

IN THE SUPREME COURT 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 Two Hundred and Twenty-Third Report to the Supreme Court of Maryland, recommending, *inter alia*, amendments to Rules 1-101, 1-105, 1-301, 1-321, 1-324, 2-541, 4-265, 5-404, 7-103, 7-206.1, 8-201, 8-606, 9-205, 9-205.3, 9-208, 11-103, 11-107, 16-208, 16-402, 16-406, 16-701, 16-901, 17-102, 17-202, 17-205, 17-207, 17-303, 17-602, 17-603, 17-604, 19-217, 19-218, 19.301.2, 19-301.15, 19-301.16, 19-305.5, 19-504, 19-505, 19-752, 20-102, 20-104, 20-109, 20-201, 20-204, 20-205, 20-405, and 20-501 and amendments to Form 19-A.1, all as posted for comment on the website of the Maryland Judiciary; and

This Court having considered the proposed Rules changes, together with comments received, at open meetings, notices of which were posted as prescribed by law, having by Rules Orders dated September 13, 2024 and October 15, 2024 previously adopted, with amendments, certain of the proposed Rules changes and remanded certain of the proposed Rules changes to the Rules Committee for further study, and making on its own motion amendments to certain of the proposed Rules changes, it is this 13th day of November, 2024

ORDERED, by the Supreme Court of Maryland, that amendments to Rules 1-101, 1-105, 1-301, 1-321, 1-324, 2-541, 4-265, 5-404, 7-103, 7-206.1, 8-201, 8-606, 9-205, 9-205.3, 9-208, 11-103, 11-107, 16-208, 16-402, 16-406, 16-701, 16-901, 17-102, 17-202, 17-205, 17-207, 17-303, 17-602, 17-603, 17-604, 19-217, 19-218, 19-301.2, 19-301.15, 19-301.16, 19-305.5, 19-504, 19-505, 19-752, 20-102, 20-104, 20-109, 20-201, 20-204, 20-205, 20-405, and 20-501 and amendments to Form 19-A.1 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that the amendments to Rules 9-205, 17-102, 17-202, 17-205, 17-207, 17-303, 17-602, 17-603, 17-604, and 19-301.15 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 July 1, 2025 and, insofar as practicable, to all actions then pending; and it is further

ORDERED that all other 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 January 1, 2025 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/ Matthew J. Fader  
Matthew J. Fader

/s/ Shirley M. Watts  
Shirley M. Watts

/s/ Brynja M. Booth  
Brynja M. Booth

/s/ Jonathan Biran  
Jonathan Biran

\* /s/ Steven B. Gould  
Steven B. Gould

/s/ Angela M. Eaves  
Angela M. Eaves

/s/ Peter K. Killough  
Peter K. Killough

\*Justice Gould declined to approve for adoption the amendments to Rules 9-205 (d)(4), 17-202 (d), 17-303 (b)(3), and 17-602 (f)(1).

Filed: November 13, 2024

/s/ Gregory Hilton  
Clerk  
Supreme Court of Maryland

Pursuant to the Maryland Uniform Electronic Legal Materials Act (§§ 10-1601 et seq. of the State Government Article) this document is authentic.



Gregory Hilton, Clerk

MARYLAND RULES OF PROCEDURE

TITLE 1 – GENERAL PROVISIONS

CHAPTER 100 – APPLICABILITY AND CITATION

AMEND Rule 1-101 by deleting the provision from section (t) that differentiates between MDEC and non-MDEC counties, as follows:

Rule 1-101. APPLICABILITY

...

(t) Title 20

Title 20 applies to electronic filing and case management in the trial and appellate courts of this State as specified in Rule 20-102. ~~Where practicable, Rules 20-101 (e), 20-101 (g), 20-101 (u), and 20-107 may be applied to the signature of a justice, judge, judicial officer, judicial appointee, or court clerk in proceedings in a county that is not an MDEC County to the same extent they apply in an MDEC County, and Rules 20-403 through 20-406 may be applied in appeals and other proceedings in the Supreme Court and Appellate Court arising out of a court that is a non-MDEC court to the same extent they apply in matters arising out of a court in an MDEC County.~~

...

MARYLAND RULES OF PROCEDURE

TITLE 1 – GENERAL PROVISIONS

CHAPTER 100 – APPLICABILITY AND CITATION

AMEND Rule 1-105 by changing the term of art “MDEC action” to “action” throughout this Rule; by deleting, as obsolete, subsection (a)(2); by deleting, as obsolete, subsection (c)(1) pertaining to non-MDEC actions; by deleting the cross reference following section (c); and by making stylistic changes, as follows:

Rule 1-105. OFFICIAL RECORD OF MARYLAND RULES AND APPELLATE DECISIONS

(a) Applicability; Definitions

This Rule applies to decisions of the Supreme Court, the Appellate Court, or either of those Courts under their former names and to the Maryland Rules of Procedure. In this Rule, (1) “decision” means an opinion or order of the Supreme Court, the Appellate Court, or either of those Courts under their former names, ~~(2) “MDEC action” has the meaning stated in Rule 20-101,~~ and ~~(3)~~(2) the definitions in Code, State Government Article, § 10-1601 shall apply.

...

(c) Decisions

~~(1) In a Non-MDEC Action~~

~~The official record of a decision of the Supreme Court or the Appellate Court in a non-MDEC action is the paper slip opinion or order filed with the Clerk of that Court. The decision may be cited as provided in subsection (c)(3) of this Rule.~~

~~(2) In an MDEC Action~~

~~(A)(1) In MDEC~~

The official record of a decision of the Supreme Court or the Appellate Court in an MDEC action shall be the electronic record of the decision filed in the MDEC system.

~~(B)(2) Prior to MDEC~~

Notwithstanding the provisions of Rule 20-301, prior to July 1, 2018, the official record of a decision of the Supreme Court or the Appellate Court shall be the paper slip opinion or order filed with the Clerk of that Court. Regardless of whether the official record of a decision in an MDEC action is in electronic or paper form, the decision may be cited as provided in subsection (c)(3) of this Rule.

~~Cross reference: For the definition of “MDEC action,” see Rule 20-101.~~

...

MARYLAND RULES OF PROCEDURE

TITLE 1 – GENERAL PROVISIONS

CHAPTER 300 – GENERAL PROVISIONS

AMEND Rule 1-301 by altering certain provisions in section (c) pertaining to margins, as follows:

Rule 1-301. FORM OF COURT PAPERS

...

(c) Size of Papers – Backers Prohibited

Except as otherwise provided, any paper filed shall be 8 ½ inches wide and 11 inches in length, shall have a ~~top margin and left hand margin of not less than 1 ½ inches~~ margin of not less than one inch at the top and bottom and on each side, and shall be without a back or cover.

...

MARYLAND RULES OF PROCEDURE

TITLE 1 – GENERAL PROVISIONS

CHAPTER 300 – GENERAL PROVISIONS

AMEND Rule 1-321 by deleting, as obsolete, the cross reference following section (b) of this Rule, as follows:

Rule 1-321. SERVICE OF PLEADINGS AND PAPERS OTHER THAN ORIGINAL PLEADINGS

...

(b) Service After Entry of Limited Appearance

Every document required to be served upon a party's attorney that is to be served after entry of a limited appearance also shall be served upon the party and, unless the attorney's appearance has been stricken pursuant to Rules 2-132 or 3-132, upon the limited appearance attorney.

~~Cross reference: See Rule 1-324 with respect to the sending of notices by a clerk when a limited appearance has been entered.~~

...

MARYLAND RULES OF PROCEDURE

TITLE 1 – GENERAL PROVISIONS

CHAPTER 300 – GENERAL PROVISIONS

AMEND Rule 1-324 by deleting, as obsolete, section (b) and the Committee note following section (b) and by making stylistic changes, as follows:

Rule 1-324. NOTIFICATION OF ORDERS, RULINGS, AND COURT PROCEEDINGS

...

~~(b) Notification When Attorney Has Entered Limited Appearance~~

~~If, in an action that is not an MDEC action as defined in Rule 20-101 (m), an attorney has entered a limited appearance for a party pursuant to Rule 2-131 or Rule 3-131 and the automated operating system of the clerk's office does not permit the sending of notifications to both the party and the attorney, the clerk shall send all notifications required by section (a) of this Rule to the attorney as if the attorney had entered a general appearance. The clerk shall inform the attorney that, until the limited appearance is terminated, all notifications in the action will be sent to the attorney and that it is the attorney's responsibility to forward to the client notifications pertaining to matters not within the scope of the limited appearance. The attorney promptly shall forward to the client all such notifications, including any received after termination of the limited appearance.~~

~~Committee note: If an attorney has entered a limited appearance in an affected action, section (a) of this Rule requires the MDEC system or the clerk to send all court notifications to both the party and the party's limited representation attorney prior to termination of the limited appearance.~~

~~(e)(b) Inapplicability of Rule~~

This Rule does not apply to show cause orders and does not abrogate the requirement for notice of a summary judgment set forth in Rule 2-501 (f).

Source: This Rule is in part derived from former Rule 1219 and is in part new.

MARYLAND RULES OF PROCEDURE  
TITLE 2 – CIVIL PROCEDURE – CIRCUIT COURT  
CHAPTER 500 – TRIAL

AMEND Rule 2-541 by deleting the provisions in subsection (e)(1), in the Committee note following subsection (e)(1), in subsection (e)(5), and in the Committee note following subsection (e)(5) distinguishing between MDEC counties and non-MDEC counties, as follows:

Rule 2-541. MAGISTRATES

...

(e) Recommendations and Report

(1) Notification of Recommendations

The magistrate shall notify each party of the recommendations and contents of the proposed order, either (A) on the record at the conclusion of the hearing or (B) thereafter in writing filed with the clerk, who shall serve the recommendations and proposed order on each party as provided by Rule 20-205 ~~in MDEC counties or Rule 1-321 in Baltimore City until it becomes an MDEC county.~~ The clerk shall make a docket entry notation of the date and method of the notification.

Committee note: Rule 20-205 (c) requires that the clerk ~~in a MDEC county~~ serve certain individuals, including persons entitled to service who are not registered users of MDEC, in the manner set forth in Rule 1-321.

(2) Notice of Intent to File Exceptions

Within five days from notice of the recommendations pursuant to subsection (e)(1) of this Rule, a party intending to file exceptions shall file a notice of intent to do so with the clerk. The clerk promptly shall notify the magistrate of the filing and make a docket entry of the date and method of the notification. The failure to file a timely notice of intent to file exceptions is a waiver of the right to file exceptions.

(3) Filing of Report

Only the recommendations in the form of a proposed order or judgment need be filed unless the court has directed the magistrate to file a report or if a notice of intent to file exceptions is filed. If the court directed that a report be filed, the magistrate shall file a written report with the recommendations. If a notice of intent to file exceptions is filed, the report shall be filed within 30 days after the notice of intent to file exceptions is filed or within such other time as the court directs.

