

IN THE COURT OF APPEALS OF MARYLAND

R U L E S O R D E R

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Eighty-Seventh Report to the Court recommending the deletion of Rule 6-123 and adoption of proposed new Rules 9-205.3, 10-111, 10-112, 16-408, 16-409, 16-410, 16-738, 16-904, and 16-905 and Rule 15.1 of the Rules Governing Admission to the Bar of Maryland and proposed amendments to Rules 1-325, 1-333, 1-501, 2-504.1, 2-510, 2-541, 2-603, 2-703, 5-803, 6-122, 6-125, 6-126, 6-152, 6-153, 6-202, 6-203, 6-205, 6-312, 6-313, 6-316, 6-342, 6-402, 6-404, 6-405, 6-411, 6-413, 6-415, 6-416, 6-417, 6-443, 6-455, 6-501, 8-503, 8-112, 8-207, 8-303, 8-412, 8-413, 8-414, 8-431, 8-502, 8-511, 8-522, 8-603, 8-605, 9-208, 9-209, 10-103, 10-201, 10-202, 10-203, 10-206, 10-207, 10-208, 10-301, 10-601, 10-602, 10-705, 10-707, 10-708, 10-711, 10-712, 11-110, 11-111, 11-114, 11-115, 14-207.1, 14-503, 15-206, 15-207, 16-101, 16-202, 16-204, 16-306, 16-602, 16-758, 16-761, 16-801, 16-811.5, 16-813, 16-814, 16-816, 17-101, and 17-206; Rules 1.12 and 7.4 of the Maryland Lawyers' Rules of Professional Conduct; and Rule 15 of the Rules Governing Admission to the Bar of Maryland; and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, those proposed rules changes, together with comments received, and, making certain amendments to the proposed rules changes on its own motion, it is this 17th day of September, 2015,

ORDERED, by the Court of Appeals of Maryland, that Rule 6-123 not be rescinded; and it is further

ORDERED that action on proposed new Rules 16-408, 16-409, and 16-410 and the proposed amendments to Rule 7.4 of the Maryland Lawyers' Rules of Professional Conduct be, and it is hereby, deferred pending further consideration by the Court; and it is further

ORDERED that new Rules 9-205.3, 10-111, 10-112, 16-738, 16-904, and 16-905 and Rule 15.1 of the Rules Governing Admission to the Bar of Maryland be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that amendments to Rules 1-325, 1-333, 1-501, 2-504.1, 2-510, 2-541, 2-603, 2-703, 5-803, 6-122, 6-125, 6-126, 6-152, 6-153, 6-202, 6-203, 6-205, 6-312, 6-313, 6-316, 6-342, 6-402, 6-404, 6-405, 6-411, 6-413, 6-415, 6-416, 6-417, 6-443, 6-455, 6-501, 8-112, 8-207, 8-303, 8-412, 8-413, 8-414, 8-431, 8-502, 8-503, 8-511, 8-522, 8-603, 8-605, 9-208, 9-209, 10-103, 10-201, 10-202, 10-203, 10-206, 10-207, 10-208, 10-301, 10-601, 10-602, 10-705, 10-707, 10-708, 10-711, 10-712, 11-110, 11-111, 11-114, 11-115, 14-207.1, 14-503, 15-206, 15-207, 16-101, 16-202, 16-204, 16-306, 16-602, 16-758, 16-761, 16-801, 16-811.5, 16-813, 16-814, 16-816, 17-101, and 17-206; Rule 1.12 of the Maryland Lawyers' Rules of Professional Conduct; and Rule 15 of the Rules Governing Admission to the Bar of Maryland be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that the Rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after January 1, 2016 and, insofar as practicable, to all actions then pending; and it is further

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

/s/ Mary Ellen Barbera

Mary Ellen Barbera

/s/ Lynne A. Battaglia

Lynne A. Battaglia

/s/ Clayton Greene, Jr.

Clayton Greene, Jr.

/s/ Sally D. Adkins

Sally D. Adkins

/s/ Robert N. McDonald

Robert N. McDonald

/s/ Shirley M. Watts

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Shirley M. Watts

* Judge Watts recused from the vote on the adoption of new Rule 9-205.3.

* Judge Watts voted "no" with respect to Rule 16-738.

Filed: September 17, 2015

/s/ Bessie M. Decker

Clerk
Court of Appeals of Maryland

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

AMEND Rule 1-325 to change the term "master" to "magistrate,"
as follows:

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

(a) Scope

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

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

(b) Definition

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

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

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

AMEND Rule 1-333 to correct an internal reference, as follows:

Rule 1-333. COURT INTERPRETERS

. . .

(d) Removal from Proceeding

A court interpreter may be removed from a proceeding by a judge or judicial appointee within the meaning of Rule ~~18-200.3~~ ~~(a)(1)~~ 16-814 (a)(1), who shall then notify the Maryland Administrative Office of the Courts that the action was taken.

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

AMEND Rule 1-501 to change the title of the Rule and to conform it to Chapter 414, Laws of 2015 (HB 346), as follows:

Rule 1-501. ~~FAMILY~~ MAGISTRATE

(a) Designation

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

An individual who, as of September 30, 2015, was serving as a master or family magistrate shall be designated a magistrate on October 1, 2015. The powers, duties, salary, benefits, and pension of the individual are not affected by the individual's designation as a magistrate. In the discretion of the appointing court, a magistrate assigned to hear juvenile or family law matters may be referred to as a family magistrate.

Committee note: A descriptive title, such as family magistrate, may be used to indicate the subject matter area to which the magistrate is assigned.

~~(b) Effect of Designation~~

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

~~(c) (b) Rules of Construction~~

Rules and statutes in effect as of September 30, 2015 that refer to a master in chancery, master for juvenile causes, family magistrate, or master apply to a ~~family~~ magistrate, as appropriate. Statutes and provisions in the Constitution of Maryland in effect as of September 30, 2015 that refer to a magistrate shall not be construed as referring to a ~~family~~ magistrate within the meaning of this Rule.

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

Source: This Rule is new.

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

AMEND Rule 2-504.1 to change the term "master" to "magistrate,"
as follows:

Rule 2-504.1. SCHEDULING CONFERENCE

. . .

(c) Order for Scheduling Conference

An order setting a scheduling conference may require that
the parties, at least ten days before the conference:

(1) complete sufficient initial discovery to enable them to
participate in the conference meaningfully and in good faith and
to make decisions regarding (A) settlement, (B) consideration of
available and appropriate forms of alternative dispute
resolution, (C) limitation of issues, (D) stipulations, (E) any
issues relating to preserving discoverable information, (F) any
issues relating to discovery of electronically stored
information, including the form in which it is to be produced,
(G) any issues relating to claims of privilege or of protection,
and (H) other matters that may be considered at the conference;
and

(2) confer in person or by telephone and attempt to reach
agreement or narrow the areas of disagreement regarding the
matters that may be considered at the conference and determine

whether the action or any issues in the action are suitable for referral to an alternative dispute resolution in accordance with Title 17, Chapters 100 and 200 of these rules.

Committee note: Examples of matters that may be considered at a scheduling conference when discovery of electronically stored information is expected, include:

- (1) its identification and retention;
- (2) the form of production, such as PDF, TIFF, or JPEG files, or native form, for example, Microsoft Word, Excel, etc.;
- (3) the manner of production, such as CD-ROM;
- (4) any production of indices;
- (5) any electronic numbering of documents and information;
- (6) apportionment of costs for production of electronically stored information not reasonably accessible because of undue burden or cost;
- (7) a process by which the parties may assert claims of privilege or of protection after production; and
- (8) whether the parties agree to refer discovery disputes to a ~~master~~ magistrate or Special ~~Master~~ Magistrate.

The parties may also need to address any request for metadata, for example, information embedded in an electronic data file that describes how, when, and by whom it was created, received, accessed, or modified or how it is formatted. For a discussion of metadata and factors to consider in determining the extent to which metadata should be preserved and produced in a particular case, see, The Sedona Conference, *The Sedona Principles: Best Practices Recommendations and Principles for Addressing Electronic Document Production*, (2d ed. 2007), Principle 12 and related Comment.

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

AMEND Rule 2-510 to change the term "master" to "magistrate,"
as follows:

Rule 2-510. SUBPOENAS

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

(1) A subpoena is required:

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

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

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

(3) A subpoena may not be used for any other purpose. If the court, on motion of a party or on its own initiative, after

affording the alleged violator an opportunity for a hearing, finds that a person has used or attempted to use a subpoena or a copy or reproduction of a subpoena form for a purpose other than one allowed under this Rule, the court may impose an appropriate sanction, including an award of a reasonable attorney's fee and costs, the exclusion of evidence obtained as a result of the violation, and reimbursement of any person inconvenienced for time and expenses incurred.

. . .

(e) Objection to Subpoena for Court Proceedings

On motion of a person served with a subpoena to attend a court proceeding (including a proceeding before a ~~master~~ magistrate, auditor, or examiner) or a person named or depicted in an item specified in the subpoena filed promptly and, whenever practicable, at or before the time specified in the subpoena for compliance, the court may enter an order that justice requires to protect the person from annoyance, embarrassment, oppression, or undue burden or cost, including one or more of the following:

(1) that the subpoena be quashed or modified;

(2) that the subpoena be complied with only at some designated time or place other than that stated in the subpoena;

(3) that documents, electronically stored information, or tangible things designated in the subpoena be produced only upon the advancement by the party serving the subpoena of the reasonable costs of producing them; or

(4) that documents, electronically stored information, or

tangible things designated in the subpoena be delivered to the court at or before the proceeding or before the time when they are to be offered in evidence, subject to further order of court to permit inspection of them.

A motion filed under this section based on a claim that information is privileged or subject to protection as work product materials shall be supported by a description of the nature of each item that is sufficient to enable the demanding party to evaluate the claim.

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

AMEND Rule 2-541 to change the term "master" to "magistrate" and to delete the second sentence of subsection (a)(1) as follows:

Rule 2-541. ~~MASTERS~~ MAGISTRATES

(a) Appointment - Compensation

(1) Standing ~~Master~~ Magistrate

A majority of the judges of the circuit court of a county may appoint a full time or part time standing ~~master~~ magistrate and shall prescribe the compensation, fees, and costs of the ~~master~~ magistrate. ~~No person may serve as a standing master upon reaching the age of 70 years.~~

(2) Special ~~Master~~ Magistrate

The court may appoint a special ~~master~~ magistrate for a particular action and shall prescribe the compensation, fees, and costs of the special ~~master~~ magistrate and assess them among the parties. The order of appointment may specify or limit the powers of a special ~~master~~ magistrate and may contain special directions.

(3) Officer of the Court

A ~~master~~ magistrate serves at the pleasure of the appointing court and is an officer of the court in which the

referred matter is pending.

(b) Referral of Cases

(1) Referral of domestic relations matters to a ~~master~~ magistrate shall be in accordance with Rule 9-208 and shall proceed only in accordance with that Rule.

(2) On motion of any party or on its own initiative, the court, by order, may refer to a ~~master~~ magistrate any other matter or issue not triable of right before a jury.

(c) Powers

Subject to the provisions of any order of reference, a ~~master~~ magistrate has the power to regulate all proceedings in the hearing, including the powers to:

(1) Direct the issuance of a subpoena to compel the attendance of witnesses and the production of documents or other tangible things;

(2) Administer oaths to witnesses;

(3) Rule upon the admissibility of evidence;

(4) Examine witnesses;

(5) Convene, continue, and adjourn the hearing, as required;

(6) Recommend contempt proceedings or other sanctions to the court; and

(7) Recommend findings of fact and conclusions of law.

(d) Hearing

(1) Notice

The ~~master~~ magistrate shall fix the time and place for the hearing and shall send written notice to all parties.

(2) Attendance of Witnesses

A party may procure by subpoena the attendance of witnesses and the production of documents or other tangible things at the hearing.

(3) Record

All proceedings before a ~~master~~ magistrate shall be recorded either stenographically or by an electronic recording device, unless the making of a record is waived in writing by all parties. A waiver of the making of a record is also a waiver of the right to file any exceptions that would require review of the record for their determination.

(e) Report

(1) When Filed

The ~~master~~ magistrate shall notify each party of the proposed recommendation, either orally at the conclusion of the hearing or thereafter by written notice served pursuant to Rule 1-321. Within five days from an oral notice or from service of a written notice, a party intending to file exceptions shall file a notice of intent to do so and within that time shall deliver a copy to the ~~master~~ magistrate. If the court has directed the ~~master~~ magistrate to file a report or if a notice of intent to file exceptions is filed, the ~~master~~ magistrate shall file a written report with the recommendation. Otherwise, only the recommendation need be filed. The report shall be filed within 30 days after the notice of intent to file exceptions is filed or within such other time as the court directs. The failure to file

and deliver a timely notice is a waiver of the right to file exceptions.

(2) Contents

Unless otherwise ordered, the report shall include findings of fact and conclusions of law and a recommendation in the form of a proposed order or judgment, and shall be accompanied by the original exhibits. A transcript of the proceedings before the ~~master~~ magistrate need not be prepared prior to the report unless the ~~master~~ magistrate directs, but, if prepared, shall be filed with the report.

(3) Service

The ~~master~~ magistrate shall serve a copy of the recommendation and any written report on each party pursuant to Rule 1-321.

(f) Entry of Order

(1) The court shall not direct the entry of an order or judgment based upon the ~~master's~~ magistrate's recommendations until the expiration of the time for filing exceptions, and, if exceptions are timely filed, until the court rules on the exceptions.

(2) If exceptions are not timely filed, the court may direct the entry of the order or judgment as recommended by the ~~master~~ magistrate.

(g) Exceptions

(1) How Taken

Within ten days after the filing of the ~~master's~~

magistrate's written report, a party may file exceptions with the clerk. Within that period or within three days after service of the first exceptions, whichever is later, any other party may file exceptions. Exceptions shall be in writing and shall set forth the asserted error with particularity. Any matter not specifically set forth in the exceptions is waived unless the court finds that justice requires otherwise.

(2) Transcript

Unless a transcript has already been filed, a party who has filed exceptions shall cause to be prepared and transmitted to the court a transcript of so much of the testimony as is necessary to rule on the exceptions. The transcript shall be ordered at the time the exceptions are filed, and the transcript shall be filed within 30 days thereafter or within such longer time, not exceeding 60 days after the exceptions are filed, as the ~~master~~ magistrate may allow. The court may further extend the time for the filing of the transcript for good cause shown. The excepting party shall serve a copy of the transcript on the other party. Instead of a transcript, the parties may agree to a statement of facts or the court by order may accept an electronic recording of the proceedings as the transcript. The court may dismiss the exceptions of a party who has not complied with this section.

(h) Hearing on Exceptions

The court may decide exceptions without a hearing, unless a hearing is requested with the exceptions or by an opposing

party within five days after service of the exceptions. The exceptions shall be decided on the evidence presented to the ~~master~~ magistrate unless: (1) the excepting party sets forth with particularity the additional evidence to be offered and the reasons why the evidence was not offered before the ~~master~~ magistrate, and (2) the court determines that the additional evidence should be considered. If additional evidence is to be considered, the court may remand the matter to the ~~master~~ magistrate to hear the additional evidence and to make appropriate findings or conclusions, or the court may hear and consider the additional evidence or conduct a de novo hearing.

(i) Costs

Payment of the compensation, fees, and costs of a ~~master~~ magistrate may be compelled by order of court. The costs of any transcript may be included in the costs of the action and assessed among the parties as the court may direct.

Source: This Rule is derived as follows:

Section (a) is derived from former Rule 596 b.

Section (b) is derived in part from former Rule 596 c.

Section (c) is derived in part from former Rule 596 d.

Subsections (6) and (7) are new but are consistent with former Rule 596 f 1 and g 2.

Section (d) is in part new and in part derived from former Rule 596 e.

Section (e) is derived from former Rule 596 f.

Section (f) is new.

Section (g) is derived from former Rule 596 h 1, 2, 3, 4 and 7 except that subsection 3 (b) of section h of the former Rule is replaced.

Section (h) is derived from former Rule 596 h 5 and 6.

Section (i) is derived from former Rule 596 h 8 and i.

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

AMEND Rule 2-603 to change the term "master" to "magistrate,"
as follows:

Rule 2-603. COSTS

. . .

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

In an action under Title 9, Chapter 200 of these Rules,
the court shall grant a final waiver of open costs, including any
compensation, fees, and costs of a ~~master~~ magistrate or examiner
if the court finds that the party against whom the costs are
assessed is unable to pay them by reason of poverty. The party
may seek the waiver at the conclusion of the case by filing a
request for a final waiver of open costs, together with (1) an
affidavit substantially in the form prescribed by Rule 1-325
(e) (1) (A), or (2) if the party was granted a waiver of prepayment
of prepaid costs by court order pursuant to Rule 1-325 (e) and
remains unable to pay the costs, an affidavit that recites the
existence of the prior waiver and the party's continued inability
to pay.

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MARYLAND RULES OF PROCEDURE

TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT

CHAPTER 700 - CLAIMS FOR ATTORNEYS' FEES AND RELATED EXPENSES

AMEND Rule 2-703 to correct a reference in a Committee note,
as follows:

Rule 2-703. ATTORNEYS' FEES ALLOWED BY LAW

. . .

(f) Determination of Award

. . .

(3) Factors to be Considered

. . .

Committee note: The factors listed in subsection (f)(3) of this Rule have been approved by the Court of Appeals in statutory fee-shifting cases, where the "lodestar method" is applied in determining an award. See *Monmouth Meadows v. Hamilton*, 416 Md. 325, 333-34 (2010). See Rule ~~2-704 (f)~~ 2-705 (f) for the factors to be applied in contractual fee-shifting actions.

(g) Judgment

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MARYLAND RULES OF PROCEDURE

TITLE 5 - EVIDENCE

CHAPTER 800 - HEARSAY

AMEND Rule 5-803 to add a new subsection (b) (8) (A) (iv) regarding the admissibility of reports made pursuant to a certain statute pertaining to abuse of a child or vulnerable adult, to add a Committee note following subsection (b) (8) (A) (iv), and to make stylistic changes, as follows:

Rule 5-803. HEARSAY EXCEPTIONS: UNAVAILABILITY OF DECLARANT NOT REQUIRED

The following are not excluded by the hearsay rule, even though the declarant is available as a witness:

. . .

(b) Other Exceptions

(1) Present Sense Impression

A statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter.

(2) Excited Utterance

A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.

(3) Then Existing Mental, Emotional, or Physical Condition

A statement of the declarant's then existing state of

mind, emotion, sensation, or physical condition (such as intent, plan, motive, design, mental feeling, pain, and bodily health), offered to prove the declarant's then existing condition or the declarant's future action, but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the execution, revocation, identification, or terms of declarant's will.

(4) Statements for Purposes of Medical Diagnosis or Treatment

Statements made for purposes of medical treatment or medical diagnosis in contemplation of treatment and describing medical history, or past or present symptoms, pain, or sensation, or the inception or general character of the cause or external sources thereof insofar as reasonably pertinent to treatment or diagnosis in contemplation of treatment.

(5) Recorded Recollection

See Rule 5-802.1 (e) for recorded recollection.

(6) Records of Regularly Conducted Business Activity

A memorandum, report, record, or data compilation of acts, events, conditions, opinions, or diagnoses if (A) it was made at or near the time of the act, event, or condition, or the rendition of the diagnosis, (B) it was made by a person with knowledge or from information transmitted by a person with knowledge, (C) it was made and kept in the course of a regularly conducted business activity, and (D) the regular practice of that business was to make and keep the memorandum, report, record, or data compilation. A record of this kind may be excluded if the

source of information or the method or circumstances of the preparation of the record indicate that the information in the record lacks trustworthiness. In this paragraph, "business" includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

Cross reference: Rule 5-902 (b).

Committee note: Public records specifically excluded from the public records exceptions in subsection (b)(8) of this Rule may not be admitted pursuant to this exception.

(7) Absence of Entry in Records Kept in Accordance with Subsection (b)(6)

Unless the circumstances indicate a lack of trustworthiness, evidence that a diligent search disclosed that a matter is not included in the memoranda, reports, records, or data compilations kept in accordance with subsection (b)(6), when offered to prove the nonoccurrence or nonexistence of the matter, if the matter was of a kind about which a memorandum, report, record, or data compilation was regularly made and preserved.

(8) Public Records and Reports

(A) Except as otherwise provided in this paragraph, a memorandum, report, record, statement, or data compilation made by a public agency setting forth

(i) the activities of the agency;

(ii) matters observed pursuant to a duty imposed by law, as to which matters there was a duty to report; ~~or~~

(iii) in civil actions and when offered against the State

in criminal actions, factual findings resulting from an investigation made pursuant to authority granted by law; or (iv) in a final protective order hearing conducted pursuant to Code, Family Law Article, §4-506, factual findings reported to a court pursuant to Code, Family Law Article, §4-505, provided that the parties have had a fair opportunity to review the report.

Committee note: If necessary, a continuance of a final protective order hearing may be granted in order to provide the parties a fair opportunity to review the report and to prepare for the hearing.

(B) A record offered pursuant to paragraph (A) may be excluded if the source of information or the method or circumstance of the preparation of the record indicate that the record or the information in the record lacks trustworthiness.

(C) A record of matters observed by a law enforcement person is not admissible under this paragraph when offered against an accused in a criminal action.

(D) This paragraph does not supersede specific statutory provisions regarding the admissibility of particular public records.

Committee note: This section does not mandate following the interpretation of the term "factual findings" set forth in *Beech Aircraft Corp. v. Rainey*, 488 U.S. 153 (1988). See *Ellsworth v. Sherne Lingerie, Inc.*, 303 Md. 581 (1985).

(9) Records of Vital Statistics

Except as otherwise provided by statute, records or data compilations of births, fetal deaths, deaths, or marriages, if the report thereof was made to a public office pursuant to

requirements of law.

Cross reference: See Code, Health General Article, §4-223 (inadmissibility of certain information when paternity is contested) and §5-311 (admissibility of medical examiner's reports).

(10) Absence of Public Record or Entry

Unless the circumstances indicate a lack of trustworthiness, evidence in the form of testimony or a certification in accordance with Rule 5-902 that a diligent search has failed to disclose a record, report, statement, or data compilation made by a public agency, or an entry therein, when offered to prove the absence of such a record or entry or the nonoccurrence or nonexistence of a matter about which a record was regularly made and preserved by the public agency.

(11) Records of Religious Organizations

Statements of births, marriages, divorces, deaths, legitimacy, ancestry, relationship by blood or marriage, or other similar facts of personal or family history, contained in a regularly kept record of a religious organization.

(12) Marriage, Baptismal, and Similar Certificates

Statements of fact contained in a certificate that the maker performed a marriage or other ceremony or administered a sacrament, made by a member of the clergy, public official, or other person authorized by the rules or practices of a religious organization or by law to perform the act certified, and purporting to have been issued at the time of the act or within a reasonable time thereafter.

(13) Family Records

Statements of fact concerning personal or family history contained in family Bibles, genealogies, charts, engravings on rings, inscriptions on family portraits, engravings on urns, crypts, or tombstones or the like.

(14) Records of Documents Affecting an Interest in Property

The record of a document purporting to establish or affect an interest in property, as proof of the content of the original recorded document and its execution and delivery by each person by whom it purports to have been executed, if the record is a record of a public office and a statute authorizes the recording of documents of that kind in that office.

(15) Statements in Documents Affecting an Interest in Property

A statement contained in a document purporting to establish or affect an interest in property if the matter stated was relevant to the purpose of the document, unless dealings with the property since the document was made have been inconsistent with the truth of the statement or the purport of the document or the circumstances otherwise indicate lack of trustworthiness.

(16) Statements in Ancient Documents

Statements in a document in existence twenty years or more, the authenticity of which is established, unless the circumstances indicate lack of trustworthiness.

(17) Market Reports and Published Compilations

Market quotations, tabulations, lists, directories, and

other published compilations, generally used and reasonably relied upon by the public or by persons in particular occupations.

(18) Learned Treatises

To the extent called to the attention of an expert witness upon cross-examination or relied upon by the expert witness in direct examination, statements contained in a published treatise, periodical, or pamphlet on a subject of history, medicine, or other science or art, established as a reliable authority by the testimony or admission of the witness, by other expert testimony, or by judicial notice. If admitted, the statements may be read into evidence but may not be received as exhibits.

(19) Reputation Concerning Personal or Family History

Reputation, prior to the controversy before the court, among members of a person's family by blood, adoption, or marriage, or among a person's associates, or in the community, concerning a person's birth, adoption, marriage, divorce, death, or other similar fact of personal or family history.

(20) Reputation Concerning Boundaries or General History

(A) Reputation in a community, prior to the controversy before the court, as to boundaries of, interests in, or customs affecting lands in the community.

(B) Reputation as to events of general history important to the community, state, or nation where the historical events occurred.

(21) Reputation as to Character

Reputation of a person's character among associates or in the community.

(22) [Vacant].- There is no subsection 22.

(23) Judgment as to Personal, Family, or General History, or Boundaries

Judgments as proof of matters of personal, family, or general history, or boundaries, essential to the judgment, if the matter would be provable by evidence of reputation under subsections (19) or (20).

(24) Other Exceptions

Under exceptional circumstances, the following are not excluded by the hearsay rule: A statement not specifically covered by any of the hearsay exceptions listed in this Rule or in Rule 5-804, but having equivalent circumstantial guarantees of trustworthiness, if the court determines that (A) the statement is offered as evidence of a material fact; (B) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and (C) the general purposes of these rules and the interests of justice will best be served by admission of the statement into evidence. A statement may not be admitted under this exception unless the proponent of it makes known to the adverse party, sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, the intention to offer the statement and the particulars

of it, including the name and address of the declarant.

Committee note: The residual exception provided by Rule 5-803 (b) (24) does not contemplate an unfettered exercise of judicial discretion, but it does provide for treating new and presently unanticipated situations which demonstrate a trustworthiness within the spirit of the specifically stated exceptions. Within this framework, room is left for growth and development of the law of evidence in the hearsay area, consistently with the broad purposes expressed in Rule 5-102.

It is intended that the residual hearsay exception will be used very rarely, and only in exceptional circumstances. The Committee does not intend to establish a broad license for trial judges to admit hearsay statements that do not fall within one of the other exceptions contained in Rules 5-803 and 5-804 (b). The residual exception is not meant to authorize major judicial revisions of the hearsay rule, including its present exceptions. Such major revisions are best accomplished by amendments to the Rule itself. It is intended that in any case in which evidence is sought to be admitted under this subsection, the trial judge will exercise no less care, reflection, and caution than the courts did under the common law in establishing the now-recognized exceptions to the hearsay rule.

Source: This Rule is derived as follows:

Section (a) is derived from F.R.Ev. 801 (d) (2).

Section (b) is derived from F.R.Ev. 803.

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 6-122 by adding a new Section 6. to the petition form, referring to certain crimes the commission of which would disqualify the petitioner from appointment as personal representative; by adding a Committee note after Section 6. referring to a certain statute; by changing current Section 6. to Section 7., expanding it to provide certain boxes to check pertaining to specific crimes and to list reasons for appointment; by changing Section 7. to Section 8., deleting language from it and adding language to it; by deleting the lines for "date" and for the signature of the personal representative after Section 4. of Schedule B; by changing the affirmation clause in Section B and C; by adding to section (d) of the form "Limited Order to Locate Will" a line after the words "Register of Wills" and "Register's authorized deputy, the words "Register's authorized deputy," and three lines for judge's signatures; and by making stylistic changes, as follows:

Rule 6-122. PETITIONS

(a) Initial Petition

The Initial Petition shall be substantially in the following form:

IN THE ORPHANS' COURT FOR

(OR) _____, MARYLAND

BEFORE THE REGISTER OF WILLS FOR

IN THE ESTATE OF:

_____ ESTATE NO: _____

FOR:

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> REGULAR ESTATE
PETITION FOR
ADMINISTRATION
Estate value in
excess of \$50,000.
(If spouse is sole
heir or legatee,
\$100,000.)
Complete and attach
Schedule A. | <input type="checkbox"/> SMALL ESTATE
PETITION FOR
ADMINISTRATION
Estate value of
\$50,000 or less.
(If spouse is sole
heir or legatee,
\$100,000.)
Complete and attach
Schedule B. | <input type="checkbox"/> WILL OF
NO ESTATE
Complete
items 2
and 5 | <input type="checkbox"/> LIMITED
ORDERS
Complete
item 2
and attach
Schedule C |
|--|--|---|--|

NOTE: For the purpose of computing whether an estate qualifies as a small estate, value is determined by the fair market value of property less debts of record secured by the property as of the date of death, to the extent that insurance benefits are not payable to the lien holder or secured party for the secured debt. See Code, Estates and Trusts Article, §5-601 (d).

The petition of:

_____ Name	_____ Address
_____ Name	_____ Address
_____ Name	_____ Address

Each of us states:

1. I am (a) at least 18 years of age and either a citizen of the United States or a permanent resident of the United States who is the spouse of the decedent, an ancestor of the decedent, a descendant of the decedent, or a sibling of the decedent or (b) a trust company or any other corporation authorized by law to act as a personal representative.

2. The Decedent, _____, was domiciled in _____, (county) State of _____ and died on the _____ day of _____, _____, at _____ (place of death).

3. If the decedent was not domiciled in this county at the time of death, this is the proper office in which to file this petition because: _____.

4. I am entitled to priority of appointment as personal representative of the decedent's estate pursuant to §5-104 of the Estates and Trusts Article, Annotated Code of Maryland because: _____.

5. I am mentally competent.

6. I am not a disqualified person because of feloniously and intentionally killing, conspiring to kill, or procuring the

killing of the decedent.

Committee note: Code, Estates and Trusts Article, §11-112 provides that a disqualified person may not serve as a personal representative.

~~6.~~ 7. (Check one of the following boxes)

I have not been convicted of fraud, extortion, embezzlement, forgery, perjury, theft or any other serious crime that reflects adversely on my honesty, trustworthiness, or fitness to perform the duties of a personal representative or

I was convicted of such a crime, namely _____
_____, in _____, but the following good cause exists
(year)

for me to be appointed as personal representative

Committee note: Code, Estates and Trusts Article, §5-105 provides that letters of administration may not be granted to someone who has been convicted of certain serious crimes, unless the person shows good cause for the granting of letters.

~~7.~~ 8. I am not excluded otherwise by ~~other provisions of §5-105 (b) of the Estates and Trusts Article, Annotated Code of Maryland law~~ from serving as a personal representative.

~~8.~~ 9. I have made a diligent search for the decedent's will and to the best of my knowledge:

none exists; or

the will dated _____ (including codicils,
if any, dated _____)

accompanying this petition is the last will and it came into my

hands in the following manner: _____

and the names and last known addresses of the witnesses are:

~~9.~~ 10. Other proceedings, known to petitioner, regarding the decedent or the estate are as follows: _____

~~10.~~ 11. If appointed, I accept the duties of the office of personal representative and consent to personal jurisdiction in any action brought in this State against me as personal representative or arising out of the duties of the office of personal representative.

WHEREFORE, I request appointment as personal representative of the decedent's estate and the following relief as indicated:

[] that the will and codicils, if any, be admitted to administrative probate;

[] that the will and codicils, if any, be admitted to judicial probate;

[] that the will and codicils, if any, be filed only;

[] that only a limited order be issued;

[] that the following additional relief be granted: _____

I solemnly affirm under the penalties of perjury that the

contents of ~~the foregoing~~ this document are true to the best of my knowledge, information, and belief.

