) the Court of Appeals or the Court of Special Appeals pursuant to Rule 8-415 (c); and

(J) any other person authorized by the County Administrative Judge.

(2) Restrictions on Use

Unless authorized by an order of court, a person who receives a copy of an electronic recording under this section shall not:

(A) make or cause to be made any additional copy of the recording; or

(B) except for a non-sequestered witness or an agent, employee, or consultant of the party or attorney, give or electronically transmit the recording to any person not entitled to it under subsection (j) (1) of this Rule.

(3) Violation of Restriction on Use

A willful violation of subsection (j) (2) of this Rule may be punished as a contempt.

Cross reference: See Rule 16-505 (a) concerning regulations and standards applicable to court reporting in all courts of the State.

**Rule 16-504**

Source: This Rule is derived form former Rules 16-404, 16-405, and 16-406 (2016).

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 500 - RECORDING OF PROCEEDINGS

Rule 16-505. ADMINISTRATION OF CIRCUIT COURT RECORDING  
PROCESS

(a) Regulations and Standards

The Chief Judge of the Court of Appeals, by administrative order, shall prescribe regulations and standards regarding the court recording process and the person responsible for recording proceedings in the courts of the State. The regulations and standards may include:

- (1) the selection, qualifications, and responsibilities of persons recording court proceedings;
- (2) preparation, typing, and format of transcripts;
- (3) charges for transcripts and copies;
- (4) preservation and maintenance of reporting notes and records, however recorded;
- (5) equipment and supplies utilized in reporting; and
- (6) procedures for filing and maintaining administrative records and reports.

Cross reference: Rules 16-502, 16-503, and 16-504.

(b) Number of Court Reporters or Persons Responsible for  
Recording Court Proceedings - Supervision

Each circuit court shall have the number of court reporters and persons responsible for recording court proceedings

determined by the County Administrative Judge in accordance with the budget of the court. In a county with more than one court reporter, the County Administrative Judge shall designate one as supervisory court reporter, who shall serve in that capacity at the pleasure of the County Administrative Judge. The Chief Judge of the Court of Appeals shall prescribe the duties of the supervisory court reporter.

(c) Supervision of Court Reporters

Subject to the general supervision of the Chief Judge of the Court of Appeals, the County Administrative Judge shall have the supervisory responsibility for the court reporters or the persons responsible for recording court proceedings in that county. The County Administrative Judge may delegate supervisory responsibility to the supervisory court reporter or a person responsible for recording court proceedings, including the assignment of court reporters or other persons responsible for recording court proceedings.

Cross reference: Rule 16-906 (j) provides that backup audio recordings made by any means, computer disks, and notes of a court reporter that have not been filed with the clerk or are not part of the official court record are not ordinarily subject to public inspection.

Source: This Rule is derived from former Rule 16-404 (2016).

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CHAPTER 600 - EXTENDED COVERAGE OF COURT PROCEEDINGS

Rule 16-601. DEFINITIONS

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

(a) Extended Coverage

"Extended coverage" means the recording or broadcasting of court proceedings by the use of recording, photographic, television, radio, or other broadcasting equipment operated by:

(1) the news media; or

(2) a person engaged in the preparation of an educational film or recording relating to the Maryland legal or judicial system and intended for instructional use in an educational program offered by a public or accredited educational institution.

(b) Local Administrative Judge

"Local Administrative Judge" means the County Administrative Judge of a circuit court and the District Administrative Judge of the District Court.

(c) Party

"Party" means a named litigant of record who has appeared in the proceeding.

(d) Proceeding

"Proceeding" means any trial, hearing, oral argument on

appeal, or other matter held in open court which the public is entitled to attend.

(e) Presiding Judge

(1) "Presiding judge" means a judge designated to preside over a proceeding which is, or is intended to be, the subject of extended coverage.

(2) Where action by a presiding judge is required by the Rules in this Chapter and no judge has been designated to preside over the proceeding, "presiding judge" means the Local Administrative Judge.

(3) In an appellate court, "presiding judge" means the Chief Judge of that court or the senior judge of a panel of which the Chief Judge is not a member.

Source: This Rule is derived from former Rule 16-109 a (2016).

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Rule 16-602. SCOPE

The Rules in this Chapter do not apply to:

(a) the recording or broadcasting of court proceedings by the court or by court personnel acting within the scope of their official duties;

(b) the electronic recording of court proceedings by an official court reporter as a backup for the stenographic recording of the proceeding;

(c) investiture or ceremonial proceedings, provided that the presiding judge may regulate the presence and use of cameras and recording and broadcasting equipment at the proceeding; or

(d) the use of electronic, photographic, or recording equipment approved by the court to take the testimony of a child victim under Code, Criminal Procedure Article, §11-303.

Source: This Rule is derived from former Rule 16-109 b 7 (2016).

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Rule 16-603. EXTENDED COVERAGE PERMISSIBLE

Except as otherwise prohibited by law and subject to the exceptions, limitations, and conditions set forth in the Rules in this Chapter, extended coverage of proceedings in the trial and appellate courts of Maryland is permitted. Nothing in this Chapter is intended to restrict the general right of the news media to observe and report judicial proceedings.

Committee note: Code, Criminal Procedure Article, §1-201 prohibits extended coverage of criminal proceedings in a trial court or before a grand jury.

Source: This Rule is derived from former Rule 16-109 b (2016).

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CHAPTER 600 - EXTENDED COVERAGE OF COURT PROCEEDINGS

Rule 16-604. REQUEST TO ALLOW EXTENDED COVERAGE

(a) When and Where Filed

A request to allow extended coverage of a proceeding shall be made in writing to the clerk of the court in which the proceeding is to be held at least five days before the proceeding is scheduled to begin. For good cause shown, the court may grant a request that does not comply with the requirements of this section.

(b) Content

(1) A request shall identify with particularity:

(A) the person or entity making the request;

(B) the proceeding for which extended coverage is sought, including the case name and number and the date when the proceeding is scheduled; and

(C) the intended instructional use of the film or recording if the request is for the purpose of preparing an educational film or recording.

(2) A request shall also identify the equipment to be used and contain a sufficient assurance that the equipment will satisfy the sound and light requirements of Rule 16-607.

(c) Notice

The clerk shall promptly give notice of a request to:

- (1) the Local Administrative Judge;
- (2) the judge designated to preside at the proceeding, if a judge has been designated; and
- (3) all parties to the proceeding.

Cross reference: For the computation of time before a day, act, or event, see Rule 1-203 (b).

(d) When Proceeding Postponed or Continued

If the proceeding is postponed or continued, other than for normal recesses, weekends, or holidays, a separate request is required for later extended coverage.

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

Source: This Rule is derived from former Rule 16-109 c (2016).

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Rule 16-605. ACTION ON REQUEST

(a) When Permission Prohibited

(1) Extended coverage may not be permitted of any proceeding:

(A) for which extended coverage is prohibited by Code, Criminal Procedure Article, §1-201;

(B) which by law is closed to the public; or

(C) which by law may be closed to the public and has been closed by the presiding judge.

(2) Extended coverage may not be permitted in a proceeding in a trial court unless all parties to the proceeding have filed a written consent or consent on the record in open court, except that consent is not required from a party which is:

(A) a Federal, State, or local government;

(B) a unit of a Federal, State, or local government; or

(C) an official of a Federal, State, or local government sued or suing in an official governmental capacity.

(3) Consent once given under subsection (a)(2) of this Rule may not be withdrawn, but any party may, at any time, move to terminate or limit extended coverage.

(4) Consent of the parties is not required for extended coverage of a proceeding in the Court of Appeals or Court of Special Appeals, but any party may, at any time, move to

terminate or limit extended coverage.

(b) Grant or Denial of Request

(1) Before commencement of the proceeding, the presiding judge shall deny a request for extended coverage or grant it, with such conditions or limitations ~~as~~ the judge finds appropriate.

(2) If the request is granted, the presiding judge shall promptly notify the Local Administrative Judge, who shall make arrangements to accommodate entry into and presence in the court facility of the necessary equipment and the individuals designated to operate the equipment.

Source: This Rule is derived from former Rule 16-109 d, e, and f (2016).

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CHAPTER 600 - EXTENDED COVERAGE OF COURT PROCEEDINGS

Rule 16-606. GENERAL LIMITATIONS ON EXTENDED COVERAGE

(a) Where Possession of Equipment Prohibited or Limited

Possession of an "electronic device," including equipment used for extended coverage, in a "court facility," as those terms are defined in Rule 16-208, is governed by that Rule.

(b) Where Extended Coverage Prohibited

(1) Extended coverage in a court facility, as defined in Rule 16-208, is limited to proceedings in the courtroom in the presence of the presiding judge.

(2) Outside a courtroom but within a court facility, as defined in Rule 16-208, extended coverage is prohibited:

(A) of persons present for a judicial or grand jury proceeding; and

(B) where the extended coverage is so close to a judicial or grand jury proceeding as likely (i) to identify persons present for the proceeding or (ii) to interfere with the proceeding or its dignity or decorum.

Source: This is Rule is derived from former Rule 16-109 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 600 - EXTENDED COVERAGE OF COURT PROCEEDINGS

Rule 16-607. OPERATIONAL REQUIREMENTS

(a) In General

(1) Extended coverage shall be conducted so as not to interfere with the right of any person to a fair and impartial trial or with the dignity and decorum of the proceeding.

(2) No proceeding shall be delayed or continued in order to allow for extended coverage, nor shall extended coverage influence any ruling on a motion for continuance.

(3) There shall be no audio coverage of private conferences, bench conferences, or conferences at counsel tables.