(4) Contents of Report

Unless otherwise ordered, the report shall include findings of fact and conclusions of law and recommendations in the form of a proposed order or judgment, and shall be accompanied by the original exhibits. A transcript of the proceedings before the magistrate need not be prepared prior to the report unless the magistrate directs, but, if prepared, shall be filed with the report.

(5) Service of Report

Unless service has been made in open court pursuant to subsection (e)(1) of this Rule, the clerk shall serve a copy of any written report, together with the

recommendations in the form of a proposed order or judgment, on each party as provided by Rule 20-205 ~~in MDEC counties or Rule 1-321 in Baltimore City~~ until it becomes an MDEC county.

Committee note: Rule 20-205 (c) requires that the clerk ~~in a MDEC county~~ serve certain individuals, including persons entitled to service who are not registered users of MDEC, in the manner set forth in Rule 1-321.

...

MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

CHAPTER 200 – PRETRIAL PROCEDURES

AMEND Rule 4-265 by adding a provision to subsection (b)(4) concerning the use of subpoenas obtained through the AIS portal, as follows:

Rule 4-265. SUBPOENA FOR HEARING OR TRIAL

...

(b) Issuance

A subpoena shall be issued by the clerk of the court in which an action is pending in the following manner:

...

(4) An attorney of record in a pending action who is a registered user under Rule 20-101 may obtain from the clerk through MDEC or through the AIS portal, for use in that action, an electronic version of a blank form of subpoena containing the clerk's signature and the seal of the court, which the attorney may download, print, and fill in before service.

...

MARYLAND RULES OF PROCEDURE

TITLE 5 – EVIDENCE

CHAPTER 400 – RELEVANCY AND ITS LIMITS

AMEND Rule 5-404 by making stylistic changes, as follows:

Rule 5-404. CHARACTER EVIDENCE NOT ADMISSIBLE TO PROVE  
CONDUCT; EXCEPTIONS; OTHER CRIMES

(a) Character Evidence

(1) Prohibited Uses

Subject to subsections (a)(2) and (3) of this Rule, evidence of a person's character or character trait is not admissible to prove that the person acted in accordance with the character or trait on a particular occasion.

(2) Criminal and Delinquency Cases

Subsection (a)(2) of this Rule applies in a criminal case and in a delinquency case. For purposes of subsection (a)(2), “accused” means a defendant in a criminal case and an individual alleged to be delinquent in an action in juvenile court, and “crime” includes a delinquent act as defined by in Code, Courts Article, § 3-8A-01.

(A) Character of Accused

An accused may offer evidence of the accused's pertinent trait of character. If the evidence is admitted, the prosecution may offer evidence to rebut it.

(B) Character of Victim

Subject to the limitations in Rule 5-412, an accused may offer evidence of an alleged crime victim's pertinent trait of character. If the evidence is admitted, the prosecutor may offer evidence to rebut it.

(C) Homicide Case

In a homicide case, the prosecutor may offer evidence of the alleged victim's trait of peacefulness to rebut evidence that the victim was the first aggressor.

(3) Character of Witness

Evidence of the character of a witness with regard to credibility may be admitted under Rules 5-607, 5-608, and 5-609.

(b) Other Crimes, Wrongs, or Acts

Evidence of other crimes, wrongs, or ~~other~~ acts, including delinquent acts as defined by in Code, Courts Article § 3-8A-01, is not admissible to prove the character of a person in order to show action in the conformity therewith. Such evidence, however, may be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, common scheme or plan, knowledge, identity, absence of mistake or accident, or in conformity with Rule 5-413.

Source: This Rule is derived from F.R.Ev. 404.

MARYLAND RULES OF PROCEDURE

TITLE 7 – APPELLATE AND OTHER JUDICIAL REVIEW IN CIRCUIT COURT

CHAPTER 100 – APPEALS FROM THE DISTRICT COURT TO THE CIRCUIT

COURT

AMEND Rule 7-103 by deleting the provision of section (e) referring to non-MDEC counties, as follows:

Rule 7-103. METHOD OF SECURING APPELLATE REVIEW

...

(e) Transmittal of Record

After all required fees have been paid, the clerk shall transmit the record as provided in Rules 7-108 and 7-109. The clerk shall enter on the docket a statement of the fees paid, ~~and, in a non-MDEC county, forward the filing fee with the record to the clerk of the circuit court.~~

...

MARYLAND RULES OF PROCEDURE

TITLE 7 – APPELLATE AND OTHER JUDICIAL REVIEW IN CIRCUIT COURT

CHAPTER 200 – JUDICIAL REVIEW OF ADMINISTRATIVE AGENCY

DECISIONS

AMEND Rule 7-206.1 by deleting the provision of section (d) referring to an “MDEC county,” as follows:

Rule 7-206.1. RECORD--JUDICIAL REVIEW OF DECISION OF THE  
WORKERS' COMPENSATION COMMISSION

...

(d) Electronic Transmission

If the Commission is required by section (b) of this Rule or by order of court to transmit all or part of the record to the court, the Commission may file electronically ~~if the court to which the record is transmitted is the circuit court for an “MDEC county” as defined in Rule 20-101 (n).~~

Cross reference: See Code, Labor and Employment Article, § 9-739.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 8 – APPELLATE REVIEW IN THE SUPREME COURT AND THE  
APPELLATE COURT

CHAPTER 200 – OBTAINING REVIEW IN THE APPELLATE COURT

AMEND Rule 8-201 by deleting the provision of section (c) referring to circuit courts in non-MDEC counties, as follows:

Rule 8-201. METHOD OF SECURING REVIEW-- THE APPELLATE COURT

...

(c) Transmittal of Record

After all required fees have been deposited, the clerk shall transmit the record as provided in Rules 8-412 and 8-413. The clerk shall enter on the docket a statement of the fees paid, and, if the lower court is ~~a circuit court in a non-MDEC county~~ or an orphans' court, forward the filing fee with the record to the Clerk of the Appellate Court.

...

MARYLAND RULES OF PROCEDURE  
TITLE 8 – APPELLATE REVIEW IN THE SUPREME COURT AND THE  
APPELLATE COURT  
CHAPTER 600 – DISPOSITION

AMEND Rule 8-606 by deleting the term “non-MDEC court” in subsection (d)(1) and adding a provision pertaining to orphans’ courts, and by adding a Committee note following subsection (d)(1), as follows:

Rule 8-606. MANDATE

...

(d) Transmission--Mandate and Record

(1) Generally

Except as provided in subsection (d)(2) of this Rule, upon issuance of the mandate, the Clerk shall transmit it to the appropriate lower court. Unless the appellate court orders otherwise, the original papers comprising the record shall be transmitted with the mandate. If the proceeding emanated from a ~~non-MDEC court~~ an orphans’ court, the mandate shall be transmitted to the lower court in paper form.

Committee note: In Harford County, Howard County, and Montgomery County, direct appeal to the Appellate Court is the only method of appellate review of a judgment of an orphans’ court. See Code, Courts Article, § 12-502. In all other jurisdictions, the appellant has the option of a direct appeal to the Appellate Court or an appeal to the circuit court for the county.

...

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

CHAPTER 200 – DIVORCE, ANNULMENT, ALIMONY, CHILD SUPPORT, AND  
CHILD CUSTODY

AMEND Rule 9-205 by adding new subsection (a)(2)(C) defining “MACRO”; by deleting references to individuals approved by the court and replacing them with individuals on the list approved by MACRO in subsections (c)(3), (d)(1)(A), and (d)(5); by adding to subsection (d)(4) a provision pertaining to the use of the services of a diverse range of qualified mediators; by adding a Committee note following subsection (d)(4); and by updating a cross reference following section (f), as follows:

Rule 9-205. MEDIATION OF CHILD CUSTODY AND VISITATION DISPUTES

(a) Applicability; Definitions

...

(2) In this Rule, the following definitions apply:

(A) “Abuse” has the meaning stated in Code, Family Law Article, § 4-501.

(B) “Coercive control” means a pattern of emotional or psychological manipulation, maltreatment, threat of force, or intimidation used to compel an individual to act, or refrain from acting, against the individual's will.

(C) “MACRO” means the Mediation and Conflict Resolution Office, a unit within the Administrative Office of the Courts.

...

(c) Qualifications of Court-Designated Mediator

To be eligible for designation as a mediator by the court, an individual shall:

- (1) have the basic qualifications set forth in Rule 17-205 (a);
- (2) have completed at least 20 hours of training in a family mediation

training program that includes:

- (A) Maryland law relating to separation, divorce, annulment, child custody and visitation, and child and spousal support;
- (B) the emotional aspects of separation and divorce on adults and children;
- (C) an introduction to family systems and child development theory;
- (D) the interrelationship of custody, visitation, and child support; and
- (E) if the training program is given after January 1, 2013, strategies to (i) identify and respond to power imbalances, intimidation, and the presence and effects of domestic violence, and (ii) safely terminate a mediation when termination is warranted; and

(3) have co-mediated at least eight hours of child access mediation sessions with an individual ~~approved by the county administrative judge on the list maintained by MACRO pursuant to Rule 17-207 (a)(5)(B)~~, or, in addition to any observations during the training program, have observed at least eight hours of such mediation sessions.

(d) Court Designation of Mediator

- (1) In an order referring a matter to mediation, the court shall:

(A) designate a mediator from a list of qualified mediators approved by ~~the court~~ MACRO;

(B) if the court has a unit of court mediators that provides child access mediation services, direct that unit to select a qualified mediator; or

(C) direct an ADR organization, as defined in Rule 17-102, to select a qualified mediator.

(2) If the referral is to a fee-for-service mediation, the order shall specify the hourly rate that the mediator may charge for mediation in the action, which may not exceed the maximum stated in the applicable fee schedule.

(3) A mediator selected pursuant to subsection (d)(1)(B) or (d)(1)(C) of this Rule has the status of a court-designated mediator.

(4) In designating a mediator, the court is not required to choose at random or in any particular order. The court should endeavor to use the services of as ~~many~~ diverse a range of qualified mediators as practicable. The court may consider, in light of the issues and circumstances presented by the action or the parties, any special training, background, experience, expertise, or temperament of the available prospective designees.

Committee note: Courts are encouraged to use a broad range of practitioners that reflect the diversity of the parties who appear before the courts.

(5) The parties may request to substitute for the court-designated mediator another mediator who has the qualifications set forth in Rule 17-205 (a)(1), (2), (3), and (6) and subsection (c)(2) of this Rule, whether or not the mediator's name is on ~~the court's~~ MACRO's list, by filing with the court no later than 15

days after service of the order of referral to mediation a Request to Substitute Mediator.

...

(f) Confidentiality

Confidentiality of mediation communications under this Rule is governed by Rule 17-105.

Cross reference: For the definition of “mediation communication,” see Rule 17-102 ~~(h)~~(i).

Committee note: By the incorporation of Rule 17-105 by reference in this Rule, the intent is that the provisions of the Maryland Mediation Confidentiality Act are inapplicable to mediations under Rule 9-205. See Code, Courts Article, § 3-1802(b)(1).

...