_____ Attorney	_____ Petitioner	_____ Date
_____ Address	_____ Petitioner	_____ Date
_____	_____ Petitioner	_____ Date
_____ Telephone Number	_____ Telephone Number (optional)	
_____ Facsimile Number	_____	
_____ E-mail Address	_____	

IN THE ORPHANS' COURT FOR

(OR) _____, MARYLAND

BEFORE THE REGISTER OF WILLS FOR

IN THE ESTATE OF:

_____ ESTATE NO. _____

SCHEDULE - A

Regular Estate

Estimated Value of Estate and Unsecured Debts

Personal property (approximate value) \$ _____

Real property (approximate value) \$ _____

Value of property subject to:

(a) Direct Inheritance Tax of _____ % \$ _____

(b) Collateral Inheritance Tax of _____ % \$ _____
Unsecured Debts (approximate amount) \$ _____

_____ Attorney	_____ Petitioner	_____ Date
_____ Address	_____ Petitioner	_____ Date
_____	_____ Petitioner	_____ Date
_____ Telephone Number	_____ Telephone Number (optional)	
_____ Facsimile Number	_____	
_____ E-mail Address	_____	

.....
(FOR REGISTER'S USE)

Safekeeping Wills _____ Custody Wills _____
Bond Set \$ _____ Deputy _____

IN THE ORPHANS' COURT FOR
(OR) _____, MARYLAND
BEFORE THE REGISTER OF WILLS FOR
IN THE ESTATE OF:

ESTATE NO. _____

SCHEDULE - B

Small Estate - Assets and Debts of the Decedent

1. I have made a diligent search to discover all property and debts of the decedent and set forth below are:

(a) A listing of all real and personal property owned by the decedent, individually or as tenant in common, and of any other property to which the decedent or estate would be entitled, including descriptions, values, and how the values were determined:

(b) A listing of all creditors and claimants and the amounts claimed, including secured, contingent and disputed claims:

2. Allowable funeral expenses are \$ _____; statutory family allowances are \$ _____; and expenses of administration claimed are \$ _____.

3. Attached is a List of Interested Persons.

4. After the time for filing claims has expired, subject to the statutory order of priorities, and subject to the resolution of disputed claims by the parties or the court, I shall (a) pay all proper claims made pursuant to Code, Estates and Trusts Article, §8-104 in the order of priority set forth in Code, Estates and Trusts Article, §8-105, expenses, and allowances not previously paid; (b) if necessary, sell property of the estate in order to do so; and (c) distribute the remaining assets of the estate in accordance with the will or, if none, with the intestacy laws of this State.

Date

~~Personal Representative~~

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

Attorney

Petitioner Date

Address

Petitioner Date

Petitioner Date

Telephone Number

Telephone Number (optional)

Facsimile Number

E-mail Address

IN THE ORPHANS' COURT FOR

(OR) _____, MARYLAND

BEFORE THE REGISTER OF WILLS FOR

IN THE ESTATE OF:

_____ ESTATE NO. _____

SCHEDULE - C

Request for Limited Order

[] To Locate Assets

[] To Locate Will

1. I am entitled to the issuance of a limited order because I am:

[] a nominated personal representative or

[] a person interested in the proceedings by reason of

2. The reasons(s) a limited order should be granted are:

I solemnly affirm under the penalties of perjury that the contents of ~~the foregoing~~ this document are true to the best of my knowledge, information, and belief. I further acknowledge that this order may not be used to transfer assets.

_____ Attorney	_____ Petitioner	_____ Date
_____ Address	_____ Petitioner	_____ Date
_____	_____ Petitioner	_____ Date
_____ Telephone Number	_____ Telephone Number (optional)	
_____ Facsimile Number	_____	
_____ E-mail Address	_____	

(b) Other Petitions

(1) Generally

Except as otherwise provided by the rules in this Title or permitted by the court, and unless made during a hearing or trial, a petition shall be in writing, shall set forth the relief or order sought, shall state the legal or factual basis for the relief requested, and shall be filed with the Register of Wills. The petitioner may serve on any interested person and shall serve on the personal representative and such persons as the court may direct a copy of the petition, together with a notice informing the person served of the right to file a response and the time for filing it.

(2) Response

Any response to the petition shall be filed within 20 days after service or within such shorter time as may be fixed by the court for good cause shown. A copy of the response shall be served on the petitioner and the personal representative.

(3) Order of Court

The court shall rule on the petition and enter an appropriate order.

Cross reference: Code, Estates and Trusts Article, §§2-102 (c), 2-105, 5-201 through 5-206, and 7-402.

(c) Limited Order to Locate Assets

Upon the filing of a verified petition pursuant to Rule 6-122 (a), the orphans' court may issue a limited order to search for assets titled in the sole name of a decedent. The petition

shall contain the name, address, and date of death of the decedent and a statement as to why the limited order is necessary. The limited order to locate assets shall be in the following form:

IN THE ORPHANS' COURT FOR

(OR) _____, MARYLAND

BEFORE THE REGISTER OF WILLS FOR

IN THE ESTATE OF:

_____ LIMITED ORDER NO. _____

LIMITED ORDER TO LOCATE ASSETS

Upon the foregoing petition by a person interested in the proceedings, it is this _____ day of _____, _____ by the Orphans' Court for _____ (county), Maryland, ORDERED that:

1. The following institutions shall disclose to _____ the assets, and the values thereof, titled in the sole name of the above decedent:

thereof, titled in the sole name of the above decedent:

(Name of financial institution) (Name of financial institution)

(Name of financial institution) (Name of financial institution)

(Name of financial institution) (Name of financial institution)

2. THIS ORDER MAY NOT BE USED TO TRANSFER ASSETS.

(d) Limited Order to Locate Will

Upon the filing of a verified petition pursuant to Rule 6-122 (a), the orphans' court may issue a limited order to a financial institution to enter the safe deposit box of a decedent in the presence of the Register of Wills or the Register's authorized deputy for the sole purpose of locating the decedent's will and, if it is located, to deliver it to the Register of Wills or the authorized deputy. The limited order to locate a will shall be in the following form:

IN THE ORPHANS' COURT FOR

(OR) _____, MARYLAND

BEFORE THE REGISTER OF WILLS FOR

IN THE ESTATE OF:

_____ LIMITED ORDER NO. _____

LIMITED ORDER TO LOCATE WILL

Upon the foregoing Petition, it is this _____ day of _____ (month), _____ (year) by the Orphans' Court for _____ (County), Maryland, ORDERED that: _____, located at _____ (Name of financial institution) _____ enter the _____ (Address) safe deposit box titled in the sole name of _____

_____, in the presence of
(Name of decedent)
the Register of Wills _____ OR the Register's
authorized deputy _____, for the sole
purpose of locating the decedent's will and, if the will is
located, deliver it to the Register of Wills or the Register's
authorized deputy.

JUDGE

JUDGE

JUDGE

Committee note: This procedure is not exclusive. Banks may also
rely on the procedure set forth in Code, Financial Institutions
Article, §12-603.

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 6-125 to add a form of affidavit of attempts to contact, locate, and identify interested persons, to modify the Certificate of Service in section (b), and to make stylistic changes, as follows:

Rule 6-125. SERVICE

(a) Method of Service - Generally

Except where these rules specifically require that service shall be made by certified mail, service may be made by personal delivery or by first class mail. Service by certified mail is complete upon delivery. Service by first class mail is complete upon mailing. If a person is represented by an attorney of record, service shall be made on the attorney pursuant to Rule 1-321. Service need not be made on any person who has filed a waiver of notice pursuant to Rule 6-126.

Cross reference: For service on a person under disability, see Code, Estates and Trusts Article, §1-103 (d).

(b) Certificate of Service

(1) When Required

A certificate of service shall be filed for every paper that is required to be served.

(2) Service by Certified Mail

If the paper is served by certified mail, the certificate

shall be in the following form:

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, _____, I
(month) (year)
mailed by certified mail a copy of ~~the foregoing~~ this paper to
the following persons: _____

(name and address)

Signature

(3) Service by Personal Delivery or First Class Mail

If the paper is served by personal delivery or first class
mail, the certificate shall be in the following form:

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, _____, I
(month) (year)
delivered or mailed, postage prepaid, a copy of ~~the foregoing~~
this paper to the following persons:

(name and address)

Signature

(c) Affidavit of Attempts to Contact, Locate, and Identify
Interested Persons

An affidavit of attempts to contact, locate, and identify
interested persons shall be substantially in the following form:

[CAPTION]

AFFIDAVIT OF ATTEMPTS TO CONTACT, LOCATE, AND IDENTIFY
INTERESTED PERSONS

I, _____, am: (check one)

a party

a person interested in the above-captioned matter

an attorney.

I have reason to believe that the persons listed below are persons interested in the estate of _____

(Provide any information you have).

<u>Name</u>	<u>Relationship</u>	<u>Address</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I have made a good faith effort to contact, locate, or identify the persons listed above by the following means: _____

_____.

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

Signature

Date

~~(c)~~ (d) Proof

If no return receipt is received apparently signed by the addressee and there is no proof of actual notice, no action taken in a proceeding may prejudice the rights of the person entitled to notice unless proof is made by verified writing to the satisfaction of the court or register that reasonable efforts have been made to locate and warn the addressee of the pendency of the proceeding.

Cross reference: Code, Estates and Trusts Article, §1-103 (c).

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 6-126 to add lines to the form for an attorney's facsimile number and e-mail address and to modify the language of the Certificate of Service, as follows:

Rule 6-126. WAIVER OR CONSENT

(a) Generally

A person may waive the right to any notice or may consent to any matter. The waiver or consent shall set forth the specific matter that is the subject of the waiver or consent, shall be signed, and shall be filed with the register and served on the personal representative. A person may revoke a waiver or consent at any time by filing a revocation with the register and serving it on the personal representative. The revocation shall have prospective effect only.

(b) Form of Waiver

A waiver of notice shall be filed with the register in the following form:

[CAPTION]

WAIVER OF NOTICE

I waive notice that would otherwise be required by law or rule to be sent to me in this estate regarding the matters

indicated:

- | | |
|--|--|
| <input type="checkbox"/> Notice of Judicial Probate | <input type="checkbox"/> Notice of Removal of Personal Representative |
| <input type="checkbox"/> Register's Notice to Interested Persons | <input type="checkbox"/> Notice of Petition for Termination of Personal Representative's Appointment |
| <input type="checkbox"/> Notice of Proposed Payment to Personal Representative | <input type="checkbox"/> Notice of Filing of Account |
| <input type="checkbox"/> Notice of Proposed Payment to Attorney | <input type="checkbox"/> Notice of Petition for Partition or Sale of Real Property |
| <input type="checkbox"/> Notice of Personal Representative's Intention to Resign | <input type="checkbox"/> Other: _____

(describe specifically) |

By signing this waiver, I understand that it will not be necessary for the personal representative or any other person required to do so to give notice to me of any of the matters indicated above.

I UNDERSTAND THAT I AM GIVING UP THE IMPORTANT RIGHT TO BE INFORMED OF THE PROGRESS OF THE ESTATE AS TO THE MATTERS INDICATED. I ALSO UNDERSTAND THAT I MAY FILE WITH THE REGISTER A REVOCATION OF THIS WAIVER OF NOTICE BUT THE REVOCATION WILL APPLY ONLY AFTER IT IS FILED AND SERVED ON THE PERSONAL REPRESENTATIVE.

Date: _____

(Signature)

Attorney

Address

Telephone Number

Facsimile Number

E-mail Address

Certificate of Service

I hereby certify that on this _____ day of _____,
(month)
_____, I delivered or mailed, postage prepaid, a copy of ~~the~~
(year)
~~foregoing~~ this Waiver of Notice to _____

(name and address)

Personal Representative.

(Signature)

Cross reference: Code, Estates and Trusts Article, §1-103 (e).

MARYLAND RULES OF PROCEDURE
TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES
CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 6-152 to add lines to the form for an attorney's facsimile number and e-mail address, as follows:

Rule 6-152. PROOF OF EXECUTION OF WILL

When required in administrative probate and when permitted by the court in judicial probate, proof of execution of a will shall be made by filing a statement in the following form:

[CAPTION]

PROOF OF EXECUTION OF WILL

I solemnly affirm under the penalties of perjury that I have personal knowledge that the will of _____ dated _____ was signed or acknowledged by the testator in the presence of the following witness(es): _____

who signed at the testator's request and in the testator's presence.

Declarant

Address

Date

Attorney

Address

Telephone Number

Facsimile Number

E-mail Address

(FOR REGISTER'S USE)

Date of Death _____

Date Will was admitted to probate _____

Cross reference: Code, Estates and Trusts Article, §§5-303 and
5-404 (b).

MARYLAND RULES OF PROCEDURE
TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES
CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 6-153 to add a certain form of petition, to conform the affirmation clause to other affirmation clauses in Title 6, to add lines to the form of consent for an attorney's facsimile number and e-mail address, and to make stylistic changes, as follows:

Rule 6-153. ADMISSION OF COPY OF EXECUTED WILL

(a) Generally

An interested person, without notice to other interested persons, may file a petition for the admission of a copy of an executed will at any time before administrative or judicial probate if:

- (1) the original executed will is alleged to be lost or destroyed;
- (2) a duplicate reproduction of the original executed will, evidencing a copy of the original signatures of the decedent and the witnesses, is offered for admission; and
- (3) all the heirs at law and all legatees named in the will have executed a consent ~~in the following form:~~ substantially in the form set forth in section (c) of this Rule.

(b) Form of Petition

A petition for the admission of a copy of an executed will

shall be substantially in the following form:

[CAPTION]

PETITION FOR ADMISSION OF COPY OF
EXECUTED LAST WILL AND TESTAMENT

I, _____, the personal
representative named in the will or _____
(state relationship to decedent) ask the court to admit the copy
of the Last Will and Testament of _____,
decedent, for administrative probate.

I have made a diligent search for the will, and I have been
unable to locate it. A copy of the executed Last Will and
Testament is being filed with this Petition. Consents have been
filed by all heirs at law of the decedent and legatees named in
the will. The original executed will is alleged to be:

Lost Destroyed Other

Please explain: _____

_____.

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

Petitioner/Personal Representative

Attorney

Address

Telephone Number

Facsimile Number

E-mail Address

(c) Form of Consent

[CAPTION]

CONSENT TO PROBATE OF COPY OF EXECUTED
LAST WILL AND TESTAMENT

The undersigned _____ and
_____, being all the heirs at law
of the decedent and all the legatees named in the will executed
by the decedent on _____, hereby consent to the
probate of a copy of that executed will, it having been
determined, after an extensive search of the decedent's personal
records, that an original of the will cannot be located. By
signing this consent each of the undersigned affirms that it is
his or her belief that the will executed by the decedent on
_____, is the last valid will executed by the decedent
and was not revoked and that the copy of the will, as submitted
with the petition for its admission, represents a true and
correct copy of the will.

We solemnly affirm under the penalties of perjury that the

~~facts set forth in this consent~~ contents of this document are true ~~and correct~~ to the best of our knowledge, information, and belief.

Date	Signature	Print Name and Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Attorney

Address

Telephone Number

Facsimile Number

E-mail Address

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 200 - SMALL ESTATE

AMEND Rule 6-202 to conform the affirmation clause to other affirmation clauses in Title 6 and to add lines to the form for an attorney's facsimile number and e-mail address, as follows:

Rule 6-202. LIST OF INTERESTED PERSONS

A list of interested persons shall be filed in the following form:

[CAPTION]

LIST OF INTERESTED PERSONS

Name (and age if under 18 years)	Last Known Address including Zip code	Specify: Heir/Legatee/Personal Representative	Relationship to Decedent
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I solemnly affirm under the penalties of perjury that the contents of ~~the foregoing list of interested persons~~ this document

are true to the best of my knowledge, information, and belief.

Petitioner/Personal Representative

Attorney

Address

Telephone Number

Facsimile Number

E-mail Address

Instructions:

1. Interested persons include decedent's heirs (surviving spouse, children, and other persons who would inherit if there were no will) and, if decedent died with a will, the personal representative named in the will and all legatees (persons who inherit under the will). All heirs must be listed even if decedent dies with a will.
2. This list must be filed (a) within 20 days after appointment of a personal representative under administrative probate or (b) at the time of filing a Petition for Judicial Probate or a Petition for Administration of a Small Estate.

Cross reference: Code, Estates and Trusts Article, §§5-403 (a), 5-607, and 7-104.

MARYLAND RULES OF PROCEDURE
TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES
CHAPTER 200 - SMALL ESTATE

AMEND Rule 6-203 to delete and add language and to delete the form, as follows:

Rule 6-203. CONSENT TO APPOINTMENT OF PERSONAL REPRESENTATIVE

A consent to the appointment of another person as personal representative shall be in the ~~following form:~~ set forth in Rule 6-313.

{CAPTION}

~~CONSENT TO APPOINTMENT OF
PERSONAL REPRESENTATIVE
OF SMALL ESTATE~~

~~I, _____, the
personal representative named in the will OR _____

(state relationship to decedent or other basis for appointment)
ask the court or register to appoint _____
_____ instead of me to serve as
personal representative and consent to that appointment. I
understand that if _____ is so
appointed I may not withdraw this consent so long as
_____ remains personal representative,
except upon a showing of good cause.~~

~~DATE~~ _____ ~~SIGNATURE~~ _____ ~~NAME~~ _____
(typed or printed)

Attorney

Address

Telephone Number

~~Cross reference: Code, Estates and Trusts Article, §5-106 (b).~~

MARYLAND RULES OF PROCEDURE
TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES
CHAPTER 200 - SMALL ESTATE

AMEND Rule 6-205 to delete and add language and to delete the form, as follows:

Rule 6-205. APPOINTMENT OF RESIDENT AGENT

An appointment of a resident agent shall be in the following form set forth in Rule 6-315.

[CAPTION]

~~APPOINTMENT OF RESIDENT AGENT~~

~~I appoint _____ as my resident agent on whom service of process may be made with the same effect as if it were served on me personally in the State of Maryland. This appointment shall remain in effect until the filing of a subsequent Appointment of Resident Agent.~~

Date: _____
_____ Personal Representative

~~I am a Maryland resident and accept the appointment as resident agent.~~

~~Resident Agent~~

~~Address~~

Telephone Number

Attorney

Address

Telephone Number

~~Cross reference: Code, Estates and Trusts Article, §5-105 (b) (6).~~

MARYLAND RULES OF PROCEDURE
TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES
CHAPTER 300 - OPENING ESTATES

AMEND Rule 6-312 to add lines to the form for an attorney's facsimile number and e-mail address, as follows:

Rule 6-312. BONDS

(a) Form of Personal Representative's Bond

. . .

(b) Form of Nominal Bond

. . .

(c) Form of Waiver of Bond

Interested persons may waive the giving of a bond, other than the bond required by section (b) of this Rule, by filing their consent in the following form:

[CAPTION]

WAIVER OF BOND

We, interested persons with respect to the Estate of _____, consent that _____ shall serve as personal representative without a bond except as required by law.

DATE	SIGNATURE	NAME (typed or printed)
_____	_____	_____

Attorney

Address

Telephone Number

Facsimile Number

E-mail Address

(d) Enforcement

The liability of a surety on a bond may be enforced pursuant to Rule 1-404.

Cross reference: Code, Estates and Trusts Article, §6-102.

MARYLAND RULES OF PROCEDURE
TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES
CHAPTER 300 - OPENING ESTATES

AMEND Rule 6-313 to add the word "I" in two places in the consent form, to delete the word "and" from the consent form, to add lines to the form for an attorney's facsimile number and e-mail address, and to add language indicating whether there is consent to waiver of the bond for the personal representative, as follows:

Rule 6-313. CONSENT TO APPOINTMENT OF PERSONAL REPRESENTATIVE

A consent to the appointment of another person as personal representative shall be in the following form:

[CAPTION]

CONSENT TO APPOINTMENT OF
PERSONAL REPRESENTATIVE

I, _____, the
personal representative named in the will OR I, _____

(state relationship to decedent or other basis for appointment)

ask the court or register to appoint _____

instead of me to serve as personal representative. ~~and~~ I consent

to that appointment. I understand that if _____

_____ is so appointed I may not withdraw this

consent so long as _____ remains

personal representative, except upon a showing of good cause.

I _____, further
[] consent that _____ shall serve
as personal representative without a bond, except
as required by law, or
[] do not consent that _____ shall
serve as personal representative without a bond.

DATE	SIGNATURE	NAME (typed or printed)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Attorney

Address

Telephone Number

Facsimile Number

E-mail Address

Cross reference: Code, Estates and Trusts Article, §5-106 (b).

MARYLAND RULES OF PROCEDURE
 TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES
 CHAPTER 300 - OPENING ESTATES

AMEND Rule 6-316 to conform the affirmation clause to other affirmation clauses in Title 6 and to add lines to the form for an attorney's facsimile number and e-mail address, as follows:

Rule 6-316. LIST OF INTERESTED PERSONS

A list of interested persons shall be filed in the following form:

[CAPTION]

LIST OF INTERESTED PERSONS

<u>Name (and age if under 18 years)</u>	<u>Last Known Address including Zip Code</u>	<u>Specify: Heir/Legatee/ Personal Representative</u>	<u>Relationship to Decedent</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I solemnly affirm under the penalties of perjury that the contents of ~~the foregoing list of interested persons~~ this document

are true to the best of my knowledge, information, and belief.

Petitioner/Personal Representative

Attorney

Address

Telephone Number

Facsimile Number

E-mail Address

Instructions:

1. Interested persons include decedent's heirs (surviving spouse, children, and other persons who would inherit if there were no will) and, if decedent dies with a will, the personal representative named in the will and all legatees (persons who inherit under the will). All heirs must be listed even if decedent died with a will.
2. This list must be filed (a) within 20 days after appointment of a personal representative under administrative probate or (b) at the time of filing a Petition for Judicial Probate or a Petition for Administration of a Small Estate.

Cross reference: Code, Estates and Trusts Article, §§5-403 (a), 5-607, and 7-104.

MARYLAND RULES OF PROCEDURE
TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES
CHAPTER 300 - OPENING ESTATES

AMEND Rule 6-342 to add lines to the form for an attorney's facsimile number and e-mail address, as follows:

Rule 6-342. PERSONAL REPRESENTATIVE'S ACCEPTANCE AND CONSENT

Unless included on the petition for probate (Rule 6-301), an acceptance and consent shall be filed by the personal representative in the following form:

[CAPTION]

PERSONAL REPRESENTATIVE'S
ACCEPTANCE AND CONSENT

If appointed, I accept the duties of the office of personal representative and consent to personal jurisdiction in any action brought in this State against me as personal representative or arising out of the duties of the office of personal representative.

Date: _____

Name

Address

Attorney

Address

Telephone Number

Facsimile Number

E-mail Address

Cross reference: Code, Estates and Trusts Article, §6-101.

MARYLAND RULES OF PROCEDURE
 TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES
 CHAPTER 400 - ADMINISTRATION OF ESTATES

AMEND Rule 6-402 to conform the affirmation clause to other affirmation clauses in Title 6 and to add lines to the form for an attorney's facsimile address and e-mail address, as follows:

Rule 6-402. FORM OF INVENTORY

Within three months after appointment, the personal representative shall file with the register (1) an inventory consisting of a summary and supporting schedules in the forms set forth in this Rule and (2) any required appraisal in conformity with Rule 6-403.

(a) Form of Summary

[CAPTION]

Date of Death _____

INVENTORY

Summary

Schedule	Type of Property	Appraised Value
A	Real _____	\$ _____
B	Leasehold _____	\$ _____
C	Tangible personal _____	\$ _____
D	Corporate stocks _____	\$ _____
E	Bonds, notes, mortgages, debts due	

	to the decedent _____	\$ _____
F	Bank accounts, savings and loan accounts, cash _____	\$ _____
G	All other interests _____	\$ _____
	Total	\$ _____

I solemnly affirm under the penalties of perjury that the contents of ~~the foregoing inventory~~ this document are true to the best of my knowledge, information, and belief and that any property valued by me which I have authority as personal representative to appraise has been valued completely and correctly in accordance with law.

Date: _____

Personal Representative(s)

Attorney

Address

Telephone Number

Facsimile Number

E-mail Address

(b) Form of Supporting Schedules

. . .

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 400 - ADMINISTRATION OF ESTATES

AMEND Rule 6-404 to conform the affirmation clause to other affirmation clauses in Title 6 and to add lines to the form for an attorney's facsimile number and e-mail address, as follows:

Rule 6-404. INFORMATION REPORT

Within three months after appointment, the personal representative shall file with the register an information report in the following form:

[CAPTION]

Date of Death _____

[] With [] Without Will

INFORMATION REPORT

1. a. At the time of death did the decedent have any interest as a joint owner (other than with a person exempted from inheritance tax by Code, Tax General Article, §7-203) in any real or leasehold property located in Maryland or any personal property, including accounts in a credit union, bank, or other financial institution?

[] No [] Yes

If yes, give the following information as to all such jointly owned property:

Name, Address, and Relationship of Joint Owner	Nature of Property	Total Value of Property
_____	_____	_____
_____	_____	_____
_____	_____	_____

1. b. At the time of death did the decedent have any interest in any real or leasehold property located outside of Maryland either in the decedent's own name or as a tenant in common?

No Yes

If yes, give the following information as to such property:

Address, and Nature of Property	Case Number, Names, and Location of Court Where Any Court Proceeding Has Been Initiated With Reference to the Property
_____	_____
_____	_____
_____	_____
_____	_____

2. Except for a bona fide sale or a transfer to a person exempted from inheritance tax pursuant to Code, Tax General Article, §7-203, within two years before death did the decedent make any transfer of any material part of the decedent's property in the nature of a final disposition or distribution, including any transfer that resulted in joint ownership of property?

No Yes If yes, give the following information as to each transfer.

Date of Transfer	Name, Address, Relationship of Transferee	Nature of Property Transferred	Total Value of Property
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3. Except for interests passing to a person exempted by Code, Tax General Article, §7-203, at the time of death did the decedent have (a) any interest less than absolute in real or personal property over which the decedent retained dominion while alive, including a P.O.D. account, (b) any interest in any annuity or other public or private employee pension or benefit plan, (c) any interest in real or personal property for life or for a term of years, or (d) any other interest in real or personal property less than absolute, in trust or otherwise?

No Yes If yes, give the following information as to each such interest:

Description of Interest and Amount or Value	Date and Type of Instrument Establishing Interest	Name, Address, and Relationship of Successor, Owner, or Beneficiary
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Date: _____

Personal Representative(s)

Attorney

Address

Telephone Number

Facsimile Number

E-mail Address

Cross reference: Code, Tax General Article, §§7-201 and 7-224. See Code, Estates and Trusts Article, §1-401 and Code, Financial Institutions Article, §1-204 concerning transfers on death of funds in multiple party accounts, including P.O.D. accounts. See in particular §1-204 (b) (8) and (b) (10), defining multiple party and P.O.D. accounts.

2. The non-probate property subject to the inheritance tax in which the decedent and the recipient had interests, the nature of each interest (such as joint tenant, life tenant, remainderman of life estate, trustee, beneficiary, transferee), and the market value of the property at the date of death are:

PROPERTY	NATURE OF INTERESTS	DATE AND TYPE OF INSTRUMENT	MARKET VALUE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3. The name and address of the recipient of the property and the relationship to the decedent are: _____
 _____.

4. Any liens, encumbrances, or expenses payable from the above property and their amounts are:

_____ \$ _____
 _____ \$ _____
 _____ \$ _____

5. Attached is a statement of the basis for valuation or, if required by law, an appraisal.

6. All other information necessary to fix inheritance tax is as follows: [] tax is payable from residuary estate pursuant to decedent's will; [] OTHER (describe): _____

The applicant requests the Register of Wills to fix the amount of inheritance tax due.

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

Date: _____

Applicant

Attorney

Address

Telephone Number

Facsimile Number

E-mail Address

(FOR APPLICANT'S USE - OPTIONAL)

Value of property as above \$ _____

Less: Liens, encumbrances, and expenses as above .. \$ _____

Amount taxable \$ _____

Direct Inheritance Tax due at ____% \$ _____
Collateral Inheritance Tax due at ____% \$ _____
Total tax due \$ _____

Cross reference: Code, Tax-General Article, §§7-208 and 7-225
and Code, Estates and Trusts Article, §7-202.

MARYLAND RULES OF PROCEDURE
TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES
CHAPTER 400 - ADMINISTRATION OF ESTATES

AMEND Rule 6-411 to add lines to the form for an attorney's facsimile number and e-mail address, as follows:

Rule 6-411. ELECTION TO TAKE STATUTORY SHARE

(a) Form of Election

A surviving spouse may elect to take a statutory share by the timely filing of an election in the following form:

[CAPTION]

ELECTION TO TAKE STATUTORY SHARE OF ESTATE

I, _____,
surviving spouse of _____,
renounce all provisions of my spouse's will pertaining to myself
and elect to take my statutory share of the estate.

Witness:

Surviving Spouse

Date: _____

Attorney

Address

Telephone Number

Facsimile Number

E-mail Address

Cross Reference: Code, Estates and Trusts Article, §3-203.

(b) Time Limitation for Making Election

. . .

(c) Extension of Time for Making Election

. . .

(d) Withdrawal

. . .

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 400 - ADMINISTRATION OF ESTATES

AMEND Rule 6-413 to conform the affirmation clause in section (c) to other affirmation clauses in Title 6, to modify the language of the Certificate of Service in section (c), and to add language to the Notice of Disallowance form in section (e), as follows:

Rule 6-413. CLAIM AGAINST ESTATE - PROCEDURE

(a) Presentation of Claim

A claimant may make a claim against the estate, within the time allowed for presenting claims, (1) by serving it on the personal representative, (2) by filing it with the register and serving a copy on the personal representative, or (3) by filing suit. If the claim is filed prior to the appointment of the personal representative, the claimant may file the claim with the register in the county in which the decedent was domiciled or in any county in which the decedent resided on the date of the decedent's death or in which real property or a leasehold interest in real property of the decedent is located.

(b) Content of Claim

A claim against the decedent's estate shall indicate (1) the basis of the claim, (2) the name and address of the claimant, (3) the amount claimed, (4) if the claim is not yet due, the date

when it will become due, (5) if the claim is contingent, the nature of the contingency, and (6) if the claim is secured, a description of the security. Unless the claim is made by filing suit, it shall be verified.

(c) Form of Claim

A claim against a decedent's estate may be filed or made substantially in the following form:

In the Estate of: _____ Estate No. _____
_____ Date _____

CLAIM AGAINST DECEDENT'S ESTATE

The claimant certifies that there is due and owing by the decedent in accordance with the attached statement of account or other basis for the claim the sum of \$_____.

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

Name of Claimant

Signature of claimant or person
authorized to make verifications
on behalf of claimant

Name and Title of Person
Signing Claim

Address

Telephone Number

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, _____,
(month) (year)

I [] delivered or [] mailed, first class, postage prepaid, a
copy of ~~the foregoing~~ this Claim to the personal representative,

(name and address)

Signature of Claimant

Instructions:

1. This form may be filed with the Register of Wills upon payment of the filing fee provided by law. A copy must also be sent to the personal representative by the claimant.
2. If a claim is not yet due, indicate the date when it will become due. If a claim is contingent, indicate the nature of the contingency. If a claim is secured, describe the security.

(d) Disallowance of Claim or Petition for Determination of
Validity

If the claim or any part thereof is not to be allowed, the personal representative shall either disallow the claim in whole or in part in the manner provided by section (e) of this Rule, or petition the court for determination of the validity of the claim.

(e) Form of Disallowance of Claim

Upon disallowing a claim the personal representative shall file with the register and mail to the claimant a notice in the following form:

[CAPTION]

NOTICE OF DISALLOWANCE

Your claim has been allowed in the amount of \$_____ and disallowed in the amount of \$_____. Your claim in the amount disallowed will be forever barred unless within 60 days after the mailing of this notice you file a petition for allowance of the disallowed amount in the Orphans' Court or a suit against the personal representative. If your claim has not been filed timely pursuant to Code, Estates and Trusts Article, §8-103, your claim will not be paid and it is forever barred.