(4) Only equipment that does not produce light or distracting sound may be employed.

(5) No artificial lighting device may be employed. With the approval of the presiding judge, modifications may be made to light sources existing in the courtroom, provided:

(A) they are made before commencement of the proceeding or during a recess;

(B) they are installed and maintained without public expense; and

(C) unless the court orders otherwise, upon completion of the extended coverage the person conducting the extended coverage, at that person's expense, restores the light sources to

their prior condition.

(6) Equipment may not be placed in or removed from a courtroom except before commencement or following adjournment of the proceeding each day or during a recess in the proceeding. Film magazines and still camera film and lenses may be changed in a courtroom only during a recess in the proceeding.

(7) Broadcast media representatives may not move about the courtroom while proceedings are in session, and microphones and recording equipment, once positioned, may not be moved during the pendency of the proceeding.

Committee note: Nothing in this Rule prohibits the granting of a reasonable request to use court-controlled electronic or photographic equipment or materials.

(b) Television or Movie Cameras

(1) Only one television or movie camera shall be permitted in a trial court proceeding. Not more than two stationary television or movie cameras shall be permitted in an appellate court proceeding.

(2) Television or movie camera equipment shall be positioned outside the rail of the courtroom or, if there is no rail, in the area reserved for spectators, at a location approved in advance by the presiding judge.

(3) Whenever possible, recording and broadcasting equipment that is not a component of a television or movie camera shall be located outside the courtroom in an area approved in advance by the presiding judge.

(c) Still Cameras

(1) Only one still photographer, using not more than two still cameras with not more than two lenses for each camera, and related equipment approved in advance by the presiding judge shall be permitted in any proceeding.

(2) A still camera photographer shall remain outside the rail of the courtroom or, if there is no rail, in the area reserved for spectators, at a location approved in advance by the presiding judge. The photographer may not photograph from any other place and may not engage in any movement or assume any body position that would be likely to attract attention or be disturbing. Unless positioned in or beyond the last row of spectators' seats or in an aisle to the outside of the spectators' seating area, the photographer shall remain seated while photographing.

(d) Audio Equipment

(1) Only one audio system for broadcast purposes shall be permitted in a proceeding.

(2) Audio feed shall be accomplished from existing audio systems, except that, if no technically suitable audio system exists, unobtrusive microphones and related wiring may be located in places designated in advance by the presiding judge.

(3) Microphones located at the judge's bench and at counsel tables shall be equipped with mute switches.

(4) A directional microphone may be mounted on a television or movie camera, but no parabolic, lavalier, or similar microphones may be used.

(e) Pooling Arrangements

Any pooling arrangement required by the limitations in this Rule on equipment and personnel is the sole responsibility of the persons interested in the extended coverage, without calling upon the presiding judge to mediate or resolve a dispute as to the appropriate representative or equipment authorized to provide extended coverage of a proceeding. If any such dispute is not resolved in advance, the presiding judge shall deny or terminate extended coverage.

Source: This Rule is derived from former Rule 16-109 (2016).

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CHAPTER 600 - EXTENDED COVERAGE OF COURT PROCEEDINGS

Rule 16-608. LIMITATION OR TERMINATION OF APPROVAL

Upon a finding of good cause, the presiding judge, on the judge's own initiative or on the request of a party, witness, or juror, may limit or terminate extended coverage of all or any portion of a proceeding. When considering the request of a party, good cause shall be presumed in cases involving domestic violence, custody of or visitation with a child, divorce, annulment, minors, relocated witnesses, and trade secrets.

Committee note: Examples of good cause include unfairness, danger to a person, undue embarrassment, or hindrance of proper law enforcement.

Source: This Rule is derived from former Rule 16-109 f 1 (2016).

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CHAPTER 700 - MISCELLANEOUS JUDICIAL UNITS

Rule 16-701. RULES COMMITTEE

(a) Existence

There is a Standing Committee on Rules of Practice and Procedure to assist the Court of Appeals in the exercise of its Constitutional and statutory rule-making authority.

Cross reference: Code, Courts Article, §13-301.

(b) Membership

The Committee shall consist of one incumbent judge of the Court of Special Appeals, three incumbent circuit court judges, three incumbent judges of the District Court, one member of the State Senate, one member of the House of Delegates, one clerk of a circuit court, and such other individuals determined by the Court of Appeals. All members shall be appointed by the Court of Appeals.

(c) Terms

(1) A member appointed from the State Senate or the House of Delegates has no term and serves at the pleasure of the Court of Appeals.

(2) The term of the circuit court clerk is two years or during the incumbency of the individual as a circuit court clerk, whichever is shorter. The clerk member may be reappointed but may not serve more than three consecutive full terms.

(3) The term of an incumbent judge is three years or during the incumbency of the individual as a judge of the court upon which the individual was serving at the time of appointment, whichever is shorter.

(4) The term of each of the other members is three years.

(5) The three-year terms, including those of the incumbent judges, shall be staggered so that, insofar as practicable, the terms of one-third of those members will expire each year. A member who is appointed to a three-year term may be reappointed but may not serve more than two consecutive full terms, except that if the member is appointed to fill the unexpired term of a former member, the period of consecutive service also may include the remainder of the term of the former member.

(6) The full terms of all members having terms shall commence on July 1.

(d) Chair and Vice Chair

The Court of Appeals shall designate one member of the Committee as Chair of the Committee and may designate one member as Vice Chair. The Chair shall preside at meetings of the Committee and, with the assistance of the Reporter, generally supervise the work of the Committee. The Vice Chair shall perform the duties of the Chair in the absence of the Chair.

(e) Reporter and Other Staff

The Court shall appoint a Reporter to the Committee and as may be required to assist the Committee in discharging its responsibilities. The Reporter and any assistant or special

reporter shall be a member in good standing of the Maryland Bar. Additional staff, which may include assistant reporters, special reporters, and other personnel, shall be provided in the approved budget of the Committee.

(f) Open Meetings

The Reporter shall cause to be posted on the Judiciary's website notice of all meetings of the Rules Committee, and subject to reasonable space limitations, all such meetings shall be open to the public. Minutes shall be kept of all meetings of the Committee, and those minutes shall be available to the public.

(g) Duties of Committee

The Rules Committee shall keep abreast of emerging trends and new developments in the law that may affect practice and procedure in the Maryland courts. It shall review relevant new legislation, Executive initiatives, judicial decisions, and proposals from persons and groups interested in the Maryland judicial system to determine whether any new Rules of Procedure or changes to existing Rules may be advisable. Unless the Court of Appeals determines otherwise, every suggestion made to it for the adoption, amendment, or rescission of a Maryland Rule shall be referred to the Rules Committee for consideration.

Source: This Rule is derived in part from former Rule 16-801 (b) (2016) and is in part new.

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Rule 16-702. CONFERENCE OF CIRCUIT JUDGES

(a) Existence; Membership; Terms

There is a Conference of Circuit Judges. The Conference consists of the Circuit Administrative Judge of each judicial circuit and one additional circuit court judge from each judicial circuit elected by the incumbent circuit court judges in that circuit. The elected members shall serve for a term of two years. If a vacancy occurs because an elected member resigns from the Conference, leaves judicial office, or is appointed to another judicial office, the incumbent circuit court judges in that judge's judicial circuit shall elect a replacement member to serve for the balance of the unexpired term.

(b) Chair and Vice Chair

The Conference shall elect from its members a Chair and a Vice Chair. The election shall be held every two years, but an interim election shall be held if necessary because an incumbent chair or vice chair ceases to be a member of the Conference.

(c) Meetings; Quorum

The Conference shall meet at least four times a year. A majority of the authorized members of the Conference shall constitute a quorum.

(d) Powers and Duties

(1) Administration Policies

The Conference shall work collaboratively and in consultation with the Judicial Council in developing policies affecting the administration of the circuit courts, including:

(A) programs and practices that will enhance the administration of justice in the circuit courts;

(B) the level of operational and judicial resources for the circuit courts to be included in the Judiciary budget;

(C) recommending, opposing, or commenting on legislation or Rules that may affect the circuit courts; and

(D) the compensation and benefits for circuit court judges.

(2) Consultants

With the approval of the Chief Judge of the Court of Appeals, the Conference may retain consultants in matters relating to the circuit courts.

(3) Consultation with Chief Judge of the Court of Appeals

The Conference shall consult with the Chief Judge of the Court of Appeals to recommend circuit court judges for membership on committees and bodies of interest to the circuit courts.

(4) Business and Technology Case Management Committee

The Conference shall appoint a committee of not less than three program judges to perform the duties required by Rule 16-308 (d) and generally to advise the Conference regarding the Business and Technology Case Management Program.

Cross reference: For the definition of "program judge," see Rule 16-308 (a) (3).

(5) Majority Vote

The Conference and the Executive Committee of the Conference each shall exercise its powers and carry out its duties pursuant to a majority vote of its authorized membership.

(e) Executive Committee

(1) Existence; Membership

There is an Executive Committee of the Conference. It consists of the Conference Chair and Vice Chair and the other members designated by the Conference.

(2) Authority

The Executive Committee is authorized to act with the full authority of the Conference when the Conference is not in session. The actions of the Executive Committee shall be reported fully to the Conference at its next meeting.

(3) Quorum

A majority of the authorized membership of the Executive Committee shall constitute a quorum.

(4) Convening the Executive Committee

The Executive Committee shall convene at the call of the Conference Chair. In the absence of the Chair, the Vice Chair may convene the Executive Committee.

(f) Conference Staff

The Administrative Office of the Courts shall serve as staff to the Conference and its Executive Committee.

