

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

The Rules Committee has submitted Part I of its One Hundred Seventy-Eighth Report to the Court of Appeals, recommending recission 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), and transmitting by Part I proposed new Title 16 and proposed amendments to Rules 2-508 and 3-508.

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

Interested persons are asked to consider Part I of the Committee's Report and proposed rules changes and to forward on or before June 17, 2013 any written comments they may wish to make to:

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Annapolis, Maryland 21401

BESSIE M. DECKER
Clerk
Court of Appeals of Maryland

April 29, 2013

The Honorable Robert M. Bell,
Chief Judge

The Honorable Glenn T. Harrell, Jr.
The Honorable Lynne A. Battaglia
The Honorable Clayton Greene, Jr.
The Honorable Sally D. Adkins
The Honorable Mary Ellen Barbera,
The Honorable Robert N. McDonald

Judges

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

Your Honors:

The Rules Committee submits this Part I of its One Hundred Seventy-Eighth Report and recommends that the Court adopt the new Rules and amendments to existing Rules transmitted with this Part.

With one exception, the One Hundred Seventy-Eighth Report completes the comprehensive revision of the Maryland Rules that began in 1984 with the adoption of Titles 1 through 4 (Criminal and General Civil Proceedings in the District and Circuit Courts), followed in the ensuing years with the addition of Titles 5 (Evidence), 6 (Probate), and 17 (ADR), and the revision and reorganization of the various appellate and special proceedings now collected in Titles 7 through 15. Parts I, II, and III of this Report update, consolidate, and reorganize the Rules dealing with Court Administration (Title 16), Judges and Judicial Appointees (Title 18), and Attorneys (Title 19). A new Title 20 (MDEC), proposed in the Committee's One Hundred Seventy-Sixth Report, was adopted by the Court in April 2013, to take effect July 1, 2013. The one area of comprehensive revision that is not yet completed but is under development consists of the Title 11 Rules on Juvenile Causes.

Much of the material in the new Titles 16, 18, and 19 is lodged in current Title 16 and various appendices to it, although some appears currently only in administrative orders of the Chief Judge. The current Title 16 will be entirely replaced, which requires that most, if not all, of the new Rules be made effective at the same time. Although there are relatively few substantive changes proposed to the Rules dealing with judges, judicial appointees, and attorneys, the material for the three new Titles is bulky. For the convenience of the Court and members of interest groups and the general public who may wish to comment on the Committee's proposals, the Committee is sending the Report to the Court in three parts. Part I - the new Title 16 dealing with court administration - accompanies this letter. Parts II and III, dealing with judges, judicial appointees, and attorneys, will be transmitted within the next several weeks with a covering letter. The Committee recommends that the Court consider holding its hearing on Part I over the summer and on Parts II and III in the early fall, but that the Court make a uniform effective date for all three parts.

Because this is a comprehensive reorganization, all of the Rules are shown as new Rules, even though they are mostly derived from existing Rules. For the Court's convenience, each Part of the Report will include an Appendix showing, through underlining and striking, the proposed textual changes from current Rules.

New Title 16 (Part I) is divided into nine Chapters:

- 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: Court Administrative Structure

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 - the Chief Judge of the Court of Appeals, the Chief Judge of the Court of Special Appeals, the Circuit and County Administrative Judges of the Circuit Courts, the Chief Judge and District Administrative Judges of the District Court, the Administrative Office of the Courts, the State Court Administrator, the clerks, the circuit court administrators, the Registers of Wills, and the Chief Judges of the Orphans' Courts - and notes generally the sources of their respective authority.

Rules 16-102 through 16-107 set forth in more detail the authority of the chief judges and administrative judges of the appellate, circuit, and district courts. 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. Rule 16-105, for example, notes the responsibility of the county administrative judge for the preparation of the case management, continuity of operations, and jury plans and any plan to create a problem-solving court. Rule 16-108 sets forth the authority of the chief judges and administrative judges to assign and reassign judges under their administrative supervision. With style changes, it is derived from current Rule 16-103.

Rules 16-109 and 16-110 bring into Chapter 100 the existence and administrative responsibilities of the Maryland Judicial Conference and the Judicial Council. Those Rules are derived from current Rule 16-802 but have been reorganized and restyled. Rule 16-111 is new. It sets forth the existence and general responsibilities of the Administrative Office of the Courts 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 Court

As the caption suggests, Chapter 200 collects the general administrative Rules that can apply in both the circuit and district 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.

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).

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 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 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 that 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 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 circuit and district 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 16-501 (a), (f), and

(g), 16-502, and 16-503 (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.¹

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.

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 videotaping 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 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,

¹ 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.

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. That is done through alternative versions of Rules 16-501 (g) and 16-503 (h).

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 or that do not create or implement significant judicial policy and that currently exist only as the result of an Administrative Order. Some of the permanent units, such as the State Board of Law Examiners, the Attorney Grievance Commission, the Judicial Ethics Committee, the Commission on Judicial Disabilities, and the Judicial Institute 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.

As the Committee note to Rule 16-701 explains, Chapter 700 is reserved for those few miscellaneous judicial units that are permanent, that do create or implement significant judicial policy, and that may attract public interest. They are the Rules Committee (Rule 16-701), the Conference of Circuit Judges (Rule 16-702), the Conference of Circuit Court Administrators (Rule 16-703), the Conference of Circuit Court Clerks (Rule 16-704), the

Conference of Orphans' Court Judges (Rule 16-705), and the Maryland Professionalism Center (Rule 16-706). The Committee has attempted to make the structure of the Rules dealing with those units as similar as possible.

Rule 16-701 is derived in part from current Rule 16-801, which deals with both the Rules Committee as an entity and the rule-making process. The Rules Committee proposes to separate the structure and duties of the Committee from the overall rule-making process, which involves the Court of Appeals as well, and to place the latter in new Rule 16-801. Rule 16-701 codifies recent changes in the structure of the Committee, the imposition of term limits on its members, and the duties of the Committee.

Rule 16-702, dealing with the Conference of Circuit Judges, is derived from current Rule 16-108. It has been restyled, and provision is made for interim elections when there is a vacancy in an elective seat, either as a member or as chair or vice-chair. Rules 16-703, 16-704, and 16-705 are derived without change from the Administrative Orders creating the respective units. Rule 16-706 simply relocates current Rule 16-407, just recently adopted by the Court.

Chapter 800: Miscellaneous Court Administration Matters

Rule 16-801, derived in part from current Rule 16-801 and Internal Operating Rules of the Court of Appeals², 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 16-802 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. As the Reporter's note explains, those plans are actually drafted by the Office of Emergency Preparedness and Court Security, which is a unit in the AOC.

Rule 16-803 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

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

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

Rule 16-804 places in the Maryland Rules the anti-nepotism policy for judicial employees which has been in existence since 1996 but is now provided for only by Administrative Order.

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. The only changes, other than minor stylistic changes, are the inclusion of the conforming amendments contained in the One Hundred Seventy-Sixth Report (MDEC) and adopted by the Court.

For the further guidance of the Court and the public, following each proposed new Rule and proposed amendment to an existing Rule is a Reporter's note describing in further detail the reasons for the proposal. *We caution that the Reporter's notes are not part of the Rules, have not been debated or approved by the Committee, and are not to be regarded as any kind of official comment or interpretation.* They are included solely to assist the Court in understanding some of the reasons for the proposed changes.

Respectfully submitted,

Alan M. Wilner
Chair

AMW:cdc

MARYLAND RULES OF PROCEDURE

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MARYLAND RULES OF PROCEDURE
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 their 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 Conference, the Maryland Judicial Council, and the Maryland Judicial Cabinet 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 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.

REPORTER'S NOTE

Rule 16-101 is new and lays out the administrative structure of the Maryland Judiciary in one Rule, listing the administrative judges of the various levels of courts, the organizations of judges, the Administrative Office of the Courts, the State Court

Administrator, the various court clerks, the circuit court administrators and the registers of wills as well as the chief judges of the Orphans' Courts.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
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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 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 (2013).

REPORTER'S NOTE

This Rule is derived from former Rule 16-101 a with style changes.

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

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 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 (2013).

REPORTER'S NOTE

Rule 16-103 is derived from former Rule 16-101 b with style changes.

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

Rule 16-104. CIRCUIT COURT - CIRCUIT ADMINISTRATIVE JUDGE

(a) Appointment

The Chief Judge of the Court of Appeals shall appoint a Circuit Administrative Judge for each judicial circuit, to serve 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 Judge for that court; and

(3) shall convene a meeting of all of the circuit court

judges within the judicial circuit at least once every six months.

Source: This Rule is derived from former Rule 16-101 c (2013).

REPORTER'S NOTE

This Rule is derived from former Rule 16-101 c, with new language clarifying the role of the Circuit Administrative Judge in dealing with matters affecting more than one circuit court.

The Committee had questioned the need for subsection (b) (2) in light of the requirement in section (a) that the Circuit Administrative Judge be a County Administrative Judge. It may be necessary, however, if the judge in a one-judge county (Caroline, Cecil, Garrett, Queen Anne's, Somerset, or Talbot) becomes unavailable.

MARYLAND RULES OF PROCEDURE
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Rule 16-105. CIRCUIT COURT - COUNTY ADMINISTRATIVE JUDGE

(a) Appointment

After considering the recommendation of the Circuit Administrative Judge, the Chief Judge of the Court of Appeals shall appoint a County Administrative Judge for each circuit court, to serve in that capacity at the pleasure of the Chief Judge. Except as permitted by 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, 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 16-304 (Chambers Judge) and Rule 16-302 (Assignment of Actions

for Trial; Case Management Plan), 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 16-802;

(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 masters, auditors, examiners, court administrators, court reporters, jury commissioner, staff of the medical offices, and all other court personnel except personnel comprising the Clerk of Court's office;

(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, Rule 16-804, 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 duties necessary to the effective administration of the judicial business of the court and the prompt disposition of litigation in it.

(c) Delegation of Authority

(1) With the approval of the Circuit Administrative Judge or in accordance with a continuity of operations plan adopted by the court pursuant to Rule 16-802, 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, 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, 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 (2013).

REPORTER'S NOTE

This Rule is derived from former Rule 16-101 d with style changes. A more comprehensive list of the duties of the County Administrative Judge has been added.

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 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

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.

REPORTER'S NOTE

This Rule 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.

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

REPORTER'S NOTE

This Rule incorporates the substance of Code, Courts Article, §1-607 and Article IV, §41G of the Constitution of Maryland.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
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

The Chief Judge of the Court of Appeals, by order, may assign a judge of any court other than a judge elected or appointed to an Orphans' Court to sit temporarily in another court other than an Orphans' 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 (2013). Section (e) is new.