Personal Representative

CERTIFICATE OF SERVICE

I certify that the disallowance of claim was mailed, postage prepaid, this ___ day of _____, _____, to _____
(month) (year)
_____,
claimant, at _____.

Personal Representative/Attorney

Name (printed)

Address

Telephone Number

(f) Claimant's Petition

. . .

(g) Hearing

. . .

(h) Notice to Register of Suit

. . .

MARYLAND RULES OF PROCEDURE
TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES
CHAPTER 400 - ADMINISTRATION OF ESTATES

AMEND Rule 6-415 to conform the affirmation clause to other affirmation clauses in Title 6 and to add to the form lines for an attorney's facsimile number and e-mail address, as follows:

Rule 6-415. PETITION AND ORDER FOR FUNERAL EXPENSES

When a petition for funeral expenses is required by law, it shall be filed in the following form:

[CAPTION]

PETITION AND ORDER FOR FUNERAL EXPENSES

I hereby request allowance of funeral expenses and I state that:

(1) The expenses are as follows (or as set forth in the attached statement or invoice): _____
_____.

(2) The estate is (solvent) (insolvent).

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

Date: _____

Personal Representative(s)

Attorney

Address

Telephone Number

Facsimile Number

E-mail Address

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, _____,
(month) (year)

I delivered or mailed, postage prepaid, a copy of the foregoing
Petition to the following persons: _____

(name and address)

Signature

ORDER

Upon a finding that \$_____ is a reasonable amount
for funeral expenses, according to the condition and
circumstances of the decedent, it is this ____ day of _____,
(month)
_____,
(year)

ORDERED, by the Orphans' Court for _____ County,
that this sum is allowed.

JUDGES

Cross reference: Code, Estates and Trusts Article, §§7-401 (i)
and 8-106. For limitations on the amount of allowable funeral
expenses, see Code, Estates and Trusts Article, §8-106 (b).

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 400 - ADMINISTRATION OF ESTATES

AMEND Rule 6-416 to refer to a different personal representative in subsection (b) (1) (A), to add a new subsection (b) (1) (B) pertaining to fees where the personal representative is an attorney, to add a certain cross reference, and to make stylistic changes, as follows:

Rule 6-416. ATTORNEY'S FEES OR PERSONAL REPRESENTATIVE'S COMMISSIONS

(a) Subject to Court Approval

(1) Contents of Petition

When a petition for the allowance of attorney's fees or personal representative's commissions is required, it shall be verified and shall state: (A) the amount of all fees or commissions previously allowed, (B) the amount of fees or commissions that the petitioner reasonably estimates will be requested in the future, (C) the amount of fees or commissions currently requested, (D) the basis for the current request in reasonable detail, and (E) that the notice required by subsection (a) (3) of this Rule has been given.

(2) Filing - Separate or Joint Petitions

Petitions for attorney's fees and personal representative's commissions shall be filed with the court and

may be filed as separate or joint petitions.

(3) Notice

The personal representative shall serve on each unpaid creditor who has filed a claim and on each interested person a copy of the petition accompanied by a notice in the following form:

NOTICE OF PETITION FOR ATTORNEY'S FEES OR PERSONAL
REPRESENTATIVE'S COMMISSIONS

You are hereby notified that a petition for allowance of attorney's fees or personal representative's commissions has been filed.

You have 20 days after service of the petition within which to file written exceptions and to request a hearing.

(4) Allowance by Court

Upon the filing of a petition, the court, by order, shall allow attorney's fees or personal representative's commissions as it considers appropriate, subject to any exceptions.

(5) Exception

An exception shall be filed with the court within 20 days after service of the petition and notice and shall include the grounds therefor in reasonable detail. A copy of the exception shall be served on the personal representative.

(6) Disposition

If timely exceptions are not filed, the order of the court allowing the attorney's fees or personal representative's

commissions becomes final. Upon the filing of timely exceptions, the court shall set the matter for hearing and notify the personal representative and other persons that the court deems appropriate of the date, time, place, and purpose of the hearing.

(b) Payment of Attorney's Fees and Personal Representative's Commissions Without Court Approval

(1) Payment of Contingency Fee for Services Other Than Estate Administration

Payment of attorney's fees may be made without court approval if:

(A) the fee is paid to an attorney representing the estate in litigation under a contingency fee agreement signed by the decedent or ~~the current personal representative of the decedent's estate~~ by a previous personal representative;

(B) the fee is paid to an attorney representing the estate in litigation under a contingency fee agreement signed by the current personal representative of the decedent's estate provided that the personal representative is not acting as the retained attorney and is not a member of the attorney's firm;

~~(B)~~ (C) the fee does not exceed the terms of the contingency fee agreement;

~~(C)~~ (D) a copy of the contingency fee agreement is on file with the register of wills; and

~~(D)~~ (E) the attorney files a statement with each account stating that the scope of the representation by the attorney does not extend to the administration of the estate.

(2) Consent in Lieu of Court Approval

Payment of attorney's fees and personal representative's commissions may be made without court approval if:

(A) the combined sum of all payments of attorney's fees and personal representative's commissions does not exceed the amounts provided in Code, Estates and Trusts Article, §7-601; and

(B) a written consent stating the amounts of the payments signed by (i) each creditor who has filed a claim that is still open and (ii) all interested persons, is filed with the register in the following form:

BEFORE THE REGISTER OF WILLS FOR, MARYLAND
IN THE ESTATE OF:

_____ Estate No. _____

CONSENT TO COMPENSATION FOR
PERSONAL REPRESENTATIVE AND/OR ATTORNEY

I understand that the law, Estates and Trusts Article, §7-601, provides a formula to establish the maximum total compensation to be paid for personal representative's commissions and/or attorney's fees without order of court. If the total compensation being requested falls within the maximum allowable amount, and the request is consented to by all unpaid creditors who have filed claims and all interested persons, this payment need not be subject to review or approval by the Court.

A creditor or an interested party may, but is not required to,

consent to these fees.

The formula sets total compensation at 9% of the first \$20,000 of the gross estate PLUS 3.6% of the excess over \$20,000.

Based on this formula, the total allowable statutory maximum based on the gross estate known at this time is _____, LESS any personal representative's commissions and/or attorney's fees previously approved as required by law and paid. To date, \$ _____ in personal representative's commissions and \$ _____ in attorney's fees have been paid.

Cross reference: See 90 Op. Att'y. Gen. 145 (2005).

Total combined fees being requested are \$ _____, to be paid as follows:

Amount	To	Name of Personal Representative/Attorney
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I have read this entire form and I hereby consent to the payment of personal representative and/or attorney's fees in the above amount.

Date	Signature	Name (Typed or Printed)
_____	_____	_____
_____	_____	_____

Attorney

Personal Representative

Address

Personal Representative

Address

Telephone Number

Facsimile Number

E-mail Address

Committee note: Nothing in this Rule is intended to relax requirements for approval and authorization of previous payments.

(3) Designation of Payment

When rendering an account pursuant to Rule 6-417 or a final report under modified administration pursuant to Rule 6-455, the personal representative shall designate any payment made under this section as an expense.

Cross reference: Code, Estates and Trusts Article, §§7-502, 7-601, 7-602, 7-603, and 7-604.

MARYLAND RULES OF PROCEDURE
TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES
CHAPTER 400 - ADMINISTRATION OF ESTATES

AMEND Rule 6-417 to delete a reference to a certain Rule, as follows:

Rule 6-417. ACCOUNTS

. . .

(b) Contents of Account

A personal representative's account shall include the following items, to the extent applicable to the accounting period:

. . .

(9) The personal representative's verification ~~pursuant to Rule 6-123~~ that the account is true and complete for the period covered by the account; together with the personal representative's certification of compliance with the notice requirements set forth in section (d) of this Rule. The certification shall contain the names of the interested persons upon whom notice was served.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 400 - ADMINISTRATION OF ESTATES

AMEND Rule 6-443 to add language to section (a) pertaining to a certain affidavit, as follows:

Rule 6-443. MEETING OF DISTRIBUTEES AND DISTRIBUTION BY COURT

(a) Request

When the personal representative cannot obtain agreement from all interested persons entitled to distribution, or if the personal representative has reason to believe that there may be a person entitled to distribution whose name, address, or survival is unknown, the personal representative may file with the court a request for a meeting, under the supervision of the court, of all interested persons entitled to distribution. The request shall set forth the purpose of the meeting, may include the proposed distribution, and shall ask the court to set a date for the meeting. If the personal representative has reason to believe that there may be an interested person entitled to distribution whose name, address, or survival is unknown, the request shall be accompanied by an affidavit of attempts to contact, locate, and identify substantially in the form set forth in Rule 6-125 (c) so stating and setting forth the good faith efforts made to contact, locate, and identify ~~and locate~~ the person.

(b) Notice

The court shall set a date for the meeting allowing sufficient time for the personal representative to comply with the notice requirements set forth in this section. At least 20 days before the meeting the personal representative shall serve on each distributee whose identity and whereabouts are known a notice of the date, time, and place of the meeting, and if the request was accompanied by an affidavit under section (a) of this Rule, the personal representative shall publish notice of the date, time, and place, and purpose of the meeting. The notice shall be published in a newspaper of general circulation once a week for three successive weeks in the county of appointment. The first publication shall be made at least 20 days before the meeting. The personal representative shall make such other efforts to learn the names and addresses of additional interested persons as the court may direct.

(c) Appointment of Disinterested Persons

At any time, the court may appoint two disinterested persons, not related to the distributees, to recommend a proposed distribution or sale.

(d) Order

Following the meeting, the court shall issue an appropriate order of distribution or sale.

Cross reference: Code, Estates and Trusts Article, §§9-107 and 9-112.

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 400 - ADMINISTRATION OF ESTATES

AMEND Rule 6-455 by adding language to Section 1. (c) of the form of Election of Personal Representative for Modified Administration pertaining to certain trusts that are residuary legatees or heirs of the decedent, by deleting Section 1. (d) of the form, by deleting language from and adding language to new Section 1. (d) of the form referring to all residuary legatees and heirs of the decedent, by adding language to Section 3. of the form pertaining to reporting after-discovered property of the decedent, by adding language to Section 4. of the form pertaining to distributing after-discovered property of the decedent, by adding lines to the form for an attorney's facsimile number and e-mail address, by deleting language from and adding language to the form for Consent to Election for Modified Administration pertaining to a trustee of a certain trust, by adding language to Section 1. of the form pertaining to after-discovered property of the decedent, by adding language to Section 3. of the form referring to a certain objection, by adding language to Section 6. of the form pertaining to distributing after-discovered property of the decedent, by adding language to subsection (d)(1) of the Rule pertaining to the distributing of after-discovered property, by adding language to Section 3. of the form for Final Report Under Modified Administration pertaining to distributing

after-discovered property, by adding lines to the Certificate of Service for an attorney's facsimile number and e-mail address, and by making stylistic changes, as follows:

Rule 6-455. MODIFIED ADMINISTRATION

(a) Generally

When authorized by law, an election for modified administration may be filed by a personal representative within three (3) months after the appointment of the personal representative.

(b) Form of Election

An election for modified administration shall be in the following form:

BEFORE THE REGISTER OF WILLS FOR _____, MARYLAND
ESTATE OF _____ Estate No. _____

ELECTION OF PERSONAL REPRESENTATIVE FOR
MODIFIED ADMINISTRATION

1. I elect Modified Administration. This estate qualifies for Modified Administration for the following reasons:
 - (a) The decedent died on _____ [] with a will or [] without a will.
 - (b) This Election is filed within 3 months from the date of my appointment which was on _____.
 - (c) [] Each of the residuary legatees named in the will or [] each of the heirs of the intestate decedent is either:

The decedent's personal representative ~~or~~ an individual or an entity exempt from inheritance tax in the decedent's estate under §7-203 (b), (e), and (f) of the Tax - General Article and trusts under which each person who has a current interest in the trust is an individual or entity exempt from inheritance tax in the decedent's estate under §7-203 (b), (e), and (f) of the Tax-General Article.

~~(d) Each trustee of every trust that is a residuary legatee is one or more of the following: the decedent's personal representative, surviving spouse, child.~~

~~(e)~~ (d) Consents of ~~the persons referenced in 1 (c)~~ all residuary legatees of a testate decedent and the heirs at law of an intestate decedent are filed herewith or were filed previously.

~~(f)~~ (e) The estate is solvent and the assets are sufficient to satisfy all specific legacies.

~~(g)~~ (f) Final distribution of the estate can be made within 12 months after the date of my appointment.

2. Property of the estate is briefly described as follows:

Description	Estimated Value
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

3. I acknowledge that I must file a verified Final Report Under Modified Administration no later than 10 months after the date of appointment and that, upon request of any interested person, I must provide a full and accurate Inventory and Account to all interested persons. I acknowledge that if I discover property of the decedent after the time for filing a verified Final Report Under Modified Administration, I must file the verified Report with respect to the after-discovered property within 60 days of the discovery of the property.
4. I acknowledge the requirement under Modified Administration to make full distribution within 12 months after the date of appointment, unless I discover property of the decedent after the time for making full distribution, in which case I must make final distribution of the after-discovered property within 90 days of the discovery of the property.
5. I acknowledge and understand that Modified Administration shall continue as long as all the requirements are met.

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

Attorney

Personal Representative

Address

Personal Representative

Address

Telephone Number

Facsimile Number

E-mail Address

(c) Consent

An election for modified administration may be filed if all the residuary legatees of a testate decedent and the heirs at law of an intestate decedent consent in the following form:

BEFORE THE REGISTER OF WILLS FOR _____, MARYLAND
ESTATE OF _____ Estate No. _____

CONSENT TO ELECTION FOR
MODIFIED ADMINISTRATION

I am a [] residuary legatee, who is the decedent's personal representative or an individual or an entity exempt from inheritance tax under §7-203 (b), (e), and (f) of Code, Tax General Article, [] an heir of the decedent who died intestate, and I am the decedent's personal representative, ~~or~~ an individual or an entity exempt from inheritance tax under §7-203 (b), (e), and (f), [] or a trustee of a trust ~~that is a residuary legatee who is the decedent's personal representative, surviving spouse, or child~~ under which each person who has a current

interest in the trust is an individual or entity exempt from inheritance tax in the decedent's estate under §7-203 (b), (e), and (f) of the Tax-General Article.

1. Instead of filing a formal Inventory and Account, the personal representative will file a verified Final Report Under Modified Administration no later than 10 months after the date of appointment, unless the personal representative discovers property of the decedent after the time for filing a verified Final Report Under Modified Administration in which case the personal representative must file the verified Report with respect to the after-discovered property within 90 days of the discovery of the property.
2. Upon written request to the personal representative by any legatee not paid in full or any heir-at-law of a decedent who died without a will, a formal Inventory and Account shall be provided by the personal representative to the legatees or heirs of the estate.
3. At any time during administration of the estate, I may revoke Modified Administration by filing a written objection to Modified Administration with the Register of Wills. Once filed, the objection is binding on the estate and cannot be withdrawn.
4. If Modified Administration is revoked, the estate will proceed under Administrative Probate and the personal

representative shall file a formal Inventory and Account, as required, until the estate is closed.

5. Unless I waive notice of the verified Final Report Under Modified Administration, the personal representative will provide a copy of the Final Report to me, upon its filing which shall be no later than 10 months after the date of appointment.
6. Final Distribution of the estate will occur not later than 12 months after the date of appointment of the personal representative, unless the personal representative discovers property of the decedent after the time for making full distribution, in which case the personal representative must make final distribution of the after-discovered property within 90 days of the discovery of the property.

Signature of Residuary Legatee
or Heir

State Relationship to
Decedent

Type or Print Name

Signature of Residuary Legatee
or Heir

State Relationship to
Decedent

Type or Print Name

Signature of Trustee

Signature of Trustee

Type or Print Name

Type or Print Name

(d) Final Report

(1) Filing

A verified final report shall be filed no later than 10 months after the date of the personal representative's appointment, unless the personal representative discovers property of the decedent after the time for filing a verified final report in which case the personal representative must file the verified report with respect to the after-discovered property within 90 days of the discovery of the property.

(2) Copies to Interested Persons

Unless an interested person waives notice of the verified final report under modified administration, the personal representative shall serve a copy of the final report on each interested person.

(3) Contents

A final report under modified administration shall be in the following form:

BEFORE THE REGISTER OF WILLS FOR _____, MARYLAND

ESTATE OF _____

Estate No. _____

Date of Death _____

Date of Appointment
of Personal Representative

FINAL REPORT UNDER MODIFIED ADMINISTRATION

(Must be filed within 10 months after the date of appointment)

I, Personal Representative of the estate, report the following:

1. The estate continues to qualify for Modified Administration as set forth in the Election for Modified Administration on file with the Register of Wills.

2. Attached are the following Schedules and supporting attachments:

Total Schedule A:	Reportable Property	\$ _____
Total Schedule B:	Payments and Disbursements ..	\$(_____)
Total Schedule C:	Distribution of Net Reportable Property	\$ _____

3. I acknowledge that:

(a) Final distributions shall be made within 12 months after the date of my appointment as personal representative, unless I discover property of the decedent after the time for making final distributions in which case I must make final distribution of the after-discovered property within 90 days of the discovery of the property.

(b) If Modified Administration is revoked, the estate shall proceed under Administrative Probate, and I will file a formal Inventory and Account, as required, until the estate is closed.

I solemnly affirm under the penalties of perjury that the

contents of ~~the foregoing~~ this document are true to the best of my knowledge, information, and belief and that any property valued by me which I have authority as personal representative to appraise has been valued completely and correctly in accordance with law.

Attorney Signature

Personal Representative Date

Address

Personal Representative Date

Address

Personal Representative Date

Telephone Number

Facsimile Number

E-mail Address

CERTIFICATE OF SERVICE OF
FINAL REPORT UNDER MODIFIED ADMINISTRATION

I hereby certify that on this ____ day of _____, I delivered or mailed, postage prepaid, a copy of the foregoing Final Report Under Modified Administration and attached Schedules to the following persons:

Names	Addresses
_____	_____
_____	_____
_____	_____

Gross Estate _____

Probate Fee & Costs
Collected _____

FINAL REPORT UNDER MODIFIED ADMINISTRATION

SUPPORTING SCHEDULE A

REPORTABLE PROPERTY

ESTATE OF _____

Estate No. _____

Item No.	Description	Basis of Valuation	Value
----------	-------------	-----------------------	-------

TOTAL REPORTABLE PROPERTY OF THE DECEDENT \$ _____

(Carry forward to Schedule C)

INSTRUCTIONS

ALL REAL AND PERSONAL PROPERTY MUST BE INCLUDED AT DATE OF DEATH VALUE. THIS DOES NOT INCLUDE INCOME EARNED DURING ADMINISTRATION OR CAPITAL GAINS OR LOSSES REALIZED FROM THE SALE OF PROPERTY DURING ADMINISTRATION. ATTACHED APPRAISALS OR COPY OF REAL PROPERTY ASSESSMENTS AS REQUIRED:

1. Real and leasehold property: Fair market value must be established by a qualified appraiser. For decedents dying on or after January 1, 1998, in lieu of a formal appraisal, real and leasehold property may be valued at the full

cash value for property tax assessment purposes as of the most recent date of finality. This does not apply to property tax assessment purposes on the basis of its use value.

2. The personal representative may value: Debts owed to the decedent, including bonds and notes; bank accounts, building, savings and loan association shares, money and corporate stocks listed on a national or regional exchange or over the counter securities.
3. All other interests in tangible or intangible property: Fair market value must be established by a qualified appraiser.

ATTACH ADDITIONAL SCHEDULES AS NEEDED

FINAL REPORT UNDER MODIFIED ADMINISTRATION

SUPPORTING SCHEDULE B

Payments and Disbursements

ESTATE OF _____ Estate No. _____

<u>Item No.</u>	<u>Description</u>	<u>Amount Paid</u>
-----------------	--------------------	--------------------

Total Disbursements: \$ _____

(Carry forward to Schedule C)

INSTRUCTIONS

1. Itemize all liens against property of the estate including mortgage balances.
2. Itemize sums paid (or to be paid) within twelve months from the date of appointment for: debts of the decedent, taxes due by the decedent, funeral expenses of the decedent, family allowance, personal representative and attorney compensation, probate fee and other administration expenses of the estate.

ATTACH ADDITIONAL SCHEDULES AS NEEDED

FINAL REPORT UNDER MODIFIED ADMINISTRATION

SUPPORTING SCHEDULE C

Distributions of Net Reportable Property

1. SUMMARY OF REPORTABLE PROPERTY

Total from Schedule A	
Total from Schedule B	
Total Net Reportable Property	

(Schedule A minus Schedule B)

2. SPECIFIC BEQUESTS (If Applicable)

Name of Legatee or Heir	Distributable Share of Reportable Estate	Inheritance Tax Thereon
-------------------------	---	----------------------------

3. DISTRIBUTION OF BALANCE OF ESTATE

Name of Legatee or Heir	Distributable Share of Reportable Estate	Inheritance Tax Thereon
Total Reportable Distributions		\$ _____
Inheritance Tax		\$ _____

ATTACH ADDITIONAL SCHEDULES AS NEEDED

(4) Inventory and Account

The provisions of Rule 6-402 (Inventory) and Rule 6-417 (Account) do not apply.

(e) Revocation

(1) Causes for Revocation

A modified administration shall be revoked by:

(A) the filing of a timely request for judicial probate;

(B) the filing of a written objection by an interested person;

(C) the personal representative's filing of a withdrawal of the election for modified administration;

(D) the court, on its own initiative, or for good cause shown by an interested person or by the register;

(E) the personal representative's failure to timely file the final report and make distribution within 12 months after the date of appointment, or to comply with any other provision of this Rule or Code, Estates and Trusts Article, §§5-701 through 5-710.

(2) Notice of Revocation

The register shall serve notice of revocation on each interested person.

(3) Consequences of Revocation

Upon revocation, the personal representative shall file a formal inventory and account with the register pursuant to Rules 6-402 and 6-417. The inventory and account shall be filed within the time provided by Rules 6-402 and 6-417, or, if the deadline for filing has passed, within 30 days after service of the register's notice of revocation.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 500 - MISCELLANEOUS PROVISIONS

AMEND Rule 6-501 to conform the affirmation clause to other affirmation clauses in Title 6 and to add to the form lines for an attorney's facsimile number and e-mail address, as follows:

Rule 6-501. APPLICATION BY FOREIGN PERSONAL REPRESENTATIVE TO SET INHERITANCE TAX

(a) Form of Application

An application by a foreign personal representative to set inheritance tax shall be filed with the register for the county where the largest part in value of the decedent's Maryland property is located according to the following form:

BEFORE THE REGISTER OF WILLS FOR _____, MARYLAND

In the Estate of:

File No. _____

APPLICATION BY FOREIGN PERSONAL REPRESENTATIVE
TO SET INHERITANCE TAX

The Application of

Name

Address

_____, _____
Name Address

Each of us states:

1. I am the qualified foreign personal representative of the Estate of _____
(name of decedent)
who died domiciled in _____ on
(state or country)
_____ (with) (without) a will.
(date)

2. Real and leasehold property owned by the decedent in Maryland and the market value at the decedent's date of death are:

_____ \$ _____
_____ \$ _____
_____ \$ _____

3. Tangible personal property in Maryland owned by the decedent and taxable in Maryland and the market value at the decedent's date of death are:

_____ \$ _____
_____ \$ _____
_____ \$ _____

4. Any liens, encumbrances, and expenses payable out of Maryland property and their amounts are:

_____ \$ _____
_____ \$ _____

5. Attached are:

(a) copy of appointment and will, if any, authenticated under Title 28, U.S.C.A. §1738;

(b) appointment of Maryland resident agent;

(c) list of recipients of Maryland property, their interests in the property, and their relationship to the decedent;

(d) notice to creditors of appointment with respect to the decedent's real or leasehold property in Maryland; and

(e) appraisal or other basis for valuation of real or leasehold property, or of tangible personal property that is taxable in Maryland. (For real and leasehold property give a description sufficient to identify the property and the title reference by liber and folio.)

I request the Register of Wills to set the amount of inheritance tax due.

I solemnly affirm under the penalties of perjury that the contents of ~~the foregoing application~~ this document are true and ~~correct~~ to the best of my knowledge, information, and belief.

Date: _____

Applicant

Applicant

Attorney

Address

Telephone Number

Facsimile Number

E-mail Address

(FOR APPLICANT'S USE - OPTIONAL)

Value of Property as above\$ _____
Less: Liens, encumbrances and
 expenses as above\$ _____
Amount Taxable\$ _____
Direct Inheritance Tax due at ____%\$ _____
Collateral Inheritance Tax due at ____%\$ _____
Total Tax due\$ _____

(b) Form of Notice of Appointment of Foreign Personal

Representative

. . .

(c) Publication - Certification

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS

AND COURT OF SPECIAL APPEALS

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 8-112 to add provisions retaining page limits in lieu of word count maximums for certain typewritten documents; to delete provisions pertaining to horizontal scaling, kerning, and line length; to require the use of a font approved by the Court of Appeals in printed and computer-generated papers; to change spacing requirements from 1.5 spaces to double spacing between lines in printed and computer-generated papers; and to require a side margin of at least 1 inch on each side of a page; as follows:

Rule 8-112. FORM OF COURT PAPERS

(a) In General

A brief, table of contents of a record extract, petition for a writ of certiorari, motion, or other paper filed shall be typewritten or printed and shall comply with this Rule.

(b) Typewritten Papers - Uniformly Spaced Type

(1) Type Size

Uniformly spaced type (such as produced by typewriters) in the text and footnotes shall not be smaller than 11 point and shall not exceed 10 characters per inch.

(2) Spacing

Papers prepared with uniformly spaced type shall be double-spaced, except that headings, indented quotations, and footnotes may be single-spaced.

(3) Documents Subject to Word Count Maximums

(A) Applicability

This subsection applies to a typewritten document as to which a word count maximum is specified by the Rules in this Title. It does not apply to a document that is commercially printed or generated by a computer printer.

(B) Page Limits

Word count maximums are replaced by page limits, as follows:

(i) if the word count maximum is 13,000, the typewritten document shall not exceed 50 pages in length;

(ii) if the word count maximum is 9,100, the typewritten document shall not exceed 35 pages in length;

(iii) if the word count maximum is 6,500, the typewritten document shall not exceed 25 pages in length;

(iv) if the word count maximum is 3,900, the typewritten document shall not exceed 15 pages in length; and

(v) if the word count maximum is 2,600, the typewritten document shall not exceed 10 pages.

(C) No Certification Required

The certification requirement of Rule 8-503 (g) does not apply.

(c) Printed and Computer-generated Papers - Proportionally

Spaced Type

(1) Type Size and Font

Proportionally spaced type (such as produced by commercial printers and many computer printers) in the text and footnotes shall be in a font approved by the Court of Appeals and shall not be smaller than 13 point. The Court of Appeals shall approve, from time to time, a list of fonts that comply with the requirements of this Rule. Upon the docketing of an appeal, the clerk of the appellate court shall send the approved list to all parties or their attorneys. ~~The horizontal scaling ordinarily produced by the computer program may not be altered in order to decrease the width of the characters or increase the number of characters on a line.~~

~~Committee note: "Horizontal scaling" refers to the width of the characters.~~

(2) Spacing

Papers prepared with proportionally spaced type shall have ~~at least 1.5~~ double spacing between lines, except that headings, indented quotations, and footnotes may be single-spaced. ~~The kerning ordinarily produced by the computer program may not be altered in order to reduce the amount of space between characters or to increase the number of characters on a line.~~

~~Committee note: "Kerning" refers to the amount of space between characters.~~

(d) Margins

Margins at the top, ~~and~~ bottom, and each side of the page

shall be not less than 1 inch, except that the page number may be within the bottom margin. ~~Line length shall not exceed 6 1/2 inches, and the~~ The margin on the bound edge of each page shall be sufficient to prevent the binding from covering any text.

(e) Copies

Copies required to be filed shall be duplicated by any process that produces a clear black image on white, opaque, unglazed paper.

(f) Effect of Noncompliance

For noncompliance with this Rule, the appellate court may enter any appropriate order, including an order that an improperly prepared brief be corrected at the expense of the attorney for the party for whom the brief was filed.

Cross reference: With respect to exhibits, see Rules 1-301 (e) and 8-501 (i).

Source: This Rule is new but is derived in part from former Rules 831 a and 1031 a.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS

AND COURT OF SPECIAL APPEALS

CHAPTER 200 - OBTAINING REVIEW IN COURT OF SPECIAL APPEALS

AMEND Rule 8-207 (b) to specify word count limitations in lieu of page limitations, as follows:

Rule 8-207. EXPEDITED APPEAL

. . .

(b) By Election of Parties

. . .

(4) Appellant's Brief

The appellant shall file a brief within 15 days after the filing of the agreed statement required by subsection (b)(2) of this Rule. The brief need not include statement of facts, shall be limited to two issues, and shall not exceed ~~ten pages~~ 2,600 words in length. Otherwise, the brief shall conform to the requirements of Rule 8-504. The appellant shall attach the agreed statement of the case as an appendix to the brief.

(5) Appellee's Brief

The appellee shall file a brief within 15 days after the filing of the appellant's brief. The brief shall not exceed ~~ten pages~~ 2,600 words in length and shall otherwise conform to the requirements of Rule 8-504.

(6) Reply Brief

A reply brief may be filed only with permission of the

Court.

(7) Briefs in Cross-appeals

An appellee who is also a cross-appellant shall include in the brief filed under subsection (b) (5) of this Rule the issue and argument on the cross-appeal as well as the response to the brief of the appellant. The combined brief shall not exceed ~~15 pages~~ 3,900 words in length. Within ten days after the filing of an appellee/cross-appellant's brief, the appellant/cross-appellee shall file a brief, not exceeding ~~ten pages~~ 2,600 words in length, in response to the issues and argument raised on the cross-appeal.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN COURT OF APPEALS

AND COURT OF SPECIAL APPEALS

CHAPTER 300 - OBTAINING APPELLATE REVIEW IN COURT OF APPEALS

AMEND Rule 8-303 to specify a word count limitation in lieu of a page limitation, as follows:

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

. . .

(b) Petition

(1) Contents

The petition shall present accurately, briefly, and clearly whatever is essential to a ready and adequate understanding of the points requiring consideration. Except with the permission of the Court of Appeals, a petition shall not exceed ~~15 pages~~ 3,900 words. It shall contain the following information:

. . .

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

AMEND Rule 8-412 (c) to require the clerk of the appellate court to send a certain notice, as follows:

Rule 8-412. RECORD - TIME FOR TRANSMITTING

(a) To the Court of Special Appeals

Unless a different time is fixed by order entered pursuant to section (d) of this Rule, the clerk of the lower court shall transmit the record to the Court of Special Appeals within sixty days or thirty days in child in need of assistance cases and guardianships terminating parental rights cases, or other cases proceeding under Rule 8-207 (a) (1) after:

(1) the date of an order entered pursuant to Rule 8-206 (a) (1) that the appeal proceed without a prehearing conference, or an order entered pursuant to Rule 8-206 (d) following a prehearing conference, unless a different time is fixed by that order, in all civil actions specified in Rule 8-205 (a); or

(2) the date the first notice of appeal is filed, in all other actions.

Cross reference: Rule 8-207 (a).

(b) To the Court of Appeals

Unless a different time is fixed by order entered pursuant

to section (d) of this Rule, the clerk of the court having possession of the record shall transmit it to the Court of Appeals within 15 days after entry of a writ of certiorari directed to the Court of Special Appeals, or within sixty days after entry of a writ of certiorari directed to a lower court other than the Court of Special Appeals.