Source: This Rule is derived from former Rule 16-108 (2016).

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CHAPTER 700 - MISCELLANEOUS JUDICIAL UNITS

Rule 16-703. MARYLAND PROFESSIONALISM CENTER

(a) Existence

There is a Maryland Professionalism Center, which exists as a unit of the Maryland Judiciary.

(b) General Purposes and Mission

The general purposes and mission of the Maryland Professionalism Center are:

(1) to implement the professionalism policies adopted by the Court of Appeals;

(2) to examine ways of promoting professionalism among Maryland judges, judicial appointees and personnel, and attorneys and to encourage them to exercise the highest level of professional integrity in their relationship with each other, the courts, and the public and fulfill their obligations to improve the law and the legal system; and

(3) to help ensure that the practice of law remains a high calling focused on serving clients, promoting the proper administration of justice, and furthering the public good.

(c) Duties

To carry out its purposes, the Maryland Professionalism Center shall:

(1) develop and refine mechanisms to advance professionalism as an important core value of the legal profession and the legal

process;

(2) design a professionalism website and gather and maintain on it information that will serve as a resource on professionalism for judges, judicial appointees and personnel, attorneys, and the public;

(3) monitor professionalism efforts and developments in other States;

(4) monitor and attempt to coordinate professionalism efforts by the various segments of the Maryland legal and judicial community - the Bar, the courts, the law schools, and attorneys and law firms - with particular emphasis on professionalism training in the law schools;

(5) monitor the efforts of the Maryland State Bar Association and other bar associations in the State in carrying out the mandate of the Court of Appeals with respect to the advancement of professionalism;

(6) publicly acknowledge judges, judicial appointees and personnel, and attorneys for particularly commendable acts of professionalism;

(7) administer the New Bar Admittees' Mentoring Program; and

(8) recognize the efforts of attorneys engaged in the Mentoring Program.

(d) Board of Directors

(1) Membership

The Maryland Professionalism Center shall be governed by a Board of Directors, to consist of (A) a judge of the Court of

Appeals, who shall serve as Chair; (B) a judge of the Court of Special Appeals; (C) a judge of a circuit court; (D) a judge of the District Court; (E) the Dean of the University of Maryland School of Law, or the Dean's designee; (F) the Dean of the University of Baltimore School of Law, or the Dean's designee; and (G) seven practicing members of the Maryland Bar, one from each judicial circuit, giving due regard to ethnic, gender, and experiential diversity.

(2) Appointment

The members of the Board shall be appointed by the Chief Judge of the Court of Appeals.

(3) Terms

(A) The judge of the Court of Appeals serves at the pleasure of the Chief Judge;

(B) The term of the other judges shall be three years or during the incumbency of the individual as a judge of the court upon which the individual was serving at the time of appointment, whichever is shorter.

(C) The term of the Deans' designees shall be three years or during the incumbency of the individual in the capacity in which the individual serves at the law school, whichever is shorter.

(D) The term of the other members shall be three years.

(E) Of the initial appointees, four shall be appointed for an initial term of three years, four shall be appointed for an initial term of two years, and four shall be appointed for an

initial term of one year, in order that the terms shall remain staggered. At the end of a term, a member may continue to serve until a successor is appointed.

(F) With the approval of the Chief Judge, the Chair may remove a member prior to the expiration of the member's term and appoint from the same category of membership a successor for the remainder of the unexpired term.

(G) (i) Subject to subsection (d) (3) (G) (ii) of this Rule, a member may be reappointed.

(ii) The period of consecutive service by a member other than the Chair shall be not more than two consecutive terms, except that if the member was appointed to fill the unexpired term of a former member, the period of consecutive service also may include the remainder of the term of the former member.

(4) Secretary

The Chair shall appoint one of the members of the Board to serve as Secretary, at the pleasure of the Chair. The Secretary shall take minutes of the meetings of the Board and perform other duties related to the work of the Board as may be directed by the Chair.

(5) Compensation

The members of the Board shall serve without compensation but shall be reimbursed for expenses in connection with travel related to the work of the Center in accordance with the approved budget of the Center.

(6) Vice Chair; Committees

The Chair may appoint a Vice Chair and committees of the Board.

(7) Meetings

The Board shall meet at least twice each year, at the call of the Chair.

(8) Quorum

Seven members of the Board shall constitute a quorum for the transaction of business.

(9) Duties

The Chair in collaboration with the Board shall provide managerial oversight of the policies, programs, operations, and personnel of the Maryland Professionalism Center and prepare and transmit to the State Court Administrator and the Chief Judge of the Court of Appeals a proposed annual budget for the Center. Preparation of the budget and all procurement and personnel decisions shall be in conformance with standards and guidelines promulgated by the State Court Administrator.

Cross reference: See Rule 16-801 (b).

(e) Personnel

(1) Appointment

The Chair of the Board of Directors may appoint personnel for the Center as authorized in the approved budget of the Center.

(2) Advisors

The Chair may invite persons to provide advice to and

participate in the work of the Center. Unless funds are available in the approved budget of the Center for that purpose, service by those persons shall be without compensation.

(f) Funding

Effective January 1, 2016, funding for the Center shall be solely as provided in the annual judicial budget, except that funds obtained by the Center from other sources prior to that date may be used as authorized by the Board of Directors for the purposes and duties of the Center set forth in this Rule.

Source: This Rule is derived from former Rule 16-407 (2016).

MARYLAND RULES OF PROCEDURE

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CHAPTER 800 - MISCELLANEOUS COURT ADMINISTRATION MATTERS

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MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 800 - MISCELLANEOUS COURT ADMINISTRATION MATTERS

Rule 16-801. COMPLIANCE WITH BUDGET, PROCUREMENT, AND PERSONNEL STANDARDS

(a) Applicability

This Rule applies to units, other than courts, that are not part of the Executive or Legislative Branch of the State; and

(1) that are funded, in whole or in part, through appropriations to the Judicial Branch;

(2) whose budgets are subject to approval by the Court of Appeals or the Chief Judge of that Court; or

(3) that are subject to audit by the Court of Appeals, the Administrative Office of the Courts, or the State Court Administrator.

(b) Budget, Procurement, and Personnel Standards

All units shall prepare their proposed budgets and exercise procurement and personnel decisions in conformance with standards and guidelines promulgated by the State Court Administrator.

(c) Other Supervisory and Approval Authority

This Rule is not intended to limit any other supervisory or approval authority of the Court of Appeals, the Chief Judge of that Court, the State Court Administrator, or the Administrative Office of the Courts over units subject to that authority.

Source: This Rule is derived from former Rule 16-101 (e) (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 800 - MISCELLANEOUS COURT ADMINISTRATION MATTERS

Rule 16-802. PROMULGATION OF RULES

(a) Report of Rules Committee

All recommendations by the Standing Committee on Rules of Practice and Procedure for new Rules or changes to existing Rules shall be transmitted to the Court of Appeals in a consecutively numbered report or supplement thereto setting forth the changes proposed and the reasons for the proposed changes. A proposed new Rule shall show in plain type the text of the proposed Rule. Proposed amendments to existing Rules shall show in plain type the current Rule with proposed deletions indicated by strikeouts and proposed additions indicated by underlined language.

(b) Posting of Report; Opportunity for Comment

The Reporter to the Committee shall cause all reports and supplements to them that transmit proposed additions or changes to the Maryland Rules, together with the text of the changes proposed, to be posted for comment on the Judiciary website. Unless otherwise directed by the Court of Appeals, the comment period ordinarily shall be 30 days.

(c) Written Comments

Unless otherwise directed or approved by the Court of Appeals, comments to proposed additions or changes shall (1) be in writing, (2) identify the individual or group making the

comment, and (3) be sent to the Reporter to the Committee within the time specified in the notice posted on the Judiciary website. At the conclusion of the comment period, the Reporter shall collect and promptly transmit the comments to the Court. Comments not sent to the Reporter in accordance with this section ordinarily will not be considered by the Court.

(d) Court Proceedings

(1) Generally

(A) The Court of Appeals shall conduct all proceedings involving the exercise of its authority under Maryland Constitution, Article IV, Section 18 (a) to adopt or modify Rules of Procedure at a meeting open to the public. The meeting may consist of a public hearing pursuant to subsection (d)(2) of this Rule or be limited to specific presentations invited by the Court and discussion and voting by the Court. The meeting may be in the courtroom, in the Court's conference room, or at any other suitable place designated by the Court. Advance notice of the meeting shall be given in the manner designated by the Court.

(B) The Clerk of the Court shall serve as recording secretary at all public hearings and open meetings. The Clerk shall monitor an audio recording of the proceedings, which the Clerk shall retain as a permanent record and make available upon request. Recording of the proceedings by other persons in attendance is prohibited.

(C) In order to furnish easy access to Rules proceedings, doors to the court or conference room shall remain open at all

times during all public hearings and open meetings.

(2) Public Hearing

(A) Unless, for good cause, the Court of Appeals orders otherwise, the Court, upon the expiration of any comment period, shall hold a public hearing on all proposed additions or changes to the Maryland Rules.

(B) Persons desiring to be heard shall notify the Clerk of the Court at least two days before the hearing of their desire to be heard and of the amount of time requested to address the Court. The Court may prescribe a shorter period for oral presentation and may pose questions to the individual addressing the Court.

(3) Extended Coverage

(A) In this Rule, "extended coverage" has the meaning set forth in Rule 16-601 (a).

(B) Ordinarily, extended coverage will be permitted at a public hearing conducted pursuant to subsection (d)(2) of this Rule, provided that a request for such coverage is made to the Clerk of the Court at least five days before the hearing. For good cause shown, the Court may grant a request that does not comply with the requirements of this subsection.