REPORTER'S NOTE

This Rule is former Rule 16-103, except that former section (d) has been relocated as section (a) and section (e) is new.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
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) consider proposed and enacted legislation, proposed and adopted changes to the Maryland Rules, and emerging case law and trends that may affect the Maryland courts, judges, or the broader legal and judicial community, and

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

(c) Sessions

Unless otherwise ordered by the Court of Appeals, the Conference shall meet in general session at least once a year at the time and place designated by the Judicial Council. Each

session of the Conference shall be for the number of days determined by the Court of Appeals.

(d) Committees

Committees of the Judicial Conference shall be created and appointed by the Judicial Council pursuant to Rule 16-110. The committees shall meet upon the call of their chairs to receive and consider suggestions pertaining to their respective areas of responsibility. Each committee shall report to the Judicial Council as required by the Council and shall submit an annual report of its activities and recommendations, through the Judicial Council, to the Judicial Conference.

Source: This Rule is derived in part from former Rule 16-802 (2013) and is in part new.

REPORTER'S NOTE

This Rule is derived from former Rule 16-802 with style changes. The section of the former Rule pertaining to the Judicial Council has been placed in Rule 16-110.

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

Rule 16-110. JUDICIAL COUNCIL

(a) Existence

There is a Judicial Council, which is part of the Maryland Judicial Conference.

(b) Membership; Chair

(1) Generally

The Judicial Council consists of:

(A) the Chief Judge of the Court of Appeals, who is the Chair of the Judicial Council;

(B) the Chief Judge of the Court of Special Appeals;

(C) the Chair of the Conference of Circuit Judges;

(D) the Chief Judge of the District Court;

(E) the State Court Administrator;

(F) the Chair of the Conference of Circuit Court Clerks;

(G) the Chief Clerk of the District Court; and

(H) nine persons appointed by the Chief Judge of the Court of Appeals in accordance with section (b) (2) of this Rule.

(2) Appointed Members

(A) The Chief Judge shall appoint:

(i) four circuit court judges, two of whom shall be Circuit Administrative Judges and two nominated by the Conference of Circuit Judges;

(ii) four District Court judges, two of whom shall be District Administrative Judges and two of whom shall be elected members of the Administrative Judges Committee nominated by that Committee; and

(iii) one court administrator of a circuit court.

(B) The term of each appointed member is two years. The terms of those members shall be staggered.

(C) If a vacancy occurs because an appointed member resigns from the Judicial Council, leaves judicial office, or is appointed or elected to another judicial office, the Chief Judge shall appoint a replacement member to serve for the balance of the unexpired term.

(c) Duties

The Judicial Council has the following duties:

(1) The Judicial Council shall guide the Judicial Conference in maintaining the cohesiveness, leadership, and efficiency of the Maryland Judiciary.

(2) Between plenary sessions of the Judicial Conference, the Judicial Council shall perform the functions of the Conference.

(3) The Judicial Council shall submit to the Chief Judge of the Court of Appeals, the Court of Appeals, and the full Conference, as appropriate, recommendations for the improvement of the administration of justice in Maryland. The Judicial Council may request that one or more of its recommendations be forwarded to the Governor or the General Assembly. The Chief Judge or the Court shall forward those recommendations to the

Governor or General Assembly with any comments or additional recommendations the Chief Judge or the Court finds appropriate.

(4) In consultation with the Chief Judge of the Court of Appeals, the Judicial Council shall establish the committees of the Judicial Conference, appoint the chair and members of each committee, receive and consider reports from the committees, and approve and coordinate the work of the committees.

(5) In conjunction with the Maryland Judicial Institute, the Judicial Council shall plan educational programs for the plenary sessions of the Conference.

(6) In conjunction with the Chief Judge of the Court of Appeals, the Judicial Council shall plan plenary sessions of the Conference.

Source: This Rule is derived from former Rule 16-802 (2013).

REPORTER'S NOTE

Rule 16-110 is derived from former Rule 16-802, but it has been reorganized and revised.

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

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 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 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.

REPORTER'S NOTE

Rule 16-111 is new and sets out the duties of the Administrative Office of the Courts and the State Court Administrator.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS -- CIRCUIT AND DISTRICT COURT

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MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURT

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:

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

(B) with respect to a circuit court, by order of the County Administrative Judge or the Circuit Administrative Judge for the judicial circuit;

(C) with respect to a district court, by order of the Chief Judge of the District Court or the District Administrative Judge for the district; or

(D) with respect to an Orphans' Court, by the Chief Judge of that court or in Harford and Montgomery Counties, by the County Administrative 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 will ordinarily 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, or the Chief Judge of the District Court.

Source: This Rule is derived from former Rule 16-106 (2013) with style changes.

REPORTER'S NOTE

This Rule is derived from former Rule 16-106 with clarifying style changes. Section (b), permitting the Chief Judge of the Court of Appeals to order that one or more courts remain open on a holiday or weekend to deal with the effects of a public emergency or catastrophic health emergency declared by the

Governor, is new. It complements the provision in section (c) permitting proceedings to occur when the court is otherwise closed. The amendments to section (d) make a clearer distinction between the start of daily court business and the commencement of particular proceedings. If there are several cases on the docket all of them cannot commence at 10:00 a.m. The existing Committee note is deleted as superfluous.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURT

Rule 16-202. PAYMENT OF MONEY INTO COURT

All money paid into the District Court or a circuit court under an order or on account of a pending action shall be deposited by the clerk in a financial institution approved by the State Treasurer. 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 (2013).

REPORTER'S NOTE

This Rule consolidates former Rules 16-303 and 16-502, which applied to the circuit courts and the District Court, respectively. The two rules were substantively identical.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURT

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

(a) Applicability; Conflicts with Other Rules

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. A pleading, paper, or instrument may not be filed by direct electronic transmission to a court except in accordance with this Rule. 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; and

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

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

Cross reference: For the definition of "public record," see Code, State Government Article, §10-611. See also Rules 16-901 - 16-911 (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, lawyers, legal educators, bar association representatives, and other interested and knowledgeable persons 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 (2013).

REPORTER'S NOTE

This Rule is a consolidation of former Rules 16-307 and 16-506, which applied in the circuit courts and the District Court, respectively. Since the consultation process is slightly different, it is broken down in section (b). The general criteria for approval of a plan are moved to new section (c), and the remaining sections are re-lettered accordingly.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURT

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) send 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, or their respective designees, for purposes of completing criminal history record maintained by Central Repository of Criminal History Record Information; and

(2) report to the State Motor Vehicle Administration (A) each conviction, acquittal, 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; (B) each conviction of manslaughter or assault committed by means of a motor vehicle; and (C) each conviction of a felony involving the use of a motor vehicle.

(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 16-911.

Cross reference: See Code, Courts Article, §§2-203 and 13-101 (d) and (f), Criminal Procedure Article, §§10-201, 10-214, 10-217, and State Government Article, §§10-612 through 10-619. 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.

Committee note: This Rule does not contemplate the reporting of parking violations.

Source: This Rule is derived from former Rules 16-308 and 16-503 (2013).

REPORTER'S NOTE

This Rule is a consolidation of former Rules 16-308 and 16-503; reporting requirements are slightly different for the circuit courts and the District Court because of difference in the matters handled by the respective courts. The lengthy cross reference and the current Committee note are suggested for deletion. A sentence is added to the other cross reference to call attention to the new rules on access to "court records."

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURT

Rule 16-205. DISPOSITION OF RECORDS

(a) Definitions

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

(1) Authorized Judge

"Authorized judge" means

(A) with respect to records of a circuit court, the County Administrative Judge; and

(B) with respect to records of the District Court, the Chief Judge of that Court.

(2) Court

"Court" means a circuit court or the District Court.

Cross reference: See Rule 8-113 (b) (3) for disposition of records of the Court of Appeals and Court of Special Appeals.

(3) Dispose

"Dispose" means to destroy or remove.

(4) Records

"Records" means any original papers, official books, documents, files, including dockets, electronic recordings of testimony, and exhibits within the custody of the clerk of the court.

Cross reference: See Code, State Government Article, §§9-1009 and 10-639 through 10-642.

(5) Schedule

"Schedule" means the form known as the "Records Retention and Disposal Schedule" used by the Records Management Division of the Department of General Services.

(b) Authority of Clerk

The clerk of the court may dispose of records in the clerk's custody:

(1) in accordance with the provisions of this Rule or Rule 16-405 (d) (2);

(2) with the written approval of the authorized judge; and

(3) in cooperation with the State Archivist.

Cross reference: See Code, Courts Article, §2-205.

(c) Procedure

(1) The clerk shall prepare an initial schedule for the disposition of court records and submit the schedule to the State Archivist for the Archivist's recommendation.

(2) Upon receipt of the recommendation of the State Archivist, the clerk shall submit the schedule and the recommendation to the authorized judge, who may approve, amend, or disapprove the schedule. Approval of the schedule in whole or in part shall be by an order providing for disposal of the records.

(3) The schedule, as approved, shall identify the records and set forth:

(A) the length of time the records are to be retained by the clerk of the court before disposition;

(B) whether the State Archivist declines to accept the records for preservation;

(C) whether the records are to be destroyed or removed;

(D) if the records are to be removed, the place to which they would be removed; and

(E) whether the schedule shall be operative until changed by further order of court.

(4) The records shall be disposed of:

(A) in accordance with procedures of the State Archivist if the State Archivist accepts the records;

(B) otherwise, in accordance with the terms specified in the approved schedule. If the records are to be destroyed, the clerk shall obtain the approval of the Board of Public Works and, upon destruction, shall file a certificate of destruction with the State Archivist.

Cross reference: See Code, State Government Article, §10-642.

(d) Limitations Upon Disposal of Circuit Court Records

(1) This section applies only to circuit court records.

(2) Subject to subsection (d)(5) of this Rule, the following records shall be retained permanently either by the clerk or the State Archivist:

(A) permanent books of account;

(B) indices and dockets maintained by the clerk; and

(C) other records designated on an approved schedule.

(3) Subject to subsection (d)(5) of this Rule, the clerk shall retain permanently records affecting title to real

property.

(4) The clerk may destroy:

(A) Records in a motor vehicle or natural resources case at any time three years or more after the case was closed and any required audit was completed, except that the clerk shall retain as permanent records convictions of offenses which carry subsequent offender penalties;

(B) Records in a landlord/tenant case involving restitution of the premises but no money judgment at any time three years or more after the case was closed; and

(C) Other records designated in an approved schedule at any time 12 years or more after the case was closed.

