

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 JANUARY 21, 2022 COMMITTEE ON
COMPLEX LITIGATION

Time: 4:30 – 6:00 pm

Place: Virtual (Zoom)

Attendees:

Judge Wallace, Chair
Judge Fletcher-Hill
Judge Pauler

Judge Ensor
Judge Kehoe
Judge Rubin

Staff:

Linda Fallowfield

Next Committee Meeting March 10, 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. A hearing on the proposed bill is scheduled for January 27th at 2pm and is open to the public.

MEDMAL WG

The Complex Litigation Coordinator gave an update to the Committee about the WG's activities. She said that at the last meeting the WG members discussed the need for setting the trial date at the outset of litigation and inquired as to whether case time standards and healthcare arbitration were within the purview of the WG's mission. The WG then submitted a new recommendation for the Committee's consideration:

“After an answer is filed, trial date (s) shall be set and a scheduling order shall be entered by a 1) filing a proposed scheduling order agreed upon by all parties, or 2) attendance at a scheduling hearing. Under either option, the trial dates and any hearing dates will be arrived at in coordination with the appropriate Court Assignment Office/Calendar.”

The Committee discussion that followed acknowledged that the recommendation may not reflect the administrative issues of jurisdictions and acknowledged the difficulties in implementing such a recommendation during the pandemic, but the Committee ultimately agreed to submit the recommendation to the Conference of Circuit Judges (CCJ). In acknowledgement of individual court docket issues, the Committee will note that the recommendation should be implemented in individual jurisdictions as appropriate and not on a statewide basis.

Judge Wallace, who attended the MEDMAL WG meeting, noted that the WG had complaints about timeliness standards and the healthcare arbitration process (which is waived a lot). He informed them that the case time standards and healthcare arbitration were outside of the purview of the WG. But as the WG was created to obtain input from the Bar to improve the respective processes, if the WG made recommendations, the Committee could consider and pass along to the appropriate decisionmaker.

Business & Technology Workgroup

The Chair from the Business & Technology then gave an update on the WG. He discussed the Bootcamp’s program and quality of speakers. He stated that the presenters will provide good and usable program materials for the attendees to take home. He also stated that one of the speakers, Chief Justice Leo Strine (ret.) has agreed that his presentation (full text and Q&A portions) can be published in the University of Maryland Law Review. Jim Hanks of Venable LLP is discussing this matter with the Law School. The Chair also reported that he has agreed to chair the Judicial College 2022 and 2023 Program Committee for one day courses for Business & Technology judges.

The Coordinator then relayed the MACRO (Mediation and Conflict Resolution Office) Program Director’s request to speak at the Bootcamp. The Chair said that there was not sufficient room in the Bootcamp agenda to include a 30-minute presentation from the MACRO Team but that he will 1) include any materials in the handouts, and 2) include the MACRO team on the October 2022 one day Business & technology training class.

The Coordinator then raised the question about conducting the bootcamp virtually or providing a virtual option given the ongoing pandemic. The Committee Members decided to delay any decision in this regard until the end of February when the Chief Justice will be making decisions concerning the opening of the Courts. The Committee Chair also directed the Chair of the WG to investigate contingencies for the bootcamp in case the pandemic is still at the same levels in April.

Request to Review MACRO Mediator Applications

Last, the Chair discussed the request received by the Program Director of MACRO for the WGs to review mediator application for their respective fields. The Chair said that he did not think the WGs should be reviewing the applications because they are an advisory body only and consist of attorneys as well as judges. The Chair noted that the applications cover circumstances when the court mandates mediation under Rule 17.207. He noted that Rule 17.207 requires approval of ADR practitioners by the Committee of Program Judges which no longer exists. Judge Wallace opined that either the Committee could review the applications or the CCJ could appoint a new body of

Judges to approve. He asked the Committee to review Rule 17.207 and decide for the next Committee Meeting whether the Committee recommendation to the CCJ should be that the Committee review the applications of the CCJ or appoint a new body of Program Judges to approve the applications.

Action Items for Committee Members

- 1) Review Rule 17.207 and formulate recommendation for the CCJ as to what body of judges should be reviewing mediator applications when the Court mandates to the parties that the mediator must be from an approved list.
- 2) Register for the Bootcamp if you plan to attend.

Action Items for Staff

Circulate Minutes to Committee Members

Send out invite for March 10, 2022, Committee Meeting

Add to agenda for March 10 Meeting:

- 1) What should the Committee recommendation be regarding approval of mediator applications? Should it be done by the Committee on Complex Litigation or should the CCJ appoint a new Committee of Program Judges.