(C) Absent exceptional circumstances, extended coverage shall not be permitted during open meetings that are not public hearings conducted pursuant to subsection (d)(2) of this Rule. If extended coverage is sought, a written request setting forth the exceptional circumstances warranting extended coverage shall

be made to the Clerk at least five days before the meeting coverage. A decision by the Court denying extended coverage is not intended to restrict the right of the media to report the proceedings.

(D) Extended coverage under this Rule is subject to the operational requirements set forth in Rule 16-607.

(e) Rules Order

New Rules and the amendment or rescission of existing Rules adopted by the Court of Appeals shall be by a Rules Order of the Court.

(f) Effective Date

(1) Stated in Rules Order

The Rules Order shall state the effective date of the changes and the extent to which those changes will apply to proceedings pending on that date.

(2) Minimum Delay; Exception

Unless the Court of Appeals determines that, due to exigent circumstances, Rules changes should take effect sooner, Rules changes shall become effective no earlier than the later of:

(A) thirty days after posting of the Rules Order on the Judiciary website, or

(B) the first day of January or the first day of July next succeeding posting of the Rules Order on the Judiciary website, whichever first occurs.

(g) Posting of Rules Order and Rules Changes

(1) Generally

A copy of every Rules Order shall be posted on the Judiciary website. The Court may direct that other forms of public notice also be given.

(2) Text of Rules Changes

The full text of any new Rules and any amendments to existing Rules, showing deleted language by strikeouts and new language by underlining, shall be posted on the Judiciary website with the Rules Order.

(h) Record of Rules

The Clerk of the Court of Appeals shall maintain a separate record designated as the "Maryland Rules of Procedure," which shall contain all Rules and amendments adopted by the Court.

Source: This Rule is derived from former Rule 16-801 (c) through (j) (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 800 - MISCELLANEOUS COURT ADMINISTRATION MATTERS

Rule 16-803. CONTINUITY OF OPERATIONS PLAN

(a) Duty to Prepare, Monitor, and Test

With the assistance of the Administrative Office of the Courts, the Chief Judge of the Court of Appeals, the Chief Judge of the Court of Special Appeals, the County Administrative Judge of each Circuit Court in consultation with the Circuit Administrative Judge for the judicial circuit, and the Chief Judge of the District Court shall be responsible for:

(1) preparing, monitoring, and periodically testing and updating a detailed plan for the continuity of operations of their respective courts in the event of a public emergency or catastrophic health emergency; and

(2) assuring that the judges of their respective courts and other necessary judicial and non-judicial personnel are familiar with the plan.

(b) Conformance to AOC Guidelines

The plan shall conform to guidelines established by the Administrative Office of the Courts. The plan and any amendments to it shall be submitted to the State Court Administrator for review and recommended to the Court of Appeals. The plan and any amendments to it shall take effect upon approval by the Court of

Appeals.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 800 - MISCELLANEOUS COURT ADMINISTRATION MATTERS

Rule 16-804. CONTINUANCES OR POSTPONEMENTS FOR CONFLICTING CASE ASSIGNMENTS OR LEGISLATIVE DUTIES

(a) Responsibilities of Attorneys

(1) Generally

(A) Duty of Attorney

When consulted as to the availability of dates for a trial or hearing, an attorney is responsible for assuring that the attorney has no conflicting assignments on any date that the attorney indicates is acceptable.

(B) Violation of Duty

If an attorney accepts employment in a case in which a date or time for hearing or trial has already been set with knowledge that the attorney has a conflicting assignment for the same date or time, the attorney should not expect to be granted a continuance or postponement in either matter. The court may grant a continuance or postponement upon findings that (i) all parties, witnesses, and attorneys can be notified of the continuance or postponement sufficiently in advance of the hearing or trial to avoid undue inconvenience, (ii) the proceeding has not been continued or postponed an unreasonable number of times previously, and (iii) the continuance or postponement would not otherwise impede the proper administration

of justice or prejudice any party.

(2) Where Conflict Develops After Representation Accepted

If a conflict in assignment dates or times develops after representation has been accepted, the attorney shall (A) notify the court having a lesser priority under section (b) of this Rule immediately upon becoming aware of the conflict, (B) make a prompt and good faith effort to resolve the conflict by obtaining another qualified attorney acceptable to the client to act in one of the cases before a continuance or postponement is requested, subject to any specific obligation that the attorney has to the client, and (C) if a change in an existing scheduling order is required, immediately file a motion for such a change. A request for a continuance or postponement shall include a statement that it is not practical for another qualified attorney acceptable to the client to handle one of the conflicting assignments.

(b) Priorities Where Conflicting Assignments Exist

(1) Publicly-Employed Attorneys

Except in an extraordinary circumstance, an attorney who (A) holds public office or employment as an attorney, (B) is permitted to engage also in the private practice of law, and (C) faces an assignment conflict between an action in which the attorney appears in a public capacity and an action in which the attorney appears in a private capacity, the attorney may not be granted a continuance or postponement in the action in which the attorney appears in a public capacity.

(2) Conflicts in Trial Court Assignments

In the event of a conflict in a hearing or trial date or time between a Maryland circuit court, the United States District Court for the District of Maryland, the United States Bankruptcy Court for the District of Maryland, or the District Court of Maryland, priority shall be given in accordance with the earliest date on which an assignment for hearing or trial was made, except that:

(A) if the Federal Speedy Trial Act so requires, first priority shall be given to a criminal proceeding in the United State District Court; and

(B) subject to subsection (b) (2) (A) of this Rule, if the provisions of Rule 4-271 so require, first priority shall be given to a criminal proceeding in a Maryland circuit court.

(3) Conflicts Between Appellate and Trial Court Proceedings

In the event of a conflict in a hearing or trial date or time between an action or proceeding pending in (A) the Court of Appeals of Maryland, the Court of Special Appeals, or the United States Court of Appeals for the Fourth Circuit, and (B) a Federal or State trial court, the appellate proceeding shall be given priority over the trial court proceeding unless otherwise agreed by the respective appellate and trial courts.

(4) Conflicts Between Judicial and Administrative Proceedings

In the event of a conflict between a judicial proceeding and an administrative proceeding, even where the attorney in the judicial proceeding is a member of the administrative agency, the judicial proceeding has priority, and the pendency of the

administrative proceeding is not a basis for a continuance or postponement of the judicial proceeding.

(c) Attorneys Who are Members or Desk Officers of the General Assembly

A proceeding shall be continued or postponed in conformance with Code, Courts Article, §6-402 upon request by an attorney of record in the action who is a member or desk officer of the General Assembly. In accepting employment in the action, however, the attorney should consider the inconvenience to the public, the bar, and the judicial system produced by excessive continuances or postponements.

(d) Resolution of Conflict by Courts

Nothing in this Rule precludes the affected courts, when apprised of a conflict, from attempting to resolve the conflict informally in a manner other than in accordance with the priorities established in section (b) of this Rule.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 800 - MISCELLANEOUS COURT ADMINISTRATION MATTERS

Rule 16-805. APPOINTMENT OF BAIL BOND COMMISSIONER - LICENSING  
AND REGULATION OF PERSONS AUTHORIZED TO WRITE BONDS

A majority of the judges of the circuit courts in any appellate judicial circuit may appoint a bail bond commissioner, license persons authorized to write bail bonds within the appellate judicial circuit, and regulate acceptance of bail bonds written by those licensees. Each bail bond commissioner appointed pursuant to this Rule shall prepare, maintain, and periodically distribute to all District Court commissioners and clerks within the jurisdiction of the appellate judicial circuit for posting in their respective offices, to the State Court Administrator, and to the Chief Clerk of the District Court, an alphabetical list of licensees within the appellate judicial circuit, showing each licensee's name, business address and telephone number, and any limit on the amount of any one bond, and the aggregate limit on all bonds, each licensee is authorized to write.

Source: This Rule is derived from former Rule 16-817 (2016).

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS

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MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS

Rule 16-901. DEFINITIONS

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

(a) Administrative Record

(1) Except as provided in subsection (a) (3) of this Rule, "administrative record" means a record that:

(A) pertains to the administration of a court, another judicial agency, or the judicial system of the State; and

(B) is not a case record.

(2) "Administrative record" includes:

(A) a rule adopted by a court pursuant to Rule 1-102;

(B) an administrative order, policy, or directive that governs the operation of a court, including an order, policy, or directive that determines the assignment of one or more judges to particular divisions of the court or particular kinds of cases;

(C) an analysis or report, even if derived from court records, that is:

(i) prepared by or for a court or other judicial agency;

(ii) used by the court or other judicial agency for purposes of judicial administration; and

(iii) not filed, and not required to be filed, with the

clerk of a court.

(D) judicial education materials prepared by, for, or on behalf of a unit of the Maryland Judiciary for use by Maryland judges;

(E) a jury plan adopted by a court;

(F) a case management plan adopted by a court;

(G) a continuity of operations plan;

(H) an electronic filing plan adopted by a court; and

(I) an administrative order issued by the Chief Judge of the Court of Appeals pursuant to Rule 16-902.

(3) "Administrative record" does not include a document or information gathered, maintained, or stored by a person or entity other than a court or other judicial agency, to which a court or other judicial agency has access but which is not a case record.

(b) Business License Record

(1) "Business license record" means a court record pertaining to an application for a business license issued by the clerk of a court, and includes the application for the license and a copy of the license.

(2) "Business license record" does not include a court record pertaining to a marriage license.