(c) When Record is Transmitted; Notice

For purposes of this Rule the record is transmitted when it is delivered to the Clerk of the appellate court or when it is sent by certified mail by the clerk of the lower court, addressed to the Clerk of the appellate court. Upon receipt and docketing of the record by the Clerk of the appellate court, the Clerk shall send a notice to the parties stating (1) the date the record was received and docketed and (2) the date by which an appellant other than a cross-appellant shall file a brief conforming with Rule 8-503. Unless otherwise ordered by the appellate court, the date by which the appellant's brief must be filed shall be no earlier than 40 days after the date the Clerk sends the notice.

(d) Shortening or Extending the Time

On motion or on its own initiative, the appellate court having jurisdiction of the appeal may shorten or extend the time for transmittal of the record. If the motion is filed after the prescribed time for transmitting the record has expired, the Court will not extend the time unless the Court finds that the failure to transmit the record was caused by the act or omission

of a judge, a clerk of court, the court reporter, or the appellee.

Source: This Rule is derived from former Rules 1025 and 825.

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

AMEND Rule 8-413 (a) to conform to a proposed amendment to Rule 8-414, as follows:

Rule 8-413. RECORD - CONTENTS AND FORM

(a) Contents of Record

The record on appeal shall include (1) a certified copy of the docket entries in the lower court, (2) the transcript required by Rule 8-411, and (3) all original papers filed in the action in the lower court except a supersedeas bond or alternative security and those other items that the parties stipulate may be omitted. The clerk of the lower court shall append a certificate clearly identifying the papers included in the record. The lower court may order that the original papers in the action be kept in the lower court pending the appeal, in which case the clerk of the lower court shall transmit only a certified copy of the original papers. The lower court, by order, shall resolve any dispute whether the record accurately discloses what occurred in the lower court, and shall cause the record to conform to its decision. The lower court shall also correct or modify the record if directed by an appellate court pursuant to Rule 8-414 (b) (2). When the Court of Appeals reviews

an action pending in or decided by the Court of Special Appeals, the record shall also include the record of any proceedings in the Court of Special Appeals.

(b) Statement of Case in Lieu of Entire Record

If the parties agree that the questions presented by an appeal can be determined without an examination of all the pleadings and evidence, they may sign and, upon approval by the lower court, file a statement showing how the questions arose and were decided, and setting forth only those facts or allegations that are essential to a decision of the questions. The parties are strongly encouraged to agree to such a statement. The statement, the judgment from which the appeal is taken, and any opinion of the lower court shall constitute the record on appeal. The appellate court may, however, direct the lower court clerk to transmit all or part of the balance of the record in the lower court as a supplement to the record on appeal. The appellant shall reproduce the statement in the appellant's brief, either in lieu of the statement of facts or as an appendix to the brief.

(c) Duties of Lower Court Clerk

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

preparing and certifying the record, the costs taxed against each party prior to the transmission of the record, and the cost of all transcripts and of copies, if any, of the transcripts for each of the parties. The clerk shall serve a copy of the docket entries on each party.

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

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

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

AMEND Rule 8-414 by adding to section (a) clarifying language to limit when an appellate court may correct an error or omission in the record to material errors or omissions; by adding to section (a) language indicating that a court ordinarily may not order an addition to the record of information, etc., that had not been submitted to the lower court; by adding a cross-reference to follow section (a) that reflects case authority that has considered this issue; by adding a Committee note explaining that this Rule does not preclude an appellate court from its authority to take judicial notice of facts in certain instances; by dividing section (b) into two subsections, with new subsection (b) (1) adding a requirement that a motion to correct the record must include a stipulation of the parties regarding the alleged error and new subsection (b) (2) adding a requirement that the motion must specify the area of disagreement between the parties as to whether the record accurately discloses what occurred in the lower court; by adding language indicating that if the appellate court does not resolve the dispute, the appellate court may direct the lower court to determine what actually occurred and conform the record; by adding that the appellate court may set a deadline for the lower court to make its determination and

return the record; and by adding a new section (b) (3) to reflect the residual authority to the appellate court to answer all other questions as to the form and content of the record, as follows:

Rule 8-414. CORRECTION OF RECORD

(a) Authority of Appellate Court

On motion or on its own initiative, the appellate court may order that ~~an~~ a material error or omission in the record be corrected. The court ordinarily may not order an addition to the record of new facts, documents, information, or evidence that had not been submitted to the lower court.

Cross reference: See *Beyond v. Realtime*, 388 Md. 1, 10-11, n.9 (2005); *Mesbahi v. Board of Physicians*, 201 Md. App. 315, 340, n. 21 (2011); and *Shih Ping Li v. Tzu Lee*, 210 Md. App. 73, 95 (2013), *aff'd Li v. Lee*, 437 Md. 47 (2014).

Committee note: This Rule does not preclude the appellate court from considering facts of which the appellate court may take judicial notice, including facts bearing on mootness.

(b) Motion; Determination

(1) Generally

~~The motion shall specify~~ A party seeking correction of the record shall file a motion that specifies the parts of the record or proceedings that are alleged to be omitted or erroneous. A motion that is based on facts not contained in the record or papers on file in or under the custody and jurisdiction of the appellate court and not admitted by all the other parties shall be supported by affidavit. The motion shall be accompanied by (A) any stipulation of the parties regarding the alleged error

or omission and (B) a proposed order which shall specify specifying the requested corrections or additions.

(2) Correction or Modification of the Record

If the parties disagree about whether the record accurately discloses what occurred in the lower court, the motion shall specify what the difference is. If the appellate court does not resolve the dispute over what occurred in the lower court, the appellate court may direct the lower court to determine whether the record differs from what actually occurred and, if appropriate, conform the record accordingly. The appellate court may set a deadline for the lower court to make its determination and return the record.

(3) Other Questions

All other questions as to the form and content of the record shall be determined by the appellate court.

(c) Order to Correct Record

The order of the appellate court to correct the record constitutes the correction. The Court may also direct the clerk to take any additional action to implement the correction. An order to supplement the record shall be sent to the clerk of the lower court who promptly shall transmit the additional parts of the record specified in the order.

(d) Effect on Oral Argument

Oral argument generally will not be postponed because of an error or omission in the record. If a permitted correction or addition cannot be made to the record in time for the scheduled

oral argument, the appellate court may (1) postpone the argument or (2) direct the argument to proceed as if the correction or addition had been made and permit it to be filed after argument.

Source: This Rule is in part derived from former Rule 1027 and Rule 826 f through h and in part new.

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

AMEND Rule 8-431 (c) by adding certain language clarifying that the records or papers on file are in the appellate court and by adding a cross reference, as follows:

Rule 8-431. MOTIONS

(a) Generally

An application to the Court for an order shall be by motion. The motion shall state briefly and clearly the facts upon which it is based, and if other parties to the appeal have agreed not to oppose the motion, it shall so state. The motion shall be accompanied by a proposed order.

(b) Response

Except as provided in Rule 8-605 (a), any party may file a response to the motion. Unless a different time is fixed by order of the Court, the response shall be filed within five days after service of the motion.

(c) Affidavit

A motion or a response to a motion that is based on facts not contained in the record or papers on file in or in the custody and jurisdiction of the appellate court in the proceeding shall be supported by affidavit and accompanied by any papers on

which it is based.

Cross reference: See Rule 20-402 concerning the transmittal of the record under MDEC.

(d) Statement of Grounds and Authorities

A motion and any response shall state with particularity the grounds and the authorities in support of each ground.

(e) Filing; Copies

The original of a motion and any response shall be filed with the Clerk. It shall be accompanied by (1) seven copies when filed in the Court of Appeals and (2) four copies when filed in the Court of Special Appeals, except as otherwise provided in these rules.

(f) Emergency Order

In an emergency, the Court may rule on a party's motion before expiration of the time for a response. The party requesting emergency relief shall file the certification required by Rule 1-351.

(g) Hearing

Except as otherwise provided in these rules, a motion may be acted on without a hearing or may be set for hearing at the time and place and on the notice the Court prescribes.

Source: This Rule is derived from former Rules 1055 and 855.

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

AMEND Rule 8-502 to conform to a proposed amendment to Rule 8-412, as follows:

Rule 8-502. FILING OF BRIEFS

(a) Duty to File; Time

Unless otherwise ordered by the appellate court:

(1) Appellant's Brief

~~Within 40 days after the clerk sends notice of the filing of the record, an~~ No later than the date specified in the notice sent by the appellate clerk pursuant to Rule 8-412 (c), an appellant other than a cross-appellant shall file a brief conforming to the requirements of Rule 8-503.

(2) Appellee's Brief

Within 30 days after the filing of the appellant's brief, the appellee shall file a brief conforming to the requirements of Rule 8-503.

(3) Appellant's Reply Brief

The appellant may file a reply brief not later than the earlier of 20 days after the filing of the appellee's brief or ten days before the date of scheduled argument.

Cross reference: The meaning of subsection (a) (3) is in accordance with *Heit v. Stansbury*, 199 Md. App. 155 (2011).

(4) Cross-appellant's Brief

An appellee who is also a cross-appellant shall include in the brief filed pursuant to subsection (2) of this section the issues and arguments on the cross-appeal as well as the response to the brief of the appellant, and shall not file a separate cross-appellant's brief.

(5) Cross-appellee's Brief

Within 30 days after the filing of that brief, the appellant/cross-appellee shall file a brief in response to the issues and argument raised on the cross-appeal and shall include any reply to the appellee's response that the appellant wishes to file.

(6) Cross-appellant's Reply Brief

The appellee/cross-appellant may file a reply to the cross-appellee's response within 20 days after the filing of the cross-appellee's brief, but in any event not later than ten days before the date of scheduled argument.

(7) Multiple Appellants or Appellees

In an appeal involving more than one appellant or appellee, including actions consolidated for purposes of the appeal, any number of appellants or appellees may join in a single brief.

(8) Court of Special Appeals Review of Discharge for

Unconstitutionality of Law

No briefs need be filed in a review by the Court of Special Appeals under Code, Courts Article, §3-706.

(b) Extension of Time

The time for filing a brief may be extended by (1) stipulation of counsel filed with the clerk so long as the appellant's brief and the appellee's brief are filed at least 30 days, and any reply brief is filed at least ten days, before the scheduled argument, or (2) order of the appellate court entered on its own initiative or on motion filed pursuant to Rule 1-204.

(c) Filing and Service

In an appeal to the Court of Special Appeals, 15 copies of each brief and 10 copies of each record extract shall be filed, unless otherwise ordered by the court. Incarcerated or institutionalized parties who are self-represented shall file nine copies of each brief and nine copies of each record extract. In the Court of Appeals, 20 copies of each brief and record extract shall be filed, unless otherwise ordered by the court. Two copies of each brief and record extract shall be served on each party pursuant to Rule 1-321.

(d) Default

If an appellant fails to file a brief within the time prescribed by this Rule, the appeal may be dismissed pursuant to Rule 8-602 (a) (7). An appellee who fails to file a brief within the time prescribed by this Rule may not present argument except with permission of the Court.

Source: This Rule is derived from former Rules 1030 and 830 with the exceptions of subsection (a)(8) which is derived from the last sentence of former Rule Z56 and of subsection (b)(2) which is in part derived from Rule 833 and in part new.

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

AMEND Rule 8-503 (d) and (e) to specify word count limitations in briefs in lieu of page limitations, to add a new section (g) requiring a certain Certification of Word Count and Compliance with Rule 8-112, and to make a stylistic change, as follows:

Rule 8-503. STYLE AND FORM OF BRIEFS

. . .

(d) Length

(1) Principal Briefs of Parties

Except as otherwise provided in section (e) of this Rule or with permission of the Court, the principal brief of an appellant or appellee shall not exceed ~~35 pages~~ 9,100 words in the Court of Special Appeals or ~~50 pages~~ 13,000 words in the Court of Appeals. This limitation does not apply to (A) the table of contents and citations required by Rule 8-504 (a) (1); (B) the citation and text required by Rule 8-504 (a) (8); ~~or~~ (C) a motion to dismiss and argument supporting or opposing the motion; or (D) a Certification of Word Count and Compliance with Rule 8-112 required under section (g) of this Rule.

(2) Motion to Dismiss

Except with permission of the Court, any portion of a party's brief pertaining to a motion to dismiss shall not exceed an additional ~~ten pages~~ 2,600 words in the Court of Special Appeals or ~~25 pages~~ 6,500 words in the Court of Appeals.

(3) Reply Brief

Any reply brief filed by the appellant shall not exceed ~~15 pages~~ 3,900 words in the Court of Special Appeals or ~~25 pages~~ 6,500 words in the Court of Appeals.

(4) Amicus Curiae Brief

Except with the permission of the Court, an amicus curiae brief:

(A) if filed in the Court of Special Appeals, shall not exceed ~~15 pages~~ 3,900 words; and

(B) if filed in the Court of Appeals, shall not exceed ~~25 pages~~ 6,500 words, except that an amicus curiae brief supporting or opposing a petition for certiorari or other extraordinary writ shall not exceed ~~15 pages~~ 3,900 words.

(e) Briefs of Cross-appellant and Cross-appellee

In cases involving cross-appeals, the brief filed by the appellee/cross-appellant shall have a back and cover the color of an appellee's brief and shall not exceed ~~50 pages~~ 13,000 words. The responsive brief filed by the appellant/cross-appellee shall have a back and cover the color of a reply brief and shall not exceed (1) ~~50 pages~~ 13,000 words in the Court of Appeals or (2) in the Court of Special Appeals (A) ~~35 pages~~ 9,100 words if no reply to the appellee's answer is included or (B) ~~50 pages~~ 13,000

words if a reply is included.

(f) Incorporation by Reference

In a case involving more than one appellant or appellee, any appellant or appellee may adopt by reference any part of the brief of another.

(g) Certification of Word Count and Compliance with Rule 8-112

(1) Requirement

Except as otherwise provided by Rule 8-112 (b) (3), a brief shall include a Certification of Word Count and Compliance with Rule 8-112 substantially in the form set forth in subsection (g) (2) of this Rule. The party or amicus curiae providing the certification may rely on the word count of the word-processing system used to prepare the brief.

(2) Form

A Certification of Word Count and Compliance with Rule 8-112 shall be signed by the individual making the certification and shall be substantially in the following form:

CERTIFICATION OF WORD COUNT AND COMPLIANCE
WITH RULE 8-112

1. This brief contains _____ words, excluding the parts of the brief exempted from the word count by Rule 8-503.

2. This brief complies with the font, spacing, and type size requirements stated in Rule 8-112.

Signature

~~(g)~~ (h) Effect of Noncompliance

For noncompliance with this Rule, the appellate court may dismiss the appeal or make any other appropriate order with respect to the case, including an order that an improperly prepared brief be reproduced at the expense of the attorney for the party for whom the brief was filed.

Source: This Rule is derived as follows:

Section (a) is derived from former Rules 831 a and 1031 a.

Section (b) is derived from former Rules 831 a and 1031 a.

Section (c) is derived from former Rules 831 a and 1031 a.

Section (d) is in part derived from Rule 831 b and 1031 b and in part new.

Section (e) is new.

Section (f) is derived from ~~FRAP~~ Fed. R. App. P. 28 (i).

Section (g) is new and is derived in part from Fed. R. App. P. 32.

Section ~~(g)~~ (h) is derived from former Rules 831 g and 1031 f.

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

AMEND Rule 8-511 to revise the time by which the appellee may file a reply brief under certain circumstances and to specify a word count limitation in lieu of a page count limitation, as follows:

Rule 8-511. AMICUS CURIAE

(a) Authorization to File Amicus Curiae Brief

An amicus curiae brief may be filed only:

- (1) upon written consent of all parties to the appeal;
- (2) by the Attorney General in any appeal in which the State of Maryland may have an interest;
- (3) upon request by the Court; or
- (4) upon the Court's grant of a motion filed under section

(b) of this Rule.

(b) Motion and Brief

(1) Content of Motion

A motion requesting permission to file an amicus curiae brief shall:

- (A) identify the interest of the movant;
- (B) state the reasons why the amicus curiae brief is desirable;

(C) state whether the movant requested of the parties their consent to the filing of the amicus curiae brief and, if not, why not;

(D) state the issues that the movant intends to raise;

(E) identify every person, other than the movant, its members, or its attorneys, who made a monetary or other contribution to the preparation or submission of the brief, and identify the nature of the contribution; and

(F) if filed in the Court of Appeals to seek leave to file an amicus curiae brief supporting or opposing a petition for writ of certiorari or other extraordinary writ, state whether, if the writ is issued, the movant intends to seek consent of the parties or move for permission to file an amicus curiae brief on the issues before the Court.

(2) Attachment of Brief

Copies of the proposed amicus curiae brief shall be attached to two of the copies of the motion filed with the Court.

Cross reference: See Rule 8-431 (e) for the total number of copies of a motion required when the motion is filed in an appellate court.

(3) Service

The movant shall serve a copy of the motion and proposed brief on each party.

(4) If Motion Granted

If the motion is granted, the brief shall be regarded as having been filed when the motion was filed. Within ten days after the order granting the motion is filed, the amicus curiae

shall file the additional number of briefs required by Rule 8-502 (c).

(c) Time for Filing

(1) Generally

Except as required by subsection (c)(2) of this Rule and unless the Court orders otherwise, an amicus curiae brief shall be filed at or before the time specified for the filing of the principal brief of the appellee.

(2) Time for Filing in Court of Appeals

(A) An amicus curiae brief may be filed pursuant to section (a) of this Rule in the Court of Appeals on the question of whether the Court should issue a writ of certiorari or other extraordinary writ to hear the appeal as well as, if such a writ is issued, on the issues before the Court.

(B) An amicus curiae brief or a motion for leave to file an amicus curiae brief supporting or opposing a petition for writ of certiorari or other extraordinary writ shall be filed at or before the time any answer to the petition is due.

(C) Unless the Court orders otherwise, an amicus curiae brief on the issues before the Court if the writ is granted shall be filed at the applicable time specified in subsection (c)(1) of this Rule.

(d) Compliance with Rules 8-503 and 8-504

An amicus curiae brief shall comply with the applicable provisions of Rules 8-503 and 8-504.

(e) Reply Brief; Oral Argument; Brief Supporting or Opposing

Motion for Reconsideration

Without permission of the Court, an amicus curiae may not (1) file a reply brief, (2) participate in oral argument, or (3) file a brief in support of, or in opposition to, a motion for reconsideration. Permission may be granted only for extraordinary reasons.

(f) Appellee's Reply Brief

Within ten days after the later of (1) the filing of an amicus curiae brief that is not substantially in support of the position of the appellee or (2) the entry of an order granting a motion under section (b) that permits the filing of a brief not substantially in support of the position of the appellee, the appellee may file a reply brief limited to the issues in the amicus curiae brief that are not substantially in support of the appellee's position and are not fairly covered in the appellant's principal brief. Any such reply brief shall not exceed ~~15 pages~~ 3,900 words.

Source: This Rule is derived in part from Fed.R.App.P. 29 and Sup.Ct.R. 37 and is in part new.

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

AMEND Rule 8-522 to reduce the time allotted for oral argument in the Court of Special Appeals to 20 minutes for each side, except with permission of the Court; to delete the second sentence of section (a); and to correct a stylistic error, as follows:

Rule 8-522. ORAL ARGUMENT

(a) Time Limit

Except with permission of the Court, oral argument is limited to 20 minutes for each side in the Court of Special Appeals and 30 minutes for each side in the Court of Appeals. ~~The Court of Special Appeals may prescribe a shorter period when it grants a request for oral argument pursuant to Rule 8-523 (b) (2), or upon the direction of the Chief Judge, when necessary to enable the Court to dispose of the cases scheduled for oral argument.~~ A party who believes that additional time is necessary for the adequate presentation of oral argument, may request, by letter addressed to the Court, the ~~addition~~ additional time deemed necessary. The request shall be made no later than ten days after the filing of the appellee's brief.

(b) Rebuttal

The appellant may reserve a portion of the time allowed for rebuttal, but in opening argument shall present the case fairly and completely and shall not reserve points of substance for presentation during rebuttal.

(c) Number of Counsel

Except with permission of the Court, not more than two attorneys may argue for a side. In granting a request for oral argument pursuant to Rule 8-523 (b) (2), the Court of Special Appeals may direct that only one attorney may argue for a side. When more than one attorney will argue for a side, the time allowed for the side may be divided as they desire.

(d) More than One Appeal in Same Action - Order of Argument

When there is more than one appeal in the same action, the order of argument may be determined by the Court. If the Court does not determine the order and unless otherwise agreed by parties, the appellant first in order on the docket will open and close.

(e) Failure to Appear

If a party fails to appear when the case is reached for argument, the adverse party may present oral argument or, with permission of the Court, may waive it.

(f) Restriction on Oral Argument

The Court may decline to hear oral argument on any matter not presented in the briefs.

Source: This Rule is derived from former Rules 1046 and 846.

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

AMEND Rule 8-603 to specify word count limitations in lieu of page limitations, as follows:

Rule 8-603. MOTION TO DISMISS APPEAL

. . .

(f) Separate Oral Argument

(1) Not Unless Directed by the Court

Oral argument on a motion to dismiss will not be held in advance of argument on the merits unless directed by order of the Court.

(2) Briefs

If the Court directs oral argument on a motion to dismiss in advance of argument on the merits, the parties, with permission of the Court, may file briefs in support of or in opposition to the motion. Not later than one day before the date assigned for argument (A) an original shall be filed with the Clerk together with three copies in the Court of Special Appeals or seven copies in the Court of Appeals, and (B) a copy shall be delivered to other parties. Unless otherwise ordered by the Court, the briefs shall not exceed ~~ten pages~~ 2,600 words in the Court of Special Appeals or ~~25 pages~~ 6,500 words in the Court of

Appeals.

(3) Time; Number of Counsel

Unless otherwise ordered by the Court, separate oral argument on a motion to dismiss is restricted to 15 minutes for each side, and only one attorney may argue for each side.

Source: This Rule is derived from former Rules 1036, 1037, 836, and 837.

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

AMEND Rule 8-605 to add a new section (b) providing the content of a motion for reconsideration or a response to it, to specify a word count limitation in lieu of a page limitation, and to make stylistic changes, as follows:

Rule 8-605. RECONSIDERATION

(a) Motion; Response; No Oral Argument

Except as otherwise provided in Rule 8-602 (c), a party may file pursuant to this Rule a motion for reconsideration of a decision by the Court that disposes of the appeal. The motion shall be filed (1) before issuance of the mandate or (2) within 30 days after the filing of the opinion of the Court, whichever is earlier. A response to a motion for reconsideration may not be filed unless requested on behalf of the Court by at least one judge who concurred in the opinion or order. Except to make changes in the opinion that do not change the decision in the case, the Court ordinarily will not grant a motion for reconsideration unless it has requested a response. There shall be no oral argument on the motion.

(b) Content

A motion or response ordinarily shall be limited to

addressing one or more of the following:

(1) whether the Court's opinion or order did not address a material factual or legal matter raised in the lower court and argued by a party in its submission to the Court, and if not raised or argued, a brief statement as to why it was not raised or argued;

(2) whether a material change in the law relevant to the appeal occurred after the case was submitted and was not addressed in the Court's opinion or order;

(3) whether there is a significant consequence of the decision that was not addressed in the opinion;

(4) if the motion or response is filed in the Court of Appeals, whether and how the Court's opinion or order is in material conflict with a decision of the United States Supreme Court or a decision of the Court of Appeals; or

(5) if the motion or response is filed in the Court of Special Appeals, whether and how the Court's opinion or order is in material conflict with a decision of the United States Supreme Court or the Court of Appeals or a reported opinion of the Court of Special Appeals.

~~(b)~~ (c) Length

A motion or response filed pursuant to this Rule shall not exceed ~~15 pages~~ 3,900 words.

~~(c)~~ (d) Copies - Filing

(1) In Court of Special Appeals

In the Court of Special Appeals, the original of the

motion and any response shall be filed together with four copies if the opinion of the Court was unreported or 13 copies if reported.

(2) In Court of Appeals

In the Court of Appeals, the original and seven copies of the motion and any response shall be filed.

~~(d)~~ (e) Mandate to be Delayed

A motion for reconsideration shall delay issuance of a mandate, unless otherwise ordered by the Court.

~~(e)~~ (f) Disposition of Motion

A motion for reconsideration shall be granted only with the consent of at least half the judges who concurred in the opinion. If a motion for reconsideration is granted, the Court may make a final disposition of the appeal without reargument, restore the appeal to the calendar for argument, or make other orders, including modification or clarification of its opinion, as the Court finds appropriate.

Source: This Rule is in part derived from former Rules 1050 and 850 and in part new.

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

ADD new Rule 9-205.3, as follows:

Rule 9-205.3. CUSTODY AND VISITATION-RELATED ASSESSMENTS

(a) Applicability

This Rule applies to the appointment or approval by a court of a person to perform an assessment in an action under this Chapter in which child custody or visitation is at issue.

Committee note: In this Rule, when an assessor is selected by the court, the term "appointment" is used. When the assessor is selected by the parties and the selection is incorporated into a court order, the term "approval" is used.

(b) Definitions

In this Rule, the following definitions apply:

(1) Assessment

"Assessment" includes a custody evaluation, a home study, a mental health evaluation, and a specific issue evaluation.

(2) Assessor

"Assessor" means an individual who performs an assessment.

(3) Custody Evaluation

"Custody evaluation" means a study and analysis of the needs and development of a child who is the subject of an action or proceeding under this Chapter and of the abilities of the

parties to care for the child and meet the child's needs.

(4) Custody Evaluator

"Custody evaluator" means an individual appointed or approved by the court to perform a custody evaluation.

(5) Home Study

"Home study" means an inspection of a party's home that focuses upon the safety and suitability of the physical surroundings and living environment for the child.

(6) Mental Health Evaluation

"Mental health evaluation" means an evaluation of an individual's mental health performed by a psychiatrist or psychologist who has the qualifications set forth in subsection (d) (1) (A) or (B) of this Rule. A mental health evaluation may include psychological testing.

(7) Specific Issue Evaluation

"Specific issue evaluation" means a targeted investigation into a specific issue raised by a party, the child's attorney, or the court affecting the safety, health, or welfare of the child.

Committee note: An example of a specific issue evaluation is an evaluation of a party as to whom the issue of a problem with alcohol consumption has been raised, performed by an individual with expertise in alcoholism.

(8) State

"State" includes the District of Columbia.

(c) Authority

(1) On motion of a party or child's counsel, or on its own

initiative, the court may order an assessment to aid the court in evaluating the health, safety, welfare, or best interests of a child in a contested custody or visitation case.

(2) The court may appoint or approve any person deemed competent by the court to perform a home study or a specific issue evaluation. The court may not appoint or approve a person to perform a custody evaluation unless (A) the assessor has the qualifications set forth in subsections (d)(1) and (d)(2) of this Rule, or (B) the qualifications have been waived for the assessor pursuant to subsection (d)(3) of this Rule.

(3) The court may not order the cost of an assessment to be paid, in whole or in part, by a party without giving the parties notice and an opportunity to object.

(d) Qualifications of Custody Evaluator

(1) Education and Licensing

A custody evaluator shall be:

(A) a physician licensed in any State who is board-certified in psychiatry or has completed a psychiatry residency accredited by the Accreditation Council for Graduate Medical Education or a successor to that Council;

(B) a Maryland licensed psychologist or a psychologist with an equivalent level of licensure in any other state;

(C) a Maryland licensed clinical marriage and family therapist or a clinical marriage and family therapist with an equivalent level of licensure in any other state; or

(D) a Maryland licensed certified social worker-clinical or

a clinical social worker with an equivalent level of licensure in any other state.

(2) Training and Experience

In addition to complying with the continuing requirements of his or her field, a custody evaluator shall have training or experience in observing or performing custody evaluations and shall have current knowledge in the following areas:

- (A) domestic violence;
- (B) child neglect and abuse;
- (C) family conflict and dynamics;
- (D) child and adult development; and
- (E) impact of divorce and separation on children and

adults.

(3) Waiver of Requirements

If a court employee has been performing custody evaluations on a regular basis as an employee of, or under contract with, the court for at least five years prior to [effective date of the Rule], the court may waive any of the requirements set forth in subsection (d)(1) of this Rule, provided that the individual participates in at least 20 hours per year of continuing education relevant to the performance of custody evaluations, including course work in one or more of the areas listed in subsection (d)(2) of this Rule.

(e) Custody Evaluator Lists and Selection

(1) Custody Evaluator Lists

If the circuit court for a county appoints custody

evaluators who are not court employees, the family support services coordinator for the court shall maintain a list of qualified custody evaluators. An individual, other than a court employee, who seeks appointment by a circuit court as a custody evaluator shall submit an application to the family support services coordinator for that court. If the applicant has the qualifications set forth in section (d) of this Rule, the applicant's name shall be placed on a list of qualified individuals. The family support services coordinator, upon request, shall make the list and the information submitted by each individual on the list available to the public.

(2) Selection of Custody Evaluator

(A) By the Parties

By agreement, the parties may employ a custody evaluator of their own choosing who may, but need not, be on the court's list. The parties may, but need not, request the court to enter a consent order approving the agreement and selection. The court shall enter the order if one is requested and the court finds that the custody evaluator has the qualifications set forth in section (d) and that the agreement contains the relevant information set forth in section (g) of this Rule.

(B) By the Court

An appointment of an individual, other than a court employee, as a custody evaluator by the court shall be made from the list maintained by the family support services coordinator. In appointing a custody evaluator from a list, the court is not

required to choose at random or in any particular order from among the qualified evaluators on the list. The court should endeavor to use the services of as many qualified individuals as practicable, but the court may consider, in light of the issues and circumstances presented by the action or the parties, any special training, background, experience, expertise, or temperament of the available prospective appointees. An individual appointed by the court to serve as a custody evaluator shall have the qualifications set forth in section (d) of this Rule.

(f) Description of Custody Evaluation

(1) Mandatory Elements

Subject to any protective order of the court, a custody evaluation shall include:

(A) a review of the relevant court records pertaining to the litigation;

(B) an interview of each party;

(C) an interview of the child, unless the custody evaluator determines and explains that by reason of age, disability, or lack of maturity, the child lacks capacity to be interviewed;

(D) a review of any relevant educational, medical, and legal records pertaining to the child;

(E) if feasible, observations of the child with each party, whenever possible in that party's household;

(F) factual findings about the needs of the child and the capacity of each party to meet the child's needs; and

(G) a custody and visitation recommendation based upon an analysis of the facts found or, if such a recommendation cannot be made, an explanation of why.

(2) Optional Elements - Generally

Subject to subsection (f) (3) of this Rule, at the discretion of the custody evaluator, a custody evaluation also may include:

(A) contact with collateral sources of information;

(B) a review of additional records;

(C) employment verification;

(D) an interview of any other individual residing in the household;

(E) a mental health evaluation;

(F) consultation with other experts to develop information that is beyond the scope of the evaluator's practice or area of expertise; and

(G) an investigation into any other relevant information about the child's needs.

(3) Optional Elements Requiring Court Approval

The custody evaluator may not include an optional element listed in subsection (f) (2) (E), (F), or (G) if any additional cost is to be assessed for the element unless, after notice to the parties and an opportunity to object, the court approved inclusion of the element.

(g) Order of Appointment

An order appointing or approving a person to perform an

assessment shall include:

(1) the name, business address, and telephone number of the person being appointed or approved;

(2) if there are allegations of domestic violence committed by or against a party or child, any provisions the court deems necessary to address the safety and protection of the parties, all children of the parties, any other children residing in the home of a party, and the person being appointed or approved;

(3) a description of the task or tasks the person being appointed or approved is to undertake;

(4) a provision concerning payment of any fee, expense, or charge, including a statement of any hourly rate that will be charged which, as to a court appointment, may not exceed the maximum rate established under section (n) of this Rule and, if applicable, a time estimate for the assessment;

(5) the term of the appointment or approval and any deadlines pertaining to the submission of reports to the parties and the court, including the dates of any pretrial or settlement conferences associated with the furnishing of reports;

(6) any restrictions upon the copying and distribution of reports, whether pursuant to this Rule, agreement of the parties, or entry of a separate protective order;

(7) whether a written report or an oral report on the record is required; and

(8) any other provisions the court deems necessary.