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

CHAPTER 200 – DIVORCE, ANNULMENT, ALIMONY, CHILD SUPPORT, AND

CHILD CUSTODY

AMEND Rule 9-205.3 by deleting the provision in the Committee note following subsection (i)(4) pertaining to non-MDEC circuit courts, as follows:

Rule 9-205.3. CUSTODY AND VISITATION-RELATED ASSESSMENTS

...

(i) Report of Assessor

...

(4) Report of Mental Health Evaluation

An assessor who performed a mental health evaluation shall prepare a written report. The report shall be made available to the parties solely for use in the case and shall be furnished to the court under seal. The report shall be made available and furnished as soon as practicable after completion of the evaluation and, if a date is specified in the order of appointment or approval, by that date.

Committee note: An assessor's written report submitted to the court in accordance with section (i) of this Rule shall be kept by the court under seal. The only access to these reports by a judge or magistrate shall be in accordance with subsections (k)(2) and (k)(3) of this Rule. Each circuit court, through MDEC ~~if available or otherwise~~, shall devise the means for keeping these reports under seal.

...

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

CHAPTER 200 – DIVORCE, ANNULMENT, ALIMONY, CHILD SUPPORT, AND  
CHILD CUSTODY

AMEND Rule 9-208 by deleting the provision in subsection (e)(1) and the Committee note following subsection (e)(1) pertaining to MDEC counties, as follows:

Rule 9-208. REFERRAL OF MATTERS TO STANDING MAGISTRATES

...

(e) Findings and Recommendations

(1) Generally

Except as otherwise provided in section (d) of this Rule, the magistrate shall prepare written recommendations, which shall include a brief statement of the magistrate's findings and shall be accompanied by a proposed order. The magistrate shall provide notice of the recommendations and contents of the proposed order to each party, either (A) on the record at the conclusion of the hearing or (B) within ten days after the conclusion of the hearing in a matter referred pursuant to subsection (a)(1) of this Rule or within 30 days after the conclusion of the hearing in a matter referred pursuant to subsection (a)(2) of this Rule, by filing the written recommendations and proposed order with the clerk, who promptly shall serve the recommendations and proposed order on each party as provided by Rule 20-205 ~~in MDEC counties or Rule 1-~~

~~321 in Baltimore City until it becomes an MDEC county.~~ If the parties were notified by the magistrate on the record, the magistrate shall file the written recommendations and proposed order with the clerk promptly after the hearing. The clerk shall make a docket entry notation of the date and method of notification.

Committee note: Rule 20-205 (c) requires that the clerk ~~in a MDEC county~~ serve certain individuals, including persons entitled to service who are not registered users of MDEC, in the manner set forth in Rule 1-321.

...

MARYLAND RULES OF PROCEDURE

TITLE 11 – JUVENILE CAUSES

CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 11-103 by deleting the provision in subsection (c)(3) pertaining to MDEC and non-MDEC counties, as follows:

Rule 11-103. MAGISTRATES

...

(c) Report and Recommendations

(1) Contents of Reports

The magistrate's report shall be a written report that includes proposed findings of fact, conclusions of law, and recommendations, and be accompanied by a proposed order.

(2) When Filed

Within 10 days after completing a disposition hearing or a post-disposition proceeding that requires a court order, the magistrate shall transmit to a judge assigned to the court the entire file in the case, together with the magistrate's report.

(3) Service

A copy of the report and proposed order shall be served on each party as provided by Rule 20-205 in MDEC counties or Rule 1-321 in non-MDEC counties.

...

MARYLAND RULES OF PROCEDURE

TITLE 11 – JUVENILE CAUSES

CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 11-107 by deleting the provision in section (b) pertaining to MDEC and non-MDEC counties, as follows:

Rule 11-107. SERVICE OF PAPERS

...

(b) Other Papers

Except as otherwise provided by law, all other papers filed with the court, other than a petition or citation, shall be served in the manner provided by Rule 20-205 in MDEC counties or Rule 1-321 in non-MDEC counties.

...

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 200 – GENERAL PROVISIONS – CIRCUIT AND DISTRICT COURTS

AMEND Rule 16-208 by adding to subsection (b)(3)(A) a reference to matters scheduled to be heard on a court docket that day, as follows:

Rule 16-208. CELL PHONES; OTHER ELECTRONIC DEVICES; CAMERAS

...

(b) Possession and Use of Electronic Devices

(1) Generally

Subject to inspection by court security personnel and the restrictions and prohibitions set forth in section (b) of this Rule, a person may (A) bring an electronic device into a court facility and (B) use the electronic device for the purpose of sending and receiving phone calls and electronic messages and for any other lawful purpose not otherwise prohibited.

(2) Restrictions and Prohibitions

(A) Rule 5-615 Order

An electronic device may not be used to facilitate or achieve a violation of an order entered pursuant to Rule 5-615 (d).

(B) Photographs and Video

Except as permitted in accordance with this Rule, Rules 16-502, 16-503, 16-504, or 16-603, or as expressly permitted by the Local Administrative Judge, a person may not (i) take or record a photograph, video, or other visual

image in a court facility, or (ii) transmit a photograph, video, or other visual image from or within a court facility.

Committee note: The prohibition set forth in subsection (b)(2)(B) of this Rule includes still photography and moving visual images. It is anticipated that permission will be granted for the taking of photographs at ceremonial functions.

**(C) Interference with Court Proceedings or Work**

An electronic device shall not be used in a manner that interferes with court proceedings or the work of court personnel.

Committee note: An example of a use prohibited by subsection (b)(2)(C) of this Rule is a loud conversation on a cell phone near a court employee's work station or in a hallway near the door to a courtroom.

**(D) Jury Deliberation Room**

An electronic device may not be brought into a jury deliberation room after deliberations have begun.

**(E) Courtroom**

Except with the express permission of the presiding judge or as otherwise permitted by this Rule, Rules 16-502, 16-503, 16-504, or 16-603, all electronic devices inside a courtroom shall remain off and no electronic device may be used to receive, transmit, or record sound, visual images, data, or other information.

**(F) Security or Privacy Issues in a Particular Case**

Upon a finding that the circumstances of a particular case raise special security or privacy issues that justify a restriction on the possession or use of electronic devices, the Local Administrative Judge or the presiding judge may enter an order limiting or prohibiting the possession of electronic devices in a

courtroom or other designated areas of the court facility. The order shall provide for notice of the designated areas and for the collection of the devices and their return when the individual who possessed the device leaves the courtroom or other area. No liability shall accrue to the security personnel or any other court official or employee for any loss or misplacement of or damage to the device.

(3) Reasonable and Lawful Use by Attorneys

(A) Generally

Subject to subsection (b)(2)(F) of this Rule, the attorneys in a proceeding currently being heard or scheduled to be heard on a court docket that day, their employees, and their agents are permitted the reasonable and lawful use of an electronic device in connection with the proceeding provided that:

(i) the electronic device makes no audible sound;

(ii) the electronic device is positioned so the screen is unseen by the trier of fact or any witness;

(iii) the electronic device is not used to record any part of the proceeding;  
and

(iv) the electronic device is not used to communicate with any other person during the proceeding without the express permission of the court.

(B) Denial of Use

A court may not deny reasonable and lawful use of an electronic device in a courtroom by an attorney, except upon a finding of good cause made on

the record.

...

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 400 – CIRCUIT COURTS – CLERKS’ OFFICES

AMEND Rule 16-402 by deleting the provision in section (b) pertaining to pre-MDEC data processing systems in certain counties and by adding a provision to section (b) prohibiting the use of any non-MDEC case management system, as follows:

Rule 16-402. OPERATIONS

...

(b) General Operations

The State Court Administrator shall develop policies, procedures, and standards for all judicial and non-judicial operations of the clerks' offices, including case processing, records management, forms control, accounting, budgeting, inventory, and data processing. ~~The data processing systems in Baltimore City, Prince George's County, and Montgomery County in effect on July 1, 2016 shall not be replaced,~~ No case management system other than by MDEC, may be used in the State except by order of the Chief Justice of the Supreme Court.

...

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 400 – CIRCUIT COURTS – CLERKS’ OFFICES

AMEND Rule 16-406 by deleting obsolete provisions that pertain to sending emails from non-MDEC counties, as follows:

Rule 16-406. NOTICE TO THE APPELLATE COURT

Upon the filing of (1) a notice of appeal or application for leave to appeal to the Appellate Court, (2) a timely motion pursuant to Rule 2-532, 2-533, or 2-534 if filed after the filing of a notice of appeal, or (3) an order striking a notice of appeal pursuant to Rule 8-203, the clerk of the circuit court immediately shall send ~~via email, or via the MDEC system if from an MDEC County,~~ a copy of the paper filed to the Clerk of the Appellate Court. If a notice of appeal is accompanied by a Civil Appeal Information Report required by Rule 8-205, the Information Report shall be transmitted in the same manner as the notice of appeal.

Source: This Rule is derived from former Rule 16-309 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 700 – MISCELLANEOUS JUDICIAL UNITS

AMEND Rule 16-701 by adding the State Court Administrator to the membership of the Committee in section (b), as follows:

Rule 16-701. RULES COMMITTEE

...

(b) Membership

The Committee shall consist of one incumbent judge of the Appellate Court, three incumbent circuit court judges, three incumbent judges of the District Court, one member of the State Senate, one member of the House of Delegates, one clerk of a circuit court, the State Court Administrator, and such other individuals determined by the Supreme Court. All members shall be appointed by the Supreme Court.

...

(d) Terms

...

(2) Members with No Terms

(A) The Chair and the members appointed from the State Senate and the House of Delegates have no terms and serve at the pleasure of the Supreme Court.

(B) The State Court Administrator has no term.

...

MARYLAND RULES OF PROCEDURE  
TITLE 16 – COURT ADMINISTRATION  
CHAPTER 900 – ACCESS TO JUDICIAL RECORDS  
DIVISION 1 – GENERAL PROVISIONS

AMEND Rule 16-901 by replacing the words “MDEC Actions” with “an Action” in the cross reference following section (b), as follows:

Rule 16-901. SCOPE OF CHAPTER

...

(b) Access by Judicial Employees, Parties, Attorneys of Record, and Certain Government Agencies

The Rules in this Chapter do not limit access to (1) judicial records by authorized judicial officials or employees in the performance of their official duties or to government agencies or officials to whom access is permitted by law, or (2) a case record by a party or attorney of record in the action.

Cross reference: For other Rules that affect access to judicial records, see Rule 16-502 (In District Court), Rule 16-504 (Electronic Recording of Circuit Court Proceedings), Rule 16-504.1 (Access to Electronic Recording of Circuit Court Proceedings), and Rule 20-109 (Access to Electronic Records in ~~MDEC Actions~~ an Action).

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE  
TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION  
CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 17-102 by adding new section (g) defining “MACRO” and by re-lettering current sections (g) through (l) as (h) through (m), respectively, as follows:

Rule 17-102. DEFINITIONS

...

(g) MACRO

“MACRO” means the Mediation and Conflict Resolution Office, a unit within the Administrative Office of the Courts.