(5) The clerk may dispose of records specified in subsections (d) (2), (d) (3), or (d) (4) of this Rule at any time if an unredacted version of the records has been duplicated in accordance with State Archivist's procedures and copies have been substituted for the originals.

(e) Limitations upon Disposal of District Court Records

(1) This section applies only to District Court records.

(2) Subject to subsection (e) (10) of this Rule, the clerk shall retain the records described in subsections (e) (3) through (e) (9) of this Rule for the periods specified in those subsections.

(3) The clerk shall retain permanently all indices, dockets, and books of account.

(4) The clerk shall retain for a period of 12 years after the

case is closed all original papers and exhibits in any case containing a petition for emergency evaluation or a petition for protection from domestic violence.

(5) In any case in which a money judgment is entered, the clerk shall retain all original papers, exhibits, and electronic recordings of testimony for a period of three years after entry of the judgment and thereafter shall continue to retain all original papers and exhibits in the file until the judgment expires or is satisfied.

(6) In any criminal case which is dismissed or in which a nolle prosequi or stet is entered, the clerk shall retain all original papers, exhibits, and electronic recordings of testimony for a period of three years after the case is so concluded.

(7) In any criminal case in which judgment is entered or probation before judgment is granted, the clerk shall retain all original papers, exhibits, and electronic recordings of testimony for a period of three years after the case is so concluded, and if within that three year period the defendant fails to comply with the order of court, the clerk shall continue to retain the original papers and exhibits in the file until the failure is cured or an arrest warrant issued as a result of the failure is invalidated as permitted by law.

(8) In any criminal case involving a misdemeanor in which an arrest warrant issued on the charging document or as a result of the defendant's failure to appear for trial remains unserved three years after its issuance, the clerk shall retain all the

original papers and exhibits in the file until the warrant is invalidated as permitted by law.

(9) The clerk shall retain the original papers, exhibits, and electronic recordings of testimony in all other cases for a period of three years after the case is concluded by dismissal, settlement, or entry of judgment.

(10) (A) Any of the records, except dockets, set forth in subsections (e)(1) through (e)(9) of this Rule may be disposed of at any time provided that an unredacted version of the records has been duplicated in accordance with State Archivist's procedures and copies have been substituted for the originals, including a master security negative which shall be retained permanently.

(B) Traffic and criminal dockets may be disposed of after a period of five years if copies are retained in accordance with subsection (10)(A) of this Rule.

(f) Retention by State Archives

A requirement of this Rule that the clerk retain records may be satisfied by retention of the records by the State Archives. Records retained by the clerk that are twenty-five years old and have not been transferred to the State Archives shall be transferred to the Archives or disposed of according to an approved schedule.

Cross reference: For the archival of MDEC records, see Rules 20-102 (c) and 20-503.

Source: This Rule is derived from former Rules 16-505 and 16-818 (2013).

REPORTER'S NOTE

This Rule is a consolidation of former Rules 16-505 and 16-818, governing records disposition in the District Court and the circuit courts, respectively, with style changes.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURT

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, no officer or employee of a court shall 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 (2013).

REPORTER'S NOTE

This Rule is derived from Rule 16-401 b. with style changes. A new sentence has been added to the text of the Rule, clarifying the meaning of the term "officer or employee of a court." This definition currently is in a long Committee note, the bulk of which is recommended for deletion because it is either unnecessary or outdated.

Also recommended for deletion is Rule 16-401 a., which prohibits an attorney from giving to a court officer or employee those items that the Rule prohibits the officer or employee from accepting. As to gift-giving by non-attorneys such as vendors and self-represented litigants, the deleted provision is silent. As to gift-giving by attorneys, the deleted provision is believed unnecessary. See Rules 3.5 (a) (1) and 8.4 (d) of the Maryland Lawyers' Rules of Professional Conduct. As to gift-giving by anyone, whether or not the person is an attorney, if the court officer or employee does not accept the tendered item, there will be no gift, gratuity, or compensation.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURT

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, 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 July 1, 2010.

Sections (a), (e), (f), and (g) of this Rule apply also to problem-solving court programs in existence on July 1, 2010.

(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 Court of Appeals. The program shall not be implemented until it is approved by 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 counsel, 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 2.9 of the Maryland Code of Judicial Conduct;

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

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 counsel before the court makes its decision. If a hearing is required by this section and the participant is not represented by counsel, 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 (2013).

REPORTER'S NOTE

Rule 16-207 is substantially derived from former Rule 16-206. A definition section has been separated from the applicability section in the current Rule. The Committee added a sentence clarifying that a proceeding is not necessarily a problem-solving court program merely because a court received evidence from an educational, health, or social service agency or refers a person to one of these agencies. Language has been added to the Committee note after section (a), which clarifies that problem-solving court programs are those in which the judge acts as part of the therapeutic team that monitors the progress of an individual enrolled in the program.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURT

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 is also 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 this section, 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, Rule 16-603, Rule 16-503, or Rule 16-504 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, Rule 16-603, Rule 16-502, or Rule 16-504, 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

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

Source: This Rule is derived from former Rule 16-110 (2013).

REPORTER'S NOTE

Rule 16-208 is substantially the same as Rule 16-110.

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 this section, "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

that it may complete an investigation specified by the judge in the order. The grand jury shall continue until it concludes its investigation or is sooner discharged by the judge, during any extension, 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 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-107, as amended effective March 1, 2009. The Rule has been reorganized.

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; Implementation; Monitoring

The County Administrative Judge shall develop, implement, monitor, and, as needed, update 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.

(2) Family Division

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 references to an examiner-master, when appropriate;

(5) provide for the disposition of actions under Rule 2-507;

(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 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-202 with style changes. The Committee proposes to add another feature to section (c), which is that the case management plan can provide for non-evidentiary hearings to be conducted by telephone, video, or other electronic means if permitted by law and if approved by the presiding judge.

MARYLAND RULES OF PROCEDURE

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 each circuit court 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 assignment clerk, who may calendar the motion specially.

Source: This Rule is derived from former Rule 16-201 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-201 with style changes. There is a substantive change in section (a), which is that the Circuit Administrative Judge sets motion days for the courts in the circuit.

MARYLAND RULES OF PROCEDURE

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 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-102 with style changes. The existing Committee note at the end of the Rule is recommended for deletion.

MARYLAND RULES OF PROCEDURE

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.

Source: This Rule is derived from former Rule 16-403 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of former Rule 16-403, omitting the obsolete reference to the Supreme Bench of Baltimore City.

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 this section, 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 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-203 with style changes.

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 persons 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 this section. 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 lawyer 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 masters, special masters, 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 masters 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 needed by the court's family division, a fiscal note that estimates the cost of those services for the following fiscal year, and, whenever practicable, an estimate of the fiscal needs of the Clerk of the Circuit Court for the county pertaining to the family division.

(b) Circuit Courts Without a Family Division

(1) Applicability

This section 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 needed by the court, a fiscal note that estimates the cost of those services for the following fiscal year, and, whenever practicable, an estimate of the fiscal needs of the Clerk of the Circuit Court for the county pertaining to family support services.

Source: This Rule is derived from former Rule 16-204 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-204 with style changes. Statutory references have been updated. The Committee deleted the language "to state facilities" in subsection (a)(2)(H), because persons may be involuntarily admitted to private psychiatric facilities under Code, Health-General Article, Title 10, Subtitle 6.

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 lawyers 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 persons 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 Circuit Administrative Judge of the circuit in which an action is filed or the Circuit Administrative 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 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-205 with style changes.

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 to the persons required by the Chief Judge of the Court of Appeals.

Source: This Rule is derived from former Rule 16-105 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of former Rule 16-105 with style changes, collapsing former sections a. and b.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
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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) Personnel System

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 (A) provide for equal opportunity, (B) be based on merit principles, and (C) include appropriate job classifications and compensation scales.

(2) Review for Compliance

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

(c) Certain Deputy Clerks

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

(d) Grievances

An employee grievance shall be resolved in accordance with the standards and procedures set forth in the personnel system.

(e) Payroll and Time Sheets

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

Source: This Rule is derived from former Rule 16-301 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-301.

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 current data processing systems in Baltimore City, Prince George's County, and Montgomery County shall not be replaced 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 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 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-302.

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 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 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-304.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 400 - CIRCUIT COURTS - CLERKS' OFFICES

Rule 16-404. DOCKETS

The clerks of the 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 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-305 with style changes.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 400 - CIRCUIT COURTS - CLERKS' OFFICES

Rule 16-405. FILING AND REMOVAL OF PAPERS

(a) Applicability

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

(b) Flat Filing

Any paper received by the clerk 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 whatever other method as may be is convenient and practicable.

(d) Removal of Papers and Exhibits

(1) Papers and Exhibits Filed with the Clerk

No paper or exhibit filed with the clerk in an action may 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, master, or examiner or examiner-master in connection with the performance of his or her official duties.

(2) Exhibits Offered During Trial

(A) Exhibits introduced in evidence or marked for identification during the trial of an action, and not previously filed with the clerk shall be retained by the clerk of court 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, 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 a request is received by the clerk within 30 days after the date of notice, or unless the court within that period orders otherwise, 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, including a notation on the docket, if the file or papers are removed from the courthouse.

Source: This Rule is derived from former Rule 16-306 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-306 with style changes. The existing Committee note is recommended for deletion.

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 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 counsel 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 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-309, with style changes.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
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ALTERNATIVE A

- (h) Right to Copy of Audio Recording
 - (1) Generally
 - (2) Redacted Portions of Recording
 - (3) Exceptions

ALTERNATIVE B

- (h) Right to Listen to or View Copy of Recording
 - (1) Generally
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- (i) Right to Copy of Recording
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MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 500 - RECORDING OF PROCEEDINGS

Rule 16-501. 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) 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 16-502 and 16-503.

(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 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.

(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 16-504 (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.

ALTERNATIVE A

(g) Right to Copy of Audio 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 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 this section, 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.

ALTERNATIVE B

(g) Right to Listen to or View Copy of 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 official audio or audio-video recording, upon written request from any person, shall make a copy of the recording and permit the person to listen to the copy

if it is an audio recording or to listen to and view the copy if it is an audio-video recording at a time and place designated by the court.

Committee note: It is intended that the custodian need make only one copy of the electronic recording and have that copy available for any person who makes a request to listen to or listen to and view it. If space is limited and there are multiple requests, the custodian may require several persons to listen to or to listen to and view the recording at the same time or accommodate the requests in the order they were received.