(h) Removal or Resignation of Person Appointed or Approved to

Perform an Assessment

(1) Removal

The court may remove a person appointed or approved to perform an assessment upon a showing of good cause.

(2) Resignation

A person appointed or approved to perform an assessment may resign prior to completing the assessment and preparing a report pursuant to section (i) of this Rule only upon a showing of good cause, notice to the parties, an opportunity to be heard, and approval of the court.

(i) Report of Assessor

(1) Custody Evaluation Report

A custody evaluator shall prepare a report and provide the parties access to the report in accordance with subsection (i) (1) (A) or (i) (1) (B) of this Rule.

(A) Oral Report on the Record

If the court orders a pretrial or settlement conference to be held at least 45 days before the scheduled trial date or hearing at which the evaluation may be offered or considered, and the order appointing or approving the custody evaluator does not require a written report, the custody evaluator may present the custody evaluation report orally to the parties on the record at the conference. The custody evaluator shall produce and provide to the court and parties at the conference a written list containing an adequate description of all documents reviewed in connection with the custody evaluation. If custody and access

are not resolved at the conference, and no written report has been provided, the court shall (i) provide a transcript of the oral report to the parties free of charge, or (ii) direct the custody evaluator to prepare a written report and furnish it to the parties in accordance with subsection (i) (1) (B) of this Rule. Absent the consent of the parties, the judge or magistrate who presides over a settlement conference at which an oral report is presented shall not preside over a hearing or trial on the merits of the custody dispute.

(B) Written Report Prepared by the Custody Evaluator

If an oral report is not prepared and presented pursuant to subsection (i) (1) (A) of this Rule, the custody evaluator shall prepare a written report of the custody evaluation and shall include in the report a list containing an adequate description of all documents reviewed in connection with the custody evaluation. The report shall be furnished to the parties at least 30 days before the scheduled trial date or hearing at which the evaluation may be offered or considered. The court may shorten or extend the time for good cause shown but the report shall be furnished to the parties no later than 15 days before the scheduled trial or hearing.

(2) Report of Home Study or Specific Issue Evaluation

Unless preparation of a written report is waived by the parties, an assessor who performed a home study or a specific issue evaluation shall prepare a written report of the assessment and furnish it to the parties. The report shall be furnished as

soon as practicable after completion of the assessment and, if a date is specified in the order of appointment or approval, by that date.

(3) Report of Mental Health Evaluation

An assessor who performed a mental health evaluation shall prepare a written report and make it available to the parties solely for use in the case. The report shall be made available as soon as practicable after completion of the evaluation and, if a date is specified in the order of appointment or approval, by that date.

(j) Copying and Dissemination of Report

A party may copy a written report of an assessment or the transcript of an oral report prepared pursuant to subsection (i)(1)(A) of this Rule but, except as permitted by the court, shall not disseminate the report or transcript other than to individuals intended to be called as experts by the party.

Cross reference: See subsection (g)(6) of this Rule concerning the inclusion of restrictions on copying and distribution of reports in an order of appointment or approval of an assessor. See the Rules in Title 15, Chapter 200, concerning proceedings for contempt of court for violation of a court order.

(k) Court Access to Written Report

(1) Generally

Except as otherwise provided by this Rule, the court may receive access to a report by an individual appointed or approved by the court to perform an assessment only if the report has been admitted into evidence at a hearing or trial in the case.

(2) Advance Access to Report by Stipulation of the Parties

Upon consent of the parties, the court may receive and read the assessor's report in advance of the hearing or trial.

(3) Access to Report by Settlement Judge or Magistrate

A judge or magistrate conducting a settlement conference shall have access to the assessor's report.

(1) Discovery

(1) Generally

Except as provided in this section, an individual who performs an assessment under this Rule is subject to the Maryland Rules applicable to discovery in civil actions.

(2) Deposition of Court-paid Assessor

Unless leave of court is obtained, any deposition of an assessor who is a court employee or is working under contract for the court and paid by the court shall: (A) be held at the courthouse where the action is pending or other court-approved location; (B) take place after the date on which an oral or written report is presented to the parties; and (C) not exceed two hours, with the time to be divided equally between the parties.

(m) Testimony and Report of Assessor at Hearing or Trial

(1) Subpoena for Assessor

A party requesting the presence of the assessor at a hearing or trial shall subpoena the assessor no less than ten days before the hearing or trial.

(2) Admission of Report into Evidence Without Presence of Assessor

The court may admit an assessor's report into evidence without the presence of the assessor, subject to objections based other than on the presence or absence of the assessor. If the assessor is present, a party may call the assessor for cross-examination.

Committee note: The admissibility of an assessor's report pursuant to subsection (m)(2) of this Rule does not preclude the court or a party from calling the assessor to testify as a witness at a hearing or trial.

(n) Fees

(1) Applicability

Section (n) of this Rule does not apply to a circuit court for a county in which all custody evaluations are performed by court employees, free of charge to the litigants.

(2) Fee Schedules

Subject to the approval of the Chief Judge of the Court of Appeals, the county administrative judge of each circuit court shall develop and adopt maximum fee schedules for custody evaluations. In developing the fee schedules, the county administrative judge shall take into account the availability of qualified individuals willing to provide custody evaluation services and the ability of litigants to pay for those services. A custody evaluator appointed by the court may not charge or accept a fee for custody evaluation services in that action in excess of the fee allowed by the applicable schedule. Violation of this subsection shall be cause for removal of the individual from all lists maintained pursuant to subsection (e)(1) of this

Rule.

(3) Allocation of Fees and Expenses

As permitted by law, the court may order the parties or a party to pay the reasonable and necessary fees and expenses incurred by an individual appointed by the court to perform an assessment in the case. The court may fairly allocate the reasonable and necessary fees of the assessment between or among the parties. In the event of the removal or resignation of an assessor, the court may consider the extent to which any fees already paid to the assessor should be returned.

Source: This Rule is new.

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

AMEND Rule 9-208 to change the term "master" to "magistrate,"
as follows:

Rule 9-208. REFERRAL OF MATTERS TO ~~MASTERS~~ MAGISTRATES

(a) Referral

(1) As of Course

If a court has a full-time or part-time standing ~~master~~
magistrate for domestic relations matters and a hearing has been
requested or is required by law, the following matters arising
under this Chapter shall be referred to the ~~master~~ magistrate as
of course unless the court directs otherwise in a specific case:

- (A) uncontested divorce, annulment, or alimony;
- (B) alimony pendente lite;
- (C) child support pendente lite;
- (D) support of dependents;
- (E) preliminary or pendente lite possession or use of the
family home or family-use personal property;
- (F) subject to Rule 9-205, pendente lite custody of or
visitation with children or modification of an existing order or
judgment as to custody or visitation;
- (G) subject to Rule 9-205 as to child access disputes,
constructive civil contempt by reason of noncompliance with an

order or judgment relating to custody of or visitation with a minor child, the payment of alimony or support, or the possession or use of the family home or family-use personal property, following service of a show cause order upon the person alleged to be in contempt;

(H) modification of an existing order or judgment as to the payment of alimony or support or as to the possession or use of the family home or family-use personal property;

(I) counsel fees and assessment of court costs in any matter referred to a ~~master~~ magistrate under this Rule;

(J) stay of an earnings withholding order; and

(K) such other matters arising under this Chapter and set forth in the court's case management plan filed pursuant to Rule 16-202 b.

Committee note: Examples of matters that a court may include in its case management plan for referral to a ~~master~~ magistrate under subsection (a) (1) (J) of this Rule include scheduling conferences, settlement conferences, uncontested matters in addition to the matters listed in subsection (a) (1) (A) of this Rule, and the application of methods of alternative dispute resolution.

(2) By Order on Agreement of the Parties

By agreement of the parties, any other matter or issue arising under this Chapter may be referred to the ~~master~~ magistrate by order of the court.

(b) Powers

Subject to the provisions of an order referring a matter or issue to a ~~master~~ magistrate, the ~~master~~ magistrate has the power to regulate all proceedings in the hearing, including the power to:

(1) direct the issuance of a subpoena to compel the attendance of witnesses and the production of documents or other tangible things;

(2) administer oaths to witnesses;

(3) rule on the admissibility of evidence;

(4) examine witnesses;

(5) convene, continue, and adjourn the hearing, as required;

(6) recommend contempt proceedings or other sanctions to the court; and

(7) recommend findings of fact and conclusions of law.

(c) Hearing

(1) Notice

A written notice of the time and place of the hearing shall be sent to all parties.

(2) Attendance of Witnesses

A party may procure by subpoena the attendance of witnesses and the production of documents or other tangible things at the hearing.

(3) Record

All proceedings before a ~~master~~ magistrate shall be recorded either stenographically or electronically, unless the making of the record is waived in writing by all parties. A

waiver of the making of a record is also a waiver of the right to file exceptions that would require review of the record for their determination.

(d) Contempt Proceedings; Referral for De Novo Hearing

If, at any time during a hearing on a party's alleged constructive civil contempt, the ~~master~~ magistrate concludes that there are reasonable grounds to believe that the party is in contempt and that incarceration may be an appropriate sanction, the ~~master~~ magistrate shall (1) set a de novo hearing before a judge of the circuit court, (2) cause the alleged contemnor to be served with a summons to that hearing, and (3) terminate the ~~master's~~ magistrate's hearing without making a recommendation. If the alleged contemnor is not represented by an attorney, the date of the hearing before the judge shall be at least 20 days after the date of the ~~master's~~ magistrate's hearing and, before the ~~master~~ magistrate terminates the ~~master's~~ magistrate's hearing, the ~~master~~ magistrate shall advise the alleged contemnor on the record of the contents of the notice set forth in Rule 15-206

(c) (2).

(e) Findings and Recommendations

(1) Generally

Except as otherwise provided in section (d) of this Rule, the ~~master~~ magistrate shall prepare written recommendations, which shall include a brief statement of the ~~master's~~ magistrate's findings and shall be accompanied by a proposed order. The ~~master~~ magistrate shall notify each party of the recommendations, either

on the record at the conclusion of the hearing or by written notice served pursuant to Rule 1-321. In a matter referred pursuant to subsection (a)(1) of this Rule, the written notice shall be given within ten days after the conclusion of the hearing. In a matter referred pursuant to subsection (a)(2) of this Rule, the written notice shall be given within 30 days after the conclusion of the hearing. Promptly after notifying the parties, the ~~master~~ magistrate shall file the recommendations and proposed order with the court.

(2) Supplementary Report

The ~~master~~ magistrate may issue a supplementary report and recommendations on the ~~master's~~ magistrate's own initiative before the court enters an order or judgment. A party may file exceptions to new matters contained in the supplementary report and recommendations in accordance with section (f) of this Rule.

(f) Exceptions

Within ten days after recommendations are placed on the record or served pursuant to section (e) of this Rule, a party may file exceptions with the clerk. Within that period or within ten days after service of the first exceptions, whichever is later, any other party may file exceptions. Exceptions shall be in writing and shall set forth the asserted error with particularity. Any matter not specifically set forth in the exceptions is waived unless the court finds that justice requires otherwise.

(g) Requirements for Excepting Party

At the time the exceptions are filed, the excepting party

shall do one of the following: (1) order a transcript of so much of the testimony as is necessary to rule on the exceptions, make an agreement for payment to ensure preparation of the transcript, and file a certificate of compliance stating that the transcript has been ordered and the agreement has been made; (2) file a certification that no transcript is necessary to rule on the exceptions; (3) file an agreed statement of facts in lieu of the transcript; or (4) file an affidavit of indigency and motion requesting that the court accept an electronic recording of the proceedings as the transcript. Within ten days after the entry of an order denying a motion under subsection (g) (4) of this section, the excepting party shall comply with subsection (g) (1). The transcript shall be filed within 30 days after compliance with subsection (g) (1) or within such longer time, not exceeding 60 days after the exceptions are filed, as the ~~master~~ magistrate may allow. For good cause shown, the court may shorten or extend the time for the filing of the transcript. The excepting party shall serve a copy of the transcript on the other party. The court may dismiss the exceptions of a party who has not complied with this section.

Cross reference: For the shortening or extension of time requirements, see Rule 1-204.

(h) Entry of Orders

(1) In General

Except as provided in subsections (2) and (3) of this section,

(A) the court shall not direct the entry of an order or judgment based upon the ~~master's~~ magistrate's recommendations until the expiration of the time for filing exceptions, and, if exceptions are timely filed, until the court rules on the exceptions; and

(B) if exceptions are not timely filed, the court may direct the entry of the order or judgment as recommended by the ~~master~~ magistrate.

(2) Immediate Orders

This subsection does not apply to the entry of orders in contempt proceedings. If a ~~master~~ magistrate finds that extraordinary circumstances exist and recommends that an order be entered immediately, the court shall review the file and any exhibits and the ~~master's~~ magistrate's findings and recommendations and shall afford the parties an opportunity for oral argument. The court may accept, reject, or modify the ~~master's~~ magistrate's recommendations and issue an immediate order. An order entered under this subsection remains subject to a later determination by the court on exceptions.

(3) Contempt Orders

(A) On Recommendation by the ~~Master~~ Magistrate

On the recommendation by the ~~master~~ magistrate that an individual be found in contempt, the court may hold a hearing and direct the entry of an order at any time. The order may not include a sanction of incarceration.

(B) Following a De Novo Hearing

Upon a referral from the ~~master~~ magistrate pursuant to section (d) of this Rule, the court shall hold a de novo hearing and enter any appropriate order.

(i) Hearing on Exceptions

(1) Generally

The court may decide exceptions without a hearing, unless a request for a hearing is filed with the exceptions or by an opposing party within ten days after service of the exceptions. The exceptions shall be decided on the evidence presented to the ~~master~~ magistrate unless: (A) the excepting party sets forth with particularity the additional evidence to be offered and the reasons why the evidence was not offered before the ~~master~~ magistrate, and (B) the court determines that the additional evidence should be considered. If additional evidence is to be considered, the court may remand the matter to the ~~master~~ magistrate to hear and consider the additional evidence or conduct a de novo hearing.

(2) When Hearing to be Held

A hearing on exceptions, if timely requested, shall be held within 60 days after the filing of the exceptions unless the parties otherwise agree in writing. If a transcript cannot be completed in time for the scheduled hearing and the parties cannot agree to an extension of time or to a statement of facts, the court may use the electronic recording in lieu of the transcript at the hearing or continue the hearing until the transcript is completed.

(j) Costs

The court, by order, may assess among the parties the compensation, fees, and costs of the ~~master~~ magistrate and of any transcript.

Committee note: Compensation of a ~~master~~ magistrate paid by the State or a county is not assessed as costs.

Cross reference: See, Code, Family Law Article, §10-131, prescribing certain time limits when a stay of an earnings withholding order is requested.

Source: This Rule is derived in part from Rule 2-541 and former Rule S74A and is in part new.

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

AMEND Rule 9-209 to change the term "master" to "magistrate,"
as follows:

Rule 9-209. TESTIMONY

A judgment granting a divorce, an annulment, or alimony may be entered only upon testimony in person before an examiner or ~~master~~ magistrate or in open court. In an uncontested case, testimony shall be taken before an examiner or ~~master~~ magistrate unless the court directs otherwise. Testimony of a corroborating witness shall be oral unless otherwise ordered by the court for good cause.

Cross reference: For the requirement of oral testimony by the plaintiff in a divorce action, see Code, Family Law Article, §1-203 (c). For the requirement of corroboration, see Code, Family Law Article, §7-101 (b). For default procedures, see Rule 2-613.

Source: This Rule is derived from former Rules S73 and S75 a.

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

AMEND Rule 10-103 by deleting the reference to Rule 10-703 from section (c) and by adding language providing for a certain exception in section (g), as follows:

Rule 10-103. DEFINITIONS

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

. . .

(c) Fiduciary

"Fiduciary" means (1) a guardian of the property of a minor or disabled person, (2) a guardian of the person of a minor or disabled person to the extent that the guardian exercises control over any property of the minor or disabled person, (3) a trustee acting under any inter vivos or testamentary trust over which the court has been asked to assume or has assumed jurisdiction, (4) a person administering an estate under appointment by a court as a "committee," "conservator," or the like, and (5) a personal representative of a decedent to the extent provided in ~~Rules 10-703 and~~ Rule 10-711.

. . .

(g) Minor

"Minor" means ~~a person~~ an individual who is under the age of eighteen, except that, in a proceeding under Code, Family Law Article, §1-201 (b) (10), "minor" includes an unmarried individual under the age of 21.

. . .

Source: This Rule is derived as follows:

. . .

Section (g) is in part derived from former Rule R70 e and is in part new.

. . .

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

ADD new Rule 10-111, as follows:

Rule 10-111. PETITION FOR GUARDIANSHIP OF MINOR

A petition for guardianship of a minor shall be in substantially the following form:

[CAPTION]

In the Matter of _____ In the _____ Court for

(Name of Minor) (County)

(Docket reference)

PETITION FOR GUARDIANSHIP OF MINOR

Note: This form is to be used where the only ground for the petition is minority.

Guardianship of Person Guardianship of Property Guardianship of Person and Property

The petitioner, _____, _____ whose
(name) (age)
address is _____,
and whose telephone number is _____,
represents to the court that:

1. The minor _____, age _____,

born on the _____ day of _____, _____, _____,
(month) (year)

a [] male or [] female child of _____

and _____, resides at

_____.

A birth certificate of the minor is attached.

2. If the minor does not reside in the jurisdiction in which this petition is filed, then state the place in this jurisdiction where the minor is currently located _____

_____.

3. The relationship of petitioner to the minor is _____

_____.

4. *Complete Section 4 if the petitioner is asking the court to appoint the petitioner as the guardian.*

(Check only one of the following boxes)

[] I have not been convicted of a crime listed in Code, Estates and Trusts Article, §11-114.

[] I was convicted of such a crime, namely _____

_____, in _____, but the
(year)

following good cause exists for me to be appointed as guardian

_____.

5. *Complete Section 5 if the petitioner is asking the court to appoint an individual other than the petitioner as the guardian.*

The name of the prospective guardian is _____

and that individual's age is _____. The relationship of that individual to the minor is _____.

(Check only one of the following boxes)

[] _____ has not been convicted
(Name of prospective guardian)

of a crime listed in Code, Estates and Trusts Article, §11-114.

[] _____ was convicted of such a
(Name of prospective guardian)

crime, namely _____
_____, in _____, but the following good cause exists for the individual to be appointed as guardian _____.

6. State the name and address of an additional person on whom service shall be made on behalf of the minor, including a minor who is at least ten years of age: _____.

7. The following is a list of the names, addresses, and telephone numbers of all interested persons (see Code, Estates and Trusts Article, §13-101 (j)).

List of Interested Persons

	<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>
Parents:	_____	_____	_____

	<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>
	_____	_____	_____
Siblings:	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
Any Other Heirs at Law:	_____	_____	_____
Guardian (If appointed):	_____	_____	_____
Any Person Holding a Power of Attorney of the Minor:	_____	_____	_____
Minor's Attorney:	_____	_____	_____
Any Other Person Having Assumed Responsibility for the Minor:	_____	_____	_____
Any Government Agency Paying Benefits to or for the Minor:	_____	_____	_____
Any Person Having an Interest in the Property of the Minor:	_____	_____	_____

	<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>
All Other Persons Exercising Control over the Minor or the Minor's Property:	_____	_____	_____

A Person or Agency Eligible to Serve as Guardian of the Person of the Minor:	_____	_____	_____
---	-------	-------	-------

8. The names and addresses of the persons with whom the minor resided over the past five years, and the length of time of the minor's residence with each person are, as follows:

<u>Names</u>	<u>Addresses</u>	<u>State Time Frame</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

9. Guardianship is sought for the following reason(s):

10. If this Petition is for Guardianship of the Property, the following is the list of all the property in which the minor has any interest including an absolute interest, a joint interest, or an interest less than absolute (e.g. trust, life estate).

<u>Property</u>	<u>Location</u>	<u>Value</u>	<u>Trustee, Custodian, Agent, Co-Tenant, etc.</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

11. The petitioner's interest in the property of the minor listed in 10. is _____.

12. (a) All other proceedings regarding the minor (including any proceedings in juvenile court) are, as follows:

(b) All proceedings regarding the petitioner and prospective guardian filed in this court or any other court are, as follows:

13. All exhibits required by the Instructions below are attached.

WHEREFORE, Petitioner requests that this court issue an order to direct all interested persons to show cause why a guardian of the

[] person [] property [] person and property
of the minor should not be appointed, and (if applicable)

_____ should not be
(Name of prospective guardian)

appointed as the guardian.

Attorney's Signature

Petitioner's Name

Attorney's Name

Address

Telephone Number

Facsimile Number

E-mail Address

Petitioner solemnly affirms under the penalties of perjury
that the contents of this document are true to the best of
Petitioner's knowledge, information, and belief.

Petitioner's Name

Petitioner's Signature

INSTRUCTIONS

1. The required exhibits are as follows:
 - (a) A copy of any instrument nominating a guardian [Code, Estates and Trusts Article, §13-701 and Maryland Rule 10-301 (d)];

(b) If the petition is for the appointment of a guardian for a minor who is a beneficiary of the Department of Veterans Affairs, a certificate of the Administrator or the Administrator's authorized representative, setting forth the age of the minor as shown by the records of the Veterans Administration, and the fact that appointment of a guardian is a condition precedent to the payment of any moneys due the minor from the Veterans Administration shall be prima facie evidence of the necessity for the appointment [Code, Estates and Trusts Article, §13-802 and Maryland Rule 10-301 (d)]

2. Attached additional sheets to answer all the information requested in this petition, if necessary.

Source: This Rule is new.

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

ADD new Rule 10-112, as follows:

Rule 10-112. PETITION FOR GUARDIANSHIP OF ALLEGED DISABLED
PERSON

A petition for guardianship of an alleged disabled person
shall be substantially in the following form:

[CAPTION]

In the Matter of

In the Circuit Court for

(Name of Alleged
Disabled Individual

(County)

(Docket reference)

PETITION FOR GUARDIANSHIP OF
ALLEGED DISABLED PERSON

Note: This form is to be used where the subject of the petition
is an individual, regardless of the individual's age, who has a
disability other than minority.

[] Guardianship of Person [] Guardianship of Property [] Guardianship of Person and Property

The petitioner, _____, _____
(name) (age)

whose address is _____,

and whose telephone number is _____,

represents to the court that:

1. The alleged disabled person _____,
age ____, born on the _____ day of _____, _____,
(month) (year)
a [] male or [] female resides at _____
_____.

2. If the alleged disabled person does not reside in the
jurisdiction in which this petition is filed, then state the
place in this jurisdiction where the alleged disabled person is
currently located _____
_____.

3. The relationship of petitioner to the alleged disabled
person is _____.

4. *Complete Section 4 if the petitioner is asking the court
to appoint the petitioner as the guardian.*

(Check only one of the following boxes)

[] I have not been convicted of a crime listed in Code,
Estates and Trusts Article, §11-114, or

[] I was convicted of such a crime, namely _____
_____, in _____, but the
(year)

following good cause exists for me to be appointed as guardian

_____.

5. *Complete Section 5 if the petitioner is asking the court
to appoint an individual other than the petitioner as the
guardian.*

The name of the prospective guardian is _____
and that individual's age is _____. The relationship of that
individual to the alleged disabled person is _____.

(Check only one of the following boxes)

[] _____ has not been convicted
(Name of prospective guardian)
of a crime listed in Code, Estates and Trusts Article, §11-114.

[] _____ was convicted of such a
crime, namely _____
_____, in _____, but the
(year)
following good cause exists for the individual to be appointed as
guardian _____
_____.

6. If the alleged disabled person resides with
petitioner, then state the name and address of an additional
person on whom initial service shall be made: _____

_____.

7. The following is a list of the names, addresses, and
telephone numbers of all interested persons (see Code,
Estates and Trusts Article, §13-101 (j)):

<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>
-------------	----------------	-----------------------------

Person or Health
Care Agent Designated
in Writing by Alleged
Disabled Person: _____

	<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>
Spouse:	_____	_____	_____
Parents:	_____	_____	_____
	_____	_____	_____
Adult Children:	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
Adult Grandchildren*:	_____	_____	_____
	_____	_____	_____
Siblings*:	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
Any Other Heirs at Law:	_____	_____	_____
Guardian (If appointed):	_____	_____	_____
Any Person Holding a Power of Attorney of the Alleged Disabled Person:	_____	_____	_____

	<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>
Alleged Disabled Person's Attorney:	_____	_____	_____
Any Other Person Having Assumed Responsibility for the Alleged Disabled Person:	_____	_____	_____
Any Government Agency Paying Benefits to or for the Alleged Disabled Person:	_____	_____	_____
Any Person Having an Interest in the Property of the Alleged Disabled Person:	_____	_____	_____
All Other Persons Exercising Control over the Alleged Disabled Person or the Person's Property:	_____	_____	_____
A Person or Agency Eligible to Serve as Guardian of the Person of the Alleged Disabled Person (Choose A or B below):			
A. Local Commission on Aging and Retirement Education (if Alleged Disabled Person is Age 65 or over):	_____	_____	_____
B. Local Department of Social Services if Alleged Disabled Person is Under Age 65):	_____	_____	_____

* Note: Adult grandchildren and siblings need not be listed unless there is no spouse and there are no parents or adult children.

8. The names and addresses of the persons with whom the alleged disabled person resides or has resided over the past five years and the length of time of the alleged disabled person's residence with each person are as follows:

<u>Name</u>	<u>Address</u>	<u>Approximate Dates</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

9. A brief description of the alleged disability and how it affects the alleged disabled person's ability to function is as follows:

10. (a) Guardianship of the Person is sought because

(Name of Alleged Disabled Person)

cannot make or communicate responsible decisions concerning health care, food, clothing, or shelter, because of mental disability, disease, habitual drunkenness, addiction to drugs, or other addictions. State the relevant facts:

(b) Describe less restrictive alternatives that have been attempted and have failed (see Code, Estates and Trusts Article, §13-705 (b)):

11. (a) Guardianship of the Property is sought because _____ cannot manage property
(Name of Alleged Disabled Person)
and affairs effectively because of physical or mental disability, disease, habitual drunkenness, addiction to drugs or other addictions, imprisonment, compulsory hospitalization, confinement, detention by a foreign power, or disappearance. State the relevant facts:

(b) Describe less restrictive alternatives that have been attempted and have failed (see Code, Estates and Trusts Article, §13-201):

12. If this Petition is for Guardianship of the Property,

the following is the list of all the property in which the alleged disabled person has any interest including an absolute interest, a joint interest, or an interest less than absolute (e.g. trust, life estate):

<u>Property</u>	<u>Location</u>	<u>Value</u>	<u>Sole Owner, Joint Owner (specify type), Life Tenant, Trustee, Custodian, Agent, etc.</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

13. The petitioner's interest in the property of the alleged disabled person listed in 12. is _____.

14. If a guardian or conservator has been appointed for the alleged disabled person in another proceeding, the name and address of the guardian or conservator and the court that appointed the guardian or conservator are as follows:

_____	_____
Name	Address

Court	

15. All other proceedings regarding the alleged disabled person (including criminal) are as follows:

16. All exhibits required by the Instructions below are attached.

WHEREFORE, Petitioner requests that this court issue an order to direct all interested persons to show cause why a guardian of the

[] person [] property [] person and property of the alleged disabled person should not be appointed, and (if applicable) _____ should not
(Name of prospective guardian)
be appointed as the guardian.

Attorney's Signature

Petitioner's Name

Attorney's Name

Address

Telephone Number

Facsimile Number

E-mail Address

Petitioner solemnly affirms under the penalties of perjury that the contents of this document are true to the best of

Petitioner's knowledge, information, and belief.

Petitioner's Name

Petitioner's Signature

INSTRUCTIONS

1. The required exhibits are as follows:
 - (a) A copy of any instrument nominating a guardian;
 - (b) A copy of any power of attorney (including a durable power of attorney for health care) which the alleged disabled person has given to someone;
 - (c) Signed and verified certificates of two physicians licensed to practice medicine in the United States who have examined the alleged disabled person, or of one licensed physician, who has examined the alleged disabled person, and one licensed psychologist or certified clinical social worker, who has seen and evaluated the alleged disabled person. An examination or evaluation by at least one of the health care professionals must have occurred within 21 days before the filing of the petition (see Code, Estates and Trusts Article, §13-103 and §1-102 (a) and (b)).
 - (d) If the petition is for the appointment of a guardian of an alleged disabled person who is a beneficiary of the Department of Veterans Affairs, then in lieu of the certificates required by (c) above, a certificate of the Secretary of that Department or an authorized representative of the Secretary setting forth the fact that the person has been rated as disabled by the Department.
2. Attach additional sheets to answer all the information requested in this petition, if necessary.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 10 - GUARDIANS AND OTHER FIDUCIARIES
CHAPTER 200 - GUARDIAN OF PERSON

AMEND Rule 10-201 by adding a new section (b) pertaining to the form of petition, by deleting current section (c), by adding a new section (d) pertaining to attorney's fees, by adding a cross reference after section (d), by adding a new section (e) containing a form for designation of a guardian of the person by a minor, by adding a cross reference at the end of the Rule, and by making stylistic changes, as follows:

Rule 10-201. PETITION FOR APPOINTMENT OF A GUARDIAN OF THE
PERSON

(a) Who May File

An interested person may file a petition requesting a court to appoint a guardian of a minor or alleged disabled person.

(b) Form of Petition

The petition for a guardianship of the person of a minor shall be filed in substantially the form set forth in Rule 10-111. The petition for a guardianship of the person of an alleged disabled person shall be filed in substantially the form set forth in Rule 10-112.

~~(b)~~ (c) Venue

(1) Resident

If the minor or alleged disabled person is a resident of Maryland, the petition shall be filed in the county where (A) the minor or alleged disabled person resides or (B) the person has been admitted for the purpose of medical care or treatment to either a general or a special hospital which is not a State facility as defined in Code, Health-General Article, §10-406 or a licensed private facility as defined in Code, Health-General Article, §§10-501 to 10-511.

(2) Nonresident

If the minor or alleged disabled person does not reside in this State, a petition for guardianship of the person may be filed in any county in which the person is physically present.