(c) Case Record

(1) Except as otherwise provided in this Rule, "case record" means:

(A) a document, information, or other thing that is collected, received, or maintained by a court in connection with

one or more specific judicial actions or proceedings;

(B) a copy of a marriage license issued and maintained by the court, including, after the license is issued, the application for the license;

(C) a miscellaneous record filed with the clerk of the court pursuant to law that is not a notice record.

(2) "Case record" does not include a document or information described in subsection (a)(3) of this Rule.

(d) Court

"Court" means the Court of Appeals of Maryland, the Court of Special Appeals, a circuit court, the District Court of Maryland, and an orphans' court of Maryland.

(e) Court Record

"Court record" means a record that is:

- (1) an administrative record;
- (2) a business license record;
- (3) a case record; or
- (4) a notice record.

(f) Custodian

"Custodian" means:

- (1) the clerk of a court; and
- (2) any other authorized individual who has physical custody and control of a court record.

(g) Individual

"Individual" means a human being.

(h) Judicial Agency

"Judicial agency" means a unit within the Judicial Branch of the Maryland Government.

(i) Notice Record

"Notice record" means a record that is filed with a court pursuant to statute for the principal purpose of giving public notice of the record. It includes deeds, mortgages, and other documents filed among the land records; financing statements filed pursuant to Code, Commercial Law Article, Title 9; and tax and other liens filed pursuant to statute.

(j) Person

"Person" means an individual, sole proprietorship, partnership, firm, association, corporation, or other entity.

(k) Remote Access

"Remote access" means the ability to inspect, search, or copy a court record by electronic means from a location other than the location where the record is stored. For purposes of this definition, a case record in electronic form is deemed to be stored in the office of the clerk of the court in which the case record was filed.

Committee note: The Rules in this Chapter recognize that court records can be of four types: (1) those, like land records, that are filed with the court, not in connection with any litigation, but for the sole purpose of providing public notice of them; (2) those that are essentially administrative in nature - that are created by the court or judicial agency itself and relate to the internal operation of a court or other judicial agency as an agency of Government; (3) those that are filed or created in connection with business licenses (excluding marriage licenses) issued by the clerk; and (4) those that are filed with the court in connection with a judicial action or the issuance of a marriage license. The premise of the Rules in this Chapter is that, although the presumption of openness applies to all four kinds of records, they need to be treated differently in some

respects.

Land records and other similar kinds of records that are filed with the clerk for the principal purpose of giving public notice of them are court records, but, because the court's only function with respect to those records is to preserve them and make and keep them available for public inspection, there is no justification for shielding them, or any part of them, from public inspection. Those kinds of records are defined as "notice records," and it is the intent of the Rules in this Chapter that there be no substantive (content) restrictions on public access to them.

The Rules in this Chapter assume that the kinds of internal administrative records maintained by a court or other Judicial Branch agency, mostly involving personnel, budgetary, and operational management, are similar in nature and purpose to those kinds of administrative records maintained by Executive Branch agencies and that records pertaining to business licenses issued by a court clerk are similar in nature to records kept by Executive Branch agencies that issue licenses of one kind or another. The Rules in this Chapter thus treat those kinds of records more or less the same as comparable Executive Branch records. The Public Information Act ("PIA") provides the most relevant statement of public policy regarding those kinds of records, and, as a general matter, the Rules in this Chapter apply the PIA to those kinds of records, at least with respect to the substantive issue of access. Rule 16-911 provides the procedure to be used to resolve disputes over access to all court records, including administrative records.

A different approach is taken with respect to access to case records - those that come into the court's possession as the result of their having been filed by litigants in judicial actions. As to them, the Rules in this Chapter carve out only those exceptions to public access that are felt particularly applicable. The exceptions, for the most part, are narrower than those provided by the PIA. Categorical exceptions are limited to those that (1) have an existing basis, either by statute other than the PIA, or by specific Rule, or (2) present some compelling need for non-access. In an attempt to remove discretion from clerical personnel to deny public access and require that closure be examined by a judge on a case-by-case basis, the Rules in this Chapter require that all other exclusions be by court order.

To achieve the differentiation between these various kinds of court records, four categories are specifically defined in this Rule - "administrative records," "business license records," "case records," and "notice records." Some principles enunciated in the Rules in this Chapter apply to all four categories, and, for that purpose, the term "court records," which includes all

four categories, is used.

Source: This Rule is derived from former Rule 16-1001 (2016).

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS

Rule 16-902. GENERAL POLICY

(a) Presumption of Openness

Court records maintained by a court or other judicial agency are presumed to be open to the public for inspection. Except as otherwise provided by the Rules in this Chapter, the custodian of a court record shall permit an individual appearing in person in the office of the custodian during normal business hours to inspect the record.

Committee note: For normal business hours, see Rule 16-403. The definition of "business day" in Rule 20-101 (e) has no application to this Rule.

(b) Protection of Records

To protect court records and prevent unnecessary interference with the official business and duties of the custodian and other court personnel,

(1) a clerk is not required to permit in-person inspection of a case record filed with the clerk for docketing in a judicial action or a notice record filed for recording and indexing until the document has been docketed or recorded and indexed; and

(2) the Chief Judge of the Court of Appeals, by administrative order, a copy of which shall be posted on the Judiciary's website and filed with and maintained by the clerk of each court, may adopt procedures and conditions, not inconsistent

with the Rules in this Chapter, governing the timely production, inspection, and copying of court records.

(c) Exhibit Pertaining to Motion or Marked for Identification

Unless a judicial action is not open to the public or the court expressly orders otherwise, a court record that consists of an exhibit (1) submitted in support of or in opposition to a motion that has been ruled upon by the court or (2) marked for identification at trial, whether or not offered in evidence, and if offered, whether or not admitted, is subject to inspection, notwithstanding that the record otherwise would not have been subject to inspection under the Rules in this Chapter.

Cross reference: See Rule 2-516.

(d) Fees

(1) In this Rule, "reasonable fee" means a fee that bears a reasonable relationship to the actual or estimated costs incurred or likely to be incurred in providing the requested access.

(2) Unless otherwise expressly permitted by the Rules in this Chapter, a custodian may not charge a fee for providing access to a court record that can be made available for inspection, in paper form or by electronic access, with less than two hours of effort by the custodian or other judicial employee.

(3) A custodian may charge a reasonable fee if two hours or more of effort are required to provide the requested access.

(4) The custodian may charge a reasonable fee for making or supervising the making of a copy or printout of a court record.

(5) The custodian may waive a fee if, after consideration of

the ability of the person requesting access to pay the fee and other relevant factors, the custodian determines that the waiver is in the public interest.

(6) A dispute concerning the assessment of a reasonable fee shall be determined:

(A) if the record is in an appellate court or an orphans' court, by the chief judge of the court;

(B) if the record is in a circuit court, by the county administrative judge;

(C) if the record is in the District Court, by the District administrative judge; or

(D) if the record is in a judicial agency other than a court, by the State Court Administrator.

(e) New Court Records

(1) Except as expressly required by other law and subject to Rule 16-908, a custodian, a court, or another judicial agency is not required by the Rules in this Chapter to index, compile, re-format, program, or reorganize existing court records or other documents or information to create a new court record not necessary to be maintained in the ordinary course of business. The removal, deletion, or redaction from a court record of information not subject to inspection under the Rules in this Chapter in order to make the court record subject to inspection does not create a new record within the meaning of this Rule.

(2) If a custodian, court, or other judicial agency (A) indexes, compiles, re-formats, programs, or reorganizes existing

court records or other documents or information to create a new court record, or (B) comes into possession of a new court record created by another from the indexing, compilation, re-formatting, programming, or reorganization of other court records, documents, or information, and there is no basis under the Rules in this Chapter to deny inspection of that new court record or some part of that court record, the new court record or a part for which there is no basis to deny inspection shall be subject to inspection.

(f) Access by Judicial Employees, Parties, and Attorneys

The Rules in this Chapter address access to court records by the public at large. The Rules do not limit access to court records by judicial officials or employees in the performance of their official duties, or to a case record by a party or attorney of record in the action.

Source: This Rule is derived from former Rule 16-1002 (2016).

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS

Rule 16-903. COPIES

(a) Entitlement

Except as otherwise expressly provided by law, a person entitled to inspect a court record is entitled to have a copy or printout of the court record. The copy or printout may be in paper form or, subject to Rule 16-908 (c) and the Rules in Title 20, in electronic form.

(b) Where Made

To the extent practicable, a copy or printout in paper form shall be made where the court record is kept and while the court record is in the custody of the custodian.

Source: This Rule is derived from former Rule 16-1003 (2016).

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS

Rule 16-904. ACCESS TO NOTICE, ADMINISTRATIVE, AND BUSINESS  
LICENSE RECORDS

(a) Notice Records

A custodian may not deny inspection of a notice record that has been recorded and indexed by the clerk.

(b) Administrative and Business License Records

(1) Except as otherwise provided by the Rules in this Chapter, the right to inspect administrative and business license records is governed by the applicable provisions of Code, General Provisions Article, Title 4.

(2) (A) A custodian shall deny inspection of an administrative record used by the jury commissioner in the jury selection process, except (i) as a trial judge orders in connection with a challenge under Code, Courts Article, §§8-408 and 8-409; and (ii) as provided in subsections (b) (2) (B) and (b) (2) (C) of this Rule.

(B) Upon request, a custodian shall disclose the names and zip codes of the sworn jurors contained on a jury list after the jury has been impaneled and sworn, unless otherwise ordered by the trial judge.

Cross reference: See Rule 4-312 (d).

