

IN THE COURT OF APPEALS OF MARYLAND

R U L E S O R D E R

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Eighty-Sixth Report to the Court recommending, in part, adoption, on an emergency basis, of proposed new Rule 20-204.1 and amendments to Rules 20-102 (a) (1), 16-307, and 16-506 of the Maryland Rules of Procedure; and

This Court having considered those proposed Rules changes at an open meeting, notice of which was posted as prescribed by law, and finding that an emergency does in fact exist with reference to the proposed Rules changes, it is this 2nd day of October, 2014,

ORDERED, by the Court of Appeals of Maryland, that new Rule 20-204.1 and amendments to Rules 20-102 (a) (1), 16-307, and 16-506 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that the Rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after October 14, 2014 and, insofar as practicable, to all actions then pending; 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: October 2, 2014

/s/ Bessie M. Decker

Clerk
Court of Appeals of Maryland

MARYLAND RULES OF PROCEDURE

TITLE 20 - ELECTRONIC FILING AND CASE MANAGEMENT

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 20-102 (a) (1) by deleting certain parenthetical language and adding the date "October 14, 2014," as follows:

Rule 20-102. APPLICATION OF TITLE TO COURTS AND ACTIONS

(a) Trial Courts

(1) Applicable Counties and Dates

(A) Anne Arundel County is an applicable county from and after ~~[date to be set by further Order of the Court of Appeals]~~ October 14, 2014.

(B) There are no other applicable counties.

Committee note: The MDEC Program will be installed sequentially in other counties over a period of time. As additional counties become applicable counties, they will be listed in new subsections (a) (1) (B) through (a) (1) (X).

(2) Actions, Submissions, and Filings

(A) New Actions and Submissions

On and after the applicable date, this Title applies to (i) new actions filed in a trial court for an applicable county, (ii) new submissions in actions then pending in that court, (iii) new submissions in actions in that court that were concluded as of the applicable date but were reopened on or after that date, (iv) new submissions in actions remanded to that court by a higher court or the United States District Court, and (v) new submissions in actions transferred or removed to that court.

(B) Existing Documents; Pending and Reopened Cases

With the approval of the State Court Administrator, (i) the County Administrative Judge of the circuit court for an applicable county, by order, may direct that all or some of the documents that were filed prior to the applicable date in a pending or reopened action in that court be converted to electronic form by the clerk, and (ii) the Chief Judge of the District Court, by order, may direct that all or some of the documents that were filed prior to the applicable date in a pending or reopened action in the District Court be converted to electronic form by the clerk. Any such order shall include provisions to ensure that converted documents comply with the redaction provisions applicable to new submissions.

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MARYLAND RULES OF PROCEDURE
TITLE 20 - ELECTRONIC FILING AND CASE MANAGEMENT
CHAPTER 200 - FILING AND SERVICE

ADD new Rule 20-204.1, as follows:

Rule 20-204.1. ELECTRONIC ISSUANCE OF ORIGINAL PROCESS - CIVIL

(a) Applicability

This Rule applies to the issuance of process on an complaint or other submission electronically filed in a civil action requiring service by original process.

Committee note: This Rule does not apply to a paper submission, even if it is to be served by original process or is filed by a registered user pursuant to an exception listed in Rule 20-106.

(b) Inapplicability of Rules 2-111 (b) and 3-111 (a).

The filer of a complaint or other submission requiring service by original process shall not furnish any paper copies to the clerk.

Committee note: The filer of a paper submission must comply with Rule 2-111 (b) or 3-111 (a) by furnishing to the clerk the appropriate number of paper copies.

(c) Issuance of Process

For each summons, the clerk shall comply with Rule 2-112 or 3-112, as applicable, by issuing the summons and providing it electronically to the filer through the MDEC system. Unless otherwise ordered by the court, the clerk is not required to deliver process to any person other than the filer.

(d) Paper Copies of Process

For each person to be served, the filer shall print a paper copy of the summons and each paper to be served with the summons and shall deliver the summons, papers, and any required fee to the sheriff or other person who will be serving process.

(e) Responsibility of Filer for Service and Return of Process

The filer shall be responsible for service and return of process in accordance with the applicable Rules in Title 2 or 3.

Cross reference: For persons authorized to serve or execute process, see Rules 2-123 and 3-123.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 300 - CIRCUIT COURT CLERKS' OFFICES

AMEND Rule 16-307 a. to add the words "or the Rules in Title 20," as follows:

Rule 16-307. ELECTRONIC FILING OF PLEADINGS, PAPERS AND REAL PROPERTY INSTRUMENTS

a. Applicability; Conflicts with Other Rules

This Rule applies to the electronic filing of pleadings and papers in a circuit court and to the electronic filing of instruments authorized or required by law to be recorded and indexed in the land records. A pleading, paper or instrument may not be filed by direct electronic transmission to the court except in accordance with this Rule or the Rules in Title 20. To the extent of any inconsistency with any other Rule, this Rule and any administrative order entered pursuant to it shall prevail.

Committee note: Code, Real Property Article, §3-502.

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MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 500 - COURT ADMINISTRATION - DISTRICT COURT

AMEND Rule 16-506 (a) to add the words "or the Rules in Title 20," as follows:

Rule 16-506. ELECTRONIC FILING OF PLEADINGS AND PAPERS

(a) Applicability; Conflicts with Other Rules

This Rule applies to the electronic filing of pleadings and papers in the District Court. A pleading or paper may not be filed by direct electronic transmission to the Court except in accordance with this Rule or the Rules in Title 20. This Rule and any administrative order entered pursuant to it prevail if inconsistent with any other Rule.

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