~~(c) Contents~~

~~The petition shall be captioned, "In the Matter of . . ." [stating the name of the minor or alleged disabled person]. It shall be signed and verified by the petitioner, may contain a request for the guardianship of property, and shall contain at least the following information:~~

~~(1) The petitioner's name, address, age, and telephone number.~~

~~(2) The petitioner's familial or other relationship to the minor or alleged disabled person.~~

~~(3) Whether the person who is the subject of the petition is a minor or alleged disabled person, and, if an alleged disabled person, a brief description of the alleged disability and how it affects the alleged disabled person's ability to function.~~

~~(4) The reasons why the court should appoint a guardian of the person and, if the subject of the petition is a disabled person, allegations demonstrating an inability of that person to make or communicate responsible decisions concerning the person, including provisions for health care, food, clothing, or shelter, because of mental disability, disease, habitual drunkenness or addiction to drugs, and a description of less restrictive alternatives that have been attempted and have failed.~~

~~Cross reference: Code, Estates and Trusts Article, §13-705 (b).~~

~~(5) An identification of any instrument nominating a guardian or constituting a durable power of attorney, with a copy attached to the petition, if possible, and, if not, an explanation of its absence.~~

~~Cross reference: Code, Estates and Trusts Article, §13-701.~~

~~(6) If a guardian or conservator has been appointed for the alleged disabled person in another proceeding, the name and address of the guardian or conservator and the court that appointed the guardian or conservator. If a guardianship or conservatorship proceeding was previously filed in any other court, the name and address of the court, the case number, if known, and whether the proceeding is still pending in that court.~~

~~(7) A list of (A) the name, age, sex, and address of the minor or alleged disabled person, (B) the name and address of the persons with whom the minor or disabled person resides, and (C) if the minor or alleged disabled person resides with the petitioner, the name and address of another person on whom~~

~~service can be made.~~

~~(8) The name, address, telephone number, and nature of interest of all other interested persons and all other persons exercising control of the minor or alleged disabled person, to the extent known or reasonably ascertainable.~~

~~(9) If the minor or alleged disabled person is represented by an attorney, the name and address of the attorney.~~

~~(10) A statement that the certificates required by Rule 10-202 are attached, or, if not, an explanation of their absence.~~

~~(11) If the petition also seeks a guardianship of the property, the additional information required by Rule 10-301.~~

~~(12) A statement of the relief sought.~~

(d) Attorney's Fees

If a petition for attorney's fees is filed by an interested person or an attorney employed by the interested person, the court may order reasonable and necessary attorney's fees incurred in bringing a petition for the appointment of a guardian of the person of a disabled person to be paid from the estate of the disabled person. The court shall consider the financial resources and needs of the disabled person and whether there was substantial justification for the filing of the petition for guardianship. The court may not award attorney's fees if the petition for guardianship is brought by (1) a government agency paying benefits to the disabled person, (2) a local department of Social Services, or (3) an agency eligible to serve as the guardian of the disabled person under Code, Estates

and Trusts Article, §13-707.

Cross reference: Code, Estates and Trusts Article, §13-704.

(e) Designation of a Guardian of the Person by a Minor

After a minor's 14th birthday, a minor may designate a guardian of the minor's person substantially in the following form:

[CAPTION]

DESIGNATION OF A GUARDIAN OF THE PERSON BY A MINOR

I, _____, a minor child, having attained my 14th birthday, declare:

1. I am aware of the Petition of _____ (petitioner's name) to become the guardian of my person.

2. I hereby designate _____ as the Guardian of my person.

3. I understand that I have the right to revoke this designation at any time up to the granting of the guardianship.

I solemnly affirm under the penalties of perjury that the contents of this document are true based upon my personal knowledge.

Signature of Minor _____ Date _____

Cross reference: See Code, Estates and Trusts Article, §13-702.

Source: This Rule is derived as follows:
Section (a) is derived from former Rule R71 a.

Section (b) is new.

Section ~~(b)~~ (c) is derived from former Rule R72 a and b.

~~Section (c) is derived in part from former Rule R73 a and in part from former Rule V71 c.~~

Section (d) is new.

Section (e) is new.

MARYLAND RULES OF PROCEDURE
TITLE 10 - GUARDIANS AND OTHER FIDUCIARIES
CHAPTER 200 - GUARDIAN OF PERSON

AMEND Rule 10-202 by adding a new section pertaining to parental consents, adding a form for parental consent, and by making stylistic changes, as follows:

Rule 10-202. CERTIFICATES AND CONSENTS

(a) Certificates

~~(a)~~ (1) Generally Required

Except as provided in ~~section (d)~~ subsection (a) (4) of this Rule, if guardianship of the person of a disabled person is sought, the petitioner shall file with the petition signed and verified certificates of ~~(1)~~ (A) two physicians licensed to practice medicine in the United States who have examined the disabled person, or ~~(2)~~ (B) one licensed physician ~~or~~ who has examined the disabled person and one licensed psychologist or certified clinical social worker who has seen and evaluated the disabled person. An examination or evaluation by at least one of the health care professionals ~~under this subsection~~ shall ~~occur~~ have been within 21 days before the filing of the petition.

~~(b)~~ (2) Contents

Each certificate shall state: ~~(1)~~ (A) the name, address, and qualifications of the person who performed the examination or evaluation, ~~(2)~~ (B) a brief history of the person's involvement

with the disabled person, ~~(3)~~ (C) the date of the last examination or evaluation of the disabled person, and ~~(4)~~ (D) the person's opinion as to: ~~(A)~~ (i) the cause, nature, extent, and probable duration of the disability, ~~(B)~~ (ii) whether institutional care is required, and ~~(C)~~ (iii) whether the disabled person has sufficient mental capacity to understand the nature of and consent to the appointment of a guardian.

~~(c)~~ (3) ~~Delayed Filing~~ Absence of Certificates

~~(1)~~ (A) ~~After~~ Refusal to Permit Examination

If the petition is not accompanied by the required certificate and the petition alleges that the disabled person is residing with or under the control of a person who has refused to permit examination by a physician or evaluation by a psychologist or certified clinical social worker, and that the disabled person may be at risk unless a guardian is appointed, the court shall defer issuance of a show cause order. The court shall instead issue an order requiring that the person who has refused to permit the disabled person to be examined or evaluated appear personally on a date specified in the order and show cause why the disabled person should not be examined or evaluated. The order shall be personally served on that person and on the disabled person.

~~(2)~~ (B) Appointment of Health Care Professionals by Court

If the court finds after a hearing that examinations are necessary, it shall appoint two physicians or one physician and one psychologist or certified clinical social worker to conduct

the examinations or the examination and evaluation and file their reports with the court. If both health care professionals find the person to be disabled, the court shall issue a show cause order requiring the alleged disabled person to answer the petition for guardianship and shall require the petitioner to give notice pursuant to Rule 10-203. Otherwise, the petition shall be dismissed.

~~(d)~~ (4) Beneficiary of the Department of Veterans Affairs

If guardianship of the person of a disabled person who is a beneficiary of the United States Department of Veterans Affairs is being sought, the petitioner shall file with the petition, in lieu of the two certificates required by ~~section (a)~~ subsection (a) (1) of this Rule, a certificate of the Secretary of that Department or an authorized representative of the Secretary stating that the person has been rated as disabled by the Department in accordance with the laws and regulations governing the Department of Veterans Affairs. The certificate shall be prima facie evidence of the necessity for the appointment.

(b) Consent to Guardianship of a Minor

(1) Generally

If guardianship of the person of a minor child is sought, consent of each parent shall be obtained if possible. If a parent's consent cannot be obtained because the parent cannot be contacted, located, or identified, the petitioner shall file an affidavit of attempts to contact, locate, or identify substantially in the form set forth in Rule 10-203. If the

Guardianship be granted.

4. I understand that I have the right to revoke my consent at any time.

I solemnly affirm under the penalties of perjury that the contents of this document are true based on my personal knowledge.

Signature of Parent Date

Address

Telephone Number

Cross reference: See Code, Estates and Trusts Article, §13-705. Rule 1-341.

Source: This Rule is in part derived from former Rule R73 b 1 and b 2 and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 10 - GUARDIANS AND OTHER FIDUCIARIES
CHAPTER 200 - GUARDIAN OF PERSON

AMEND Rule 10-203 by adding a form of affidavit of attempts to contact, locate, and identify interested persons, by deleting the word "Circuit" from the caption of the Notice to Interested Persons, and by making stylistic changes, as follows:

Rule 10-203. SERVICE; NOTICE

(a) Service on Minor or Alleged Disabled Person

The petitioner shall serve a show cause order issued pursuant to Rule 10-104 on the minor or alleged disabled person and on the parent, guardian, or other person having care or custody of the minor or alleged disabled person. Service shall be in accordance with Rule 2-121 (a). If the minor or alleged disabled person resides with the petitioner, service shall be made upon the minor or disabled person and on such other person as the court may direct. Service upon a minor under the age of ten years may be waived provided that the other service requirements of this section are met. The show cause order served on a disabled person shall be accompanied by an "Advice of Rights" in the form set forth in Rule 10-204.

(b) Notice to Other Persons

(1) To Attorney

Unless the court orders otherwise, the petitioner shall

mail a copy of the petition and show cause order by ordinary mail to the attorney for the minor or alleged disabled person.

(2) To Interested Persons

Unless the court orders otherwise, the petitioner shall mail by ordinary mail and by certified mail to all other interested persons a copy of the petition and show cause order and a "Notice to Interested Persons."

(c) Affidavit of Attempts to Contact, Locate, and Identify Interested Persons

An affidavit of attempts to contact, locate, and identify interested persons shall be substantially in the following form:

[CAPTION]

AFFIDAVIT OF ATTEMPTS TO CONTACT, LOCATE, AND IDENTIFY

INTERESTED PERSONS

I, _____, am: (check one)

a party

a person interested in the above-captioned matter

an attorney.

I have reason to believe that the persons listed below are persons interested in the estate of _____.

(Provide any information you have).

<u>Name</u>	<u>Relationship</u>	<u>Addresses</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I have made a good faith effort to contact the persons listed
above by the following means: _____
_____.

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

Signature

Date

~~(e)~~ (d) Notice to Interested Persons

The Notice to Interested Persons shall be in the following
form:

In the Matter of _____

In the ~~Circuit~~ _____
Court for _____

(Name of minor or alleged
disabled person)

(County)

(docket reference)

NOTICE TO INTERESTED PERSONS

A petition has been filed seeking appointment of a guardian
of the person of _____, who is alleged
to be a minor or disabled person.

You are an "interested person," that is, someone who should

receive notice of this proceeding because you are related to or otherwise concerned with the welfare of this person.

If the court appoints a guardian for the person, that person will lose certain valuable rights to make individual decisions.

Please examine the attached papers carefully. If you object to the appointment of a guardian, please file a response in accordance with the attached show cause order. (Be sure to include the case number). If you wish otherwise to participate in this proceeding, notify the court and be prepared to attend any hearing.

Each certificate filed pursuant to Rule 10-202 that is attached to the petition will be admissible as substantive evidence without the presence or testimony of the certifying health care professional unless you file a request that the health care professional appear to testify. The request must be filed at least 10 days before the trial date, unless the trial date is less than 10 days from the date your response is due. If the trial date is less than 10 days from the date your response is due, the request may be filed at any time before trial.

If you believe you need further legal advice about this matter, you should consult your attorney.

Source: This Rule is in part derived from former Rule R74 and Code, Estates and Trusts Article, §1-103 (b) and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 10 - GUARDIANS AND OTHER FIDUCIARIES
CHAPTER 200 - GUARDIAN OF PERSON

AMEND Rule 10-206 to change the title of the Rule, to add language to the cross reference after section (a), to provide that the current "Annual Report of Guardian" form applies to guardianships of disabled persons, to add the word "caption" before the "Order" section of the form, to add a new form for the Annual Report of a Guardian of a Minor, to conform the affirmation clauses to other affirmation clauses in Title 10, and to make stylistic changes,
as follows:

Rule 10-206. ANNUAL REPORT - GUARDIANSHIP OF A MINOR OR DISABLED PERSON

(a) Report Required

~~A guardian, other~~ Other than a temporary guardian, a guardian of the person of a minor or disabled person shall file an annual report in the action. The reporting year shall end on (1) the anniversary of the date the court assumed jurisdiction over the person or (2) any other date approved by the trust clerk or the court.

Cross reference: See Code, Estates and Trusts Article, §13-708 (b) (7), which provides that the court may appoint a guardian of the person of a disabled person for a limited period of time, and that the annual report may be filed biannually.

(b) Time for Filing

The report shall be filed not later than 60 days after the end of the reporting year, unless the court for good cause shown shall extend the time.

(c) Copies to Interested Persons

The guardian shall furnish a copy of the report to any interested person requesting it, unless the court orders otherwise.

(d) Court Approval

The court shall review the report and either enter an order accepting the report and continuing the guardianship or take other appropriate action.

(e) Form of Annual Report of Guardian of Disabled Person

The guardian's report shall be in substantially the following form:

[CAPTION]

ANNUAL REPORT OF _____,
GUARDIAN OF THE PERSON OF _____,
WHO IS DISABLED

1. The name and permanent residence of the disabled person are: _____.

2. The disabled person currently resides or is physically present in:

___ own home	___ guardian's home
___ nursing home	___ hospital or medical facility

9. [] I have no serious health problems that affect my ability to serve as guardian.

[] I have the following serious health problems that may affect my ability to serve as guardian: _____

10. This guardianship

[] should be continued.

[] should not be continued, for the following reasons:

11. My powers as guardian should be changed in the following respects and for the following reasons: _____

12. The court should be aware of the following other matters relating to this guardianship: _____

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

Date

Guardian's Signature

Guardian's Name (typed or printed)

Street Address or Box Number

City and State

Telephone Number

[CAPTION]

ORDER

The foregoing Annual Report of a Guardian having
been filed and reviewed, it is by the Court, this ____ day of
_____, _____,
(month) (year)

ORDERED, that the report is accepted, and the guardianship is
continued.

(or)

ORDERED, that a hearing shall be held in this matter on
_____.
(date)

JUDGE

(f) Form of Annual Report of Guardian of Minor

[CAPTION]

ANNUAL REPORT OF _____, GUARDIAN
OF THE PERSON OF _____, WHO IS A MINOR

1. The name and permanent residence of the minor are:

8. The plan for the minor's future care and well-being, including any plan to change the person's location, is:

9. I have no serious health problems that affect my ability to serve as guardian.

I have the following serious health problems that may affect my ability to serve as guardian: _____

10. This guardianship

should be continued.

should not be continued, for the following reasons: _____

11. My powers as guardian should be changed in the following respects and for the following reasons:

12. The court should be aware of the following other matters relating to this guardianship: _____

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge,

Section (c) is patterned after Rule 6-417 (d).
Sections (d) and (e) are new.
Section (f) is new.

MARYLAND RULES OF PROCEDURE
TITLE 10 - GUARDIANS AND OTHER FIDUCIARIES
CHAPTER 200 - GUARDIAN OF PERSON

AMEND Rule 10-207 by changing an internal reference, as follows:

Rule 10-207. RESIGNATION OF GUARDIAN OF THE PERSON AND
APPOINTMENT OF SUBSTITUTED OR SUCCESSOR GUARDIAN

. . .

(b) Venue

The petition to resign or to appoint a substituted or successor guardian shall be filed in the court that has assumed jurisdiction over the guardianship. If jurisdiction has not been assumed, the petition shall be filed pursuant to Rule 10-201 ~~(b)~~ (c).

. . .

MARYLAND RULES OF PROCEDURE
TITLE 10 - GUARDIANS AND OTHER FIDUCIARIES
CHAPTER 200 - GUARDIAN OF PERSON

AMEND Rule 10-208 by changing an internal reference, as follows:

Rule 10-208. REMOVAL FOR CAUSE OR OTHER SANCTIONS

. . .

(b) On Petition of Interested Persons

An interested person may file a petition to remove a guardian of the person. The petition shall be filed in the court that has assumed jurisdiction or, if jurisdiction has not been assumed, pursuant to Rule 10-201 ~~(b)~~ (c). The petition shall state the reasons why the guardian should be removed.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 10 - GUARDIANS AND OTHER FIDUCIARIES
CHAPTER 300 - GUARDIAN OF PROPERTY

AMEND Rule 10-301 by adding a new section (b) pertaining to the form of petition, by deleting current section (c), by adding a new section (e) containing a form for designation of a guardian of the property by a minor or disabled person, by adding a cross reference at the end of the Rule, and by making stylistic changes, as follows:

Rule 10-301. PETITION FOR APPOINTMENT OF A GUARDIAN OF PROPERTY

(a) Who May File

Any interested person may file a petition requesting a court to appoint a guardian of the property of a minor or an alleged disabled person.

(b) Form of Petition

The petition for a guardianship of the property of a minor shall be filed in substantially the form set forth in Rule 10-111. The petition for a guardianship of the property of an alleged disabled person shall be filed in substantially the form set forth in Rule 10-112.

~~(b)~~ (c) Venue

(1) Resident

If the minor or alleged disabled person is a resident of Maryland, the petition shall be filed in the county where the

minor or alleged disabled person resides, even if the person is temporarily absent.

(2) Nonresident

If the minor or disabled person does not reside in this State, the petition shall be filed in the county in which a petition for guardianship of the person may be filed, or in the county where any part of the property is located. For purposes of determining the situs of property, the situs of tangible personal property is its location; the situs of intangible personal property is the location of the instrument, if any, evidencing a debt, obligation, stock or chose in action, or the residence of the debtor if there is no instrument evidencing a debt, obligation, stock, or chose in action; and the situs of an interest in property held in trust is located where the trustee may be sued.

~~(c) Contents~~

~~The petition shall be captioned "In the Matter of . . ." [stating the name of the minor or alleged disabled person]. It shall be signed and verified by the petitioner and shall contain at least the following information:~~

~~(1) The petitioner's name, address, age, and telephone number;~~

~~(2) The petitioner's familial or other relationship to the alleged disabled person;~~

~~(3) Whether the person who is the subject of the petition is a minor or an alleged disabled person and, if an alleged disabled~~

~~person, a brief description of the alleged disability;~~

~~(4) The reasons why the court should appoint a guardian of the property and, if the subject of the petition is an alleged disabled person, allegations demonstrating an inability of the alleged disabled person to manage the person's property and affairs effectively because of physical or mental disability, disease, habitual drunkenness, addiction to drugs, imprisonment, compulsory hospitalization, confinement, detention by a foreign power, or disappearance;~~

~~Cross reference: Code, Estates and Trusts Article, §13-201 (b) and (c).~~

~~(5) An identification of any instrument nominating a guardian for the minor or alleged disabled person or constituting a durable power of attorney;~~

~~Cross reference: Code, Estates and Trusts Article, §13-207 (a) (2) and (5).~~

~~(6) If a guardian or conservator has been appointed for the alleged disabled person in another proceeding, the name and address of the guardian or conservator and the court that appointed the guardian or conservator. If a guardianship or conservatorship proceeding was previously filed in any other court, the name and address of the court, the case number, if known, and whether the proceeding is still pending in that court.~~

~~(7) The name, age, sex, and address of the minor or alleged disabled person, the name and address of the persons with whom the minor or alleged disabled person resides, and if the minor or alleged disabled person resides with the petitioner, the name and~~

~~address of another person on whom service can be made;~~

~~(8) To the extent known or reasonably ascertainable, the name, address, telephone number, and nature of interest of all interested persons and all others exercising any control over the property of the estate;~~

~~(9) If the minor or alleged disabled person is represented by an attorney, the name, address, and telephone number of the attorney;~~

~~(10) The nature, value, and location of the property of the minor or alleged disabled person;~~

~~(11) A brief description of all other property in which the minor or alleged disabled person has a concurrent interest with one or more individuals;~~

~~(12) A statement that the exhibits required by section (d) of this Rule are attached or, if not attached, the reason that they are absent; and~~

~~(13) A statement of the relief sought.~~

(d) Required Exhibits

The petitioner shall attach to the petition as exhibits (1) a copy of any instrument nominating a guardian; (2) (A) the certificates required by Rule 10-202, or (B) if guardianship of the property of a disabled person who is a beneficiary of the United States Department of Veterans Affairs is being sought, in lieu of the requirements of Rule 10-202, a certificate of the Secretary of that Department or an authorized representative of the Secretary stating that the person has been rated as disabled

by the Department in accordance with the laws and regulations governing the Department of Veterans Affairs; and (3) if the petition is for the appointment of a guardian for a minor who is a beneficiary of the Department of Veterans Affairs, a certificate of the Secretary of that Department or any authorized representative of the Secretary, in accordance with Code, Estates and Trusts Article, §13-802.

(e) Designation of a Guardian of the Property by a Minor or Disabled Person

After the 16th birthday of a minor or disabled person, a minor or disabled person may designate a guardian of the property of the minor or disabled person substantially in the following form:

[CAPTION]

DESIGNATION OF A GUARDIAN OF THE PROPERTY

BY A MINOR OR DISABLED PERSON

I, _____, a minor child or disabled person having attained my 16th birthday, declare:

1. I am aware of the Petition of _____ (Petitioner's name) to become the guardian of my property.

2. I hereby designate _____ as the guardian of my property.

3. I understand that I have the right to revoke this designation at any time up to the granting of the guardianship.

I solemnly affirm under the penalties of perjury that the

contents of this document are true based upon my personal
knowledge.

<u>Signature of Minor or</u>	<u>Date</u>
<u>Disabled Person</u>	

Cross reference: See Code, Estates and Trusts Article, §13-207.

Source: This Rule is derived as follows:

Section (a) is derived from former Rule R71 a.

Section (b) is new.

Section ~~(b)~~ (c) is derived from former Rule R72 a and b.

~~Section (c) is in part derived from former Rule R73 a and is in
part new.~~

Section (d) is new.

Section (e) is new.

MARYLAND RULES OF PROCEDURE

TITLE 10 - GUARDIANS AND OTHER FIDUCIARIES

CHAPTER 600 - ABSENT OR UNKNOWN PERSONS

AMEND Rule 10-601 to add language pertaining to a certain affidavit to and to delete a word from subsection (c)(6), as follows:

Rule 10-601. PETITION FOR ASSUMPTION OF JURISDICTION - PERSON WHOSE IDENTITY OR WHEREABOUTS IS UNKNOWN

(a) Who May File

A fiduciary or interested person may file a petition requesting a court to assume jurisdiction over the fiduciary estate for the purpose of determining its distribution if the petitioner believes that there may be a person whose identity or present whereabouts is unknown who is entitled to share in the estate.

(b) Venue

The petition shall be filed in the court which has assumed jurisdiction over the fiduciary estate, or if jurisdiction has not been assumed, then in the county where any part of the property to be distributed is located or where the fiduciary, if any, resides, is regularly employed, or maintains a place of business.

(c) Contents of Petition

In addition to any other material allegations, the

petition shall contain at least the following information:

(1) The petitioner's name, address, and telephone number.

(2) The nature, value, and location of any property comprising the fiduciary estate.

(3) The reasons for seeking the assumption of jurisdiction by the court and the proposed distribution.

(4) An identification of any instrument creating the fiduciary estate, with a copy attached to the petition, if possible, and, if not, an explanation of its absence.

(5) The reason it is believed that there may be a person whose identity or whereabouts is unknown.

(6) ~~Facts~~ An affidavit of attempts to contact, locate, and identify filed substantially in the form set forth in Rule 10-203 showing that the petitioner has searched diligently for the person whose identity or whereabouts is unknown.

Committee note: For substantive law on absent persons, see Uniform Absent Persons Act, Code, Courts Article, §§3-101 to 3-110. For substantive law on abandoned property, see Uniform Disposition of Abandoned Property Act, Code, Commercial Law Article, §§17-301 to 17-324.

Source: This Rule is in part derived from former Rules V71, V79, and R77 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 10 - GUARDIANS AND OTHER FIDUCIARIES

CHAPTER 600 - ABSENT OR UNKNOWN PERSONS

AMEND Rule 10-602 to add language pertaining to a certain affidavit to section (b), as follows:

Rule 10-602. NOTICE

(a) Known Persons

Unless the court orders otherwise, the petitioner shall give notice to those persons whose identity and interest in the property are known and to any others designated by the court by mailing to them by ordinary mail and by certified mail a copy of the petition and a show cause order issued pursuant to Rule 10-104.

(b) Unknown Persons

If the court is satisfied from an affidavit of attempts to contact, locate, and identify filed by the petitioner in the form set forth in Rule 10-203 that reasonable efforts have been made to ascertain the identity or whereabouts of a person, the court shall order that notice to those persons whose identity or whereabouts are unknown shall be made in the manner provided by Rule 2-122.

Source: This Rule is derived from former Rule V79 b and c and from Code, Estates and Trusts Article, §1-103 (b).

MARYLAND RULES OF PROCEDURE

TITLE 10 - GUARDIANS AND OTHER FIDUCIARIES

CHAPTER 700 - FIDUCIARY ESTATES INCLUDING GUARDIANSHIPS
OF THE PROPERTY

AMEND Rule 10-705 by changing a certain monetary amount in and adding language to section (a), by adding new sections (e), (f), and (g) pertaining to certain deposits of cash belonging to a minor or disabled person who is the subject of a guardianship, by adding a certain cross reference at the end of the Rule, and by making stylistic changes, as follows:

Rule 10-705. RESTRICTED ACCOUNTS

(a) Petition for Restricted Accounts

When a fiduciary estate consists entirely of cash in an amount not exceeding ~~\$75,000~~ \$200,000, a fiduciary may petition the court for an order authorizing the deposit of cash in a ~~federally insured~~ financial institution that is federally insured or is regulated by the Commissioner of Financial Regulation in a single restricted account titled substantially in the following form: "A.B., (fiduciary), withdrawals subject to the order of the Circuit Court for _____ County."

(b) Orders Authorizing Withdrawals

The court may require a separate order prior to each withdrawal. The court may enter a continuing order authorizing

withdrawals up to a specified amount. The continuing order may be for a definite period of time, not to exceed one year, and may on petition be renewed annually.

(c) Proof of Restricted Account

The fiduciary shall promptly provide proof of the opening of a restricted account to the trust clerk, who shall make note of it in the file.

(d) When Accounting not Required

If all of the assets of a fiduciary estate are deposited in a single restricted account in an amount not exceeding \$10,000, no annual accounting is required unless the court orders otherwise.

(e) Cash Exceeding \$200,000

If the amount of cash belonging to a minor or disabled person exceeds \$200,000, any excess amount shall be deposited into additional restricted accounts.

(f) Aggregate Amount

The aggregate amount deposited in any financial institution may not exceed \$200,000.

(g) Acceptable Financial Institutions

The deposits may be made into any type of account, including a certificate of deposit, in a financial institution that accepts deposits and is federally insured or is regulated by the Commissioner of Financial Regulation.

Cross reference: For accounting requirements, see Rule 10-706. Code, Estates and Trusts Article, §13-209.1.

Source: This Rule is derived as follows:

Section (a) is derived from former Rule V75 a and b.

Section (b) is derived from former Rule V75 c.

Section (c) is derived from former Rule V75 d.

Section (d) is derived from former Rule V74 c 2 (e).

Section (e) is new.

Section (f) is new.

Section (g) is new.

MARYLAND RULES OF PROCEDURE
TITLE 10 - GUARDIANS AND OTHER FIDUCIARIES
CHAPTER 700 - FIDUCIARY ESTATES INCLUDING GUARDIANSHIPS
OF THE PROPERTY

AMEND Rule 10-707 to modify the affirmation clause in the form and to add lines to the form for an attorney's facsimile number and e-mail address, as follows:

Rule 10-707. INVENTORY AND INFORMATION REPORT

(a) Duty to File

Within 60 days after jurisdiction has been assumed or a fiduciary has been appointed, the fiduciary shall file an inventory and information report in substantially the following form:

Part I.

[CAPTION]

INVENTORY

The FIDUCIARY ESTATE now consists of the following assets:

(attach additional sheets, if necessary; each item listed shall be valued by the fiduciary at its fair market value, as of the date of the appointment of the fiduciary or the assumption of jurisdiction by the court; unless the court otherwise directs, it shall not be necessary to employ an appraiser to make any valuation; state amount of any mortgages, liens, or other indebtedness, but do not deduct when determining estimated fair market value)

A. REAL ESTATE

(State location, liber/folio, balance of mortgage, and name of

lender, if any)

	ESTIMATED FAIR MARKET VALUE
_____	\$ _____
_____	_____
_____	_____
TOTAL	\$ _____

B. CASH AND CASH EQUIVALENTS

(State name of financial institution, account number, and type of account)

	PRESENT FAIR MARKET VALUE
_____	\$ _____
_____	_____
_____	_____
TOTAL	\$ _____

C. PERSONAL PROPERTY

(Itemize motor vehicles, regardless of value; describe all other property generally if total value is under \$1500; state amount of any lien; itemize, if total value is over \$1500)

	ESTIMATED FAIR MARKET VALUE
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL	\$ _____

D. STOCKS

(State number and class of shares, name of corporation)

	PRESENT FAIR MARKET VALUE
_____	\$ _____
_____	_____
_____	_____
TOTAL	\$ _____

E. BONDS

(State face value, name of issuer, interest rate, maturity date)

	PRESENT FAIR MARKET VALUE
_____	\$ _____
_____	_____
_____	_____
TOTAL	\$ _____

F. OTHER

(Describe generally, e.g., debts owed to estate, partnerships,
cash value of life insurance policies, etc.)

	ESTIMATED FAIR MARKET VALUE
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL	\$ _____

Part II.

INFORMATION REPORT

(1) Are there any assets in which the minor or disabled person holds a present interest of any kind together with another person in any real or personal property, including accounts in a credit union, bank, or other financial institution?

[] No [] Yes

If yes, give the following information as to all such property:

Name, Address, and Relationship of Co-Owner	Nature of Property	Description of Interest	Total Value of Property
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(2) Does the minor or disabled person hold an interest less than absolute in any other property which has not been disclosed in question (1) and has not been included in the inventory (e.g., interest in a trust, a term for years, a life estate)?

[] No [] Yes

If yes, give the following information as to each such interest:

Description of Interest and Amount or Value	Date and Type of Instrument Establishing Interest
_____	_____
_____	_____

VERIFICATION:

I solemnly affirm under the penalties of perjury that the contents of this ~~inventory and information report~~ document are true ~~and complete~~ to the best of my knowledge, information, and belief.

_____ Date	_____ Date
_____ Signature of Fiduciary	_____ Signature of Fiduciary
_____ Address	_____ Address
_____ Telephone Number	_____ Telephone Number

Name of Fiduciary's Attorney

Address

Telephone Number

Facsimile Number

E-mail Address

(b) Examination Not Required

Unless the court otherwise directs, it shall not be necessary that the assets listed in the report be exhibited to or

examined by the court, the trust clerk, or auditor.

(c) Notice

Unless the court orders otherwise, the trust clerk or fiduciary shall furnish a copy of the report to any interested person who has made a request for it.

Source: This Rule is derived as follows:

Section (a) is in part derived from former Rule V74 b 1 and 2 and is in part new.

Section (b) is derived from former Rule V74 b 3.

Section (c) is new.

MARYLAND RULES OF PROCEDURE

TITLE 10 - GUARDIANS AND OTHER FIDUCIARIES

CHAPTER 700 - FIDUCIARY ESTATES INCLUDING GUARDIANSHIPS

OF THE PROPERTY

AMEND Rule 10-708 to revise the form of the fiduciary's account, to modify the affirmation clause in the form, and to add to the form lines for an attorney's facsimile number and e-mail address, as follows:

Rule 10-708. FIDUCIARY'S ACCOUNT AND REPORT OF TRUST CLERK

(a) Form of Account

The Fiduciary's Account shall be filed in substantially the following form:

[CAPTION]

FIDUCIARY'S ACCOUNT

I, _____, make this [] periodic [] final Fiduciary's Account for the period from _____ to _____ .