(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 to be safeguarded pursuant to section (f) of this Rule are redacted from any copy of a recording made available for listening or listening and viewing. Access to the copy may be delayed for a period reasonably required to accomplish the redaction.

(3) Restrictions on Additional Copies

A person listening to or listening to and viewing a copy of an electronic recording may not make a copy of that copy 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 it may be punished as a contempt.

(h) Right to Copy of 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 or 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 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, if the recording is of a proceeding closed pursuant to law or from which safeguarded portions have not been redacted, (i) the transcript or the portions of the transcript containing unredacted safeguarded portions of a proceeding, 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 (h) (1) of this Rule; and

(I) Any other person authorized by the District 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 this section.

(3) Violation of Restriction on Use

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

Cross reference: See Rule 16-504 (a) concerning regulations and standards applicable to court reporting in all courts of the State.

Source: This Rule is derived from former Rule 16-504 (2013).

REPORTER'S NOTE

Rule 16-501 is derived from former Rules 16-404, 16-405, 16-406, and 16-504. Section (a) is derived from Rule 16-404 e. A Committee note was added to indicate that no proceedings that must be recorded are to be conducted in chambers.

Section (b) is derived from former Rule 16-504 a.

Section (c) is derived from former Rule 16-406 a and b.

Section (d) is new and was added to make clear that recordings authorized by the Chief Judge of the District Court

are to be maintained by the court in accordance with standards found in an administrative order of the Chief Judge of the Court of Appeals.

Section (e) is derived from former Rule 16-404 b.

Section (f) is derived from former Rule 16-405 c and d.

Alternative A

Subsection (g) (1) is derived from former Rule 16-406 (c).

Subsection (g) (2) is new and was added to reinforce the policy that a copy of the recording not contain material required to be redacted.

Subsection (g) (3) is derived from former Rule 16-406 d. The Committee proposes the addition of some people to the list of those who have a right to a copy of the recording, including the Chief Judge of the Court of Appeals, the Chief Judge of the District Court, the District Administrative Judge having supervisory authority over the court, the presiding judge, and Bar Counsel. The Committee proposes the addition of some conditions for a stenographer or transcription service designated by the court to prepare an official transcript if the recording is of a proceeding closed pursuant to law or from which safeguarded portions have not been redacted, including that the transcript be sealed or shielded and that the transcript may not be prepared for or delivered to any person not entitled to a copy of the recording.

Alternative B

Subsection (g) (1) is derived from former Rule 16-406 e. A Committee note has been added to provide a procedure for the custodian to make copies of recordings available to the public.

Subsection (g) (2) is new and was added to reinforce the policy that a copy of the recording not contain material required to be redacted.

Subsection (g) (3) is new and provides that someone listening to or viewing a recording may not have a device with him or her that is capable of copying the recording.

Subsection (h) (1) is derived from former Rule 16-406 d. See the note to subsection (g) (3) in Alternative A.

Subsection (h) (2) is new and was added to provide limitations on the use of a recording when someone views or listens to it.

Subsection (h) (3) is new and provides a penalty for misuse of a recording.

By a divided vote, the Committee preferred Alternative A, but decided to transmit both Alternatives for consideration by the Court.

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

Rule 16-502. 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 Master, Examiner, or Auditor

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

(A) the recording of proceedings before a master 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

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 (2013).

REPORTER'S NOTE

Rule 16-502 is derived from former Rule 16-404.

Subsection (a)(1) is derived from former Rule 16-404 e. The Subcommittee added language to clarify that chambers conferences involving only routine administrative matter or civil settlement actions need not be recorded. A Committee note was added to indicate that, unless the chambers has recording capability, no proceedings that must be recorded are to be conducted in chambers and that a recording offered at a hearing or trial shall be marked for identification and made part of the record.

Subsection (a)(2) is new and was added to draw attention to the fact that rules allowing for the recordings before a master, examiner, or auditor may be waived.

Section (b) is derived from former Rule 16-404 (e), but it has been changed to eliminate the specific methods of recording and updated to provide that if proceedings are recorded by a combination of methods, the County Administrative Judge shall determine the method used to prepare the transcript.

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

Rule 16-503. 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 16-502 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 16-504 (a) apply with respect to court reporters employed in or designated by a circuit court.

(d) Presence of Court Reporters Not Necessary

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.

ALTERNATIVE A

(h) Right to Copy of Audio 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 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 this section, the custodian shall make available to the following persons a copy of the audio recording or 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;

(I) If the recording is an audio-video recording, 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.

ALTERNATIVE B

(h) Right to Listen to or View Copy of 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 or audio-video recording, upon written request from any person, shall make a copy of the recording and permit the person to listen to the copy if it is an audio recording or to listen to and view the copy if it is an audio-video recording at a time and place designated by the court.

Committee note: It is intended that the custodian need make only one copy of the electronic recording and have that copy available for any person who makes a request to listen to or to listen to and view it. If space is limited and there are multiple requests, the custodian may require several persons to listen to or to listen to and view the recording at the same time or accommodate the requests in the order they were received.

(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 directed to be safeguarded pursuant to section (g) of this Rule are redacted

from any copy of a recording made available for listening or listening and viewing. Access to the copy may be delayed for a period reasonably necessary to accomplish the redaction.

(3) Restrictions on Additional Copies

A person listening to or listening to and viewing a copy of an electronic recording may not make a copy of that copy 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 it may be punished as a contempt.

(i) Right to Copy of 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 or 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 (i) (1) of this Rule; and

(I) 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 (i) (1) of this Rule.

(3) Violation of Restriction on Use

A willful violation of subsection (i) (2) of this Rule may

be punished as a contempt.

Cross reference: See Rule 16-504 (a) concerning regulations and standards applicable to court reporting in all courts of the State.

Source: This Rule is derived from former Rules 16-404, 16-405, and 16-406 (2013).

REPORTER'S NOTE

Rule 16-503 is derived from former Rules 16-404, 16-405, and 16-406. Subsection (a)(1) is derived from former Rule 16-406 a. Subsection (a)(2) is derived from former Rule 16-406 b.

Section (b) is new and was added to clarify that 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.

Section (c) is derived from former Rule 16-404 b.

Section (d) is derived from former Rule 16-405 e.

Section (e) is derived from former Rule 16-405 b.

Section (f) is derived from former Rule 16-405 c.

Section (g) is derived from former Rule 16-405 d. The second sentence is new and was added to provide a means for locating the safeguarded portions of the recording. As with 16-501, the Committee presents two alternatives. Alternative A permits someone to have a copy of the recording. Alternative B permits only listening to or viewing a copy.

Alternative A

Subsection (h)(1) is derived from former Rule 16-406 c.

Subsection (h)(2) is new and was added to reinforce the policy that a copy of the recording not contain material required to be redacted.

Subsection (h)(3) is derived from former Rule 16-406 d. The Committee proposes the addition of some people to the list of those who have a right to a copy of the recording, including the Chief Judge of the Court of Appeals, the County Administrative Judge, the Circuit Administrative Judge having supervisory authority over the court, the presiding judge, and Bar Counsel. As with Rule 16-501, the Committee proposed the addition of some

conditions for a stenographer or transcription service designated by the court to prepare an official transcript if the recording is of a proceeding closed pursuant to law or from which safeguarded portions have not been redacted, including that the transcript be sealed or shielded and that the transcript may not be prepared for or delivered to any person not entitled to a copy of the recording.'

Alternative B

Subsection (h) (1) is derived from former Rule 16-406 c, except that the right to obtain a copy of a recording has been changed to the right to listen or view a copy. A Committee note has been added to provide a procedure for the custodian to make copies of recordings available to the public.

Subsection (h) (2) is new and was added to reinforce the policy that a copy of the recording not contain material required to be redacted.

Subsection (h) (3) is new and provides that someone listening to or viewing a recording may not have a device with him or her that is capable of copying the recording.

Subsection (i) (1) is derived from former Rule 16-406 d. The Committee proposes the addition of some people to the list of those who have a right to a copy of the recording, including the Chief Judge of the Court of Appeals, the County Administrative Judge, the Circuit Administrative Judge having supervisory authority over the court, the presiding judge in the case, and Bar Counsel. The Committee proposes the addition of some conditions for a stenographer or transcription service designated by the court to prepare an official transcript if the recording is of a proceeding closed pursuant to law or from which safeguarded portions have not been redacted, including that the transcript may not be prepared for or delivered to any person not entitled to a copy of the recording.

Subsection (i) (2) is new and was added to provide limitations on the use of a recording when someone views or listens to it.

Subsection (i) (3) is new and provides a penalty for misuse of a recording.

By a divided vote, the Committee preferred Alternative A, but decided to transmit both alternatives for consideration by the Court.

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

Rule 16-504. 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 16-501, 16-502, and 16-503.

(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 a county with more than one court reporter, the County Administrative Judge shall designate one as supervisory court reporter, who shall serve at the pleasure of the County Administrative Judge. The Chief Judge of the Court of Appeals shall prescribe the duties of the supervisory court reporter.

(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 (h) 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 (2013).

REPORTER'S NOTE

Rule 16-504 is derived from former Rule 16-404. Section (a) is derived from former Rule 16-404 b. Section (b) is derived from former Rule 16-404 c. Section (c) is derived from former Rule 16-404 d. The Committee has added a cross reference to Rule 16-906 (h).

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 600 - EXTENDED COVERAGE OF COURT PROCEEDINGS

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MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

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 this Rule 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) (2013).

REPORTER'S NOTE

Rule 16-601 is derived from former Rule 16-109. Section (a) is derived from former Rule 16-109 a. 1.

Section (b) is substantially the same as former Rule 16-109 a. 2.

Section (c) is the same as former Rule 16-109 a. 3.

Section (d) is substantially the same as former Rule 16-109 a. 4.

Section (e) is derived from former Rule 16-109 a. 5.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 600 - EXTENDED COVERAGE OF COURT PROCEEDINGS

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 (2013).

REPORTER'S NOTE

Rule 16-602 is derived from former Rule 16-109 b. 7. The meaning of the exception in the former Rule for equipment used for "perpetuation of a court record" is not clear. The Rule was intended to cover the use of audio or video equipment to record court proceedings in lieu of the stenographic recording by court reporters, but this is not really perpetuation of the evidence. Section (a) is intended to include this, as well as the webcasting of court proceedings by the court itself, which the Court of Appeals does with its own equipment. Section (b) is new

and covers the situation in which an official court reporter uses an electronic recording as a backup to the reporter's stenographic notes.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 600 - EXTENDED COVERAGE OF COURT PROCEEDINGS

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 (2013).