(C) After a source pool of qualified jurors has been

emptied and re-created in accordance with Code, Courts Article, §8-207, and after every individual selected to serve as a juror from that pool has completed the individual's service, a trial judge shall, upon request, disclose the name, zip code, age, sex, education, occupation, and spouse's occupation of each person whose name was selected from that pool and placed on a jury list, unless, in the interest of justice, the trial judge determines that this information remain confidential in whole or in part.

(D) A jury commissioner may provide jury lists to the Health Care Alternative Dispute Resolution Office as required by that Office in carrying out its duties, subject to any regulations of that office to ensure against improper dissemination of juror data.

Cross reference: See Rule 4-312 (d).

(E) At intervals acceptable to the jury commissioner, a jury commissioner shall provide to the State Board of Elections and State Motor Vehicle Administration data about prospective, qualified, or sworn jurors needed to correct erroneous or obsolete information, such as that related to a death or change of address, subject to the Board's and Administration's adoption of regulations to ensure against improper dissemination of juror data.

(3) Except by court order, a custodian shall deny inspection of an administrative record that constitutes all or part of a continuity of operations plan drafted or adopted pursuant to Rule 16-803.

(c) Personnel Records - Generally

Except as otherwise permitted by the Maryland Public Information Act or by this Rule, a custodian shall deny to a person other than the person who is the subject of the record inspection of the personnel records of an employee of the court or other judicial agency or of an individual who has applied for employment with the court or other judicial agency. The following records or information are not subject to this exclusion and, unless sealed or otherwise shielded pursuant to the Maryland Rules or other law, shall be open to inspection:

- (1) the full name of the individual;
- (2) the date of the application for employment and the position for which application was made;
- (3) the date employment commenced;
- (4) the name, location, and telephone number of the court or judicial agency to which the individual has been assigned;
- (5) the current and previous job titles and salaries of the individual during employment by the court or judicial agency;
- (6) the name of the individual's current supervisor;
- (7) the amount of monetary compensation paid to the individual by the court or judicial agency and a description of any health, insurance, or other fringe benefit that the individual is entitled to receive from the court or judicial agency;
- (8) unless disclosure is prohibited by law, other information authorized by the individual to be released; and

(9) a record that has become a case record.

Committee note: Although a court record that has become a case record is not subject to the exclusion under section (c) of this Rule, it may be subject to sealing or shielding under other Maryland Rules or law.

(d) Personnel Records - Retirement

Unless inspection is permitted under the Maryland Public Information Act or the record has become a case record, a custodian shall deny inspection of a retirement record of an employee of the court or other judicial agency.

(e) Certain Administrative Records

A custodian shall deny inspection of the following administrative records:

(1) judicial work product, including drafts of documents, notes, and memoranda prepared by a judge or other court personnel at the direction of a judge and intended for use in the preparation of a decision, order, or opinion;

(2) unless otherwise determined by the Board of Directors of the Judicial Institute, judicial education materials prepared by, for, or on behalf of a unit of the Maryland Judiciary for use by Maryland judges;

(3) an administrative record that is:

(A) prepared by or for a judge or other judicial personnel;

(B) either (i) purely administrative in nature but not a local rule, policy, or directive that governs the operation of the court or (ii) a draft of a document intended for consideration by the author or others and not intended to be final in its existing form; and

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(C) not filed with the clerk and not required to be filed with the clerk.

Source: This Rule is derived from former Rule 16-1004 (2016).

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TITLE 16 - COURT ADMINISTRATION

CHAPTER 900 - ACCESS TO COURT RECORDS

Rule 16-905. CASE RECORDS - REQUIRED DENIAL OF INSPECTION - IN GENERAL

(a) When Inspection Would be Contrary to Federal Law, Certain Maryland Law, or Court Order

A custodian shall deny inspection of a case record or any part of a case record if inspection would be contrary to:

(1) The Constitution of the United States, a Federal statute, or a Federal regulation adopted under a Federal statute and having the force of law;

(2) The Maryland Constitution;

(3) A provision of the Maryland Public Information Act that is expressly adopted in the Rules in this Chapter;

(4) A rule adopted by the Court of Appeals; or

(5) An order entered by the court having custody of the case record or by any higher court having jurisdiction over

(A) the case record, or

(B) the person seeking inspection of the case record.

(b) When Inspection Would be Contrary to Other Maryland Statutes

Unless inspection is otherwise permitted by the Rules in this Chapter, a custodian shall deny inspection of a case record or any part of a case record if inspection would be contrary to a

statute enacted by the Maryland General Assembly, other than the Maryland Public Information Act (Code, General Provisions Article, Title 4), that expressly or by necessary implication applies to a court record.

Cross reference: For an example of a statute enacted by the General Assembly that restricts inspection of a case record, see Code, Criminal Procedure Article, Title 10, Subtitle 3.

Committee note: Subsection (a)(5) of this Rule allows a court to seal a record or otherwise preclude its disclosure. So long as a court record is under seal or subject to an order precluding or limiting disclosure, it may not be disclosed except in conformance with the order. The authority to seal a court record must be exercised in conformance with the general policy of these Rules and with supervening standards enunciated in decisions of the United States Supreme Court and the Maryland Court of Appeals.

Source: This Rule is derived from former Rule 16-1005 (2016).

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS

Rule 16-906. REQUIRED DENIAL OF INSPECTION - CERTAIN CATEGORIES  
OF CASE RECORDS

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

(a) All case records filed in the following actions involving children:

(1) Actions filed under Title 9, Chapter 100 of the Maryland Rules for:

(A) adoption;

(B) guardianship; or

(C) to revoke a consent to adoption or guardianship for which there is no pending adoption or guardianship proceeding in that county.

(2) Delinquency, child in need of assistance, and child in need of supervision actions in Juvenile Court, except that, if a hearing is open to the public pursuant to Code, Courts Article, §3-8A-13 (f), the name of the respondent and the date, time, and location of the hearing are open to inspection unless the record was ordered expunged.

(b) The following case records pertaining to a marriage license:

(1) A certificate of a physician or certified nurse

practitioner filed pursuant to Code, Family Law Article, §2-301, attesting to the pregnancy of a child under 18 years of age who has applied for a marriage license.

(2) Until a license becomes effective, the fact that an application for a license has been made, except to the parent or guardian of a party to be married.

Cross reference: See Code, Family Law Article, §2-402 (f).

(c) Case records pertaining to petitions for relief from abuse filed pursuant to Code, Family Law Article, §4-504, which shall be sealed until the earlier of 48 hours after the petition is filed or the court acts on the petition.

(d) Case records required to be shielded pursuant to Code, Courts Article, §3-1510 or Code, Family Law Article, §4-512.

(e) In any action or proceeding, a record created or maintained by an agency concerning child abuse or neglect that is required by statute to be kept confidential.

(f) The following papers filed by a guardian of the property of a disabled adult:

(1) the annual fiduciary account filed pursuant to Rule 10-706, and

(2) the inventory and information report filed pursuant to Rule 10-707.

Committee note: Statutes that require child abuse or neglect records to be kept confidential include Code, Human Services Article, §§1-202 and 1-203 and Code, Family Law Article, §5-707.

(g) The following case records in actions or proceedings involving attorneys or judges:

(1) Records and proceedings in attorney grievance matters declared confidential by Rule 19-707 (b).

(2) Case records with respect to an investigative subpoena issued by Bar Counsel pursuant to Rule 19-712.

(3) Subject to the provisions of Rule 19-105 (b), (c), and (d) of the Rules Governing Admission to the Bar, case records relating to bar admission proceedings before the Accommodations Review Committee and its panels, a Character Committee, the State Board of Law Examiners, and the Court of Appeals.

(4) Case records consisting of IOLTA Compliance Reports filed by an attorney pursuant to Rule 19-409 and Pro Bono Legal Service Reports filed by an attorney pursuant to Rule 19-503.

(5) Case records relating to a motion filed with respect to a subpoena issued by Investigative Counsel for the Commission on Judicial Disabilities pursuant to Rule 18-406.

(h) The following case records in criminal actions or proceedings:

(1) A case record that has been ordered expunged pursuant to Rule 4-508.

(2) The following case records pertaining to search warrants:

(A) The warrant, application, and supporting affidavit, prior to execution of the warrant and the filing of the records with the clerk.

(B) Executed search warrants and all papers attached thereto filed pursuant to Rule 4-601.

(3) The following case records pertaining to an arrest

warrant:

(A) A case record pertaining to an arrest warrant issued under Rule 4-212 (d) and the charging document upon which the warrant was issued until the conditions set forth in Rule 4-212 (d) (3) are satisfied.

(B) Except as otherwise provided in Code, General Provisions Article, §4-316, a case record pertaining to an arrest warrant issued pursuant to a grand jury indictment or conspiracy investigation and the charging document upon which the arrest warrant was issued.

(4) A case record maintained under Code, Courts Article, §9-106, of the refusal of an individual to testify in a criminal action against the individual's spouse.

(5) A presentence investigation report prepared pursuant to Code, Correctional Services Article, §6-112.

(6) A case record pertaining to a criminal investigation by (A) a grand jury, (B) a State's Attorney pursuant to Code, Criminal Procedure Article, §15-108, (C) the State Prosecutor pursuant to Code, Criminal Procedure Article, §14-110, or (D) the Attorney General when acting pursuant to Article V, §3 of the Maryland Constitution or other law.

Committee note: Although this Rule shields only case records pertaining to a criminal investigation, there may be other laws that shield other kinds of court records pertaining to such investigations. This Rule is not intended to affect the operation or effectiveness of any such other law.

(7) A case record required to be shielded by Code, Criminal Procedure Article, Title 10, Subtitle 3.