~~Part I. The FIDUCIARY ESTATE now consists of the following assets: (attach additional sheets, if necessary; state amount of any mortgages, liens, or other indebtedness, but do not deduct when determining estimated fair market value)~~

~~A. REAL ESTATE~~

~~(State location, liber/folio, balance of mortgage, and name of lender, if any)~~

~~ESTIMATED FAIR MARKET VALUE~~

TOTAL \$ _____

~~E. BONDS~~

~~(State face value, name of issuer, interest rate, maturity date)~~

TOTAL \$ _____

~~PRESENT FAIR
MARKET VALUE~~

~~F. OTHER~~

~~(Describe generally, e.g., debts owed to estate, partnerships,
cash value of life insurance policies, etc.)~~

TOTAL \$ _____

~~ESTIMATED FAIR
MARKET VALUE~~

~~Part II. The following income was collected and disbursements
were made: (attach additional sheets, if necessary)~~

~~A. INCOME~~

~~(State type, e.g. pensions, social security, rent, annuities,
dividends, interest, refunds)~~

AMOUNT \$ _____

Date	Description of Transaction	Gross Purchase Price	Value at date of acquisition if other than by purchase
-----------------	---------------------------------------	---------------------------------	---

~~B. ASSETS DELETED~~

Date	Description of Transaction	Gross Sale Proceeds	Selling Costs	Carrying Value	Gain (loss)
-----------------	---------------------------------------	--------------------------------	--------------------------	---------------------------	------------------------

~~A Summary of the Fiduciary Estate is as follows:~~

Type of Property	Value reported on last Fiduciary Account	Value reported on this Fiduciary Account
A. Real Estate	\$ _____	\$ _____
B. Cash and Cash Equivalents	\$ _____	\$ _____
C. Personal Property	\$ _____	\$ _____
D. Stocks	\$ _____	\$ _____
E. Bonds	\$ _____	\$ _____
F. Other	\$ _____	\$ _____
Total	\$ _____	\$ _____

~~The Fiduciary bond, if any, has been filed in this action in the amount of \$ _____.~~

The Fiduciary Estate consists of the following assets as [] reported on the Fiduciary's Inventory [] carried forward from last Fiduciary Account:

<u>A. REAL ESTATE</u>	\$ _____
<u>B. CASH & CASH EQUIVALENTS</u>	\$ _____
<u>C. PERSONAL PROPERTY</u>	\$ _____
<u>D. STOCKS</u>	\$ _____
<u>E. BONDS</u>	\$ _____
<u>F. OTHER</u>	\$ _____
<u>TOTAL</u>	\$ _____

The following changes in the assets of the Fiduciary Estate have occurred since the last account: (Please include real or personal property that was bought, sold, transferred, exchanged, or disposed of and any loans that were taken out on any asset in the estate. Attach additional sheets, if necessary.)

A. INCOME

<u>Date Received</u>	<u>Type of Income (e.g., pension, social security, rent, annuity, dividend, interest, refund)</u>	<u>Source</u>	<u>Amount</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

SUMMARY

Total Income	\$	_____
Total Disbursements	\$	(_____)
Total Assets Added	\$	_____
Total Assets Deleted	\$	(_____)
Total Changes	\$	_____

A Summary of the Fiduciary Estate to be carried forward to next account:

A. REAL ESTATE	\$	_____
B. CASH & CASH EQUIVALENTS	\$	_____
C. PERSONAL PROPERTY	\$	_____
D. STOCKS	\$	_____
E. BONDS	\$	_____
F. OTHER	\$	_____
TOTAL	\$	_____

The Fiduciary bond, if any, has been filed in this action in the amount of \$ _____.

VERIFICATION:

I solemnly affirm under the penalties of perjury that the

contents of this ~~account~~ document are true ~~and complete~~ to the best of my knowledge, information, and belief.

Date

Date

Signature of Fiduciary

Signature of Fiduciary

Address

Address

Telephone Number

Telephone Number

Name of Fiduciary's Attorney

Address

Telephone Number

Facsimile Number

E-mail Address

(b) Report of the Trust Clerk and Order of Court

The Report of the Trust Clerk and Order of Court shall be filed in substantially the following form:

REPORT OF TRUST CLERK AND ORDER OF COURT

I, the undersigned Trust Clerk, certify that I have examined the attached Fiduciary's Account in accordance with the Maryland Rules.

JUDGE

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 10 - GUARDIANS AND OTHER FIDUCIARIES
CHAPTER 700 - FIDUCIARY ESTATES INCLUDING GUARDIANSHIPS
OF THE PROPERTY

AMEND Rule 10-711 by changing an internal reference, as follows:

Rule 10-711. RESIGNATION OF FIDUCIARY AND APPOINTMENT OF
SUBSTITUTED OR SUCCESSOR FIDUCIARY

. . .

(b) Venue

(1) Guardianships of the Property

The petition to resign or to appoint a substituted or successor fiduciary shall be filed in the court that has assumed jurisdiction over the guardianship. If jurisdiction has not been assumed, the petition shall be filed pursuant to Rule 10-301 ~~(b)~~ (c).

(2) Other Fiduciary Proceedings

The petition shall be filed in the court that has assumed jurisdiction over the fiduciary estate, or if jurisdiction has not been assumed, in the county in which the property is situated, or where the fiduciary resides, is regularly employed, or maintains a place of business.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 10 - GUARDIANS AND OTHER FIDUCIARIES
CHAPTER 700 - FIDUCIARY ESTATES INCLUDING GUARDIANSHIPS
OF THE PROPERTY

AMEND Rule 10-712 by changing an internal reference, as follows:

Rule 10-712. REMOVAL FOR CAUSE OR OTHER SANCTIONS

. . .

(c) Venue

(1) Guardianships of the Property

The petition shall be filed in the court that has already assumed jurisdiction or, if jurisdiction has not been assumed, pursuant to Rule 10-301 ~~(b)~~ (c).

(2) Other Fiduciary Proceedings

The petition shall be filed in the court that has already assumed jurisdiction or, if jurisdiction has not been assumed, in the county in which the property is situated, or where the fiduciary resides, is regularly employed, or maintains a place of business.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

AMEND Rule 11-110 to change the term "master" to "magistrate,"
as follows:

Rule 11-110. HEARINGS - GENERALLY

a. Before ~~Master~~ Magistrate or Judge - Proceedings Recorded

Hearings shall be conducted before a ~~master~~ magistrate or a
judge without a jury. Proceedings shall be recorded by
stenographic notes or by electronic, mechanical or other
appropriate means.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

AMEND Rule 11-111 to change the term "master" to "magistrate,"
as follows:

Rule 11-111. ~~MASTERS~~ MAGISTRATES

a. Authority

1. Detention or Shelter Care

A ~~master~~ magistrate is authorized to order detention or shelter care in accordance with Rule 11-112 (Detention or Shelter Care) subject to an immediate review by a judge if requested by any party.

2. Other Matters

A ~~master~~ magistrate is authorized to hear any cases and matters assigned to him by the court, except a hearing on a waiver petition. The findings, conclusions and recommendations of a ~~master~~ magistrate do not constitute orders or final action of the court.

b. Report to the Court

Within ten days following the conclusion of a disposition hearing by a ~~master~~ magistrate, he shall transmit to the judge the entire file in the case, together with a written report of his proposed findings of fact, conclusions of law, recommendations and proposed orders with respect to adjudication and disposition. A copy of his report and proposed order shall

be served upon each party as provided by Rule 1-321.

c. Review by Court if Exceptions Filed

Any party may file exceptions to the ~~master's~~ magistrate's proposed findings, conclusions, recommendations or proposed orders. Exceptions shall be in writing, filed with the clerk within five days after the ~~master's~~ magistrate's report is served upon the party, and shall specify those items to which the party excepts, and whether the hearing is to be de novo or on the record.

Upon the filing of exceptions, a prompt hearing shall be scheduled on the exceptions. An excepting party other than the State may elect a hearing de novo or a hearing on the record. If the State is the excepting party, the hearing shall be on the record, supplemented by such additional evidence as the judge considers relevant and to which the parties raise no objection. In either case the hearing shall be limited to those matters to which exceptions have been taken.

d. Review by Court in Absence of Exceptions

In the absence of timely and proper exceptions, the ~~master's~~ magistrate's proposed findings of fact, conclusions of law and recommendations may be adopted by the court and the proposed or other appropriate orders may be entered based on them. The court may remand the case to the ~~master~~ magistrate for further hearing, or may, on its own motion, schedule and conduct a further hearing supplemented by such additional evidence as the court considers relevant and to which the parties raise no

objection. Action by the court under this section shall be taken within two days after the expiration of the time for filing exceptions.

Source: This Rule is former Rule 911.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

AMEND Rule 11-114 to change the term "master" to "magistrate,"
as follows:

Rule 11-114. ADJUDICATORY HEARING

. . .

f. Adjudication - Finding - Adjudicatory Order

If the hearing is conducted by a judge, at its conclusion, he shall announce and dictate to the court stenographer or reporter, or prepare and file with the clerk, an adjudicatory order stating the grounds upon which he bases his adjudication. If the hearing is conducted by a ~~master~~ magistrate, the procedures set forth in Rule 11-111 (~~Masters~~ Magistrates) shall be followed.

Source: This Rule is former Rule 914.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

AMEND Rule 11-115 to change the term "master" to "magistrate,"
as follows:

Rule 11-115. DISPOSITION HEARING

. . .

b. Disposition - Judge or ~~Master~~ Magistrate

The disposition made by the court shall be in accordance with Section 3-820 (b) of the Courts Article. If the disposition hearing is conducted by a judge, and his order includes placement of the child outside the home, the judge shall announce in open court and shall prepare and file with the clerk, a statement of the reasons for the placement. If the hearing is conducted by a ~~master~~ magistrate, the procedures of Rule 11-111 shall be followed. In the interest of justice, the judge or ~~master~~ magistrate may decline to require strict application of the rules in Title 5, except those relating to the competency of witnesses. A commitment recommended by a master is subject to approval by the court in accordance with rule 11-111, but may be implemented in advance of court approval.

. . .

d. Commitment to Department of Social Services

In cases in which a child is committed to a local department of social services for placement outside the child's

home, the court, within 18 months after the original placement and periodically thereafter at intervals not greater than 18 months, shall conduct a review hearing to determine whether and under what circumstances the child's commitment to the local department of social services should continue. Considerations pertinent to the determination include whether the child should (1) be returned home, (2) be continued in foster care for a specified period, (3) be placed for adoption, or (4) because of the child's special needs or circumstances, be continued in foster care on a permanent or long-term basis. The hearing shall be conducted as prescribed in Rule 11-110 or, if conducted by a ~~master~~ magistrate, as prescribed in Rule 11-111, except that the child's presence shall not be required if presence at the hearing is likely to cause serious physical, mental, or emotional harm to the child.

Source: This Rule is former Rule 915.

MARYLAND RULES OF PROCEDURE
TITLE 14 - SALES OF PROPERTY
CHAPTER 200 - FORECLOSURE OF LIEN INSTRUMENTS

AMEND Rule 14-207.1 to change the term "master" to "magistrate,"
as follows:

Rule 14-207.1. COURT SCREENING

. . .

(c) Special ~~Masters~~ Magistrates or Examiners

The court may designate one or more qualified Maryland lawyers to serve as a part-time special ~~master~~ magistrate or examiner to screen pleadings and papers under section (a) of this Rule, conduct proceedings under section (b) of this Rule, and make appropriate recommendations to the court. Subject to section (d) of this Rule, the costs and expenses of the special ~~master~~ magistrate or examiner may be assessed against one or more of the parties pursuant to Code, Courts Article, §2-102 (c), Rule 2-541 (i), or Rule 2-542 (i). With his or her consent, the special ~~master~~ magistrate or examiner may serve on a pro bono basis.

(d) Assessment of Costs, Expenses, and Attorney's Fees

The costs, expenses, and attorney's fees of any proceeding under this Rule, including any costs or expense of a special ~~master~~ magistrate or examiner under section (c) of this Rule, shall not be assessed against the borrower or record owner either

directly or as an expense of sale, unless the affidavit in question was filed by or on behalf of the borrower or record owner.

Committee note: The exercise of the authority granted in this Rule is discretionary with the court. Nothing in this Rule precludes the court from using its own personnel for these purposes.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 14 - SALES OF PROPERTY
CHAPTER 500 - TAX SALES

AMEND Rule 14-503 to correct internal references, as follows:

Rule 14-503. PROCESS

(a) Notice to Defendants Whose Whereabouts are Known

Upon the filing of the complaint, the clerk shall issue a summons as in any other civil action. The summons, complaint, and exhibits, including the notice prescribed by Rule 14-502 ~~(b) (3)~~ (c) (3), shall be served in accordance with Rule 2-121 on each defendant named in the complaint whose whereabouts are known.

(b) Notice to Defendants Whose Whereabouts are Unknown, Unknown Owners, and Unnamed Interested Persons

When the complaint includes named defendants whose whereabouts are unknown, unknown owners, or unnamed persons having or claiming to have an interest in the property, the notice filed in accordance with Rule 14-502 ~~(b) (3)~~ (c) (3), after being issued and signed by the clerk, shall be served in accordance with Rule 2-122.

(c) Posting of Property

Upon the filing of the complaint, the plaintiff shall cause a notice containing the information required by Rule 14-502 ~~(b) (3)~~ (c) (3) to be posted in a conspicuous place on the

property. The posting may be made either by the sheriff or by a competent private person, appointed by the plaintiff, who is 18 years of age or older, including an attorney of record, but not a party to the action. A private person who posts the notice shall file with the court an affidavit setting forth the name and address of the affiant, the caption of the case, the date and time of the posting, and a description of the location of the posting and shall attach a photograph of the location showing the posted notice.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 15 - OTHER SPECIAL PROCEEDINGS
CHAPTER 200 - CONTEMPT

AMEND Rule 15-206 to change the term "master" to "magistrate,"
as follows:

Rule 15-206. CONSTRUCTIVE CIVIL CONTEMPT

. . .

(c) Content of Order or Petition

. . .

(2) Unless the court finds that a petition for contempt is frivolous on its face, the court shall enter an order providing for (i) a prehearing conference, or (ii) a hearing, or (iii) both. The scheduled hearing date shall allow a reasonable time for the preparation of a defense and may not be less than 20 days after the prehearing conference. An order issued on a petition or on the court's own initiative shall state:

(A) the time within which any answer by the alleged contemnor shall be filed, which, absent good cause, may not be less than ten days after service of the order;

(B) the time and place at which the alleged contemnor shall appear in person for (i) a prehearing conference, or (ii) a hearing, or (iii) both and, if a hearing is scheduled, whether it is before a ~~master~~ magistrate pursuant to Rule 9-208 (a) (1) (G) or before a judge; and

(C) if incarceration to compel compliance with the court's order is sought, a notice to the alleged contemnor in the following form:

TO THE PERSON ALLEGED TO BE IN CONTEMPT OF COURT:

1. It is alleged that you have disobeyed a court order, are in contempt of court, and should go to jail until you obey the court's order.

2. You have the right to have a lawyer. If you already have a lawyer, you should consult the lawyer at once. If you do not now have a lawyer, please note:

(a) A lawyer can be helpful to you by:

(1) explaining the allegations against you;

(2) helping you determine and present any defense to those allegations;

(3) explaining to you the possible outcomes; and

(4) helping you at the hearing.

(b) Even if you do not plan to contest that you are in contempt of court, a lawyer can be helpful.

(c) If you want a lawyer but do not have the money to hire one, the Public Defender may provide a lawyer for you.

- To find out if the Public Defender will provide a lawyer for you, you must contact the Public Defender after any prehearing conference or ~~master's~~ magistrate's hearing and at least 10 business days before the date of a hearing before a judge.
- If no prehearing conference or ~~master's~~ magistrate's

hearing is scheduled, you should contact the Public Defender as soon as possible, at least 10 business days before the date of the hearing before the judge.

- The court clerk will tell you how to contact the Public Defender.

(d) If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.

(e) DO NOT WAIT UNTIL THE DATE OF YOUR COURT HEARING TO GET A LAWYER. If you do not have a lawyer before the court hearing date, the judge may find that you have waived your right to a lawyer, and the hearing may be held with you unrepresented by a lawyer.

3. IF YOU DO NOT APPEAR FOR A SCHEDULED PREHEARING CONFERENCE, ~~MASTER'S~~ MAGISTRATE'S HEARING, OR COURT HEARING BEFORE THE JUDGE, YOU WILL BE SUBJECT TO ARREST.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 15 - OTHER SPECIAL PROCEEDINGS
CHAPTER 200 - CONTEMPT

AMEND Rule 15-207 to change the term "master" to "magistrate,"
as follows:

Rule 15-207. CONSTRUCTIVE CONTEMPT; FURTHER PROCEEDINGS

. . .

(c) Hearing

(1) Contempt of Appellate Court

Where the alleged contemnor is charged with contempt of an appellate court, that court, in lieu of conducting the hearing itself, may designate a trial judge as a special ~~master~~ magistrate to take evidence and make recommended findings of fact and conclusions of law, subject to exception by any party and approval of the appellate court.

(2) Failure of Alleged Contemnor to Appear

If the alleged contemnor fails to appear personally at the time and place set by the court, the court may enter an order directing a sheriff or other peace officer to take custody of and bring the alleged contemnor before the court or judge designated in the order. If the alleged contemnor in a civil contempt proceeding fails to appear in person or by counsel at the time and place set by the court, the court may proceed ex parte.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE,
JUDICIAL DUTIES, ETC.

AMEND Rule 16-101 to change the term "master" to "magistrate" and to provide for the assignment of magistrates appointed on a circuit-wide basis, as follows:

Rule 16-101. ADMINISTRATIVE RESPONSIBILITY

. . .

c. Circuit Administrative Judge

1. Designation

In each judicial circuit there shall be a Circuit Administrative Judge, who shall be appointed by order and serve at the pleasure of the Chief Judge of the Court of Appeals. In the absence of any such appointment, the Chief Judge of the judicial circuit shall be the Circuit Administrative Judge.

2. Duties

Each Circuit Administrative Judge shall be generally responsible for the administration of the several courts within the judicial circuit, pursuant to these Rules and subject to the direction of the Chief Judge of the Court of Appeals. Each Circuit Administrative Judge shall also be responsible for the supervision of the County Administrative Judges within the judicial circuit and may perform any of the duties of a County Administrative Judge. The Circuit Administrative Judge shall also call a meeting of all

judges of the judicial circuit at least once every six months. In any circuit in which magistrates have been appointed on a circuit-wide basis, the Circuit Administrative Judge, after consulting with the county administrative judges in the circuit, may direct the assignment of those magistrates among the courts within the circuit as judicial business requires.

Cross reference: For more detailed provisions pertaining to the duties of Circuit Administrative Judges, see section (d) of Rule 4-344 (Sentencing - Review); Rule 16-103 (Assignment of Judges); and Rule 16-104 (Judicial Leave).

d. County Administrative Judge

1. Appointment

. . .

2. Duties

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

. . .

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

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURT

AMEND Rule 16-202 to change the term "master" to "magistrate,"
as follows:

Rule 16-202. ASSIGNMENT OF ACTIONS FOR TRIAL

a. Generally

The County Administrative Judge in each county shall supervise the assignment of actions for trial to achieve the efficient use of available judicial personnel and to bring pending actions to trial and dispose of them as expeditiously as feasible. Procedures instituted in this regard shall be designed to:

- (1) eliminate docket calls in open court;
- (2) insure 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~~ magistrate, when appropriate;
- (5) provide for the disposition of actions under Rule 2-507;
- (6) 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 16-201 (Motion Day - Calendar).

(7) establish systems of regular reports which will indicate 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.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURT

AMEND Rule 16-204 to change the term "master" to "magistrate,"
as follows:

Rule 16-204. FAMILY DIVISION AND SUPPORT SERVICES

(a) Family Division

. . .

(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 16-202 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~~ magistrates, special ~~masters~~ magistrates, and examiners are used to assist in the resolution of family division cases. Nothing in this Rule affects the authority of a circuit court judge to act on any matter within the jurisdiction of the circuit court.

(B) provide in the case management plan required by Rule 16-202 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 case unless the County Administrative Judge subsequently decides to reassign it;

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

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 300 - CIRCUIT COURT CLERKS' OFFICES

AMEND Rule 16-306 to change the term "master" to "magistrate,"
as follows:

Rule 16-306. FILING AND REMOVAL OF PAPERS

. . .

d. Removal of Papers and Exhibits

1. Court Papers and Exhibits Filed with Pleadings

No paper or exhibit filed with a pleading in any case pending in or decided by the court shall be removed from the clerk's office, except by direction of a judge of the court, and except as authorized by rule or law; provided, however, that an attorney of record, upon signing a receipt, may withdraw any such paper or exhibit for presentation to the court, an auditor, or examiner-~~master~~ magistrate, and an auditor or examiner-~~master~~ magistrate, upon signing a receipt, may withdraw such paper or exhibit in connection with the performance of his official duties.

2. Exhibits Filed During Trial

All exhibits introduced in evidence or marked for identification during the trial of a case, and not filed as a part of or with the pleadings, shall be retained by the clerk of court or such other person as may be designated by the court. After either (i) the time for appeal has expired, or (ii) in the event of an

appeal, the mandate has been received by the clerk, the clerk shall send written notice to all counsel of record advising them 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 from the date of notice, or unless the court within that period shall order otherwise, the clerk shall dispose of the exhibits in any manner, including destruction, as may be appropriate.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 600 - ATTORNEY TRUST ACCOUNTS

AMEND Rule 16-602 to add "credit union" to the definition of "financial institution," as follows:

Rule 16-602. DEFINITIONS

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

a. Approved Financial Institution

"Approved financial institution" means a financial institution approved by the Commission in accordance with these Rules.

b. Attorney

"Attorney" means any person admitted by the Court of Appeals to practice law.

c. Attorney Trust Account

"Attorney trust account" means an account, including an escrow account, maintained in a financial institution for the deposit of funds received or held by an attorney or law firm on behalf of a client or third person.

d. Bar Counsel

"Bar Counsel" means the person appointed by the Commission as the principal executive officer of the disciplinary system affecting attorneys. All duties of Bar Counsel prescribed by these Rules shall be subject to the supervision and procedural guidelines of the

Commission.

e. Client

"Client" includes any individual, firm, or entity for which an attorney performs any legal service, including acting as an escrow agent or as a legal representative of a fiduciary. The term does not include a public or private entity of which an attorney is a full-time employee.

f. Commission

"Commission" means the Attorney Grievance Commission of Maryland, as authorized and created by Rule 16-711 (Attorney Grievance Commission).

g. Financial Institution

"Financial institution" means a bank, credit union, trust company, savings bank, or savings and loan association authorized by law to do business in this State, in the District of Columbia, or in a state contiguous to this State, the accounts of which are insured by an agency or instrumentality of the United States.

h. IOLTA

"IOLTA" (Interest on Lawyer Trust Accounts) means interest on attorney trust accounts payable to the Maryland Legal Services Corporation Fund under Code, Business Occupations and Professions Article, §10-303.

i. Law Firm

"Law firm" includes a partnership of attorneys, a professional or nonprofit corporation of attorneys, and a combination thereof engaged in the practice of law. In the case of a law firm with

offices in this State and in other jurisdictions, the Rules in this Chapter apply only to the offices in this State.

Source: This Rule is derived from former Rule BU2.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 700 - DISCIPLINE AND INACTIVE STATUS OF ATTORNEYS

ADD new Rule 16-738, as follows:

Rule 16-738. PERMANENT RETIRED STATUS

(a) Purpose

Permanent retired status is intended to enable an attorney whose alleged conduct (1) meets the criteria set forth in section (b) of this Rule and (2) was predominantly the product of the attorney's ill health or decline, to retire permanently from the practice of law with dignity and to ensure the protection of the public. Permanent retired status is not a sanction, and no record of any investigation by Bar Counsel, documents associated therewith, or proceedings in connection with the determination that the attorney be placed on permanent retired status, shall be made public except with the written consent of the attorney, a duly authorized representative of the attorney, or, upon good cause shown, by the Court of Appeals.

(b) Criteria

Upon completing an investigation and upon agreement of the attorney, Bar Counsel may recommend to the Commission that the attorney be placed on permanent retired status if Bar Counsel concludes that:

- (1) the attorney is the subject of a complaint or allegation

which if found meritorious, could lead to the attorney being disciplined or placed on inactive status;

(2) the alleged conduct was predominantly a result of the attorney's ill health or decline;

(3) the alleged conduct does not involve misconduct so serious that, if proven, would likely result in the suspension or disbarment of the attorney or placement of the attorney on inactive status;

(4) the alleged conduct does not reflect adversely on the attorney's honesty or involve conduct that could be the basis for an immediate Petition for Disciplinary or Remedial Action pursuant to Rules 16-771 or 16-773;

(5) the alleged conduct either did not result in actual loss or harm to a client or other person, or, if it did, full restitution has been made;

(6) because of the effect of the attorney's ill health or decline on the attorney's ability to comply fully with the Maryland Lawyers' Rules of Professional Conduct, the attorney should no longer engage in the practice of law; and

(7) the attorney has take all appropriate actions to wind-up his or her practice or will do so within a time established by the Commission in any approval of permanent retired status.

(c) Action by Commission

If the attorney agrees to permanent retired status, Bar Counsel or the attorney may submit any explanatory materials that either believes relevant and shall submit any further material that the Commission requests. Upon submission, the Commission may take

any of the following actions:

(1) the Commission may approve permanent retired status for the attorney, if satisfied that it is appropriate under the circumstances, in which event the attorney, upon notice of the Commission's written approval and upon the date specified by the Commission, shall take the actions set forth in section (f) of this Rule, and Bar Counsel shall terminate the disciplinary or remedial proceeding; or

(2) the Commission may disapprove permanent retired status for the attorney if not satisfied that it is appropriate under the circumstances and direct Bar Counsel to proceed in another manner consistent with the Rules in this Chapter.

(d) Effect of Disapproval

If permanent retired status is not approved by the Commission, any investigation or proceeding shall resume as if permanent retired status had not been recommended, and the fact that permanent retired status was recommended or that it was not approved may not be entered into the record of any proceeding.

(e) Effect of Permanent Retired Status

An attorney who has been placed on permanent retired status:

(1) shall, upon receipt of the Commission's determination that the attorney be placed on permanent retired status, cease the practice of law in this State and in all other jurisdictions in which the attorney was admitted on or before the date specified by the Commission;

(2) shall, by such date, notify the Client Protection Fund, in

writing, of the Commission's approval of permanent retired status, and shall include with such notice a copy of the Commission's approval;

(3) shall not apply for admission to the bar of this State or any other jurisdiction or for revocation of permanent retired status; and

(4) shall, by such date, comply with the provisions of Rule 16-760 (d).

Committee note: The name of a permanently retired attorney must be removed from the letterhead of any law firm with which the attorney was associated, but if the attorney's last name was part of a firm name that consisted of two or more last names, the firm is not required to remove the last name of the attorney from the name of the firm.

(f) Extension

Upon a showing of good cause and consideration of any objection by Bar Counsel, the Commission may permit an extension of the period to complete one or more of the tasks itemized in section (e) of this Rule.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

AMEND Rule 16-758 by adding to section (b) language referring to exceptions to costs, as follows:

Rule 16-758. POST-HEARING PROCEEDINGS

(a) Notice of the Filing of the Record

Upon receiving the record, the Clerk of the Court of Appeals shall notify the parties that the record has been filed.

(b) Exceptions; Recommendations; Statement of Costs

Within 15 days after service of the notice required by section (a) of this Rule, each party may file (1) exceptions to the findings and conclusions of the hearing judge, ~~and~~ (2) recommendations concerning the appropriate disposition under Rule 16-759 (c), and (3) a statement of costs to which the party may be entitled under Rule 16-761.

(c) Response

Within 15 days after service of exceptions, ~~recommendations,~~ or a statement of costs, the adverse party may file a response.

(d) Form

The parties shall file eight copies of any exceptions, recommendations, and responses. The copies shall conform to the requirements of Rule 8-112.

Source: This Rule is derived in part from former Rule 16-711 (BV11) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 700 - DISCIPLINE, INACTIVE STATUS, RESIGNATION

AMEND Rule 16-761 by adding language modifying the word "costs" in section (a), by adding a new section (b) providing for a definition of "costs," and by making stylistic changes, as follows:

Rule 16-761. COSTS

(a) ~~Allowance and Allocation~~ Generally

Except as provided in Rule 16-781 (n), and unless the Court of Appeals orders otherwise, the prevailing party in proceedings under this Chapter is entitled to reasonable and necessary costs. By order, the Court, ~~by order,~~ may allocate costs among the parties.

(b) Costs Defined

Costs include:

(1) court costs;

(2) reasonable and necessary fees and expenses paid to an expert witness who testified in the proceeding before the circuit court judge;

(3) reasonable and necessary travel expenses of a witness who is not an expert witness;

(4) reasonable and necessary costs of a transcript of proceedings before the circuit court judge;

(5) reasonable and necessary fees and expenses paid to a court

reporter or reporting service for attendance at a deposition and for preparing a transcript, audio recording, or audio-video recording of the deposition; and

(6) other reasonable and necessary expenses, excluding attorneys' fees, incurred in investigating the claims and in prosecuting or defending against the petition for disciplinary or remedial action before the circuit court judge and in the Court of Appeals.

~~(b)~~ (c) Judgment

Costs of proceedings under this Chapter, including the costs of all transcripts, shall be taxed by the Clerk of the Court of Appeals and included in the order as a judgment. On motion, the Court may review the action of the Clerk.

~~(c)~~ (d) Enforcement

Rule 8-611 applies to proceedings under this Chapter.

Source: This Rule is in part derived from former Rule 16-715 (BV15) and in part new.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 800 - MISCELLANEOUS

AMEND Rule 16-801 by deleting references to the Maryland Register; by adding provisions pertaining to the posting of proposed and recent adopted Rules changes on the Judiciary website; by adding certain provisions pertaining to reports of the Rules Committee, public comment on proposed Rules changes, and public hearings as well as other meetings of the Court of Appeals regarding Rules changes; and by modifying provisions pertaining to the effective date of Rules changes; as follows:

Rule 16-801. PROMULGATION OF RULES

~~a.~~ (a) Promulgation by Rules Order

Rules of the Court of Appeals shall be promulgated by a Rules Order approved by a majority of the members of the Court of Appeals.

~~b.~~ (b) Rules Committee

To assist the Court of Appeals in developing rules in the exercise of its rule-making power, the Court has appointed a standing committee on rules of practice and procedure, usually and herein referred to as the "Rules Committee," composed of judges, lawyers and persons familiar with judicial administration appointed for a three year term or at the Court's pleasure. The Court has also appointed a member of the bar to serve as Reporter to the Rules

Committee, and from time to time, such assistant or special reporters as may be required to assist the Rules Committee in discharging its assigned responsibilities. Unless otherwise determined by the Court of Appeals, every suggestion for the adoption, amendment, or rescission of a rule shall be referred to the Rules Committee for consideration. The Rules Committee may also consider rules changes on its own initiative, and shall make its recommendations with respect to rules changes to the Court of Appeals by two or more written reports each year, submitted on or before March 31 and September 30. ~~A copy of each report shall be transmitted to the Maryland Register for publication under a thirty day notice of proposed rules changes soliciting public comment.~~

~~Cross reference: See §§13-301 to 13-303 of the Courts Article of the Annotated Code of Maryland.~~

~~Committee note: The Rules Committee was originally appointed by order of the Court of Appeals dated January 22, 1946, to succeed an ad hoc predecessor Committee on Rules of Practice and Procedure appointed by order of the Court dated March 5, 1940.~~

~~c. Publication of Rules Changes~~

~~Unless the Court of Appeals determines that some emergency requires the promulgation of a rules change to take effect prior to either of the dates specified in section d of this Rule, a copy of every Rules Order adopting, amending, or rescinding a rule shall be published in the Maryland Register at least thirty days before its effective date under a notice of rules changes, and may also be published in such other publication as the Court of Appeals may direct. A Rules Order adopting or amending 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 on which the proposed rules change appears, and in that case the text of the rule adopted or amended need not be re-published with the order of adoption or amendment. If, however, the Court of Appeals should further amend a rule proposed for adoption or amendment during the course of the rule-making process, either in response to comment received, or of its own motion, the full text of the rule or amendment as adopted and showing such further amendment shall be republished with the Rules Order.~~

~~If the Court of Appeals determines that an emergency exists and that a rules change is required to take effect prior to either of the dates specified in section d of this Rule, it shall direct such special publication as it considers appropriate to notify the judiciary, the clerks and members of the bar.~~

~~d. Effective Date of Rules Changes~~

~~Unless the Court of Appeals determines that an emergency exists, and otherwise directs, rules changes shall become effective not earlier than the first day of January or the first day of July, whichever first occurs after the entry and appropriate publication of the order promulgating the rules changes.~~

(c) Report of Rules Committee

All recommendations by the Standing Committee on Rules of Practice and Procedure for new Rules or changes to existing Rules shall be transmitted to the Court of Appeals in a consecutively numbered report or supplement thereto setting forth the changes proposed and the reasons for the proposed changes. A proposed new

Rule shall show in plain type the text of the proposed Rule.