REPORTER'S NOTE

Rule 16-603 is derived from former Rule 16-109 b. 1. and 4.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

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 honor 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 (2013).

REPORTER'S NOTE

Rule 16-604 is derived from former Rule 16-109 c.

Section (a) is derived from former Rule 16-109 c. 1.

Section (b) is new. The Committee felt that it would be helpful to set out the content of a request to allow extended coverage.

Section (c) is derived from former Rule 16-109 c. 1. The Committee added the Local Administrative Judge and the judge designated to preside at the proceeding, if one had been designated as persons who are to receive notice of the request for extended coverage.

Section (d) is derived from former Rule 16-109 c. 2.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 600 - EXTENDED COVERAGE OF COURT PROCEEDINGS

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 persons designated to operate the equipment.

Source: This Rule is derived from former Rule 16-109 d., e., and f (2013).

REPORTER'S NOTE

Rule 16-605 is derived from former Rule 16-109 d., e., and f. Subsection (a) (1) is derived from former Rule 16-109 f. 2. The Committee added a reference to Code, Criminal Procedure Article, §1-201.

Subsection (a) (2) is derived from former Rule 16-109 e. 1.

Subsection (a) (3) is substantially the same as former Rule 16-109 e. 2.

Subsection (a) (4) is substantially the same as former Rule 16-109 e. 3.

Subsection (b) (1) is derived from former Rule 16-109 d.

Subsection (b) (2) is derived from former Rule 16-109 d.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

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

Source: This is Rule is derived from former Rule 16-109 (2013).

REPORTER'S NOTE

Rule 16-606 is derived from former Rule 16-109.

Section (a) is derived from former Rule 16-109 b. 3. This section clarifies that electronic devices capable of

photographing, recording, or transmitting sound or visual images may not be brought into the jury assembly or deliberation room. This takes into account the myriad of such devices that are available to the public.

Subsection (b) (1) is substantially the same as former Rule 16-109 f. 3.

Subsection (b) (2) is substantially the same as former Rule 16-109 b. 2.

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 camera shall be permitted in a trial court proceeding. Not more than two stationary television 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 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 film 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 (2013).

REPORTER'S NOTE

Rule 16-607 is derived from former Rule 16-109.

Subsection (a) (1) is the same as former Rule 16-109 b. 5.

Subsection (a) (2) is substantially the same as former Rule 16-109 b. 6.

Subsection (a) (3) is the same as former Rule 16-109 f. 4.

Subsection (a) (4) is derived from former Rule 16-109 g. 9.

Subsection (a) (5) is derived from former Rule 16-109 g. 8., g. 10., and g. 12. The Committee added a condition for modifying light sources - that the person conducting the extended coverage must, at his or her own expense, restore the light sources to their prior condition.

Subsection (a) (6) is substantially the same as former Rule 16-109 g. 11.

Subsection (a) (7) is the same as former Rule 16-109 g. 3.

Subsection (b) (1) is substantially the same as former Rule 16-109 g. 4.

Subsection (b) (2) is substantially the same as former Rule 16-109 g. 1.

Subsection (b) (3) is substantially the same as former Rule 16-109 g. 1.

Subsection (c) (1) is substantially the same as former Rule 16-109 g. 5.

Subsection (c) (2) is substantially the same as former Rule 16-109 g. 2.

Subsection (d) (1) is substantially the same as former Rule 16-109 g. 6.

Subsection (d) (2) is substantially the same as former Rule 16-109 g. 6.

Subsection (d) (3) is substantially the same as former Rule 16-109 g. 6.

Subsection (d) (4) is substantially the same as former Rule 16-109 g. 6.

Section (e) is derived from former Rule 16-109 g. 7.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

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 (2013).

REPORTER'S NOTE

Rule 16-608 is derived from former Rule 16-109 f. 1.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
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MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
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 rulemaking 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 persons 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 person 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 person as a judge of the court upon which the person 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 such assistant or special reporters 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. The Court shall appoint such additional staff as it deems necessary.

(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.

Committee note: There are a number of committees, commissions, and conferences that are part of the Judicial branch. Some were created by statute, some by Rule, and some by Administrative Order of the Court of Appeals or the Chief Judge. Those that were created by statute or Rule and have a direct administrative relationship with an area of activity covered by Rule are included in the Rules governing that activity. Thus, for example, the Judicial Conference and the Judicial Council are included in Title 16, Chapter 100, dealing with general court

administration, the Judicial Ethics Committee is included in Title 18, dealing with judges and judicial officers, and the Board of Law Examiners and the Attorney Grievance Commission are included in Title 19, dealing with attorneys. Other units, either created by Rule or initially created by Administrative Order, that have a somewhat permanent status and significant ongoing responsibilities are included in this Chapter 700 of Title 16. Those that were created by Administrative Order to study and make recommendations with respect to one or more particular subjects but are not likely to have a permanent existence are not included in the Rules.

Source: This Rule is new but is derived from former Rule 16-801 (2013). The provisions in former Rule 16-801 that deal with the procedure for promulgating Rules rather than the structure and specific duties of the Rules Committee are placed in Rule 16-801.

REPORTER'S NOTE

Rule 16-701 is based on former Rule 16-801, which addressed the composition of the Rules Committee, changes to the Rules, and maintenance of a record of the Rules. In the interest of transparency, the Committee has extended the scope of the Rule to address the duties of the Chair, Vice Chair, and the staff of the Committee, and to also address meetings and duties of the Committee, none of which had been set out in a Rule previously.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 700 - MISCELLANEOUS JUDICIAL UNITS

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 Chief Judge of the Court of Appeals in developing policies affecting the administration of the circuit courts, including but not limited to:

(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:

(A) on the appointment of circuit court judges to committees of the Judicial Conference in accordance with Rule 16-109; and

(B) to recommend circuit court judges for membership on other 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 is 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 (2013).

REPORTER'S NOTE

Rule 16-702 is based on former Rule 16-108. The Committee has added language that explains how a vacancy on the Conference is filled and provides for an interim election if the Chair or Vice Chair ceases to be a member of the Conference.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 700 - MISCELLANEOUS JUDICIAL UNITS

Rule 16-703. CONFERENCE OF CIRCUIT COURT ADMINISTRATORS

(a) Existence; Purpose

There is a Conference of Circuit Court Administrators. The purposes of the Conference are:

(1) to provide a forum for policy discussion, information exchange, and professional development; and

(2) to assist and act as a liaison to the Chief Judge of the Court of Appeals, the Maryland Judicial Council, the Conference of Circuit Judges, the Circuit and County Administrative Judges, the Administrative Office of the Courts, the Standing Committee on Rules of Practice and Procedure, and the Conference of Circuit Court Clerks.

(b) Membership

The Conference shall consist of each individual appointed to serve as the court administrator of a circuit court or of a judicial circuit and a representative of the Administrative Office of the Courts designated by the Chief Judge of the Court of Appeals.

(c) Chair; Vice Chair; Secretariat

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 an incumbent chair or vice

chair ceases to be a member of the Conference. The Administrative Office of the Courts shall serve as secretariat to the Conference.

(d) Meetings; Quorum

The Conference shall meet at least four times a year. At least one of the meetings shall be in Annapolis. A majority of the authorized members of the Conference shall constitute a quorum.

(e) Duties

The Conference shall:

(1) exchange ideas and views on matters relating to the operation, management, and leadership of the circuit courts, including budget and grant administration, case management, library and information services, jury system operations, human resources, facilities management, automation and technology, alternative dispute resolution, and other programs related to the delivery of services, with particular attention to family law matters;

(2) make recommendations to the Chief Judge of the Court of Appeals, the Maryland Judicial Council, the Conference of Circuit Judges, the Administrative Office of the Courts, and the Standing Committee on Rules of Practice and Procedure as to policies intended for the improvement of the overall administration of the circuit courts;

(3) assist the Chief Judge of the Court of Appeals, the County Administrative Judges, and the Administrative Office of

the Courts with respect to the preparation of the annual Judicial budget submitted to the Governor and the General Assembly, particularly as it pertains to grants, fiscal impact studies, and other management information reports related to program performance in the circuit courts;

(4) provide advice on other matters as the Chief Judge of the Court of Appeals, the Maryland Judicial Council, the Conference of Circuit Judges, the Administrative Office of the Courts, the Standing Committee on Rules of Practice and Procedure, and the Conference of Circuit Court Clerks may request; and

(5) provide a forum for professional development and mentoring for court administrators.

Source: This Rule is new. It is derived from an Administrative Order of the Chief Judge of the Court of Appeals dated December 15, 2000.

REPORTER'S NOTE

Several of the conferences and commissions that are part of the Judiciary were created by Administrative Order of the Chief Judge of the Court of Appeals. Those that have a somewhat permanent status and significant ongoing responsibilities are being added to Chapter 700 of Title 16.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 700 - MISCELLANEOUS JUDICIAL UNITS

Rule 16-704. CONFERENCE OF CIRCUIT COURT CLERKS

(a) Existence; Purpose

There is a Conference of Circuit Court Clerks. The purpose of the Conference is to act as a liaison to the Court of Appeals, the Chief Judge of the Court of Appeals, the clerks of the circuit courts, the Administrative Office of the Courts, and the Standing Committee on Rules of Practice and Procedure.

(b) Membership

(1) Generally

Subject to subsection (b)(2) of this Rule, the Conference shall consist of:

(A) eight individuals chosen by the clerks and chief deputy clerks of the circuit courts;

(B) three individuals appointed by the Chair of the conference; and

(C) one employee of the Administrative Office of the Courts designated by the Chief Judge of the Court of Appeals.

(2) Conditions

(A) Except for the designee of the Chief Judge of the Court of Appeals, each member shall be either a clerk or a chief deputy clerk of a circuit court.

(B) At least three members must be a chief deputy clerk.

(C) Each judicial circuit shall be represented by at least one member.

(c) Chair; Vice Chair; Secretariat

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. In the absence of the Chair, the Vice Chair shall act as Chair. The Administrative Office of the Courts shall serve as secretariat to the Conference.

(d) Meetings; Quorum

The Conference shall meet at least four times a year at the times the Conference determines. At least one of the meetings shall be in Annapolis. A majority of the authorized members of the Conference shall constitute a quorum.