(g)(h) Mediation

“Mediation” means a process in which the parties work with one or more impartial mediators who, without providing legal advice, assist the parties in reaching their own voluntary agreement for the resolution of all or part of a dispute.

Cross reference: For the role of the mediator, see Rule 17-103.

(h)(i) Mediation Communication

“Mediation communication” means a communication, whether spoken, written, or nonverbal, made as part of a mediation, including a communication made for the purpose of considering, initiating, continuing, reconvening, or evaluating a mediation or a mediator.

~~(i)~~(j) Neutral Case Evaluation

“Neutral case evaluation” means a process in which (1) the parties, their attorneys, or both appear before an impartial evaluator and present in summary fashion the evidence and arguments to support their respective positions, and (2) the evaluator renders an evaluation of their positions and an opinion as to the likely outcome of the litigation.

~~(j)~~(k) Neutral Expert

“Neutral expert” means an individual with special expertise to provide impartial technical background information, an impartial opinion, or both in a specific area.

~~(k)~~(l) Neutral Fact-Finding

“Neutral fact-finding” means a process in which (1) the parties, their attorneys, or both appear before an impartial individual and present the evidence and arguments to support their respective positions as to disputed factual issues, and (2) the individual makes findings of fact as to those issues that are not binding unless the parties agree otherwise in writing.

~~(l)~~(m) Settlement Conference

“Settlement conference” means a conference at which the parties, their attorneys, or both appear before an impartial individual to discuss the issues and positions of the parties in an attempt to agree on a resolution of all or part of the dispute by means other than trial. A settlement conference may include neutral case evaluation and neutral fact-finding, and the impartial individual may recommend the terms of an agreement.

Source: This Rule is derived as follows:

Section (a) is new.

Section (b) is new.

Section (c) is new.

Section (d) is derived from former Rule 17-102 (a) (2012).

Section (e) is derived from former Rule 17-102 (b) (2012).

Section (f) is derived from former Rule 17-102 (c) (2012).

Section (g) is new.

Section ~~(g)~~(h) is derived from former Rule 17-102 (d) (2012).

Section ~~(h)~~(i) is derived from former Rule 17-102 (e) (2012).

Section ~~(i)~~(j) is derived from former Rule 17-102 (f) (2012).

Section ~~(j)~~(k) is new.

Section ~~(k)~~(l) is derived from former Rule 17-102 (g) (2012).

Section ~~(l)~~(m) is derived from former Rule 17-102 (h) (2012).

MARYLAND RULES OF PROCEDURE  
TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION  
CHAPTER 200 – PROCEEDINGS IN CIRCUIT COURT

AMEND Rule 17-202 by deleting references to the court’s list of approved ADR practitioners and organizations and replacing them with references to the list maintained by MACRO in subsections (c)(1) and (f)(5), by adding a requirement in subsection (c)(1) that a practitioner must either have applied to provide services in a court or consented to a designation in a court, by adding a Committee note after subsection (c)(1), by replacing “the court” with “MACRO” in subsection (c)(2), by adding to section (d) a provision pertaining to the use of the services of a diverse range of qualified persons, and by adding a Committee note after section (d), as follows:

Rule 17-202. GENERAL PROCEDURE

...

(c) Designation of ADR Practitioner

(1) Direct Designation

In an order referring all or part of an action to ADR, the court may designate, ~~from a list of approved ADR practitioners maintained by the court pursuant to Rule 17-207, an ADR practitioner to conduct the ADR~~ an ADR practitioner approved and on the list maintained by MACRO pursuant to Rule 17-207 who has either (A) applied to provide services in the court making the designation or (B) consented to the designation in that court.

Committee note: The court may determine that it is appropriate to designate an ADR practitioner who has not applied to provide services in that court but who is on the list to provide services in another court. Before a court designates an ADR practitioner who has not applied to offer services in that court, the court should obtain the consent of the practitioner to serve in that court.

(2) Indirect Designation if ADR is Non-fee-for-service

If the ADR is non-fee-for-service, the court may delegate authority to an ADR organization selected from a list maintained by ~~the court~~ MACRO pursuant to Rule 17-207 or to an ADR unit of the court to designate an ADR practitioner qualified under Rules 17-205 or 17-206, as applicable, to conduct the ADR. An individual designated by the ADR organization pursuant to the court order has the status of a court-designated ADR practitioner.

Committee note: Examples of the use of indirect designation are referrals of indigent litigants to publicly funded community mediation centers and referrals of one or more types of cases to a mediation unit of the court.

(d) Discretion in Designation

In designating an ADR practitioner, the court is not required to choose at random or in any particular order from among the qualified ADR practitioners or organizations on its lists. The court should endeavor to use the services of as ~~many~~ diverse a range of qualified persons as practicable. The court may consider, in light of the issues and circumstances presented by the action or the parties, any special training, background, experience, expertise, or temperament of the available prospective designees.

Committee note: Courts are encouraged to use a broad range of practitioners that reflect the diversity of the parties who appear before the courts.

...

(f) Objection; Alternatives

. . .

(5) Ruling

If a party timely objects to a referral, the court shall revoke its order. If the parties offer an alternative proposal or agree on a different ADR practitioner, whether or not the ADR practitioner's name is on the ~~court's~~ list of approved ADR practitioners and organizations maintained by MACRO pursuant to Rule 17-207, the court shall revoke or modify its order, as appropriate.

. . .

MARYLAND RULES OF PROCEDURE  
TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION  
CHAPTER 200 – PROCEEDINGS IN CIRCUIT COURT

AMEND Rule 17-205 by requiring a mediator designated by the court to provide documentation of continuing education to MACRO in subsection (a)(5), by permitting the county administrative judge to designate an individual to receive reports in subsection (a)(7), by adding new subsection (a)(9) requiring a mediator to notify MACRO of changes to certain information, and by making stylistic changes, as follows:

Rule 17-205. QUALIFICATIONS OF COURT-DESIGNATED MEDIATORS

(a) Basic Qualifications

A mediator designated by the court shall:

- (1) unless waived by the parties, be at least 21 years old;
- (2) have completed at least 40 hours of basic mediation training in a program meeting the requirements of Rule 17-104 or, for individuals trained prior to January 1, 2013, former Rule 17-106;
- (3) be familiar with the rules, statutes, and practices governing mediation in the circuit courts;
- (4) have mediated or co-mediated at least two civil cases;
- (5) complete in each calendar year four hours of continuing mediation-related education in one or more of the topics set forth in Rule 17-104 and

provide documentation of continuing education in the manner required by MACRO and approved by the State Court Administrator;

(6) abide by mediation standards adopted by Administrative Order of the Supreme Court and posted on the Judiciary website;

(7) submit to periodic monitoring of court-ordered mediations by a qualified mediator designated by the county administrative judge or the judge's designee; and

(8) comply with procedures and requirements prescribed in the court's case management plan filed under Rule 16-302 (b) relating to diligence, quality assurance, and a willingness to accept, upon request by the court, a reasonable number of referrals at a reduced-fee or pro bono; and

(9) notify MACRO of any changes to (A) the mediator's name, business address, telephone number, or e-mail address and (B) any other information required to be updated by the application approved pursuant to Rule 17-207.

MACRO shall update the practitioner list and notify each court where the practitioner has requested to offer services.

...

MARYLAND RULES OF PROCEDURE

TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION

CHAPTER 200 – PROCEEDINGS IN CIRCUIT COURT

AMEND Rule 17-207 by changing in subsections (a)(2) and (b)(2) the manner of application for an individual seeking to conduct ADR, by specifying in subsections (a)(3)(C) and (b)(3)(C) that the State Court Administrator may require applications be made through an online platform, by deleting the language in current subsection (a)(4) and replacing it with a new procedure for action by MACRO on an application, by changing in subsections (a)(5) and (b)(5) the responsibility for maintenance of lists of approved practitioners, by deleting the contents of subsection (a)(6) and replacing it with a provision for public access to lists by MACRO, by adding new subsections (a)(7) and (b)(7) creating a process for designating a practitioner as inactive, by re-lettering subsection (a)(7) as (a)(8), by adding to subsection (a)(8) a provision for a circuit court to notify MACRO that a practitioner should be removed from a list, by changing in subsection (b)(4) the committees and organizations responsible for reviewing and acting on applications, by specifying in subsection (b)(6) that MACRO is responsible for providing access to lists of practitioners to the public and to circuit court clerks, by re-lettering subsection (b)(7) as (b)(8), by changing in new subsection (b)(8) the body responsible for determining that an individual should be removed from the practitioner lists, and by making stylistic changes, as follows:

Rule 17-207. PROCEDURE FOR APPROVAL

(a) Generally

(1) Scope

This section applies to individuals who seek eligibility for designation by a court to conduct ADR pursuant to Rule 9-205, Rule 14-212, or Rule 17-201 other than in actions assigned to the Business and Technology Case Management Program or the Health Care Malpractice Claims ADR Program.

(2) Application

An individual seeking designation to conduct ADR shall file an application with ~~the clerk of the circuit court from which the individual is willing to accept referrals~~ MACRO. The application shall be substantially in the form approved by the State Court Administrator and ~~shall be available from the clerk of each circuit court~~ posted to the Judiciary website. ~~The clerk shall transmit each completed application, together with all accompanying documentation, to the county administrative judge or the judge's designee.~~

(3) Documentation

(A) An application for designation as a mediator shall be accompanied by documentation demonstrating that the applicant meets the requirements of Rule 17-205 (a) and, if applicable, Rule 9-205 (c)(2) and Rule 17-205 (c) and (e).

(B) An application for designation to conduct ADR other than mediation shall be accompanied by documentation demonstrating that the applicant is qualified as required by Rule 17-206 (a).

(C) The State Court Administrator may require the application and documentation to be provided ~~in a word processing file~~ through an online platform or other electronic format.

(4) Action on Application

(A) Determination

~~After such investigation as the county administrative judge deems appropriate, the county administrative judge or designee shall notify the applicant of the approval or disapproval of the application and the reasons for the disapproval. MACRO shall review the application to determine (i) whether an applicant seeking designation as a mediator meets the requirements of Rule 17-205 (a) and, if applicable, Rule 9-205 (c)(2) and Rule 17-205 (c) and (e), and (ii) whether an applicant for designation to conduct other ADR meets the requirements of Rule 17-206 (a).~~

(B) Notice to Applicant

After such investigation as MACRO deems appropriate, MACRO shall notify the applicant of the approval or disapproval of the application and the reasons for a disapproval.

(C) Notice to Court

If MACRO approves the application, MACRO shall transmit or make available through electronic means the completed application and all accompanying documentation to the county administrative judge or the judge's designee for each court for which the applicant is seeking designation to conduct ADR.

(5) ~~Court~~ Approved ADR Practitioner and Organization Lists

~~The county administrative judge or designee of each circuit court~~ MACRO shall maintain ~~a list~~ lists of ADR practitioners approved in accordance with this Rule and ADR organizations approved in each court. The lists shall be made available to all circuit courts and identify the ADR practitioners and ADR organizations that have requested to serve in each court. The lists shall also identify:

(A) ~~of~~ mediators who meet the qualifications set forth in Rule 17-205 (a), (c), and (e);

(B) ~~of~~ mediators who meet the qualifications of Rule 9-205 (c);

(C) ~~of~~ other ADR practitioners who meet the applicable qualifications set forth in Rule 17-206 (a); and

(D) ~~of~~ ADR organizations approved by the county administrative judge.

