

SEAN D. WALLACE
CIRCUIT COURT JUDGE
SEVENTH JUDICIAL CIRCUIT
CHAIR
P: (301) 952-4056



LINDA FALLOWFIELD
STAFF
P: (410) 260-3661

CONFERENCE OF CIRCUIT JUDGES
COMMITTEE ON COMPLEX LITIGATION

MINUTES FROM OCTOBER 14, 2021 COMMITTEE ON
COMPLEX LITIGATION

Time: 4:30 – 6:00 pm

Place: Virtual (Zoom)

Attendees:

Judge Wallace, Chair
Judge Fletcher-Hill
Judge Mulford
Judge Rubin

Judge Ensor
Judge Kehoe
Judge Pauler

Staff:

Linda Fallowfield

Next Committee Meeting January 20, 2022, 4:30 – 6:00 pm via Zoom

Minutes

Proposed Amendments to Rule 16-308

The Committee meeting commenced with an update on the proposed amendments to Rule 16-308. Judge Wallace reported that the Rules Committee had approved the proposed amendments and referred the amendments to the Maryland Court of Appeals for final approval. Judge Wallace was asked whether the proposed amendments had been placed on the Court of Appeals docket yet. He responded that he did not know but would check. Judge Fletcher-Hill then identified a typo on page 2 of the amendments (“of the liability or indemnity of officers...” should be “or the liability or indemnity of officers....”). Judge Wallace indicated he would look into getting it corrected.

Boot Camp Training

The discussion turned to the 2-day Boot Camp set for April 21-22, 2022. Judge Rubin, Chair of the Business & Technology Work Group (WG) reviewed the proposed agenda with the Committee. Judge Rubin said that the speakers have been lined up for the most part, but he is still working to

secure a luncheon speaker for Day 1. Judge Rubin said the curriculum provided a comparison of Maryland versus Delaware law on business & technology topics and would vary in content enough to interest seasoned business & technology judges as well as interest newer judges to the program. Judge Rubin asked the Committee if WG members would be permitted to attend as well as out of state business judges and Senior and current Maryland judges interested in serving as business & technology judges. Judge Ensor asked if there would be room for all the additional attendees. The Complex Litigation Coordinator reported that she had reserved 3 adjoining rooms at AOC with a capacity of approximately 90 people. She also stated that the Education Committee approved the Boot Camp as did the State Court Administrator.

Judge Mulford then asked 2 questions: 1) is there buy in from the administrative judges so that all business & technology judges who wanted to attend could attend regardless of attendance at other educational events, and 2) if out of state judges are not permitted to attend will the agenda still provide a comparison of Maryland versus Delaware law. After discussion on these questions, Judge Wallace replied that he would encourage the Conference of Circuit Judges (CCJ) during the November 15, 2021, meeting to make the Boot Camp available to all business & technology judges who wished to attend, reminding the CCJ that Rule 16-308 requires BTCMP judges to be specially trained. Judge Ensor also stated that Committee members can speak to their administrative judges about the importance of business & technology judges attending the Boot Camp.

Regarding Judge Mulford's second question, Judge Rubin responded that a comparison between Maryland versus Delaware law would remain on the agenda because it is good to hear different viewpoints. Additionally, as there is little Maryland case law on business & technology topics the Maryland Court of Appeals tends to cite to Delaware opinions. Judge Wallace affirmed stating that as Delaware case law is cited, he thinks it is good to bring in speakers from Delaware.

The Committee then reviewed the "Save-the-Date" flyer for the Boot Camp and approved its use (subject to correcting a minor typo).

BTCMP Website

The Committee reviewed the revised BTCMP website (in test environment). The Committee directed that the first sentence on the "Committee on Complex Litigation" page be changed to reflect that Rule 16-308 was adopted by the Maryland Court of Appeals. The Committee also requested that the "Save the Date" flyer be added to the "Announcements" link and referenced in the text on the "Committee on Complex Litigation" and BTCMP pages on the website. The Committee also requested that a registration link be set up now and added to the website so that registration can be begin.

The Complex Litigation Coordinator asked if registration should be tiered or opened immediately to all - including all out of state business judges, Senior Maryland Judges and current Maryland judges interested in serving as BTCMP judges. The Committee instructed the Coordinator to open registration to all.

Judge Mulford asked if District Court Judges or magistrates could attend the Boot Camp. The Committee responded in the negative. Judge Mulford suggested that the flyer reflect that only business & technology eligible judges are permitted to attend. The Committee directed the Coordinator to revise the 3rd bullet under "Who Should Attend" in the flyer to state "Circuit Court and Appellate Judges interested in Business & Technology cases."

The Committee approved the website redesign and authorized it to go live.

The Complex Litigation Coordinator asked the Committee's opinion about Item 4.c on the agenda: whether the "Announcements" link could list all training opportunities for business & technology judges including ABA classes and for-profit classes. The Committee instructed the Coordinator that the "Announcements" link should carry only AOC training announcements.

Judge Rubin then raised the last item on the agenda regarding cross designations of BTCMP judges reminding the Committee that Chief Justice Barbera permitted cross designation of judges. Judge Kehoe stated the need to get buy in from the administrative judges and clarified that the cross designation would be limited mainly to emergency motions and discovery issues and could be done mostly via zoom.

Judge Wallace noted that Rule 16-308 specifically references cross designation in Section (b) so he does not believe the issue needs to be addressed further. Judge Kehoe also noted that Senior Judges do not need a cross designation as they are permitted to work in any circuit.

MEDMAL WG

Judge Beckstead was unable to attend and asked the Complex Litigation Coordinator to give an update to the Committee about the WG's activities and to inform them of the WG's recommendation. The Coordinator stated that due to difficulties with scheduling and double-booking issues the WG is recommending that trial dates be set up front at the beginning of MEDMAL litigation instead of later in the process. Judge Mulford said the Anne Arundel County will oppose any such effort as their studies reflect that only 8% of MEDMAL cases actually go to trial and that every County handles the issue of setting trial dates differently. Judge Wallace said that will be inform the CCJ of the WG recommendation. Judge Ensor also stated that she will have more information at the next MEDMAL WG meeting, which is set for next Tuesday, October 19, 2021. The Coordinator also notified the Committee that the WG was developing recommendations for scheduling orders and case time standards.

As a final question, Judge Mulford asked what would happen if the Boot Camp was required to be held virtually. Judge Wallace stated that unless the Committee is told differently, the Boot Camp will be held in person.

Action Items for Chair

- 1) Determine whether proposed amendments to Rule 16-308 have been formally sent to the Maryland Court of Appeals.
- 2) Correct typo on page 2 of the proposed Rule.
- 2) Place on the Agenda for the CCJ Meeting in November:
 - a) CCJ encouragement of attendance at the Boot Camp
 - b) MEDMAL WG recommendation regarding scheduling of trial dates at the beginning of litigation.

Action Items for Staff

Circulate Minutes to Committee Members

Draft Report for CCJ

Send out invite for January 20, 2022, Committee Meeting

Set up registration link for the Boot Camp

Revise 'Save the Date' flyer

Request Webmaster to

- 1) Correct text on "Committee on Complex Litigation" page
- 2) Add information about the Boot Camp to the text of the "Committee on Complex Litigation" and BTCMP page
- 3) Add flyer to the "Announcements" link
- 4) Add registration link to the text and "Announcements" link.