

IN THE COURT OF APPEALS OF MARYLAND

R U L E S O R D E R

When adopting the Title 20 Rules governing the Maryland Electronic Courts (MDEC) case management and e-filing system in May 2013, this Court recognized that, notwithstanding the careful work that had gone into the development of those Rules, MDEC would constitute a major and dramatic shift in the operations and procedures in both the trial and appellate courts of the State, that it was highly complex, that some changes in the initial Rules likely would be necessary based on actual experience when the new system was implemented, and that, in order to lessen confusion and avoid disruptions, some of those changes might have to be made very quickly.

The implementation of MDEC commenced on October 14, 2014 in the District and Circuit Courts in Anne Arundel County. Pursuant to Rule 20-102 (b), the Rules in Chapter 400 of Title 20 therefore apply to appellate proceedings in the Court of Appeals and Court of Special Appeals commenced on or after that date that seek review of orders or judgments entered in

those courts in Anne Arundel County. In addition, this Court has decided to apply the Rules in Chapter 400 of Title 20 to proceedings invoking the original jurisdiction of the Court, including proceedings emanating from the Attorney Grievance Commission and the Commission on Judicial Disabilities. A number of issues quickly arose regarding how, in particular circumstances, the Rules in Chapter 400 of Title 20, governing these appellate and special proceedings, applied. Some of those issues, not requiring any change in the Rules, were addressed by a clarifying Notice posted on the Judiciary Website. Several, however, require immediate amendments to Rule 20-405 and a new Rule 20-406.

The Court has consulted with the Chair of its Standing Committee on Rules of Practice and Procedure but has decided that, due to the exigent circumstances, it needs to act immediately on its own initiative. The Court, having considered at an open meeting, notice of which was posted as prescribed by law, the Rules changes attached to this Order and any comments received with respect to them, and finding that an emergency exists with reference to those Rules changes, it is this 6th day of November, 2014,

ORDERED, by the Court of Appeals of Maryland, that amendments to Rule 20-405 and new Rule 20-406 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED, that the Rules changes hereby adopted shall take effect on November 7, 2014 at 12:01 a.m. and shall govern the courts of this State and all parties and their attorneys in all actions and proceedings to which those Rules apply from and after that date and time; 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/ Glenn T. Harrell, Jr.

Glenn T. Harrell, Jr.

/s/ Lynne A. Battaglia

Lynne A. Battaglia

/s/ Clayton Greene, Jr.

Clayton Greene, Jr.

/s/ Sally D. Adkins

Sally D. Adkins

/s/ Robert N. McDonald

Robert N. McDonald

/s/ Shirley M. Watts

Shirley M. Watts

Filed: November 6, 2014

/s/ Bessie M. Decker

Clerk
Court of Appeals of Maryland

MARYLAND RULES OF PROCEDURE
TITLE 20 - ELECTRONIC FILING AND CASE MANAGEMENT
CHAPTER 400 - APPELLATE REVIEW

AMEND Rule 20-405 to specify certain electronically filed submissions as to which eight paper copies also are required to be filed, as follows:

Rule 20-405. OTHER SUBMISSIONS

(a) Applicability

This Rule applies to a document filed in an appellate court that is not a brief, record extract, or appendix.

(b) Electronic Filing

Unless otherwise ordered by the Court, a submission by an attorney, a self-represented litigant who is a registered user, the Court, a judge of the Court, or a Clerk in an affected action shall be filed electronically.

(c) Paper Copies Required from Persons who File Electronically

An attorney or ~~self-represented litigant~~ other registered user who files ~~a submission~~ any of the following submissions electronically also shall file eight copies of the submission in paper form:

(1) a petition for certiorari to the Court of Appeals or a response to the petition;

(2) a petition to the Court of Appeals for a writ of mandamus, a writ of prohibition, or other extraordinary relief or

a response to the petition;

(3) a motion for reconsideration filed pursuant to Rule 8-605 or a response to the motion;

(4) in an attorney grievance matter, (A) exceptions filed in the Court of Appeals pursuant to Rule 16-758 or a response to the exceptions, (B) recommendations concerning the appropriate disposition of a matter under Rule 16-759 (c) or a response to the recommendations, (C) a petition filed in the Court of Appeals under Rule 16-771, 16-773, 16-774 (b), or 16-781 or a response to the petition, (D) an application filed in the Court of Appeals pursuant to Rule 16-775 (a) or a response to the application;

(5) in a matter reaching the Court of Appeals from the Commission on Judicial Disabilities, (A) exceptions filed in the Court of Appeals to the findings, conclusions, and recommendation of the Commission pursuant to Rule 16-809 or a response to the exceptions, or (B) an agreement to discipline by consent filed in the Court of Appeals pursuant to Rule 16-808 (1); or

(6) any other petition filed in the Court of Appeals invoking the original jurisdiction of that Court or a response to the petition.

(d) Service of Submissions Filed Electronically

Service of an electronically filed submission shall be made in accordance with Rule 20-205 (d).

(e) Persons who do not File Electronically

A person who is not required to file electronically and files a document in paper form shall file and serve the number of

paper copies required by Title 8 of these Rules.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
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ADD new Rule 20-406, as follows:

Rule 20-406. TIME FOR FILING SUBMISSIONS

(a) Electronic Submissions

(1) Generally

An electronic submission shall be filed within the time allowed by the applicable Rule in Title 8.

(2) Where Paper Copies Required in Addition to the Electronic Filing

Where, under Rules 20-403 (b), 20-404 (b), or 20-405 (c), a submission is required to be filed both electronically and in paper form, the submission shall be deemed to be filed timely if (A) the electronic submission is filed within the time allowed by the applicable Rule in Title 8, and (B) the paper copies are mailed, delivered to a third-party commercial carrier, or delivered to the clerk's office on the next business day.

Committee note: If a submission is required to be filed both electronically and in paper form, the paper copies must be timely filed under this Rule and be identical in all respects to the electronic submission. No additions, deletions, or other changes are permitted. A failure to timely file the electronic submission or the required number of paper copies identical to the submission may result in the submission being stricken.

(b) Submissions Solely in Paper Form

A submission properly filed solely in paper form shall be

filed within the time allowed by the applicable Rule in Title 8.

Source: This Rule is new.