(6) Public Access to Lists

~~The county administrative judge or designee shall provide to the clerk of the court a copy of each list, together with a copy of the application filed by each individual on the lists. The clerk shall make these items available to the public.~~ MACRO shall provide public access to the lists set forth in subsection (a)(5) of this Rule.

(7) Designation as Inactive

After notice and a reasonable opportunity to respond, MACRO may designate a practitioner on an approved list as “inactive” for failure to maintain the continuing education requirements set forth in Rule 17-205 (a)(5). MACRO

shall notify the applicable courts when a practitioner has been designated as “inactive.” If the practitioner subsequently comes into compliance with the continuing education requirements, MACRO shall notify the applicable courts that the practitioner no longer is designated as “inactive.”

~~(7)~~(8) Removal From List

After notice and a reasonable opportunity to respond, the county administrative judge or another judge of the court designated by the administrative judge may remove a person determine that an ADR practitioner should be removed from a court approved an approved list for failure to maintain the qualifications required by Rule 17-205, Rule 9-205 (c), or Rule 17-206 (a) or for other good cause. The county administrative judge or the judge’s designee shall notify MACRO of the determination, the reasons for the determination, and whether the reasons for the determination are relevant to the practitioner’s eligibility to serve in other courts. Upon receipt of such notification from the court, MACRO shall remove the practitioner from the court’s list. If the reason for removal is relevant to the practitioner’s eligibility to serve in other courts, MACRO shall notify the other courts of the practitioner’s removal.

(b) Business and Technology and Health Care Malpractice Programs

(1) Scope

This section applies to individuals who seek eligibility for designation by a court to conduct ADR pursuant to Rule 17-201 in an action assigned to the

Business and Technology Case Management Program or pursuant to Rule 17-203 in an action assigned to the Health Care Malpractice Claims ADR Program.

(2) Application

An individual seeking designation to conduct ADR shall file an application with ~~the Administrative Office of the Courts, which shall transmit the application to the committee of program judges appointed pursuant to Rule 16-702~~ MACRO. The application shall be substantially in the form approved by the State Court Administrator and ~~shall be available from the clerk of each circuit court~~ posted to the Judiciary website.

(3) Documentation

(A) An application for designation as a mediator, shall be accompanied by documentation demonstrating that the applicant meets the applicable requirements of Rule 17-205.

(B) An application for designation to conduct ADR other than mediation shall be accompanied by documentation demonstrating that the applicant is qualified as required by Rule 17-206 (a).

(C) The State Court Administrator may require the application and documentation to be provided ~~in a word processing file~~ through an online platform or other electronic format.

(4) Action on Application

After such investigation as ~~the Committee of Program Judges~~ MACRO deems appropriate, ~~the Committee shall notify the Administrative Office of the Courts that the application has been approved or disapproved and the reasons~~

~~for a disapproval. The Administrative Office of the Courts~~ MACRO shall approve or disapprove the application. MACRO shall notify the applicant of the action of the Committee and the reasons for a disapproval.

(5) Court-Approved ADR Practitioner Lists

~~The Administrative Office of the Courts~~ MACRO shall maintain a list:

(A) of mediators who meet the qualifications of Rule 17-205 (b);

(B) of mediators who meet the qualifications of Rule 17-205 (d); and

(C) of other ADR practitioners who meet the qualifications of Rule 17-206

(a).

(6) Public Access to Lists

~~The Administrative Office of the Courts~~ MACRO shall attach to the lists such additional information as the State Court Administrator specifies, keep the lists current, and transmit a copy of each current list and attachments to the clerk of each circuit court, who shall make these items available to the clerk of each circuit court and to the public.

Committee note: Examples of information that the State Court Administrator may specify as attachments to the lists include information about the individual's qualifications, experience, and background and any other information that would be helpful to litigants selecting an individual best qualified to conduct ADR in a specific case.

(7) Designation as Inactive

After notice and a reasonable opportunity to respond, MACRO may designate a practitioner on a court-approved list as “inactive” for failure to maintain the continuing education requirements set forth in Rule 17-205 (a)(5).

MACRO will notify the applicable courts when a practitioner has been

designated as “inactive.” If the practitioner subsequently comes into compliance with the continuing education requirements, MACRO shall notify the applicable courts that the practitioner no longer is designated as “inactive.”

~~(7)~~(8) Removal From List

After notice and a reasonable opportunity to respond, ~~the Committee of Program Judges~~ MACRO may remove an individual from a court-approved practitioner list for failure to maintain the qualifications required by Rule 17-205 or Rule 17-206 (a) or for other good cause.

Source: This Rule is derived in part from former Rule 17-107 (2012) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION

CHAPTER 300 – PROCEEDINGS IN THE DISTRICT COURT

AMEND Rule 17-303 by adding to subsection (b)(3) a provision pertaining to the use of the services of a diverse range of qualified individuals and by adding a Committee note following subsection (b)(3), as follows:

Rule 17-303. DESIGNATION OF MEDIATORS AND SETTLEMENT  
CONFERENCE CHAIRS

(a) Limited to Qualified Individuals

(1) Court-Designated Mediator

A mediator designated by the court or pursuant to court order shall possess the qualifications prescribed in Rule 17-304 (a).

(2) Court-Designated Settlement Conference Chair

A settlement conference chair designated by the court or pursuant to court order shall possess the qualifications prescribed in Rule 17-304 (b).

(b) Designation Procedure

(1) Court Order

The court by order may designate an individual to conduct the ADR or may direct the ADR Office, on behalf of the court, to select a qualified individual for that purpose.

(2) Duty of ADR Office

If the court directs the ADR Office to select the individual, the ADR Office may select the individual or may arrange for an ADR organization to do so. An individual selected by the ADR Office or by the ADR organization has the status of a court-designated mediator or settlement conference chair.

(3) Discretion in Designation or Selection

Neither the court nor the ADR Office is required to choose at random or in any particular order from among the qualified individuals. They should endeavor to use the services of as ~~many~~ diverse a range of qualified individuals as practicable. The court or ADR Office may consider, in light of the issues and circumstances presented by the action or the parties, any special training, background, experience, expertise, or temperament of the available prospective designees.

Committee note: Courts are encouraged to use a broad range of practitioners that reflect the diversity of the parties who appear before the courts.

(4) ADR Practitioner Selected by Agreement of Parties

If the parties agree on the record to participate in ADR but inform the court of their desire to select an individual of their own choosing to conduct the ADR, the court may (A) grant the request and postpone further proceedings for a reasonable time, or (B) deny any request for postponement and proceed with a scheduled trial.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION

CHAPTER 600 – PROCEEDINGS IN ORPHANS’ COURT

AMEND Rule 17-602 by updating an internal reference in subsection (f)(1), by adding to subsection (f)(2) a provision pertaining to the use of the services of a diverse range of qualified individuals, and by adding to the Committee note following subsection (f)(2), as follows:

Rule 17-602. AUTHORITY TO ORDER ADR

...

(f) Designation of ADR Practitioner

(1) Generally

The order shall designate an individual to conduct the mediation or settlement conference (A) agreed to by the parties, or (B) in the absence of such an agreement, from a list of qualified individuals maintained by the court pursuant to Rule ~~17-603~~ 17-604.

(2) Discretion in Designation

In designating an individual under subsection (e)(1)(B) of this Rule, the court is not required to choose at random or in any particular order from among the qualified individuals on its lists. The court should endeavor to use the services of as ~~many~~ diverse a range of qualified individuals as practicable. The court may consider, in light of the issues and circumstances presented by

the action or the parties, any special training, background, experience, expertise, or temperament of the available prospective designees.

Committee note: Courts are encouraged to use a broad range of practitioners that reflect the diversity of the parties who appear before the courts.

Nothing in these Rules is intended to preclude the parties from participating in a collaborative law process as long as all parties agree to it.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE  
TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION  
CHAPTER 600 – PROCEEDINGS IN ORPHANS' COURT

AMEND Rule 17-603 by updating an internal reference in section (a) and by requiring in subsection (a)(4) that documentation of continuing education be submitted to MACRO, as follows:

Rule 17-603. QUALIFICATIONS OF COURT-DESIGNATED ADR  
PRACTITIONERS

(a) Court-Designated Mediators

A mediator designated by the court pursuant to Rule 17-602 ~~(e)(1)(B)~~ (f)(1)(B) shall:

- (1) unless waived by the parties, be at least 21 years old;
- (2) have completed at least 40 hours of basic mediation training in a program meeting the requirements of Rule 17-104 or, for individuals trained prior to January 1, 2013, former Rule 17-106;
- (3) be familiar with the rules, statutes, and procedures governing wills, the administration of estates, the authority of orphans' courts and registers of wills, and the mediation program operated by the orphans' court;
- (4) complete in each calendar year four hours of continuing mediation-related education in one or more of the topics set forth in Rule 17-104 and provide documentation of continuing education to MACRO in a manner approved by the State Court Administrator;

(5) abide by mediation standards adopted by Administrative Order of the Supreme Court and posted on the Judiciary website; and

(6) submit to periodic monitoring of court-ordered mediations by a qualified mediator designated by the Chief Judge.

...

MARYLAND RULES OF PROCEDURE

TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION

CHAPTER 600 – PROCEEDINGS IN ORPHANS’ COURT

AMEND Rule 17-604 by requiring in subsection (a)(1) that an individual file an application with MACRO and use a form approved by the State Court Administrator, by deleting the Committee note following subsection (a)(1), by deleting the language in section (b) and replacing it with a new procedure for action by MACRO on an application, by providing in subsection (c)(1) that MACRO shall maintain lists of approved individuals, by adding new subsection (c)(2) creating a process for designating a practitioner as inactive, by re-lettering current subsection (c)(2) as (c)(3), by adding to new subsection (c)(3) a provision for the Chief Judge of the orphans’ court to notify MACRO that a practitioner should be removed from a list, and by making stylistic changes, as follows:

Rule 17-604. PROCEDURE FOR APPROVAL

(a) Application

(1) Generally

An individual seeking designation to conduct mediation or settlement conference proceedings shall file an application with ~~the Chief Judge of the orphans' court from which~~ MACRO indicating the county or counties from which the individual is willing to accept referrals. The application shall be substantially in the form approved by the ~~Chief Judge~~ State Court

Administrator and posted to the Judiciary website. An individual may apply for designation to conduct both mediations and settlement conferences ~~but shall file a separate application for each. The Chief Judge may select a designee to accept and maintain the applications.~~

~~Committee note: The Committee recommends that the Chief Judges of the orphans' courts attempt to develop a uniform application form that can be used throughout the State.~~

(2) Documentation

The application shall be accompanied by documentation that the applicant meets the requirements of Rule 17-603 (a) or (b), as relevant, and may include documentation of the applicant's approval to conduct mediations or settlement conferences in other orphans' courts of the State.