(e) Duties

The Conference shall:

(1) exchange ideas and views on matters relating to the operations of the offices of circuit court clerks;

(2) promote and improve the proficiency of the offices of circuit court clerks through recommendations on matters such as long-range strategic planning, effective management, and training;

(3) make recommendations to the Court of Appeals, the Chief Judge of the Court of Appeals, the Conference of Circuit Judges, the Administrative Office of the Courts, and the Standing

Committee on Rules of Practice and Procedure on legislation, Rules, and policies intended for the improvement of operations of the offices of circuit court clerks or other units of the Judiciary that may affect the office of circuit court clerks;

(4) assist the Chief Judge of the Court of Appeals and the Administrative Office of the Courts with respect to the preparation of the annual judicial budget submitted to the Governor and the General Assembly to the extent it relates to the operation of the offices of circuit court clerks:

(5) in accordance with procedures established by the Chief Judge of the Court of Appeals or the Maryland Judicial Conference, make recommendations to the Maryland Judicial Conference with respect to proposed legislation that may affect the operations of the offices of circuit court clerks; and

(6) provide advice on other matters to the Chief Judge of the Court of Appeals, the Maryland Judicial Council, the Conference of Circuit Judges, the Administrative Office of the Courts, or the Standing Committee on Rules of Practice and Procedure.

Source: This Rule is new. It is derived from an Administrative Order of the Chief Judge of the Court of Appeals dated December 15, 1999.

REPORTER'S NOTE

See the Reporter's note to Rule 16-703.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 700 - MISCELLANEOUS JUDICIAL UNITS

Rule 16-705. CONFERENCE OF ORPHANS' COURT JUDGES

(a) Existence; Purpose

There is a Conference of Orphans' Court Judges. The purpose of the Conference is to act as advisory body to the Chief Judge of the Court of Appeals in all matters relating to the orphans' courts.

(b) Membership; Terms

The Conference shall consist of fourteen orphans' court judges appointed by the Chief Judge of the Court of Appeals for a term of two years, subject to reappointment.

(c) Chair and Vice Chair; Secretariat

The Conference shall elect from its members a Chair and a Vice Chair. In the absence of the Chair, the Vice Chair shall act as Chair. The Administrative Office of the Courts shall serve as secretariat to the Conference.

(d) Meetings; Quorum

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

(e) Duties

The Conference shall:

- (1) exchange ideas and views on matters relating to the

operation, management, and leadership of the orphans' courts; and

(2) advise and make recommendations to the Chief Judge of the Court of Appeals on judicial policy matters directly affecting the orphans' courts with respect to legislation that may affect the operation of the orphans' courts and the administration of justice.

Source: This Rule is new. It is derived from an Administrative Order of the Chief Judge of the Court of Appeals dated November 18, 2003.

REPORTER'S NOTE

See the Reporter's note to Rule 16-703.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 700 - MISCELLANEOUS JUDICIAL UNITS

Rule 16-706. 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' Professionalism Course and mentoring program; and

(8) recognize the efforts of attorneys engaged in the Professionalism Course and 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 (A) provide managerial oversight of the policies, programs, operations, and personnel of the Maryland Professionalism Center, (B) prepare a proposed annual budget for the Professionalism Center and transmit the proposed budget to the Chief Judge of the Court of Appeals, (C) establish clear standards for the procurement of goods and services needed by the Center and the establishment and maintenance of a bank account for the Center, and (D) retain a certified public accountant to perform an annual audit of the books and records of the Center.

(e) Personnel

(1) Appointment

The Chair of the Board of Directors shall appoint an Executive Director, a bookkeeper, and such other personnel as are authorized by the approved budget of the Center. The Executive

Director and the other personnel serve at the pleasure of the Chair.

(2) Executive Director

Subject to oversight by the Chair and the Board, the Executive Director is responsible for the day-to-day administration of the Center, implementation of the Board's policies and directions, and performance of the other duties specified in this Rule.

(3) Advisors

The Chair may invite other 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

The Court of Appeals shall provide funding for the Center:

(1) from the fees paid by new Bar Admittees for the required Professionalism Course;

(2) commencing July 1, 2013, from the assessment collected from each attorney by the Client Protection Fund on behalf of the Disciplinary Fund, an annual amount from the Disciplinary Fund maintained pursuant to Rule 19-705, not to exceed five dollars; and

(3) from such other sources as may be provided for in the judicial budget.

Source: This Rule is derived from former Rule 16-407 (2013).

REPORTER'S NOTE

Rule 16-706 carries forward the provisions of former Rule 16-407, verbatim.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
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. 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 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) Publication 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 and, if so ordered by the Chief Judge of the Court of Appeals, published in the Maryland Register. 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 person 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 person 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 honor 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 publication of the Rules Order on the Judiciary website or in the Maryland Register pursuant to section

(g), or

(B) the first day of January or the first day of July next

succeeding publication of the Rules Order in the Maryland Register pursuant to section (g) of this Rule, whichever first occurs.

(g) Publication of Rules Order and Rules Changes

(1) Generally

A copy of every Rules Order shall be posted on the Judiciary website and published in the Maryland Register under the heading "Notice of Rules Changes." The Court may direct that other forms of public notice also be given.

(2) Text of Rules Changes

(A) The text of each Rule adopted or amended shall be posted on the Judiciary website with the Rules Order.

(B) A Rules Order that adopts or amends a Rule in the form previously published in the Maryland Register as a proposed Rule change shall cite the number and page of the Maryland Register in which the proposed change appears. In that event, the text of the Rule adopted or amended need not be republished in the Maryland Register with the Rules Order.

(C) If, pursuant to section (b) of this Rule, the proposed changes were not published in the Maryland Register, 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 published on the Judiciary website with the Rules order and in the Maryland Register in the format prescribed by the Maryland Register.

(D) If a new Rule or an amendment of an existing Rule, as

adopted by the Court, differs from the form proposed and previously published in the Maryland Register, the full text of the Rule or amendment as adopted, showing each change made by the Court from the previously published form, shall be published in the Maryland Register 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 new. It is derived, in part, from current Rule 16-801 (2013) and Internal Operating Rules of the Court of Appeals 1 through 10.

REPORTER'S NOTE

Rule 16-801 is in part derived from former Rule 16-801, from internal Operating Rules of the Court of Appeals, and it is in part new. The portion of the former Rule pertaining to the structure of the Rules Committee is new in Rule 16-701. The description of the rulemaking process has been updated and set out in greater detail than in the former Rule. It addresses more fully the comment process and publication of rules orders and rules changes. The Rule has new language addressing proceedings in the Court of Appeals and public hearings.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 800 - MISCELLANEOUS COURT ADMINISTRATION MATTERS

Rule 16-802. CONTINUITY OF OPERATIONS PLAN

(a) Duty to Prepare, Monitor, and Test

With the assistance of the Office of Emergency Preparedness and Court Security and 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 Office of Emergency Preparedness and Court Security and the State Court Administrator for review in the manner and form designated by the Office of Emergency

Preparedness and Court Security and to the Court of Appeals for review and approval. The plan and any amendments to it shall take effect upon approval by the Court of Appeals.

Source: This Rule is new.

REPORTER'S NOTE

Rule 16-802 is part new and is in part derived from current practices of the Office of Emergency Preparedness, which is a part of the Administrative Office of the Courts.

After Hurricane Katrina in 2005, the Federal Government and the National Center for State Courts recommended that state courts implement emergency planning. Since 2008, the Office of Emergency Preparedness, together with local courts, have prepared Continuity of Operations ("COOP") Plans under the authority of a letter written by Chief Judge Bell. The purpose of establishing a COOP Plan is to ensure that each court office is capable of providing basic services during a variety of operational disasters.

The Rule establishes procedures for the preparation of COOP plans for every level of court. Each plan and any amendment to it becomes effective upon approval by the Court of Appeals.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 800 - MISCELLANEOUS COURT ADMINISTRATION MATTERS

Rule 16-803. CONTINUANCES OR POSTPONEMENTS FOR CONFLICTING CASE ASSIGNMENTS OR LEGISLATIVE DUTIES

(a) Responsibilities of Attorneys

(1) Generally

When consulted as to the availability of dates for a trial or hearing, an attorney has the responsibility of assuring the absence of conflicting assignments on any date that the attorney indicates is acceptable.

(2) Cases in Which Attorney Already Knows of Conflict When Accepting Employment

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. In an extraordinary circumstance, the court may grant a continuance or postponement upon findings that (A) 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, (B) the proceeding has not been continued or postponed an unreasonable number of times previously, and (C) the continuance or postponement would not otherwise impede the proper

administration of justice.

(3) Cases in Which Conflict Develops After Representation has been 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 the presence of a partner or associate 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 a partner or associate 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 provisions of the Federal Speedy Trial Act so require, 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.

REPORTER'S NOTE

Rule 16-803 is in part derived from an Administrative Order of the Chief Judge of the Court of Appeals, in part derived from section (d) of Rule 2-508 and section (c) of Rule 3-508, and is in part new. The Committee has added section (d). The Committee recommends deleting section (d) of Rule 2-508 and section (c) of Rule 3-508, deleting the cross references in those Rules to the Administrative Order, and adding a cross reference to Rule 16-803 in Rules 2-508 and 3-508. This would provide a more accessible resource than the Administrative Order and avoid duplication of information.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 800 - MISCELLANEOUS COURT ADMINISTRATION MATTERS

Rule 16-804. ANTI-NEPOTISM POLICY

(a) Definition of "Relative"

In this Rule, "relative," with respect to an employee of the Maryland Judiciary, means:

- (1) a spouse of the employee;
- (2) a child of the employee or employee's spouse, including a stepchild and current foster child;
- (3) a parent of the employee or employee's spouse, including a stepparent or other individual who took the place of a parent;
- (4) a grandparent of the employee or employee's spouse, including a step-grandparent or other individual who took the place of a grandparent;
- (5) a sibling of the employee or employee's spouse, including a step- and half-sibling;
- (6) an aunt or uncle of the employee or employee's spouse;
- (7) a nephew or niece of the employee or employee's spouse;
- (8) a first cousin of the employee or employee's spouse;
- (9) a son-in-law or daughter-in-law of the employee or employee's spouse; and
- (10) a brother-in-law or sister-in-law of the employee or employee's spouse.

(b) Policy for Judiciary Employment

The policy of the Maryland Judiciary is that decisions regarding the recruitment, selection, promotion, reassignment, and transfer of judicial employees or disciplinary action taken against such employees be based on their demonstrated ability, knowledge, skills, and conduct and shall not be influenced by familial relationships.

(c) Employment of Relatives

(1) Generally

Relatives who meet established requirements for job vacancies based on their qualifications and performance are eligible for Judiciary employment except as provided in subsection (c) (2) of this Rule.