(i) A transcript, tape recording, audio, video, or digital recording of any court proceeding that was closed to the public pursuant to rule or order of court.

(j) Backup audio recordings made by any means, computer disks, and notes of a court reporter that are in the possession of the court reporter and have not been filed with the clerk.

(k) The following case records containing medical information:

(1) A case record, other than an autopsy report of a medical examiner, that (A) consists of a medical or psychological report or record from a hospital, physician, psychologist, or other professional health care provider, and (B) contains medical or psychological information about an individual.

(2) A case record pertaining to the testing of an individual for HIV that is declared confidential under Code, Health-General Article, §18-338.1 or §18-338.2.

(3) A case record that consists of information, documents, or records of a child fatality review team, to the extent they are declared confidential by Code, Health-General Article, §5-709.

(4) A case record that contains a report by a physician or institution concerning whether an individual has an infectious disease, declared confidential under Code, Health-General Article, §18-201 or §18-202.

(5) A case record that contains information concerning the consultation, examination, or treatment of a developmentally disabled individual, declared confidential by Code, Health-General Article, §7-1003.

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(6) A case record relating to a petition for an emergency evaluation made under Code, Health-General Article, §10-622 and declared confidential under Code, Health-General Article, §10-630.

(l) A case record that consists of the federal or Maryland income tax return of an individual.

(m) A case record that:

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

(2) in accordance with Rule 16-910 (b), is the subject of a motion to preclude or limit inspection.

(n) As provided in Rule 9-203 (d), a case record that consists of a financial statement filed pursuant to Rule 9-202.

(o) A document required to be shielded under Rule 20-203

(e) (1).

(p) An unredacted document filed pursuant to Rule 1-322.1 or Rule 20-203 (e) (2).

Source: This Rule is derived from former Rule 16-1006 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 900 - ACCESS TO COURT RECORDS

Rule 16-907. REQUIRED DENIAL OF INSPECTION - SPECIFIC  
INFORMATION IN CASE RECORDS

Except as otherwise provided by law, the Rules in this Chapter, or court order, a custodian shall deny inspection of a case record or a part of a case record that would reveal:

(a) The name, address, telephone number, e-mail address, or place of employment of an individual who reports the abuse of a vulnerable adult pursuant to Code, Family Law Article, §14-302.

(b) Except as provided in Code, General Provisions Article, §4-331, the home address, telephone number, and private e-mail address of an employee of the State or a political subdivision of the State.

(c) The address, telephone number, and e-mail address of a victim or victim's representative in a criminal action, juvenile delinquency action, or an action under Code, Family Law Article, Title 4, Subtitle 5, who has requested that such information be shielded. Such a request may be made at any time, including in a victim notification request form filed with the clerk or a request or motion filed under Rule 16-910.

(d) Any part of the social security or Federal Identification Number of an individual.

(e) Information about a person who has received a copy of a

case record containing information prohibited by Rule 1-322.1.

(f) 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) (G).

Cross reference: See Rule 16-910 (g) concerning information shielded upon a request authorized by Code, Courts Article, Title 3, Subtitle 15 (peace orders) or Code, Family Law Article, Title 4, Subtitle 5 (domestic violence) and in criminal actions.

Source: This Rule is derived from former Rule 16-1007 (2016).

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS

Rule 16-908. CONVERSION OF PAPER RECORDS

(a) Construction of Rule

This Rule is subject to and shall be construed harmoniously with the other Rules in this Chapter, the Rules in Title 20, other applicable law, and administrative orders of the Chief Judge of the Court of Appeals.

(b) In General

Subject to the Rules in this Title and Title 20, to other applicable law, and to administrative orders of the Chief Judge of the Court of Appeals, a custodian, court, or other judicial agency, for the purpose of providing public access to court records in electronic form, is authorized but not required:

(1) to convert paper court records into electronic court records;

(2) to create new electronic records, databases, programs, or computer systems;

(3) to create the ability to inspect or copy court records through remote access; or

(4) to convert, supplement, modify, or replace an existing electronic storage or retrieval system.

(c) Limiting Access to Court Records

A custodian may limit access to court records in electronic

form to the manner, form, and program that the electronic system used by the custodian, without modification, is capable of providing.

(d) Facilitating Access to Court Records

If a custodian, court, or other judicial agency converts paper court records into electronic court records or otherwise creates new electronic records, databases, or computer systems, it shall, to the extent practicable, design those records, databases, or systems to facilitate access to court records that are open to inspection under the Rules in this Chapter.

(e) Current Programs Providing Electronic Access to Databases

Any electronic access to a database of court records that is provided by a court or other judicial agency and is in effect on July 1, 2016 may continue in effect, subject to review by the Judicial Council for consistency with the Rules in this Chapter. After review, the Council may make or direct any changes that it concludes are necessary to make the electronic access consistent with the Rules in this Chapter.

(f) New Requests for Electronic Access to or Information from Databases

(1) A person who desires to obtain electronic access to or information from a database of court records to which electronic access is not then immediately and automatically available shall submit to the Office of Communications and Public Affairs a written request that describes the court records to which access is desired and the proposed method of achieving that access.

(2) The Office of Communications and Public Affairs shall review the request and may consult the Judicial Information Systems. Without undue delay and, unless impracticable, within 30 days after receipt of the request, the Office of Communications and Public Affairs shall take one of the following actions:

(A) It shall approve a request that seeks access to court records subject to inspection under the Rules in this Chapter or Title 20 and that will not directly or indirectly impose significant fiscal or operational burdens on any court or judicial agency.

(B) It shall conditionally approve a request that seeks access to court records subject to inspection under the Rules in this Chapter or Title 20 but will directly or indirectly impose significant and reasonably calculable fiscal or operational burdens on a court or judicial agency on condition of the requestor's prepayment in full of all additional expenses reasonably incurred as a result of the approval.

(C) It shall deny the request and state the reason for the denial if:

(i) the request would impose significant and reasonably calculable operational burdens on a court or judicial agency that cannot be overcome merely by prepayment of additional expenses under subsection (e) (2) (B) of this Rule or any other practicable condition;

(ii) the requester fails or refuses to satisfy a

condition imposed under subsection (e)(2)(B) of this Rule;

(iii) the request seeks access to court records not subject to inspection under the Rules in this Chapter or Title 20; or

(iv) the request directly or indirectly imposes a significant but not reasonably calculable fiscal or operational burden on any court or judicial agency.

(3) Upon receipt of a denial, the requester may request a conference with the Office of Communications and Public Affairs to address any basis for denial. If, after a conference the matter is not resolved, the requester may ask for referral of the request or any proposed but rejected amendment to the request to the Judicial Council for its review and recommendation to the Chief Judge of the Court of Appeals.

(4) Upon referral to the Judicial Council, the Council, in accordance with its internal procedures or as otherwise directed by the Chief Judge of the Court of Appeals, shall consider each of the stated grounds for denial of the request by the Office of Communications and Public Affairs and any previously proposed but rejected amendment thereof, and also consider, to the extent relevant thereto:

(A) whether the data processing system, operational system, electronic filing system, or manual or electronic storage and retrieval system used by or planned for the court or judicial agency that maintains the records can currently provide the access requested in the manner requested and in conformance with

Rules 16-901 through 16-907, and, if not, any changes or effort required to enable those systems to provide that access;

(B) whether any changes to the data processing, operational electronic filing, or storage or retrieval systems used by or planned for other courts or judicial agencies in the State would be required in order to avoid undue disparity in the ability of those courts or agencies to provide equivalent access to court records maintained by them;

(C) any other fiscal, personnel, or operational impact of the proposed program on the court or judicial agency or on the State judicial system as a whole;

(D) whether there is a substantial possibility that information retrieved through the program may be used for any fraudulent or other unlawful purpose or may result in the dissemination of inaccurate or misleading information concerning court records or individuals who are the subject of court records and, if so, whether there are any safeguards to prevent misuse of disseminated information and the dissemination of inaccurate or misleading information; and

(E) any other consideration that the Judicial Council finds relevant.

(5) Upon consideration of the factors set forth in subsection (e) (4) of this Rule and without undue delay, the Judicial Council shall inform the Chief Judge of the Court of Appeals of its recommendations. The Chief Judge shall determine and inform the Office of Communications and Public Affairs and the requester

whether the request is:

(A) approved, because it complies with the requirements of subsection (e) (2) (A) of this Rule;

(B) conditionally approved, because it complies with the requirements of subsection (e) (2) (B) of this Rule and the requester has agreed to comply with the conditions established by the Chief Judge; or

(C) denied under subsection (e) (2) (C) of this Rule.

(6) Upon receiving a denial by the Chief Judge, the requester is not barred from resubmitting to the Office of Communications and Public Affairs an amended request that addresses the Chief Judge's stated grounds for denial.

Source: This Rule is derived from former Rule 16-1008 (2016).

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS

Rule 16-909. ACCESS TO ELECTRONIC RECORDS

(a) In General

Subject to the other Rules in this Title and in Title 20 and other applicable law, a court record that is kept in electronic form is open to inspection to the same extent that the record would be open to inspection in paper form.

(b) Denial of Access

(1) Restricted Information

A custodian shall take reasonable steps to prevent access to restricted information, as defined in Rule 20-101 (s), that the custodian is on notice is included in an electronic court record.

(2) Certain Identifying Information

(A) In General

Except as provided in subsection (b) (2) (B) of this Rule, a custodian shall prevent remote access to the name, address, telephone number, date of birth, e-mail address, and place of employment of a victim or nonparty witness in:

(i) a criminal action,

(ii) a juvenile delinquency action under Code, Courts Article, Title 3, Subtitle 8A,

(iii) an action under Code, Family Law Article, Title 4,

Subtitle 5 (domestic violence), or

(iv) an action under Code, Courts Article, Title 3, Subtitle 15 (peace order).