(b) Action on Application

(1) Determination

~~After such investigation as the Chief Judge finds appropriate, the Chief Judge shall notify the applicant of the approval or disapproval of the application and the reasons for any disapproval. MACRO shall review the application to determine whether an applicant seeking designation as a mediator meets the requirements of Rule 17-603 (a) or (b), as relevant.~~

(2) Notice to Applicant

After such investigation as MACRO deems appropriate, MACRO shall notify the applicant of the approval or disapproval and the reasons for any disapproval.

(3) Notice to Court

If MACRO approves the application, MACRO shall transmit or make available through electronic means the completed application and all accompanying documentation to the Chief Judge or the judge's designee for each court for which the applicant is seeking designation to conduct ADR.

(c) Lists

(1) Generally

~~The Chief Judge~~ MACRO shall maintain lists of individuals who have been approved for designation to conduct mediations or settlement conferences, which shall be available to the public and to the other orphans' courts of the State.

(2) Designation as Inactive

After notice and a reasonable opportunity to respond, MACRO may designate a practitioner on an approved list as "inactive" for failure to maintain the continuing education requirements set forth in Rule 17-603. MACRO will notify the applicable courts when a practitioner has been designated as "inactive." If the practitioner subsequently comes into compliance with the continuing education requirements, MACRO shall notify the applicable courts that the practitioner no longer is designated as "inactive."

~~(2)~~(3) Removal from List

After notice and a reasonable opportunity to respond, the Chief Judge or another judge of the court designated by the Chief Judge may remove an individual from a list for failure to maintain the required qualifications or for other good cause. The Chief Judge or the judge's designee shall notify MACRO

of the determination, the reasons for the determination, and whether the reasons for the determination are relevant to the practitioner's ability to serve in other courts. Upon receipt of such notification from the court, MACRO shall remove the practitioner from the orphans' court's list. If the reason for removal is relevant to the practitioner's eligibility to serve in other courts, MACRO shall notify the other courts of the practitioner's removal.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 19 – ATTORNEYS

CHAPTER 200 – ADMISSION TO THE BAR

ADMISSION OF OUT-OF-STATE ATTORNEYS

AMEND Rule 19-217 by adding a provision to subsection (b)(1) requiring the attorney to provide the case number and parties’ names for every prior pro hac vice admission during the five years immediately preceding the filing of the motion, and by making stylistic changes to subsection (b)(1), as follows:

Rule 19-217. SPECIAL ADMISSION OF OUT-OF-STATE ATTORNEYS PRO HAC VICE

(a) Motion for Special Admission

(1) Generally

A member of the Bar of this State who (A) is an attorney of record in an action pending (i) in any court of this State, or (ii) before an administrative agency of this State or any of its political subdivisions, or (B) is representing a client in an arbitration taking place in this State that involves the application of Maryland law, may move that an attorney who is a member in good standing of the Bar of another state be admitted to practice in this State for the limited purpose of appearing and participating in the action as co-counsel with the movant.

Committee note: “Special admission” is a term equivalent to “admission pro hac vice.” It should not be confused with “special authorization” permitted by Rules 19-218 and 19-219.

(2) Where Filed

(A) If the action is pending in a court, the motion shall be filed in that court.

(B) If the action is pending before an administrative agency, the motion shall be filed in the circuit court for the county in which the principal office of the agency is located or in any other circuit court in which an action for judicial review of the decision of the agency may be filed.

(C) If the matter is pending before an arbitrator or arbitration panel, the motion shall be filed in the circuit court for the county in which the arbitration hearing is to be held or in any other circuit court in which an action to review an arbitral award entered by the arbitrator or panel may be filed.

(3) Other Requirements

The motion shall be in writing and shall include the following:

(A) the full name, address, telephone number, and email address of the attorney to be specially admitted; and

(B) the movant's certification that copies of the motion have been served on the agency or the arbitrator or arbitration panel, and all parties of record.

(C) The motion shall be substantially in the form provided in Appendix 19-A, Form A.1.

Cross reference: See Appendix 19-A following Title 19, Chapter 200 of these Rules for Forms 19-A.1 and 19-A.2, providing the form of a motion and order for the Special Admission of an out-of-state attorney.

(b) Certification by Out-of-State Attorney

The attorney whose special admission is moved shall certify in writing:

(1) the number of times the attorney has been specially admitted during the five years immediately preceding the filing of the motion, ~~and~~ the courts that granted admission, and, for each case in which the attorney was specially admitted, the case number and the names of the parties, and

(2) each unique identifying number previously issued to the attorney by the Attorney Information System, Client Protection Fund, or Maryland Judicial Information Systems (JIS) for use with Maryland Electronic Courts (MDEC).

The certification shall be substantially in the form provided in Appendix 19-A, Form A.1 and may be filed as a separate paper or may be included in the motion under an appropriate heading.

(c) Order

The court by order may admit specially or deny the special admission of an attorney. In either case, the clerk shall forward a copy of the order to the State Court Administrator, who shall maintain a record of all attorneys granted or denied special admission in the Attorney Information System. When the order grants or denies the special admission of an attorney in an action pending before an administrative agency, the clerk also shall forward a copy of the order to the agency.

(d) Limitations on Out-of-State Attorney's Practice

An attorney specially admitted pursuant to this Rule may act only as co-counsel for a party represented by an attorney of record in the action who is admitted to practice in this State. The specially admitted attorney may participate in the court or administrative proceedings only when accompanied

**RULE 19-217**

by the Maryland attorney, unless the latter's presence is waived by the judge or administrative hearing officer presiding over the action. An attorney specially admitted is subject to the Maryland Attorneys' Rules of Professional Conduct during the pendency of the action or arbitration.

Cross reference: See Code, Business Occupations and Professions Article, § 10-215.

Committee note: This Rule is not intended to permit extensive or systematic practice by attorneys not admitted in Maryland. Because specialized expertise or other special circumstances may be important in a particular case, however, the Committee has not recommended a numerical limitation on the number of special admissions to be allowed any out-of-state attorney.

Source: This Rule is derived from former Rule 19-214 (2018).

MARYLAND RULES OF PROCEDURE

TITLE 19 – ATTORNEYS

CHAPTER 200 – ADMISSION TO THE BAR

SPECIAL AUTHORIZATION TO PRACTICE

AMEND Rule 19-218 by revising the provision in section (d) relating to the expiration of special authorization privileges; by deleting the cross reference following section (d) and relabeling it, with minor amendments, as a Committee note following subsection (d)(3)(A); by adding a provision to section (e) requiring notice of an attorney’s change in status from unpaid to paid; and by making stylistic changes, as follows:

Rule 19-218. SPECIAL AUTHORIZATION FOR OUT-OF-STATE ATTORNEYS  
AFFILIATED WITH PROGRAMS PROVIDING LEGAL SERVICES TO LOW-  
INCOME INDIVIDUALS

(a) Definition

As used in this Rule, “legal services program” means a program operated by (1) an entity that provides civil legal services to low-income individuals in Maryland who meet the financial eligibility requirements of the Maryland Legal Services Corporation and is on a list of such programs provided by the Corporation to the State Court Administrator and posted on the Judiciary website pursuant to Rule 19-505; (2) the Maryland Office of the Public Defender; (3) a clinic offering pro bono legal services and operating in a

courthouse facility; or (4) a local pro bono committee or bar association affiliated project that provides pro bono legal services.

(b) Eligibility

Pursuant to this Rule, a member of the Bar of another state who is employed by or associated with a legal services program may practice in this State pursuant to that program if (1) the individual is a graduate of a law school meeting the requirements of Rule 19-201 (a)(2) and (2) the individual will practice under the supervision of a member of the Bar of this State.

Cross reference: For the definition of “State,” see Rule 19-101 (l).

(c) Proof of Eligibility

To obtain authorization to practice under this Rule, the out-of-state attorney shall file with the Clerk of the Supreme Court a written request accompanied by (1) evidence of graduation from a law school as defined in Rule 19-201 (a)(2), (2) a certificate of the highest court of another state certifying that the attorney is a member in good standing of the Bar of that state, and (3) a statement signed by the Executive Director of the legal services program that includes (A) a certification that the attorney is currently employed by or associated with the program, (B) a statement as to whether the attorney is receiving any compensation other than reimbursement of reasonable and necessary expenses, and (C) an agreement that, within ten days after cessation of the attorney's employment or association, the Executive Director will file the Notice required by section (e) of this Rule.

(d) Certificate of Authorization to Practice

(1) Issuance of Certificate

Upon the filing of the proof of eligibility required by this Rule, the Clerk of the Supreme Court shall issue a certificate under the seal of the Court certifying that the attorney is authorized to practice under this Rule, subject to the automatic termination provision of section (e) of this Rule.

(2) Contents of Certificate

The certificate shall state

~~(1)~~(A) the effective date,

~~(2)~~(B) whether the attorney ~~(A)~~(i) is authorized to receive compensation for the practice of law under this Rule or ~~(B)~~(ii) is authorized to practice exclusively as a pro bono attorney pursuant to Rule 19-504, and

~~(3)~~(C) pursuant to subsection (d)(3), any expiration date of the special authorization to practice.

(3) Expiration Date of Certificate

(A) If Attorney Is Paid

If the attorney is receiving compensation for the practice of law under this Rule, the expiration date shall be no later than ~~two~~ four years after the effective date. The Court may extend the expiration date of the certificate beyond four years for good cause shown.

Committee note: An attorney who intends to practice law in Maryland for compensation for more than four years should apply for admission to the Maryland Bar.

(B) If Attorney is Not Paid

If the attorney is receiving no compensation other than reimbursement of reasonable and necessary expenses, no expiration date shall be stated.

~~Cross reference: An attorney who intends to practice law in Maryland for compensation for more than two years should apply for admission to the Maryland Bar.~~

(e) Notice to Supreme Court of Automatic Termination or Status Change of Specially Authorized Attorney

Authorization to practice under this Rule is automatically terminated if the attorney ceases to be employed by or associated with the legal services program. Within ten days after cessation of the attorney's employment or association or after an attorney's status with the legal services program changes from pro bono to paid, the Executive Director of the legal services program shall file with the Clerk of the Supreme Court notice of the termination of authorization or change in status.

(f) Disciplinary Proceedings in Another Jurisdiction

Promptly upon the filing of a disciplinary proceeding in another jurisdiction, an attorney authorized to practice under this Rule shall notify the Executive Director of the legal services program of the disciplinary matter. An attorney authorized to practice under this Rule who in another jurisdiction (1) is disbarred, suspended, or otherwise disciplined, (2) resigns from the bar while disciplinary or remedial action is threatened or pending in that jurisdiction, or (3) is placed on inactive status based on incapacity shall inform Bar Counsel and the Clerk of the Supreme Court promptly of the discipline, resignation, or inactive status.