(2) Exceptions and Limitations

Except as provided in subsection (c) (4) of this Rule, (i) an employee and the employee's relative may not become or continue to be employed in a superior-subordinate relationship; (ii) an employee may not act as an advocate for the employee's relative with respect to any condition of employment; promotion, reassignment, transfer, or demotion or other disciplinary action; (iii) unless employed by the Judiciary prior to [effective date of Rule], a relative of any incumbent judge, regardless of whether compensated from state or local funds, is ineligible for employment in the same court, unless that employee is filling a temporary position with a term limit; and (iv) more than one relative may not work for the same supervisor, without the prior approval of the Judiciary's Human Resources Department.

(3) Responsibility of Appointing Authority

If employees become relatives while employed by the Judiciary, the appointing authority with control over the employees shall ensure that a superior-subordinate relationship does not occur.

(4) Approval of Employment of Relative by Court of Appeals

On recommendation of a Circuit Administrative Judge or District Administrative Judge, the Court of Appeals may approve the employment of a relative otherwise prohibited by subsection (c) (2) of this Rule but only in instances of unusual circumstances involving temporary and limited employment.

(d) Disclosure; Penalties

Each applicant for employment by the Judiciary shall disclose in writing the name of each relative employed by the Judiciary. Each employee of the Judiciary shall disclose in writing any prohibited relationship that may arise due to (1) demotion, promotion, reassignment, or transfer of the employee or (2) an election. Failure of an applicant or employee to provide complete and accurate information may result in termination of employment with the Judiciary.

(e) Department of Public Safety and Correctional Services

A judge of the Maryland Judiciary may not have any involvement in the hiring process for employees of any unit within the Department of Public Safety and Correctional Services.

(f) Application of Administrative Order dated May 4, 2006 and Rule

Any employee relationship that was permitted prior to [effective date of Rule] may continue subject to satisfactory job performance, but this Rule shall govern any promotion, reassignment, transfer, or disciplinary action occurring on or after its effective date as to the relationship.

Committee note: Prior to this Rule, the Judiciary's anti-nepotism policy has been in effect through various administrative orders.

Source: This Rule is new.

REPORTER'S NOTE

Although an anti-nepotism policy for the Judiciary has been in existence since 1996, it has been located only in the Administrative Orders addressing it. The Committee recommends the placement of the anti-nepotism policy in a Rule so it is more accessible to employees of the Judiciary and to the public.

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 BAIL BONDSMEN

A majority of the judges of the circuit courts in any appellate judicial circuit may appoint a bail bond commissioner and license and regulate bail bondsmen and acceptance of bail bonds. 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 bail bondsmen licensed to write bail bonds within the appellate judicial circuit, showing the bail bondsman'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 bail bondsman is authorized to write.

Source: This Rule is derived from former Rule 16-817 (2013).

REPORTER'S NOTE

Rule 16-805 carries forward current Rule 16-817 verbatim.

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) an electronic filing plan adopted by a court; and

(H) 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 including

docket entries;

(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 sole 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 the 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.

A different approach is taken with respect 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 much 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 (2013).

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 filed with and maintained by the clerk of each court, may adopt procedures and conditions, not inconsistent with the Rules in this Chapter,

governing the timely production, inspection, and copying of court records.

Committee note: It is anticipated that, by Administrative Order, entered pursuant to section (b) of this Rule, the Chief Judge of the Court of Appeals will direct that, if the clerk does not permit inspection of a notice record prior to recording and indexing of the record, (1) persons filing a notice record for recording and indexing include a separate legible copy of those pages of the document necessary to identify the parties to the transaction and the property that is the subject of the transaction and (2) the clerk date stamp that copy and maintain it in a separate book that is subject to inspection by the public.

(c) Exhibit Attached 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) attached to a motion that has been ruled upon by the court or (2) marked for identification at trial, whether or not offered in evidence, and if offered, whether or not admitted, 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.

(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 Counsel of Record

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

Source: This Rule is derived from former Rule 16-1002 (2013).

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

Rule 16-903. COPIES

(a) 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 (a) (3) and the Rules in Title 20, in electronic form.

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

Source: This Rule is derived from former Rule 16-1003 (2013).

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 Code, State Government Article, §§10-611 through 10-626.

(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 person selected to serve as a juror from that pool has completed the person's service, a trial judge shall, upon request, disclose the name, zip code, age, sex, education, occupation, and spouse's occupation of each person whose name was selected from that pool and placed on a jury list, unless, in the interest of justice, the trial judge determines that this information remain confidential in whole or in part.

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

(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.

(c) Personnel Records - Generally

Except as otherwise permitted by the Maryland Public Information Act or by this Rule, a custodian shall deny to a person other than the person who is the subject of the record inspection of the personnel records of an employee of the court

or other judicial agency or of an individual who has applied for employment with the court or other judicial agency. Except as otherwise required by law, the following records or information are not subject to this exclusion and 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.

(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

(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 (2013).

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

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

(a) 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) Unless inspection is otherwise permitted by the Rules in this Chapter, a custodian shall deny inspection of a case record or any part of a case record if inspection would be contrary to a statute enacted by the Maryland General Assembly, other than the Maryland Public Information Act (Code, State Government Article, §§10-611 through 10-626), that expressly or by necessary implication applies to a court record.

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

Source: This Rule is derived from former Rule 16-1005 (2013).

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.

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

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

(e) 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.

(f) The following case records in criminal actions or proceedings:

(1) A case record that has been ordered expunged pursuant to Rule 4-508.

(2) The following case records pertaining to search warrants:

(A) The warrant, application, and supporting affidavit, prior to execution of the warrant and the filing of the records with the clerk.

(B) Executed search warrants and all papers attached thereto filed pursuant to Rule 4-601.

(3) The following case records pertaining to an arrest warrant:

(A) A case record pertaining to an arrest warrant issued under Rule 4-212 (d) and the charging document upon which the warrant was issued until the conditions set forth in Rule 4-212 (d) (3) are satisfied.

(B) Except as otherwise provided in Code, State Government Article, §10-616 (q), a case record pertaining to an arrest warrant issued pursuant to a grand jury indictment or conspiracy investigation and the charging document upon which the arrest

warrant was issued.

(4) A case record maintained under Code, Courts Article, §9-106, of the refusal of a person to testify in a criminal action against the person's spouse.

(5) A presentence investigation report prepared pursuant to Code, Correctional Services Article, §6-112.

(6) A case record pertaining to a criminal investigation by (A) a grand jury, (B) a State's Attorney pursuant to Code, Criminal Procedure Article, §15-108, (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.

(g) A transcript, tape recording, audio, video, or digital recording of any court proceeding that was closed to the public pursuant to rule or order of court.

(h) Backup audio recordings made by any means, computer disks, and notes of a court reporter that are in the possession of the court reporter and have not been filed with the clerk.

(i) The following case records containing medical information:

(1) A case record, other than an autopsy report of a medical examiner, that (A) consists of a medical or psychological report or record from a hospital, physician, psychologist, or other professional health care provider, and (B) contains medical or

psychological information about an individual.

(2) A case record pertaining to the testing of an individual for HIV that is declared confidential under Code, Health-General Article, §18-338.1 or §18-338.2.

(3) A case record that consists of information, documents, or records of a child fatality review team, to the extent they are declared confidential by Code, Health-General Article, §5-709.

(4) A case record that contains a report by a physician or institution concerning whether an individual has an infectious disease, declared confidential under Code, Health-General Article, §18-201 or §18-202.

(5) A case record that contains information concerning the consultation, examination, or treatment of a developmentally disabled person, declared confidential by Code, Health-General Article, §7-1003.

(6) A case record relating to a petition for an emergency evaluation made under Code, Health-General Article, §10-622 and declared confidential under Code, Health-General Article, §10-630.

(j) A case record that consists of the federal or Maryland income tax return of an individual.

(k) 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 16-909 (b), is the subject of a motion to preclude or limit inspection.

(l) As provided in Rule 9-203 (d), a case record that consists of a financial statement filed pursuant to Rule 9-202.

(m) A document required to be shielded under Rule 20-203 (e) (1).

(n) 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 (2013).

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 a person who reports the abuse of a vulnerable adult pursuant to Code, Family Law Article, §14-302.

(b) Except as provided in Code, State Government Article, §10-617 (e), the home address or telephone number of an employee of the State or a political subdivision of the State.

(c) Any part of the social security or Federal Identification Number of an individual, other than the last four digits.

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

Cross reference: See Rule 16-909 (b) (2) concerning information shielded upon a request authorized by Code, Courts Article, Title 3, Subtitle 15 (peace orders) or Code, Family Law Article, Title 4, Subtitle 5 (domestic violence) and in criminal actions.

Source: This Rule is derived from former Rule 16-1007 (2013).

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

Rule 16-908. ELECTRONIC RECORDS AND RETRIEVAL

(a) In General

(1) Subject to the conditions stated in this Rule and, to the extent applicable to the Rules in Title 20, a court record that is kept in electronic form is open to inspection to the same extent that the record would be open to inspection in paper form.

(2) Subject to the other provisions of this Rule, the Rules in Title 20, and any other law or any administrative order of the Chief Judge of the Court of Appeals, a custodian, court, or other judicial agency, for the purpose of providing public access to court records in electronic form, is authorized but not required:

(A) to convert paper court records into electronic court records;

(B) to create new electronic records, databases, programs, or computer systems;

(C) to provide computer terminals or other equipment for use by the public;

(D) to create the ability to inspect or copy court records through remote access; or

(E) to convert, supplement, modify, or replace an existing electronic storage or retrieval system.

(3) (A) Subject to the other provisions of this Rule, 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. Subject to the Rules in Title 20, if a custodian, court, or other judicial agency converts paper court records into electronic court records or otherwise creates new electronic records, databases, or computer systems, it shall, to the extent practicable, design those records, databases, or systems to facilitate access to court records that are open to inspection under the Rules in this Chapter.

(B) (i) Subject to subsection (a) (3) (B) (ii) of this Rule and except for identifying information relating to law enforcement officers, other public officials or employees acting in their official capacity, and expert witnesses, a custodian shall prevent remote access to the name, address, telephone number, date of birth, e-mail address, and place of employment of a victim or nonparty witness in (1) a criminal action, (2) a juvenile delinquency action under Title 3, Subtitle 8A of the Courts Article, (3) an action under Title 4, Subtitle 5 of the Family Law Article (domestic violence), or (4) an action under Title 3, Subtitle 15 of the Courts Article (peace order).

(ii) A person who files or otherwise causes to be placed in a court record identifying information relating to a witness shall give the custodian written or electronic notice as to whether or not the identifying information is not subject to remote access under Rule 1-322.1, Rule 20-201, or subsection

(a) (3) (B) (i) of this Rule. Except as may be provided by federal law, in the absence of such notice, a custodian is not liable for allowing remote access to the information.

