

SEAN D. WALLACE  
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SEVENTH JUDICIAL CIRCUIT  
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**CONFERENCE OF CIRCUIT JUDGES**  
**COMMITTEE ON COMPLEX LITIGATION**

NOTES FROM JUNE 8, 2021 MEETING  
BUSINESS & TECHNOLOGY WORK GROUP

Time: 4:30 – 6:00pm  
Place: Virtual (Zoom)  
Attendees:

Judge Wallace  
Judge Kehoe  
James Reilly  
Jean Lewis

Judge Geller  
Judge R. Rubin  
William Krulak  
Eric Orlinsky

Staff:  
Linda Fallowfield

**Next Work Group Meeting** July 8, 12:30 – 1:30 pm via Zoom

Notes

Meeting commenced with introductions from the members of the Work Group (WG). Judge Wallace, Chair of the Committee on Complex Litigation, provided a brief history of the business and technology work groups and resulting recommendations. Judge Wallace then reviewed the changes to the BTCMP presumptive criteria proposed to the Rules Committee and stated that the General Court Administration Subcommittee of the Rules Committee had recommended approval of the request, The change must now go to the full Rules Committee and the Court of Appeals for final approval.

Judge Wallace then directed the WG's attention to the 4<sup>th</sup> item on the agenda: obtaining input on how BTCMP cases should be identified, e.g., should the case information sheets be revised? Judge Rubin stated that since 2009 Montgomery County has used a gatekeeper system whereby all requests for BTCMP assignment are directed to Judge Rubin who then reviews and decides whether to recommend admission of a case into the BTCMP. Judge Wallace then asked how is case even identified for BTCMP purposes? Judge Rubin stated that the request may be in the civil cover sheet, the complaint or in a motion filed by one of the parties. Judge Geller stated that in Baltimore City

the request for BTCMP can be in a motion or in the cover sheet. The Administrative Judge in each county decides whether to admit the case into the BTCMP.

WG members noted that the BTCMP program is not uniform in the Maryland Circuits and that Attorneys face different sets of rules in each of the Circuits. Judge Wallace, along with the WG, agreed on the need for uniformity and stated that the WG could develop best practices and present recommendations to the CCJ.

Judge Wallace then asked how would a judge know early on that a case belongs in the BTCMP? The discussion moved to addressing the issue with rural and other counties that don't have a BTCMP program. A WG member suggested that the Circuits be surveyed to see how they identify BTCMP cases. Judges Wallace and Kehoe stated that this issue could best be addressed with each Administrative Judge and in circuit court bench meetings. Judge Kehoe suggested that judges be educated on how to identify BTCNP cases and that the attorneys/Bar be educated to proactively ask that cases be placed into the BTCMP program.

Judge Kehoe suggested that B&T judges be cross designated so that the Administrative Judge in counties with fewer or no B&T judges be able to refer a case, or part of a case, to a judge from another county. Judge Rubin noted that, for a number of years, circuit court judges have been cross-designated as district court judges by the Chief Judge of the Court of Appeals so that they can sign search warrants that are to be served in a county other than that in which they reside. The Chief Judge could similarly cross-designate B&T judges. This issue should be referred to the Committee.

A WG member also asked that a list of current BTCMP judges be placed on the BTCMP website and that BTCMP procedures for each Circuit also be placed on the BTCMP Website. The WG agreed to bring this request to the Committee.

It also was suggested that B&T opinions be made available to the Bar through Westlaw and LEXIS. The WG agreed to bring this request to the Committee.

Judge Wallace then asked for nominations for a Chair for the WG. Judge Rubin was nominated and approved as Chair.

The Coordinator advised the WG of the tentatively scheduled 2022 Boot Camp for BTCMP judges and asked for WG recommendations for curriculum. She advised on the budget and estimated number of participants. WG members stated that they look to George Mason Law School and the American College of Business Court Judges for programs and asked the Coordinator if she could obtain previous agendas from some of those programs.

#### Due Date

#### Action Items for the WG Members:

- 1) (For Judges) Send your circuit's BTCMP procedures to Coordinator June 18, 2021
- 2) Consider additional recommendations for BTCMP program
- 3) Start preparing curriculum recommendations for Boot Camp

Action Items for Staff:

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| 1) Obtain previous agendas from the George Mason and the American College of Business Court Judges and forward them onto the WG | June 18, 2021 |
| 2) Email WG members with cost information on the Boot Camp  | June 18, 2021 |
| 3) Put on the agenda for next Committee meeting the WG's requests:  | June 18, 2021 |
| a. Post names of current BTCMP Judges on BTCMP website  |               |
| b. Post BTCMP processes for each circuit  |               |
| c. Make BTCMP opinions available through Westlaw  |               |
| d. Cross designation of BTCMP judges  |               |