(g) Revocation or Suspension

At any time, the Court, in its discretion, may revoke or suspend an attorney's authorization to practice under this Rule by written notice to the attorney. By amendment or deletion of this Rule, the Court may modify, suspend, or revoke the special authorizations of all out-of-state attorneys issued pursuant to this Rule.

(h) Special Authorization not Admission

Out-of-state attorneys authorized to practice under this Rule are not, and shall not represent themselves to be, members of the Bar of this State, except in connection with practice that is authorized under this Rule. They are required to make payments to the Client Protection Fund of the Bar of Maryland and the Disciplinary Fund, except that an attorney who is receiving no compensation other than reimbursement of reasonable and necessary expenses is not required to make the payments.

(i) Rules of Professional Conduct

An attorney authorized to practice under this Rule is subject to the Maryland Attorneys' Rules of Professional Conduct.

(j) Reports

Upon request by the Administrative Office of the Courts, an attorney authorized to practice under this Rule shall timely file an IOLTA Compliance Report in accordance with Rule 19-409 and a Pro Bono Legal Service Report in accordance with Rule 19-503.

Source: This Rule is derived from former Rule 19-215 (2018).

MARYLAND RULES OF PROCEDURE

TITLE 19 – ATTORNEYS

CHAPTER 200 – ADMISSION TO THE BAR

APPENDIX 19-A: FORMS FOR SPECIAL ADMISSION OF OUT-OF-STATE  
ATTORNEY

AMEND Form 19-A.1 by adding lines to the “Certificate As to Special Admissions” section for the attorney to provide the case number and parties’ names for prior pro-hac vice admissions, as follows:

Form 19-A.1. MOTION FOR SPECIAL ADMISSION OF OUT-OF-STATE  
ATTORNEY UNDER RULE 19-217

(Caption)

MOTION FOR SPECIAL ADMISSION OF OUT-OF-STATE ATTORNEY UNDER  
RULE 19-217

I, \_\_\_\_\_, attorney of record in this case, move that the court admit, \_\_\_\_\_ (name), an out-of-state attorney who is a member in good standing of the Bar of \_\_\_\_\_, for the limited purpose of appearing and participating in this case as co-counsel with me.

Out-of-State Attorney Information:

\_\_\_\_\_  
(Full Name)

\_\_\_\_\_

\_\_\_\_\_  
(Address)

\_\_\_\_\_

(Telephone)

\_\_\_\_\_  
(Email Address)

Unless the court has granted a motion for reduction or waiver, the \$100.00 fee required by Code, Courts and Judicial Proceedings Article, § 7-202 (f) is included with this motion.

I  do  do not request that my presence be waived under Rule 19-217 (d).

\_\_\_\_\_  
Signature of Moving Attorney

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email Address

Attorney for \_\_\_\_\_

**CERTIFICATE AS TO SPECIAL ADMISSIONS**

I, \_\_\_\_\_, certify on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, that during the preceding five years, I have been specially admitted in the State of Maryland \_\_\_\_\_ times by the following courts:

Date	Court	<u>Case Number and Parties' Names</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I have previously been issued the following unique identifying numbers by the Maryland Judiciary:

Attorney Information System \_\_\_\_\_

Client Protection Fund \_\_\_\_\_

Maryland Electronic Courts (MDEC) \_\_\_\_\_

\_\_\_\_\_  
Signature of Out-of-State Attorney

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email Address

(Certificate of Service)

Source: This Form is derived from former Form RGAB-14/M (2016).

MARYLAND RULES OF PROCEDURE

TITLE 19 – ATTORNEYS

CHAPTER 300 – MARYLAND ATTORNEYS’ RULES OF PROFESSIONAL  
CONDUCT

CLIENT-ATTORNEY RELATIONSHIP

AMEND Rule 19-301.2 by deleting, as obsolete, the provisions in section (c) and Comment [8] pertaining to Rule 1-324, as follows:

Rule 19-301.2. SCOPE OF REPRESENTATION AND ALLOCATION OF  
AUTHORITY BETWEEN CLIENT AND ATTORNEY (1.2)

...

(c) An attorney may limit the scope of the representation in accordance with applicable Maryland Rules if (1) the limitation is reasonable under the circumstances, (2) the client gives informed consent, and (3) the scope and limitations of any representation, beyond an initial consultation or brief advice provided without a fee, are clearly set forth in a writing, ~~including any duty on the part of the attorney under Rule 1-324 to forward notices to the client.~~

...

COMMENT

...

[8] An attorney and a client may agree that the scope of the representation is to be limited to clearly defined specific tasks or objectives, including: (1) without entering an appearance, filing papers, or otherwise participating on the client's behalf in any judicial or administrative proceeding, (i) giving legal advice to the client regarding the client's rights, responsibilities, or obligations with respect to particular matters, (ii) conducting factual

investigations for the client, (iii) representing the client in settlement negotiations or in private alternative dispute resolution proceedings, (iv) evaluating and advising the client with regard to settlement options or proposed agreements, or (v) drafting documents, performing legal research, and providing advice that the client or another attorney appearing for the client may use in a judicial or administrative proceeding; or (2) in accordance with applicable Maryland Rules, representing the client in discrete judicial or administrative proceedings, such as a court-ordered alternative dispute resolution proceeding, a pendente lite proceeding, or proceedings on a temporary restraining order, a particular motion, or a specific issue in a multi-issue action or proceeding. Before entering into such an agreement, the attorney shall fully and fairly inform the client of the extent and limits of the attorney's obligations under the agreement, ~~including any duty on the part of the attorney under Rule 1-324 to forward notices to the client.~~

...

MARYLAND RULES OF PROCEDURE

TITLE 19 – ATTORNEYS

CHAPTER 300 – MARYLAND ATTORNEYS’ RULES OF PROFESSIONAL  
CONDUCT

CLIENT-ATTORNEY RELATIONSHIP

AMEND Rule 19-301.15 by replacing the provision in section (c) pertaining to informed consent with a provision specifying when an attorney may withdraw a fee from the attorney’s escrow account; by making a stylistic change to Comment [1]; by deleting Comment [3]; by renumbering Comments [4], [5], and [6] as Comments [3], [4], and [5] respectively; and by adding a cross reference following renumbered Comment [3], as follows:

Rule 19-301.15. SAFEKEEPING PROPERTY (1.15)

(a) An attorney shall hold property of clients or third persons that is in an attorney's possession in connection with a representation separate from the attorney's own property. Funds shall be kept in a separate account maintained pursuant to Title 19, Chapter 400 of the Maryland Rules, and records shall be created and maintained in accordance with the Rules in that Chapter. Other property shall be identified specifically as such and appropriately safeguarded, and records of its receipt and distribution shall be created and maintained. Complete records of the account funds and of other property shall be kept by the attorney and shall be preserved for a period of at least five years after the date the record was created.

**RULE 19-301.15 (1.15)**

(b) An attorney may deposit the attorney's own funds in a client trust account only as permitted by Rule 19-408 (b).

~~(c) Unless the client gives informed consent, confirmed in writing, to a different arrangement, an attorney shall deposit legal fees and expenses that have been paid in advance into a client trust account and may withdraw those funds for the attorney's own benefit only as fees are earned or expenses incurred.~~ An attorney shall deposit into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the attorney only as fees are earned or expenses incurred.

(d) Upon receiving funds or other property in which a client or third person has an interest, an attorney shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, an attorney shall deliver promptly to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall render promptly a full accounting regarding such property.

(e) When an attorney in the course of representing a client is in possession of property in which two or more persons (one of whom may be the attorney) claim interests, the property shall be kept separate by the attorney until the dispute is resolved. The attorney shall distribute promptly all portions of the property as to which the interests are not in dispute.

Cross reference: For the duties of an attorney with respect to attorney trust account funds that are presumed abandoned, see Rule 19-414.

COMMENT

[1] A An attorney should hold property of others with the care required of a professional fiduciary. Securities should be kept in a safe deposit box, except when some other form of safekeeping is warranted by special circumstances. All property of clients or third persons, including prospective clients, must be kept separate from the attorney's business and personal property and, if money, in one or more trust accounts. Separate trust accounts may be warranted when administering estate money or acting in similar fiduciary capacities. An attorney should maintain on a current basis books and records in accordance with generally accepted accounting practice and the Rules in Title 19, Chapter 400 and comply with any other record-keeping rules established by law or court order.

[2] Normally it is impermissible to commingle the attorney's own funds with client funds, and section (b) of this Rule provides that it is permissible only as permitted by Rule 19-408 (b). Accurate records must be kept regarding which part of the funds are the attorney's.

~~[3] Section (c) of Rule 19-301.15 (1.15) permits advances against unearned fees and unincurred costs to be treated as either the property of the client or the property of the attorney. Unless the client gives informed consent, confirmed in writing, to a different arrangement, the Rule's default position is that such advances be treated as the property of the client, subject to the restrictions provided in section (a) of this Rule. In any case, at the termination of an engagement, advances against fees that have not been incurred must be returned to the client as provided in Rule 19-301.16 (d) (1.16).~~

[4][3] Attorneys often receive funds from which the attorney's fee will be paid. The attorney is not required to remit the client funds that the attorney reasonably believes represent fees owed. However, an attorney may not hold funds to coerce a client into accepting the attorney's contention. The disputed portion of the funds must be kept in a trust account and the attorney should suggest means for prompt resolution of the dispute, such as arbitration. The undisputed portion of the funds shall be distributed promptly.

Cross reference: See Rule 19-301.16 (d) (1.16) for requirements concerning the requirement to refund any advance payment of fee or expense that has not been earned or incurred.

[5][4] Section (e) of this Rule also recognizes that third parties may have lawful claims against specific funds or other property in a attorney's custody, such as a client's creditor who has a lien on funds recovered in a personal injury action. An attorney may have a duty under applicable law to protect such third-party claims against wrongful interference by the client. In such cases, when the third-party claim is not frivolous under applicable law, the

**RULE 19-301.15 (1.15)**

attorney must refuse to surrender the funds or property to the client until the claims are resolved. An attorney should not unilaterally assume to arbitrate a dispute between the client and the third party, but, when there are substantial grounds for dispute as to the person entitled to the funds, the attorney may file an action to have a court resolve the dispute.

~~[6]~~[5] The obligations of an attorney under this Rule are independent of those arising from activity other than rendering legal services. For example, an attorney who serves only as an escrow agent is governed by the applicable law relating to fiduciaries even though the attorney does not render legal services in the transaction and is not governed by this Rule.