Proposed amendments to existing Rules shall show in plain type the current Rule with proposed deletions indicated by strikeouts and proposed additions indicated by underlined language.

(d) Posting of Report; Opportunity for Comment

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

(e) Written Comments

Unless otherwise directed or approved by the Court of Appeals, comments to proposed additions or changes shall (1) be in writing, (2) identify the individual or group making the comment, and (3) be sent to the Reporter to the Committee within the time specified in the notice posted on the Judiciary website. At the conclusion of the comment period, the Reporter shall collect and promptly transmit the comments to the Court. Comments not sent to the Reporter in accordance with this section ordinarily will not be considered by the Court.

(f) 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 (f)(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 16-109 (a).

(B) Ordinarily, extended coverage will be permitted at a public hearing conducted pursuant to subsection (f)(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 (f)(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 16-109.

(g) 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.

(h) Effective Date

(1) Stated in Rules Order

The Rules Order shall state the effective date of the changes and the extent to which those changes will apply to

proceedings pending on that date.

(2) Minimum Delay; Exception

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

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

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

(i) Posting of Rules Order and Rules Changes

(1) Generally

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

(2) Text of Rules Changes

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

~~h.~~ (j) Record of Rules

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

Source: This Rule is derived, in part, from former Rule 1225 and in part from Internal Operating Rules of the Court of Appeals 1 through 10.

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 800 - MISCELLANEOUS

AMEND Rule 16-811.5 to exempt *pro bono* attorneys from the requirement of making annual payments to the Fund, to require annual payments to the Fund by attorneys authorized to practice under Bar Admission Rule 15.1, to add language to subsection (a) (2) referring to proposed new Rule 16-738, and to make stylistic changes, as follows:

Rule 16-811.5. OBLIGATIONS OF ATTORNEYS

(a) Conditions Precedent to Practice

(1) Generally

Except as otherwise provided in ~~this section~~ subsection (a) (2) of this Rule or Rule 15 (h) of the Rules Governing Admission to the Bar of Maryland, each attorney admitted to practice before the Court of Appeals or issued a certificate of special authorization under Rule 15 or 15.1 of the Rules Governing Admission to the Bar of Maryland, as a condition precedent to the practice of law in this State, shall (A) provide to the treasurer of the Fund the attorney's Social Security number, (B) provide to the treasurer of the Fund the attorney's federal tax identification number or a statement that the attorney has no such number, and (C) pay annually to the treasurer of the Fund the sum, and all applicable late charges, set by the Court of Appeals.

(2) Exception

~~Upon~~ Unless the attorney is on permanent retired status pursuant to Rule 16-738, upon timely application by ~~an~~ the attorney, the trustees of the Fund may approve an attorney for inactive/retired status. By regulation, the trustees may provide a uniform deadline date for seeking approval of inactive/retired status. An attorney on inactive/retired status may engage in the practice of law without payment to the Fund if (A) the attorney is on inactive/retired status solely as a result of having been approved for that status by the trustees of the Fund and not as a result of any action against the attorney pursuant to the Rules in Title 16, Chapter 700, and (B) the attorney's practice is limited to representing clients without compensation, other than reimbursement of reasonable and necessary expenses, as part of the attorney's participation in a legal services or pro bono publico program sponsored or supported by a local bar association, the Maryland State Bar Association, Inc., an affiliated bar foundation, or the Maryland Legal Services Corporation.

(3) Bill; Request for Information; Compliance

For each fiscal year, the trustees by regulation shall set dates by which (A) the Fund shall send to an attorney a bill, together with a request for the information required by subsection (a) (1) of this Rule, and (B) the attorney shall comply with subsection (a) (1) of this Rule by paying the sum due and providing the required information. The date set for compliance shall be not earlier than 60 days after the Fund sends the bill and requests the

information.

(4) Method of Payment

Payments of amounts due the Fund shall be by check or money order, or by any additional method approved by the trustees.

(b) Change of Address

Each attorney shall give written notice to the trustees of every change in the attorney's resident address, business address, e-mail address, telephone number, or facsimile number within 30 days of the change. The trustees shall have the right to rely on the latest information received by them for all billing and other correspondence.

Source: This Rule is derived from former Rule 16-811 (2013).

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 800 - MISCELLANEOUS

AMEND Rule 16-813 to change the term "master" to "magistrate,"
as follows:

Rule 16-813. MARYLAND CODE OF JUDICIAL CONDUCT

. . .

Rule 2.13. ADMINISTRATIVE APPOINTMENTS

(a) In making administrative appointments, a judge:

(1) shall exercise the power of appointment impartially and on
the basis of merit; and

(2) shall avoid nepotism, favoritism, and unnecessary
appointments.

(b) A judge shall not approve compensation of appointees beyond
the fair value of services rendered.

COMMENT

[1] Appointees of a judge include assigned counsel, officials
such as commissioners, special ~~masters~~ magistrates, receivers, and
guardians, and personnel such as clerks, secretaries, and bailiffs.
Consent by the parties to an appointment or an award of compensation
does not relieve the judge of the obligation prescribed by paragraph
(a).

[2] Unless otherwise defined by law, nepotism is the
appointment or hiring of any relative within the third degree of
relationship to either the judge or the judge's spouse or domestic
partner, or the spouse or domestic partner of such relative.
Source.-- This Rule is derived generally from Rule 2.13 of the 2007
ABA Code, although paragraph (b) of that Rule is not included.
Comments [1] and [2] are derived from the ABA Comments to that Rule,
although ABA Comment [3] is not included.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 800 - MISCELLANEOUS

AMEND Rule 16-814 to change the term "master" to "magistrate,"
as follows:

Rule 16-814. MARYLAND CODE OF CONDUCT FOR JUDICIAL APPOINTEES

. . .

DEFINITIONS

(a) Judicial Appointee

"Judicial appointee" means:

(1) an auditor, examiner, or ~~master~~ magistrate appointed by a
court of this State; and

Cross reference: See Rules 2-541, 2-542, and 2-543.

(2) a District Court commissioner appointed pursuant to Article
IV, §41G of the Maryland Constitution.

Source: With style changes this definition is derived from the
former Code of Conduct for Judicial Appointees.

Cross reference: For the definition of "judicial appointee" for
purposes of filing a financial disclosure statement, see Rule
16-816.

. . .

APPLICATION

(a) District Court Commissioners and Full-time Standing ~~Masters~~
Magistrates, Examiners, and Auditors

This Code applies in its entirety to District Court

Commissioners and full-time standing ~~masters~~ magistrates, examiners, and auditors.

(b) Part-time Standing ~~Masters~~ Magistrates, Examiners, and Auditors

Except as otherwise provided in a specific Rule, this Code applies in its entirety to part-time standing ~~masters~~ magistrates, examiners, and auditors.

(c) Special ~~Masters~~ Magistrates, Examiners, and Auditors

During the period of their serving in that capacity, special ~~masters~~ magistrates, examiners, and auditors are subject only to the Rules in Sections 1 and 2, to Rule 3.5, and to such of the Comments to those Rules as are relevant, given the limited duration of the service. Special ~~masters~~ magistrates, examiners, and auditors shall, however, on request of a party or the appointing authority, disclose any extra-official activity or interests covered by the other Rules in this Code that may be grounds for a motion to recuse under Rule 2.11.

Source: This provision is new.

Committee note: District Court Commissioners, despite the number of hours they may actually be on duty, are regarded as full-time judicial appointees. Auditors, examiners, and ~~masters~~ magistrates may fall into several categories.

Under Code, Courts Article, §2-102, all courts may appoint a ~~master~~ magistrate, examiner, or auditor in "a specific proceeding." Under Code, Courts Article, §2-501, the judges of the circuit courts have more general authority to employ ~~masters~~ magistrates, examiners, and auditors. That authority is extended and made more specific in Rules 2-541 (~~Masters~~ Magistrates), 2-542 (Examiners), and 2-543 (Auditors).

Rules 2-541, 2-542, and 2-543 create two categories of ~~masters~~ magistrates, examiners, and auditors - standing and special.

Standing ~~masters~~ magistrates, examiners, and auditors are employed to deal with whatever cases are referred to them on an on-going basis, but their employment by the court may be full-time or part-time. Special ~~masters~~ magistrates, examiners, and auditors are appointed "for a particular action," and thus, like appointments made under Courts Article, §2-102, their service is limited to the particular action or proceeding. During that period of service, however, it is possible that they may work full-time or part-time, as necessary or as directed by the court. A ~~master~~ magistrate, examiner, or auditor may therefore be standing full-time, standing part-time, special full-time, or special part-time.

This Code, in its entirety, applies to District Court Commissioners and full-time standing ~~masters~~ magistrates, examiners, and auditors. Because their employment by the court is full-time and more-or-less permanent, it is appropriate to limit some of their extra-official activities in the same manner as judges. Standing ~~masters~~ magistrates, examiners, and auditors who work only part-time but whose employment is also more-or-less permanent and who handle whatever cases are referred to them also need to be subject to most of the requirements and limitations in the Code, but it is impractical to preclude them from engaging in other lawful remunerative activities, such as practicing law or accounting or providing ADR services. They are subject to the entire Code, except as provided in specific Rules. Special ~~masters~~ magistrates, examiners, and auditors, appointed for only one proceeding, are subject to those Rules governing such things as fairness, impartiality, integrity, and diligence during the period of their service, but it is impractical and unnecessary to subject them across-the-board to the Rules in Section 4 or most of the Rules in Section 3 (political and extra-official activities), provided that, upon request of a party or the appointing authority, they disclose any activity or interest that may be cause for recusal.

. . .

Rule 3.9. SERVICE AS ARBITRATOR OR MEDIATOR

(a) A full-time judicial appointee shall not act as an arbitrator or a mediator or perform other alternative dispute resolution functions apart from the judicial appointee's official duties unless expressly authorized by law.

(b) A part-time judicial appointee may conduct alternative dispute resolution (ADR) proceedings in a private capacity only if

the judicial appointee:

(1) conducts no ADR proceedings in a private capacity relating to a matter currently assigned to the judicial appointee;

(2) discloses to the parties in each matter assigned to the judicial appointee:

(A) the judicial appointee's professional association with any entity that is engaged in offering ADR services;

(B) whether the judicial appointee is conducting, or has conducted within the previous 12 months, an ADR proceeding involving any party, attorney, or law firm involved in the matter assigned to the judicial appointee; and

(C) any negotiations or agreements for future ADR services involving the judicial appointee and any of the parties or counsel to the case; and

(3) except if there is no disqualification by agreement as permitted by Rule 2.11 (c), does not participate in a matter in which the judicial appointee's impartiality might reasonably be questioned because of ADR services engaged in or offered by the judicial appointee.

COMMENT

[1] This Rule does not prohibit a part-time judicial appointee from participating in arbitration, mediation, or other alternative dispute resolution services in a private capacity. See, however, Rule 3.1.

[2] ~~Masters~~ Magistrates may conduct settlement conferences pursuant to Rules 17-102 (h) and 17-105 (b) as part of assigned official duties. Full-time judicial appointees shall not otherwise render dispute resolution services, whether or not for economic gain, unless expressly authorized by law.

Source: This Rule is derived in part from Canon 4F of the former Code of Conduct for Judicial Appointees.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 800 - MISCELLANEOUS

AMEND Rule 16-816 to change the term "master" to "magistrate,"
as follows:

Rule 16-816. FINANCIAL DISCLOSURE STATEMENT - JUDICIAL APPOINTEES

a. For purposes of this Rule, judicial appointee means (1) a full- or part-time ~~master~~ magistrate, (2) a commissioner appointed by a District Administrative Judge with the approval of the Chief Judge of the District Court of Maryland, and (3) an auditor or examiner who is full-time or who earns in any calendar year, by reason of the judicial appointee's official position, compensation at least equal to the pay provided for the base step of State Pay Grade 16, as in effect on July 1 of that calendar year. If an auditor or examiner has served as such for only a portion of a calendar year, a pro rata determination of compensation shall be applied.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 900 - PRO BONO LEGAL SERVICES

ADD new Rule 16-904, as follows:

Rule 16-904. PRO BONO ATTORNEY

(a) Definition

As used in this Rule, "pro bono attorney" means an attorney who is authorized by Rule 15 of the Rules Governing Admission to the Bar of Maryland or Rule 16-811.5 (a) (2) to represent clients, without compensation other than reimbursement of reasonable and necessary expenses, and whose practice is limited to providing such representation. "Pro bono attorney" does not include (1) an active member of the Maryland Bar in good standing or (2) an attorney whose certificate of authorization to practice under Rule 15 permits the attorney to receive compensation for the practice of law under that Rule.

Cross reference: For the professional responsibility of an active member of the Maryland Bar to render pro bono publico legal service, see Rule 6.1, (Pro Bono Publico Service) of the Maryland Lawyers' Rules of Professional Conduct.

(b) Authorization to Practice as a Pro Bono Attorney

To practice as a pro bono attorney, an out-of-state attorney shall comply with Rule 15 of the Rules Governing Admission to the Bar of Maryland and a retired/inactive member of the Maryland Bar shall comply with Rule 16-811.5 (a) (2).

(c) Recovery of Attorneys' Fees

If the substantive law governing a matter in which a pro bono attorney is providing representation permits the recovery of attorneys' fees, the pro bono attorney may seek attorneys' fees in accordance with the Rules in Title 2, Chapter 700 or Rule 3-741 but shall remit to the legal services or pro bono publico program that referred the matter to the attorney all attorneys' fees that are recovered.

(d) Reports

Upon request by the Administrative Office of the Courts, a pro bono attorney shall timely file an IOLTA Compliance Report in accordance with Rule 16-608 and a Pro Bono Legal Service Report in accordance with Rule 16-903.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 500 - PRO BONO LEGAL SERVICES

ADD new Rule 16-905, as follows:

Rule 16-905. LIST OF PRO BONO AND LEGAL SERVICES PROGRAMS

At least once a year, the Maryland Legal Services Corporation shall provide to the State Court Administrator a current list of all grantees and other entities recognized by the Corporation that serve low-income individuals who meet the financial eligibility criteria of the Corporation. The State Court Administrator shall post the current list on the Judiciary website.

Cross reference: See Rules 1-325, 1-325.1, and 16-811.5 and Rule 15 of the Rules Governing Admission to the Bar of Maryland.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 17-101 to change the term "master" to "magistrate,"
as follows:

Rule 17-101. APPLICABILITY

. . .

(b) Exceptions

Except as otherwise provided by Rule, the Rules in this
Title do not apply to:

(1) an action or order to enforce a contractual agreement to
submit a dispute to ADR;

(2) an action to foreclose a lien against owner-occupied
residential property subject to foreclosure mediation conducted
by the Office of Administrative Hearings under Rule 14-209.1;

(3) an action pending in the Health Care Alternative Dispute
Resolution Office under Code, Courts Article, Title 3, Subtitle
2A, unless otherwise provided by law; or

(4) a matter referred to a ~~master~~ magistrate, examiner,
auditor, or parenting coordinator pursuant to Rule 2-541, 2-542,
2-543, or 9-205.2.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 200 - PROCEEDINGS IN CIRCUIT COURT

AMEND Rule 17-206 to change the term "master" to "magistrate,"
as follows:

Rule 17-206. QUALIFICATIONS OF COURT-DESIGNATED ADR PRACTITIONERS
OTHER THAN MEDIATORS

. . .

(b) Judges and ~~Masters~~ Magistrates

An active or retired judge or a ~~master~~ magistrate of the
court may chair a non-fee-for-service settlement conference.

. . .

MARYLAND RULES OF PROCEDURE

APPENDIX: THE MARYLAND LAWYERS' RULES OF PROFESSIONAL CONDUCT

AMEND Rule 1.12 to change the term "master" to "magistrate,"
as follows:

Rule 1.12. FORMER JUDGE, ARBITRATOR, MEDIATOR OR OTHER
THIRD-PARTY NEUTRAL

(a) Except as stated in paragraph (d), a lawyer shall not represent anyone in connection with a matter in which the lawyer participated personally and substantially as a judge or other adjudicative officer or law clerk to such a person or as an arbitrator, mediator or other third-party neutral, unless all parties to the proceeding give informed consent, confirmed in writing.

(b) A lawyer shall not negotiate for employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially as a judge or other adjudicative officer or as an arbitrator, mediator or other third-party neutral. A lawyer serving as a law clerk to a judge or other adjudicative officer may negotiate for employment with a party or lawyer involved in a matter in which the clerk is participating personally and substantially, but only after the lawyer has notified the judge or other adjudicative officer.

(c) If a lawyer is disqualified by paragraph (a), no lawyer in

a firm with which that lawyer is associated may knowingly undertake or continue representation in the matter unless:

(1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) written notice is promptly given to the parties and any appropriate tribunal to enable them to ascertain compliance with the provisions of this Rule.

(d) An arbitrator selected as a partisan of a party in a multimember arbitration panel is not prohibited from subsequently representing that party.

COMMENT

[1] This Rule generally parallels Rule 1.11. The term "personally and substantially" signifies that a judge who was a member of a multimember court, and thereafter left judicial office to practice law, is not prohibited from representing a client in a matter pending in the court, but in which the former judge did not participate. So also the fact that a former judge exercised administrative responsibility in a court does not prevent the former judge from acting as a lawyer in a matter where the judge had previously exercised remote or incidental administrative responsibility that did not affect the merits. Compare the Comment to Rule 1.11.

[2] The term "adjudicative officer" includes such officials as judges pro tempore, referees, special ~~masters~~ magistrates, hearing officers and other parajudicial officers, and also lawyers who serve as part-time judges. See Md. Rule 16-814, Maryland Code of Conduct for Judicial Appointees.

[3] Like former judges, lawyers who have served as arbitrators, mediators or other third-party neutrals may be asked to represent a client in a matter in which the lawyer participated personally and substantially. This Rule forbids such representation unless all of the parties to the proceedings give their informed consent, confirmed in writing. See Rule 1.0 (f) and (b). Other law or codes of ethics governing third-party neutrals may impose more stringent standards of personal or imputed disqualification. See Rule 2.4.

[4] Although lawyers who serve as third-party neutrals do not have information concerning the parties that is protected under Rule 1.6, they typically owe the parties an obligation of confidentiality under law or codes of ethics governing third-party neutrals. Thus, paragraph (c) provides that conflicts of the personally disqualified lawyer will be imputed to other lawyers in a law firm unless the conditions of this paragraph are met.

[5] Requirements for screening procedures are stated in Rule 1.0 (m). Paragraph (c)(1) does not prohibit the screened lawyer from receiving a salary or partnership share established by prior independent agreement, but that lawyer may not receive compensation directly related to the matter in which the lawyer is disqualified.

[6] Notice, including a description of the screened lawyer's prior representation and of the screening procedures employed, generally should be given as soon as practicable after the need for screening becomes apparent.

Model Rules Comparison.-- Apart from redesignating the paragraphs of the Comments to this Rule, Rule 1.12 is substantially similar to the language of the Ethics 2000 Amendments to the ABA Model Rules of Professional Conduct.

MARYLAND RULES OF PROCEDURE

RULES GOVERNING ADMISSION TO THE BAR OF MARYLAND

AMEND Bar Admission Rule 15 by changing its title, by adding a definition of "legal services program," by adding a cross reference after section (b), by adding a certain certification to the proof of eligibility requirements, by making the two-year expiration date of the special authorization inapplicable to pro bono attorneys, by adding a Committee note after section (c), by changing from five to ten days the time within which a notice of termination of authorization must be filed with the Clerk of the Court of Appeals and revising designation of the responsibility for filing the notice, by adding section (f) pertaining to disciplinary proceedings in another jurisdiction, by clarifying the authority of the Court of Appeals pertaining to special authorizations under the Rule, by exempting pro bono attorneys from the requirement of making certain payments, by adding section (i) pertaining to the Maryland Lawyers' Rules of Professional Conduct, by adding section (j) pertaining to certain reports, and by making stylistic changes, as follows:

Rule 15. SPECIAL AUTHORIZATION FOR OUT-OF-STATE ATTORNEYS ~~TO~~
~~PRACTICE IN THIS STATE~~ AFFILIATED WITH PROGRAMS PROVIDING LEGAL
SERVICES TO LOW-INCOME INDIVIDUALS

(a) Definition

As used in this Rule, "legal services program" means a

program operated by (1) an entity that provides civil legal services to low-income individuals in Maryland who meet the financial eligibility requirements of the Maryland Legal Services Corporation and is on a list of such programs provided by the Corporation to the State Court Administrator and posted on the Judiciary website pursuant to Rule 16-905; (2) the Maryland Office of the Public Defender; (3) a clinic offering pro bono legal services and operating in a courthouse facility; or (4) a local pro bono committee or bar association affiliated project that provides pro bono legal services.

~~(a)~~ (b) Eligibility

~~Subject to the provisions of Pursuant to this Rule, a member of the Bar of another state who is employed by or associated with an organized a legal services program that is sponsored or approved by Legal Aid Bureau, Inc. may practice in this State pursuant to that organized legal services program, if (1) the individual is a graduate of a law school meeting the requirements of Rule 4 (a) (2), (2) the legal services program provides legal assistance to indigents in this State, and (3) (2) the individual will practice under the supervision of a member of the Bar of this State.~~

Cross reference: For the definition of "State," see Rule 1 (i) of the Rules Governing Admission to the Bar of Maryland.

~~(b)~~ (c) Proof of Eligibility

To obtain authorization to practice under this Rule, the out-of-state attorney shall file with the Clerk of the Court of

Appeals a written request accompanied by (1) evidence of graduation from a law school as defined in Rule 4 (a) (2), (2) a certificate of the highest court of another state certifying that the attorney is a member in good standing of the Bar of that state, and (3) a statement signed by the Executive Director of ~~Legal Aid Bureau, Inc.,~~ the legal services program that includes (A) a certification that the attorney is currently employed by or associated with an approved organized legal services the program, (B) a statement as to whether the attorney is receiving any compensation other than reimbursement of reasonable and necessary expenses, and (C) an agreement that, within ten days after cessation of the attorney's employment or association, the Executive Director will file the Notice required by section (e) of this Rule.

~~(c)~~ (d) Certificate of Authorization to Practice

Upon the filing of the proof of eligibility required by this Rule, the Clerk of the Court of Appeals shall issue a certificate under the seal of the Court certifying that the attorney is authorized to practice under this Rule, subject to the automatic termination provision of section (e) of this Rule. The certificate shall ~~contain~~ state (1) the effective date, (2) whether the attorney (A) is authorized to receive compensation for the practice of law under this Rule or (B) is authorized to practice exclusively as a pro bono attorney pursuant to Rule 16-904, and (3) any expiration date of the special authorization to practice. If the attorney is receiving compensation for the

practice of law under this Rule, the expiration date shall be no later than two years after the effective date. If the attorney is receiving no compensation other than reimbursement of reasonable and necessary expenses, no expiration date shall be stated.

Committee note: An attorney who intends to practice law in Maryland for compensation for more than two years should apply for admission to the Maryland Bar.

~~(d)~~ (e) Automatic Termination Before Expiration

Authorization to practice under this Rule is automatically terminated ~~before its expiration date~~ if the attorney ceases to be employed by or associated with ~~an approved organized~~ the legal services program ~~in this State~~. Within ~~five~~ ten days after cessation of the attorney's employment or association, the Executive Director of ~~Legal Aid Bureau, Inc.~~ the legal services program shall file with the Clerk of the Court of Appeals notice of the termination of authorization.

(f) Disciplinary Proceedings in Another Jurisdiction

Promptly upon the filing of a disciplinary proceeding in another jurisdiction, an attorney authorized to practice under this Rule shall notify the Executive Director of the legal services program of the disciplinary matter. An attorney authorized to practice under this Rule who in another jurisdiction (1) is disbarred, suspended, or otherwise disciplined, (2) resigns from the bar while disciplinary or remedial action is threatened or pending in that jurisdiction, or (3) is placed on inactive status based on incapacity shall inform

Bar Counsel and the Clerk of the Court of Appeals promptly of the discipline, resignation, or inactive status.

~~(e)~~ (g) Revocation or Suspension

At any time, the Court, in its discretion, may revoke or suspend an attorney's authorization to practice under this Rule ~~either~~ by written notice to the attorney. ~~or by~~ By amendment or deletion of this Rule, the Court may modify, suspend, or revoke the special authorizations of all out-of-state attorneys issued pursuant to this Rule.

~~(f)~~ (h) Special Authorization not Admission

Out-of-state attorneys authorized to practice under this Rule are not, and shall not represent themselves to be, members of the Bar of this State, except in connection with practice that is authorized under this Rule. They ~~shall be~~ are required to make payments to the Client Protection Fund of the Bar of Maryland and the Disciplinary Fund, except that an attorney who is receiving no compensation other than reimbursement of reasonable and necessary expenses is not required to make the payments.

(i) Rules of Professional Conduct

An attorney authorized to practice under this Rule is subject to the Maryland Lawyers' Rules of Professional Conduct.

(j) Reports

Upon request by the Administrative Office of the Courts, an attorney authorized to practice under this Rule shall timely file an IOLTA Compliance Report in accordance with Rule 16-608 and a

Pro Bono Legal Service Report in accordance with Rule 16-903.

Source: This Rule is in part derived from former Rule 19 and is
in part new.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

ADD new Rule 15.1, as follows:

Rule 15.1. SPECIAL AUTHORIZATION FOR MILITARY SPOUSE ATTORNEYS

(a) Definition

As used in this Rule, a "military spouse attorney" means an (1) attorney admitted to practice in another state but not admitted in this State, (2) is married to an active duty servicemember of the United States Armed Forces and (3) resides in the State of Maryland due to the servicemember's military orders for a permanent change of station to Maryland or a state contiguous to Maryland.

Cross reference: For the definition of "State," see Rule 1 (i).

(b) Eligibility

Subject to the conditions of this Rule, a military spouse attorney may practice in this State if the individual:

(1) is a graduate of a law school meeting the requirements of Rule 4 (a) (2);

(2) is a member in good standing of the Bar of another state;

(3) will practice under the direct supervision of a member of the Bar of this State;

(4) has not taken and failed the Maryland bar examination or attorney examination;

(5) has not had an application for admission to the Maryland Bar or the Bar of any state denied on character or fitness grounds;

(6) certifies that the individual will comply with the requirements of Rule 16-811.5; and

(7) certifies that the individual has read and is familiar with the Maryland Rules of civil and criminal procedure, the Maryland Rules of Evidence, and the Maryland Lawyers' Rules of Professional Conduct, as well as the Maryland laws and Rules relating to any particular area of law in which the individual intends to practice.

Cross reference: See Rule 5.1 for the responsibilities of a supervising attorney.

(c) Proof of Eligibility

To obtain authorization to practice under this Rule, the military spouse attorney shall file with the Clerk of the Court of Appeals a written request accompanied by:

(1) evidence of graduation from a law school meeting the requirements of Rule 4 (a) (2);

(2) a list of states where the military spouse attorney is admitted to practice, together with a certificate of the highest court of each such state certifying that the attorney is a member in good standing of the Bar of that state;

(3) a copy of the servicemember's military orders reflecting a permanent change of station to a military installation in Maryland or a state contiguous to Maryland;

(4) a copy of a military identification card that lists the military spouse attorney as the spouse of the servicemember;

(5) a statement signed by the military spouse attorney certifying that the military spouse attorney:

(A) resides in Maryland;

(B) has not taken and failed the Maryland bar examination or attorney examination;

(C) has not had an application for admission to the Maryland Bar or the Bar of any state denied on character or fitness grounds;

(D) will comply with the requirements of Rule 16-811.5; and

(E) has read and is familiar with the Maryland Rules of civil and criminal procedure, the Maryland Rules of Evidence, and the Maryland Lawyers' Rules of Professional Conduct, as well as the Maryland law and Rules relating to any particular area of law in which the individual intends to practice; and

(6) a statement signed by the supervising attorney that includes a certification that (A) the military spouse attorney is or will be employed by or associated with the supervising attorney's law firm or the agency or organization that employs the supervising attorney, and (B) an agreement that within ten days after cessation of the military spouse attorney's employment or association, the supervising attorney will file the notice required by section (e) of this Rule and that the supervising attorney will be prepared, if necessary, to assume responsibility for open client matters that the individual no longer will be

authorized to handle.

(d) Certificate of Authorization to Practice

Upon the filing of the proof of eligibility required by this Rule, the Clerk of the Court of Appeals shall issue a certificate under the seal of the Court certifying that the attorney is authorized to practice under this Rule for a period not to exceed two years, subject to the automatic termination provisions of section (e) of this Rule. The certificate shall state the effective date and the expiration date of the special authorization to practice.

(e) Automatic Termination

(1) Cessation of Employment

Authorization to practice under this Rule is automatically terminated upon the earlier of (A) the expiration of two years from the issuance of the certificate of authorization, or (B) the expiration of ten days after the cessation of the military spouse attorney's employment by or association with the supervising attorney's law firm or the agency or organization that employs the supervising attorney unless, within the ten day period, the military spouse attorney files with the Clerk of the Court of Appeals a statement signed by another supervising attorney who is a member of the Bar of this State in compliance with subsection (c)(6) of this Rule. Within ten days after cessation of the military spouse attorney's employment or association, the supervising attorney shall file with the Clerk of the Court of Appeals notice of the termination

of authorization.

(2) Change in Status

A military spouse attorney's authorization to practice law under this Rule automatically terminates 30 days after (A) the servicemember spouse is no longer a member of the United States Armed Forces, (B) the servicemember and the military spouse attorney are divorced or their marriage is annulled, or (C) the servicemember receives a permanent transfer outside Maryland or a state contiguous to Maryland, except that a servicemember's assignment to an unaccompanied or remote assignment does not automatically terminate the military spouse attorney's authorization, provided that the military spouse attorney continues to reside in Maryland. The military spouse attorney promptly shall notify the Clerk of the Court of Appeals of any change in status that pursuant to this subsection terminates the military spouse attorney's authorization to practice in Maryland.

Committee note: A military spouse attorney who intends to practice law in Maryland for more than two years should apply for admission to the Maryland Bar. The bar examination process may be commenced and completed while the military spouse attorney is practicing under this Rule.

(f) Disciplinary Proceedings in Another Jurisdiction

Promptly upon the filing of a disciplinary proceeding in another jurisdiction, a military spouse attorney shall notify the supervising attorney of the disciplinary matter. A military spouse attorney who in another jurisdiction (1) is disbarred, suspended, or otherwise disciplined, (2) resigns from the bar

while disciplinary or remedial action is threatened or pending in that jurisdiction, or (3) is placed on inactive status based on incapacity shall inform Bar Counsel and the Clerk of the Court of Appeals promptly of the discipline, resignation, or inactive status.

(g) Revocation or Suspension

At any time, the Court, in its discretion, may revoke or suspend a military spouse attorney's authorization to practice under this Rule by written notice to the attorney. By amendment or deletion of this Rule, the Court may modify, suspend, or revoke the special authorizations of all military spouse attorneys issued pursuant to this Rule.

(h) Special Authorization not Admission

Military spouse attorneys authorized to practice under this Rule are not, and shall not represent themselves to be, members of the Bar of this State.

(i) Rules of Professional Conduct; Required Payments

A military spouse attorney authorized to practice under this Rule is subject to the Maryland Lawyers' Rules of Professional Conduct and is required to make payments to the Client Protection Fund of the Bar of Maryland and the Disciplinary Fund.

(j) Reports

Upon request by the Administrative Office of the Courts, a military spouse attorney authorized to practice under this Rule shall timely file an IOLTA Compliance Report in accordance with

Rule 16-608 and a Pro Bono Legal Service Report in accordance with Rule 16-903.

Source: This Rule is new.