(4) Subject to subsection (a) (3) (B) of this Rule, the Rules in Title 20, and procedures and conditions established by administrative order of the Chief Judge of the Court of Appeals, a person may view and copy electronic court records that are open to inspection under the Rules in this Chapter:

(A) at computer terminals that a court or other judicial agency makes available for public use at the court or other judicial agency; or

(B) by remote access that the court or other judicial agency makes available through dial-up modem, web site access, or other technology.

(b) Current Programs Providing Electronic Access to Databases

Any electronic access to a database of court records that is provided by a court or other judicial agency and is in effect on October 1, 2004 may continue in effect, subject to review by the Technology Oversight Board for consistency with the Rules in this Chapter. After review, the Board may make or direct any changes that it concludes are necessary to make the electronic access consistent with the Rules in this Chapter.

(c) New Requests for Electronic Access to or Information from Databases

(1) A person who desires to obtain electronic access to or information from a database of court records to which electronic

access is not then immediately and automatically available shall submit to the Office of Communications and Public Affairs a written application that describes the court records to which access is desired and the proposed method of achieving that access.

(2) The Office of Communications and Public Affairs shall review the application and may consult the Judicial Information Systems. Without undue delay and, unless impracticable, within 30 days after receipt of the application, the Office of Communications and Public Affairs shall take one of the following actions:

(A) The Office of Communications and Public Affairs shall approve the application if it determines that the application does not request access to court records not subject to inspection under the Rules in this Chapter or Title 20 and will not impose a significant fiscal, personnel, or operational burden on any court or judicial agency. The approval may be conditioned on the applicant's paying or reimbursing the court or agency for any additional expense that may be incurred in implementing the application.

(B) If the Office of Communications and Public Affairs is unable to make the findings provided for in subsection (c) (2) (A) of this Rule, it shall inform the applicant and:

(i) deny the application;

(ii) offer to confer with the applicant about amendments to the application that would meet the concerns of the Office of

Communications and Public Affairs; or

(iii) if the applicant requests, refer the application to the Technology Oversight Board for its review.

(C) If the application is referred to the Technology Oversight Board, the Board shall determine whether approval of the application would be likely to permit access to court records or information not subject to inspection under the Rules in this Chapter, create any undue burden on a court, other judicial agency, or the judicial system as a whole, or create undue disparity in the ability of other courts or judicial agencies to provide equivalent access to court records. In making those determinations, the Board shall consider, to the extent relevant:

(i) 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, what changes or effort would be required to make those systems capable of providing that access;

(ii) any changes to the data processing, operational electronic filing, or storage or retrieval systems used by or planned for other courts or judicial agencies in the State that would be required in order to avoid undue disparity in the ability of those courts or agencies to provide equivalent access to court records maintained by them;

(iii) any other fiscal, personnel, or operational impact of the proposed program on the court or judicial agency or on the State judicial system as a whole;

(iv) whether there is a substantial possibility that information retrieved through the program may be used for any fraudulent or other unlawful purpose or may result in the dissemination of inaccurate or misleading information concerning court records or individuals who are the subject of court records and, if so, whether there are any safeguards to prevent misuse of disseminated information and the dissemination of inaccurate or misleading information; and

(v) any other consideration that the Technology Oversight Board finds relevant.

(D) If, upon consideration of the factors set forth in subsection (c)(2)(C) of this Rule, the Technology Oversight Board concludes that the proposal would create (i) an undue fiscal, personnel, or operational burden on a court, other judicial agency, or the judicial system as a whole, or (ii) an undue disparity in the ability of other courts or judicial agencies to provide equivalent access to judicial records, the Board shall inform the Office of Communications and Public Affairs and the applicant in writing of its conclusions. The Office of Communications and Public Affairs and the applicant may then discuss amendments to the application to meet the concerns of the Board, including changes in the scope or method of the requested access and arrangements to bear directly or reimburse the

appropriate agency for any expense that may be incurred in providing the requested access and meeting other conditions that may be attached to approval of the application. The applicant may amend the application to reflect any agreed changes. The application, as amended, shall be submitted to the Technology Oversight Board for further consideration.

Source: This Rule is derived from former Rule 16-1008 (2013).

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

Rule 16-909. 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) 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.

(b) Shielding Upon Motion or Request

(1) Preliminary Shielding Upon Motion

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.

(2) Shielding Upon Request

If a request to shield information in a case record is filed by or on behalf of a person entitled to request the shielding under Code, Courts Article, Title 3, Subtitle 15 (peace orders) or Code, Family Law Article, Title 4, Subtitle 5 (domestic violence), and the request is granted, or if a request to shield the address or telephone number of a victim, victim's representative, or witness is filed in a criminal action, and the request is granted, a custodian shall deny inspection of the shielded information. The shield remains in effect until terminated or modified by order of court. If the request is denied, the person seeking to shield information 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 subsection (b)(2) 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.

(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) 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 (4) (A) of this Rule.

(5) 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 preliminary or final order shall be filed in

the action in which the case record in question was filed and 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.

Source: This Rule is derived from former Rule 16-1009 (2013).

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

Rule 16-910. 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 16-911, 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, in order that the case record, as shielded, may be subject to inspection.

(2) Persons who filed or authorized the filing of a case record filed prior to October 1, 2004 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, in order that those case records, as shielded, may be subject to inspection. The duty under this subsection is subordinate to all other official duties of the custodian.

Source: This Rule is derived from former Rule 16-1010 (2013).

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

Rule 16-911. RESOLUTION OF DISPUTES BY ADMINISTRATIVE OR CHIEF JUDGE

(a) 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) 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) 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 working days in order to allow the person an opportunity to file an appropriate action to enjoin the inspection. An action under this section 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) 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 this section shall be filed within thirty days after the order is filed.

(e) 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 (2013).

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

AMEND Rule 2-508 to delete section (d), delete the cross reference, add a new cross reference to Rule 16-803, and make stylistic changes, as follows:

Rule 2-508. CONTINUANCE OR POSTPONEMENT

(a) Generally

On motion of any party or on its own initiative, the court may continue or postpone a trial or other proceeding as justice may require.

(b) Discovery not Completed

When an action has been assigned a trial date, the trial shall not be continued or postponed on the ground that discovery has not yet been completed, except for good cause shown.

(c) Absent Witness

A motion for a continuance or postponement on the ground that a necessary witness is absent shall be supported by an affidavit. The affidavit shall state: (1) the intention of the affiant to call the witness at the proceeding, (2) the specific facts to which the witness is expected to testify, (3) the reasons why the matter cannot be determined with justice to the party without the evidence, (4) the facts that show that reasonable diligence has been employed to obtain the attendance

of the witness, and (5) the facts that lead the affiant to conclude that the attendance or testimony of the witness can be obtained within a reasonable time. The court may examine the affiant under oath as to any of the matters stated in the affidavit and as to the information or knowledge relied upon by the affiant in determining those facts to which the witness is expected to testify. If satisfied that a sufficient showing has been made, the court shall continue or postpone the proceeding unless the opposing party elects to stipulate that the absent witness would, if present, testify to the facts stated in the affidavit, in which event the court may deny the motion.

~~(d) Legislative Privilege~~

~~Upon request of an attorney of record who is a member or desk officer of the General Assembly, a proceeding that is scheduled during the period of time commencing five days before the legislative session convenes and ending ten days after its adjournment shall be continued. Upon request of an attorney of record who is a member of the Legislative Policy Committee or one of its committees or subcommittees or a member of a committee or subcommittee of the State legislature functioning during the legislative interim, a proceeding that is scheduled on the day of a meeting of the Committee or subcommittee shall be continued. When a brief or memorandum of law is required to be filed in a proceeding to be continued under the provisions of this section, the proceeding shall be continued for a time sufficient to allow it to be prepared and filed.~~

~~(e)~~ (d) Costs

When granting a continuance or postponement for a reason other than one stated in ~~section (d)~~ Rule 16-803 (c), the court may assess costs and expenses occasioned by the continuance or postponement.

Cross reference: ~~For the Revised Administrative Order for Continuances for Conflicting Case Assignments or Legislative Duties, see the Maryland Judiciary Website, www.mdcourts.gov. See Rule 16-803 for postponements or continuances for conflicting case assignments or legislative duties.~~

Source: This Rule is derived as follows:

Section (a) is derived from former Rule 527 a 1.

Section (b) is derived from former Rule 526.

Section (c) is derived from former Rule 527 c 1, 2, 3, and 4.

~~Section (d) is derived from former Rule 527 b.~~

Section ~~(e)~~ (d) is derived from former Rule 527 e.

REPORTER'S NOTE

See the Reporter's note to Rule 16-803.

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

AMEND Rule 3-508 to delete section (c), add a cross reference to Rule 16-803, and make stylistic changes, as follows:

Rule 3-508. CONTINUANCE OR POSTPONEMENT

(a) Generally

On motion of any party or on its own initiative, the court may continue or postpone a trial or other proceeding as justice may require.

(b) Discovery not Completed

When an action has been assigned a trial date, the trial shall not be continued or postponed on the ground that discovery has not yet been completed, except for good cause shown.

~~(c) Legislative Privilege~~

~~Upon request of an attorney of record who is a member or desk officer of the General Assembly, a proceeding that is scheduled during the period of time commencing five days before the legislative session convenes and ending ten days after its adjournment shall be continued. Upon request of an attorney of record who is a member of the Legislative Policy Committee or one of its committees or subcommittees or a member of a committee or subcommittee of the State legislature functioning during the legislative interim, a proceeding that is scheduled on the day of~~

~~a meeting of the Committee or subcommittee shall be continued. When a brief or memorandum of law is required to be filed in a proceeding to be continued under the provisions of this section, the proceeding shall be continued for a time sufficient to allow it to be prepared and filed.~~

~~(d)~~ (c) Costs

When granting a continuance or postponement for a reason other than one stated in ~~section (c)~~ Rule 16-803 (c), the court may assess costs and expenses occasioned by the continuance or postponement.

Cross reference: See Rule 16-803 for continuances or postponements for conflicting case assignments or legislative duties.

Source: This Rule is derived as follows:
Section (a) is derived from former M.D.R. 527.
Section (b) is derived from former M.D.R. 526.
~~Section (c) is derived from former Rule 527 b.~~
Section ~~(d)~~ (c) is derived from former Rule 527 e.

REPORTER'S NOTE

See the Reporter's note to Rule 16-803.