(B) Exception

Unless shielded by a protective order, the name, office address, office telephone number and office e-mail address, if any, relating to law enforcement officers, other public officials or employees acting in their official capacity, and expert witnesses, may be remotely accessible.

(C) Notice to Custodian

A person who places in a court record identifying information relating to a witness shall give the custodian written or electronic notice that such information is included in the record, where in the record that information is contained, and whether that information is not subject to remote access under this Rule, Rule 1-322.1, Rule 20-201, or other applicable law. Except as federal law may otherwise provide, in the absence of such notice a custodian is not liable for allowing remote access to the information.

(c) Availability of Computer Terminals

Clerks shall make available at convenient places in the courthouses computer terminals that the public may use free of charge in order to access court records and parts of court records that are open to inspection, including court records as to which remote access is otherwise prohibited. To the extent authorized by administrative order of the Chief Judge of the

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Court of Appeals, computer terminals may be made available at other facilities for that purpose.

Source: This Rule is derived from former Rule 16-1008.1 (2016).

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS

Rule 16-910. COURT ORDER DENYING OR PERMITTING INSPECTION  
OF CASE RECORD

(a) Motion

(1) A party to an action in which a case record is filed, including a person who has been permitted to intervene as a party, and a person who is the subject of or is specifically identified in a case record may file a motion:

(A) to seal or otherwise limit inspection of a case record filed in that action that is not otherwise shielded from inspection under the Rules in this Chapter or Title 20; or

(B) 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.

(2) Except as provided in subsection (a) (3) of this Rule, the motion shall be filed with the court in which the case record is filed and shall be served on:

(A) all parties to the action in which the case record is filed; and

(B) each identifiable person who is the subject of the case record.

(3) A petition to shield a court record pursuant to Code, Criminal Procedure Article, Title 10, Subtitle 3 shall be filed

in the county where the judgment of conviction was entered. Service shall be provided and proceedings shall be held as directed in that Subtitle.

(b) Shielding Upon Motion

This section does not apply to a petition filed pursuant to Code, Criminal Procedure Article, Title 10, Subtitle 3. Upon the filing of a motion to seal or otherwise limit inspection of a case record pursuant to section (a) of this Rule, 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.

(c) Temporary Order Precluding or Limiting Inspection

(1) The court shall consider a motion filed under this Rule on an expedited basis.

(2) In conformance with the provisions of Rule 15-504 (Temporary Restraining Order), the court may enter a temporary order precluding or limiting inspection of a case record if it clearly appears from specific facts shown by affidavit or other statement under oath that (A) there is a substantial basis for believing that the case record is properly subject to an order precluding or limiting inspection, and (B) immediate, substantial, and irreparable harm will result to the person seeking the relief if temporary relief is not granted before a full adversary hearing can be held on the propriety of a final order precluding or limiting inspection.

(3) A court may not enter a temporary order permitting inspection of a case record that is not otherwise subject to inspection under the Rules in this Chapter in the absence of an opportunity for a full adversary hearing.

(d) Final Order

(1) After an opportunity for a full adversary hearing, the court shall enter a final order:

(A) precluding or limiting inspection of a case record that is not otherwise shielded from inspection under the Rules in this Chapter;

(B) 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

(C) denying the motion.

(2) A final order shall include findings regarding the interest sought to be protected by the order.

(3) A final order that precludes or limits inspection of a case record shall be as narrow as practicable in scope and duration to effectuate the interest sought to be protected by the order.

(4) A final order granting relief under Code, Criminal Procedure Article, Title 10, Subtitle 3 shall include the applicable provisions of the statute. If the order pertains to a judgment of conviction in (A) an appeal from a judgment of the District Court or (B) 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.

(5) In determining whether to permit or deny inspection, the court shall consider:

(A) if the motion seeks to preclude or limit inspection of a case record that is otherwise subject to inspection under the Rules in this Chapter, whether a special and compelling reason exists to preclude or limit inspection of the particular case record; and

(B) if the motion seeks to permit inspection of a case record that is otherwise not subject to inspection under the Rules in this Chapter, whether a special and compelling reason exists to permit inspection.

(C) if the motion seeks to permit inspection of a case record that has been previously sealed by court order under subsection (d) (1) (A) of this Rule and the movant was not a party to the case when the order was entered, whether the order satisfies the standards set forth in subsections (d) (2), (3), and (5) (A) of this Rule.

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

(e) 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.

(f) Non-exclusive Remedy

This Rule does not preclude a court from exercising its authority at any time to enter an appropriate order that seals or limits inspection of a case record or that makes a case record subject to inspection.

(g) Request to Shield Certain Information

(1) This subsection applies to a request, filed by an individual entitled to make it, (A) to shield information 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), or (B) in a criminal action, to shield the address or telephone number of a victim, victim's representative, or witness.

(2) The request shall be in writing and filed with the person having custody of the record.

(3) If the request is granted, the custodian shall deny inspection of the shielded information. 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 motion under section (a) of this Rule.

Committee note: If a court or District Court Commissioner grants a request to shield information under section (g) of this Rule, no adversary hearing is held unless a person seeking inspection of the shielded information files a motion under section (a) of this Rule.

Source: This Rule is derived from former Rule 16-1009 (2016).

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS

Rule 16-911. PROCEDURES FOR COMPLIANCE

(a) Duty of Person Filing Record

(1) A person who files or authorizes the filing of a case record shall inform the custodian, in writing, whether, in the person's judgment, the case record, any part of the case record, or any information contained in the case record is confidential and not subject to inspection under the Rules in this Chapter.

(2) The custodian is not bound by the person's determination that a case record, any part of a case record, or information contained in a case record is not subject to inspection and shall permit inspection of a case record unless, in the custodian's independent judgment, subject to review as provided in Rule 16-912, the case record is not subject to inspection.

(3) Notwithstanding subsection (b)(2) of this Rule, a custodian may rely on a person's failure to advise that a case record, part of a case record, or information contained in a case record is not subject to inspection, and, in default of such advice, the custodian is not liable for permitting inspection of the case record, part of the case record, or information, even if the case record, part of the case record, or information in the case record is not subject to inspection under the Rules in this Chapter.

(b) Duty of Clerk

(1) In conformance with procedures established by administrative order of the Chief Judge of the Court of Appeals, the clerk shall make a reasonable effort, promptly upon the filing or creation of a case record, to shield any information that is not subject to inspection under the Rules in this Chapter and that has been called to the attention of the custodian by the person filing or authorizing the filing of the case record.

(2) Persons who filed or authorized the filing of a case record filed prior to July 1, 2016 may advise the custodian in writing whether any part of the case record is not subject to inspection. The custodian is not bound by that determination. The custodian shall make a reasonable effort, as time and circumstances allow, to shield from those case records any information that is not subject to inspection under the Rules in this Chapter and that has been called to the attention of the custodian. The duty under this subsection is subordinate to all other official duties of the custodian.

Committee note: In subsections (a) (1) and (b) (2) of this Rule, the requirement that a custodian be notified "in writing" is satisfied by an electronic filing if permitted by Rule 1-322 or required by the Rules in Title 20.

Source: This Rule is derived from former Rule 16-1010 (2016).

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS

Rule 16-912. RESOLUTION OF DISPUTES BY ADMINISTRATIVE OR  
CHIEF JUDGE

(a) Application by Custodian

If, upon a request for inspection of a court record, a custodian is in doubt whether the record is subject to inspection under the Rules in this Chapter, the custodian, after making a reasonable effort to notify the person seeking inspection and each person to whom the court record pertains, shall apply in writing for a preliminary judicial determination whether the court record is subject to inspection.

(1) If the record is in an appellate court or an orphans' court, the application shall be to the chief judge of the court.

(2) If the record is in a circuit court, the application shall be to the county administrative judge.

(3) If the record is in the District Court, the application shall be to the district administrative judge.

(4) If the record is in a judicial agency other than a court, the application shall be to the Chief Judge of the Court of Appeals, who may refer it to the county administrative judge of a circuit court.

(b) Preliminary Determination

After hearing from or making a reasonable effort to

communicate with the person seeking inspection and each person to whom the court record pertains, the court shall make a preliminary determination of whether the record is subject to inspection. Unless the court extends the time for good cause, the preliminary determination shall be made within 10 days after the court receives the written request.

(c) Order; Stay; Action to Enjoin Inspection

If the court determines that the record is subject to inspection, the court shall file an order to that effect. If a person to whom the court record pertains objects, the judge may stay the order for not more than five business days in order to allow the person an opportunity to file an appropriate action to enjoin the inspection. An action under section (c) of this Rule shall be filed within 30 days after the order is filed, and the person who requested inspection of the record shall be made a party. If such an action is timely filed, it shall proceed in accordance with Rules 15-501 through 15-505.

(d) Order; Action to Compel Inspection

If the court determines that the court record is not subject to inspection, the court shall file an order to that effect, and the person seeking inspection may file an action under the Public Information Act or on the basis of the Rules in this Chapter to compel the inspection. An action under section (d) of this Rule shall be filed within thirty days after the order is filed.

(e) When Order Becomes Final and Conclusive

If a timely action is filed under section (c) or (d) of this Rule, the preliminary determination by the court shall not have a preclusive effect under any theory of direct or collateral estoppel or law of the case. If a timely action is not filed, the order shall be final and conclusive.

Source: This Rule is derived from former Rule 16-1011 (2016).