

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

MINUTES FROM JUNE 24, 2021 COMMITTEE ON
COMPLEX LITIGATION

Time: 4:30 – 6:00 pm

Place: Virtual (Zoom)

Attendees:

Judge Wallace, Chair
Judge Ensor
Judge Kehoe
Judge Rubin

Judge Beckstead
Judge Fletcher-Hill
Judge Mulford

Staff:

Linda Fallowfield

Next Committee Meeting October 14, 2021, 4:30 – 6:00 pm via Zoom

Minutes

Work Group Activities

1. MEDMAL - Meeting commenced with the Work Group (WG) representatives reporting on their WG activities. The MEDMAL WG representative, Judge Wallace, informed the Committee that the MEDMAL WG had their first meeting on June 4, 2021. The WG agreed that one of their goals would be to reduce paperwork and make the MEDMAL litigation process more user-friendly. The discussion at the first WG meeting also focused on ways to improve uniformity in scheduling orders. Judge Wallace stated that WG members have been asked to discuss scheduling orders with their colleagues for possible recommendations in this area. Judge Wallace then informed the Committee that the WG asked the Coordinator to send an email to the MSBA requesting that the MSBA post a public announcement soliciting input and recommendations for the WG's focus. The Coordinator reported the responses received from the public thus far: a few substantive recommendations, but mostly questions about WG membership/mission and requests to join the WG.

The Committee discussed creating a new section in the BTCMP website that could provide information about the WG's members and mission. The question about posting the WG' Notes was also discussed. The Committee agreed that they were in favor of transparency and posting information about members and mission on the BTCMP Website but questioned whether this information could be released publicly. Additionally, one Committee member cautioned that both Committee and WGs should be prepared for the public contacting them and decide in advance how they should respond to public requests for discussion and information.

Judge Wallace agreed to consult with Judge Baynes about what information the Committee can release publicly about the WGs including whether the Notes can be released.

2. Business & Technology - Judge Rubin, Chair of the Business & Technology WG, reported on the activities of the WG. The first WG meeting was held on June 8, 2021. The WG members discussed a broad range of topics. One member requested that a list of current BTCMP judges be posted on the BTCMP website as well as the process for admitting BTCMP cases per circuit. Judge Rubin stated that MSBA is trying to focus on counties where there is no obvious BTCMP process in place. Judge Wallace stated that he thinks that the lack of BTCMP processes in the smaller counties could be addressed in training. Judge Rubin also raised the question of how the various circuits admit a case into the BTCMP, e.g., through motion or in an administrative form. Judge Kehoe said that this should be an administrative process not done through motion as a denial of a motion is appealable. Judge Wallace said that the WG could collect information on how the various circuits handle admission to the BTCMP and develop recommendations.

Judge Rubin then raised the issue of cross designations as an option for the smaller circuits in handling their BTCMP cases. He noted that Montgomery County has permitted cross designation between its circuit court and district court judges so that circuit court judges can handle some district court matters. Judge Kehoe suggested that cross designation might be more appropriate for short term matters. Judge Wallace noted the strong pushback on cross designation from the administrative judges but indicated that the question of cross designation could be raised during training. One Committee member noted that another resource for the smaller counties would be the senior judges.

The last issue raised by the WG was the request to post BTCMP opinions on Westlaw. The Coordinator advised that this could be accomplished with no cost to the agency. Judge Rubin noted that in previous years BTCMP opinions had been available on Westlaw. Judge Wallace agreed to check with Judge Baynes as to whether the Committee could approve this request (or if the request had to be routed through AOC). Judge Wallace then briefly reviewed the changes to the presumptive BTCMP criteria approved by the Rules Committee.

Boot Camp Training

The discussion turned to the 2-day Boot Camp tentatively set for April 21-22, 2022. The Coordinator advised the Committee that the 2022 Judicial Conference was set for April 27-29, 2022 and asked if the Boot Camp proposed date was too close in time to the 2022 Judicial Conference. The Committee mostly agreed that the proximity of the Boot Camp's date to the 2022 Judicial Conference should not be an issue but directed the Coordinator to check with the Judicial College to ascertain if the College had concerns about the proposed date.

Miscellaneous Matters:

The Coordinator raised the last issue before the Committee. She requested that the “Links” page on the BTCMP Website (which currently has links to other out of state courts) be deleted and an “Announcements” page put in its place. The Committee approved the request.

The next date and time were set for October 2022, after the next Conference on Circuit Judges Meeting in September, 2022.

Action Items for Chair

Due Date

Confer with Judge Baynes about:

- 1) posting BTCMP opinions on Westlaw
- 2) posting the names of the MEDMAL and Business & Technology WG members on BTCMP Website
- 3) posting WG mission statements on BTCMP Website
- 4) posting Minutes/Notes from Committee and WG meetings on BTCMP Website
- 5) posting current BTCMP Judges on BTCMP website

Action Items for Staff

Circulate Minutes to Committee Members	June 30, 2021
Draft Report for CCJ	June 30, 2021
Submit formal approval for Boot Camp April 21-22, 2022 to Judicial College	June 28, 2021
Send out invite for October 14, 2021 Committee Meeting	July 2, 2021
Request Webmaster to delete “Links” page on BTCMP website and put in its place “Announcements”.	July 2, 2021
Add to the “Announcements” page the request from the MedMal Workgroup for input and recommendations.	July 2, 2021
Send out agendas for upcoming WG meetings. Business & Technology	July 2, 2021
MEDMAL	August 10, 2021

Action Items for Workgroups

Business & Technology:

Collect data on how the various Circuits handle admission into the BTCMP. Develop recommendations
Develop curriculum recommendations for Boot Camp

MEDMAL:

Collect data on how the various Circuits handle scheduling orders. Develop recommendations for uniformity.