Model Rules Comparison: Rule 19-301.15 (1.15) is substantially similar to the language of the Ethics 2000 Amendments to the ABA Model Rules of Professional Conduct, with the exception of ~~changes to Rule 19-301.15 (e) (1.15), the addition of Comment [3], and the omission of ABA Comment [6].~~

MARYLAND RULES OF PROCEDURE

TITLE 19 – ATTORNEYS

CHAPTER 300 – MARYLAND ATTORNEYS’ RULES OF PROFESSIONAL  
CONDUCT

CLIENT-ATTORNEY RELATIONSHIP

AMEND Rule 19-301.16 to conform to ABA Model Rule 1.16 by adding a provision to section (a) pertaining to an attorney’s responsibilities prior to accepting representation, by adding new subsection (a)(4) specifying situations in which an attorney is required to decline or terminate representation of a client, by adding a provision to Comment [1] providing clarification and examples of when an attorney may be required to decline or terminate a representation, by adding a provision to Comment [2] providing additional details an attorney must consider when declining or terminating representation of a client, and by making a stylistic change to Comment [7], as follows:

Rule 19-301.16. DECLINING OR TERMINATING REPRESENTATION (1.16)

(a) An attorney shall inquire into and assess the facts and circumstances of each representation to determine whether the attorney may accept or continue the representation. Except as stated in section (c) of this Rule, an attorney shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(1) the representation will result in violation of the Maryland Attorneys' Rules of Professional Conduct or other law;

(2) the attorney's physical or mental condition materially impairs the attorney's ability to represent the client; ~~or~~

(3) the attorney is discharged; or

(4) the client or prospective client seeks to use or persists in using the attorney's services to commit or further a crime or fraud, despite the attorney's discussion pursuant to Rules 19-301.2 (d) and 19-301.4 (a)(4) regarding the limitations on the attorney assisting with the proposed conduct.

(b) Except as stated in section (c) of this Rule, an attorney may withdraw from representing a client if:

(1) withdrawal can be accomplished without material adverse effect on the interests of the client;

(2) the client persists in a course of action involving the attorney's services that the attorney reasonably believes is criminal or fraudulent;

(3) the client has used the attorney's services to perpetrate a crime or fraud;

(4) the client insists upon action or inaction that the attorney considers repugnant or with which the attorney has a fundamental disagreement;

(5) the client fails substantially to fulfill an obligation to the attorney regarding the attorney's services and has been given reasonable warning that the attorney will withdraw unless the obligation is fulfilled;

(6) the representation will result in an unreasonable financial burden on the attorney or has been rendered unreasonably difficult by the client; or

(7) other good cause for withdrawal exists.

(c) An attorney must comply with applicable law requiring notice to or permission of a tribunal when terminating representation. When ordered to do so by a tribunal, an attorney shall continue representation notwithstanding good cause for terminating the representation.

(d) Upon termination of representation, an attorney shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of another attorney, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The attorney may retain papers relating to the client to the extent permitted by other law.

COMMENT

[1] Section (a) imposes an obligation on an attorney to inquire into and assess the facts and circumstances of the representation before accepting it. The obligation imposed by section (a) continues throughout the representation. A change in the facts and circumstances relating to the representation may trigger an attorney's need to make further inquiry and assessment. For example, a client traditionally uses an attorney to acquire local real estate through the use of domestic limited liability companies, with financing from a local bank. The same client then asks the attorney to create a multi-tier corporate structure, formed in another state to acquire property in a third jurisdiction, and requests to route the transaction's funding through the attorney's trust account. Another example is when, during the course of a representation, a new party is named or a new entity becomes involved. An attorney should not accept representation in a matter unless it can be performed competently, promptly, without improper conflict of interest and to completion. Ordinarily, a representation in a matter is completed when the agreed-upon assistance has been concluded. See Rules 19-301.2 (c) (1.2) and 19-306.5 (6.5). See also Rule 19-301.3 (1.3), Comment [4].

*Mandatory Withdrawal*--[2] An attorney ordinarily must decline or withdraw from representation if the client demands that the attorney engage in conduct that is illegal or violates the Maryland Attorneys' Rules of Professional Conduct or other law. The attorney is not obligated to decline or withdraw

simply because the client suggests such a course of conduct; a client may make such a suggestion in the hope that an attorney will not be constrained by a professional obligation. Under paragraph (a)(4), the attorney's inquiry into and assessment of the facts and circumstances will be informed by the risk that the client or prospective client seeks to use or persists in using the attorney's services to commit or further a crime or fraud. This analysis means that the required level of an attorney's inquiry and assessment will vary for each client or prospective client, depending on the nature of the risk posed by each situation. Factors to be considered in determining the level of risk may include: (i) the identity of the client, such as whether the client is a natural person or an entity and, if an entity, the beneficial owners of that entity; (ii) the attorney's experience and familiarity with the client; (iii) the nature of the requested legal services; (iv) the relevant jurisdictions involved in the representation (for example, whether a jurisdiction is considered at high risk for money laundering or terrorist financing); and (v) the identities of those depositing into or receiving funds from the attorney's client trust account, or any other accounts in which client funds are held.

[3] When an attorney has been appointed to represent a client, withdrawal ordinarily requires approval of the appointing authority. See also Rule 19-306.2 (6.2). Similarly, court approval or notice to the court is often required by applicable law before an attorney withdraws from pending litigation. Difficulty may be encountered if withdrawal is based on the client's demand that the attorney engage in unprofessional conduct. The court may request an explanation for the withdrawal, while the attorney may be bound to keep confidential the facts that would constitute such an explanation. The attorney's statement that professional considerations require termination of the representation ordinarily should be accepted as sufficient. Attorneys should be mindful of their obligation to both clients and the court under Rules 19-301.6 (1.6) and 19-303.3 (3.3).

*Discharge*--[4] A client has a right to discharge an attorney at any time, with or without cause, subject to liability for payment for the attorney's services. Where future dispute about the withdrawal may be anticipated, it may be advisable to prepare a written statement reciting the circumstances.

[5] Whether a client can discharge an appointed attorney may depend on applicable law. A client seeking to do so should be given a full explanation of the consequences. These consequences may include a decision by the appointing authority that appointment of successor attorney is unjustified, thus requiring self-representation by the client.

[6] If the client has severely diminished capacity, the client may lack the legal capacity to discharge the attorney, and in any event the discharge may be seriously adverse to the client's interests. The attorney should make special

effort to help the client consider the consequences and may take reasonably necessary protective action as provided in Rule 19-301.14 (1.14).

*Optional Withdrawal--*[7] An attorney may withdraw from representation in some circumstances. The attorney has the option to withdraw if it can be accomplished without material adverse effect on the client's interests. Withdrawal is also justified if the client persists in a course of action that the attorney reasonably believes is criminal or fraudulent, for a an attorney is not required to be associated with such conduct even if the attorney does not further it. Withdrawal is also permitted if the attorney's services were misused in the past even if that would materially prejudice the client. The attorney may also withdraw where the client insists on taking action or inaction that the attorney considers repugnant or with which the attorney has a fundamental disagreement.

[8] An attorney may withdraw if the client refuses to abide by the terms of an agreement relating to the representation, such as an agreement concerning fees or court costs or an agreement limiting the objectives of the representation.

*Assisting the Client Upon Withdrawal--*[9] Even if the attorney has been unfairly discharged by the client, an attorney must take all reasonable steps to mitigate the consequences to the client. The attorney may retain papers as security for a fee only to the extent permitted by law, subject to the limitations in section (d) of this Rule. See Rule 19-301.15 (1.15).

Model Rules Comparison: Rule 19-301.16 (1.16) is substantially similar to the language of the ~~Ethics 2000 Amendments~~ amendments to the ABA Model Rules of Professional Conduct approved as Resolution 23A100 in August of 2023, with the exception of the addition of “or inaction” to Rule 19-301.16 (b)(4) (1.16) and Comment [7], the omission of the last sentence of Comment [2], and the addition of “subject to the limitations in section (d) of this Rule” to Comment [9].

MARYLAND RULES OF PROCEDURE

TITLE 19 – ATTORNEYS

CHAPTER 300 – MARYLAND ATTORNEYS’ RULES OF PROFESSIONAL

CONDUCT

LAW FIRMS AND ASSOCIATIONS

AMEND Rule 19-305.5 by replacing an obsolete reference to Rule 19-215 with the correct reference to Rule 19-218 in comment [17], as follows:

Rule 19-305.5. UNAUTHORIZED PRACTICE OF LAW; MULTI-JURISDICTIONAL PRACTICE OF LAW (5.5)

...

COMMENT

...

[17] If an employed attorney establishes an office or other systematic presence in this jurisdiction for the purpose of rendering legal services to the employer, the attorney is governed by Md. Code, Business Occupations and Professions Article, § 1-206(d). In general, the employed attorney is subject to disciplinary proceedings under the Maryland Rules and must comply with Md. Code, Business Occupations and Professions Article, § 10-215 (and Rule 19-214) for authorization to appear before a tribunal. See also Rule ~~19-215~~ 19-218 (as to legal services attorneys).

...

MARYLAND RULES OF PROCEDURE

TITLE 19 – ATTORNEYS

CHAPTER 500 – PRO BONO LEGAL SERVICES

AMEND Rule 19-504 by replacing obsolete references to Rule 19-215 in sections (a) and (b) with the correct reference to Rule 19-218, as follows:

Rule 19-504. PRO BONO ATTORNEY

(a) Definition

As used in this Rule, “pro bono attorney” means an attorney who is authorized by Rule ~~19-215~~ 19-218 or Rule 19-605 (a)(2) to represent clients, without compensation other than reimbursement of reasonable and necessary expenses, and whose practice is limited to providing such representation. “Pro bono attorney” does not include (1) an active member of the Maryland Bar in good standing or (2) an attorney whose certificate of authorization to practice under Rule ~~19-215~~ 19-218 permits the attorney to receive compensation for the practice of law under that Rule.

Cross reference: For the professional responsibility of an active member of the Maryland Bar to render pro bono publico legal service, see Rule 19-306.1 (6.1) (Pro Bono Publico Service) of the Maryland Attorneys' Rules of Professional Conduct.

(b) Authorization to Practice as a Pro Bono Attorney

To practice as a pro bono attorney, an out-of-state attorney shall comply with Rule ~~19-215~~ 19-218 and a retired/inactive member of the Maryland Bar

shall comply with Rule 19-605 (a)(2).

...

MARYLAND RULES OF PROCEDURE

TITLE 19 – ATTORNEYS

CHAPTER 500 – PRO BONO LEGAL SERVICES

AMEND Rule 19-505 by replacing an obsolete reference to Rule 19-215 with the correct reference to Rule 19-218, as follows:

Rule 19-505. LIST OF PRO BONO AND LEGAL SERVICES PROGRAMS

At least once a year, the Maryland Legal Services Corporation shall provide to the State Court Administrator a current list of all grantees and other entities recognized by the Corporation that serve low-income individuals who meet the financial eligibility criteria of the Corporation. The State Court Administrator shall post the current list on the Judiciary website along with information about pro bono opportunities in court-based legal services programs.

Cross reference: See Rules 1-325, 1-325.1, ~~19-215~~ 19-218, and 19-605.

Source: This Rule is derived from former Rule 16-905 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 19 – ATTORNEYS

CHAPTER 700 – DISCIPLINE, INACTIVE STATUS, RESIGNATION

REINSTATEMENT

AMEND Rule 19-752 by adding new subsection (i)(2) pertaining to petitions withdrawn by the petitioner prior to the due date of Bar Counsel’s response and by making stylistic changes, as follows:

Rule 19-752. REINSTATEMENT--OTHER SUSPENSION; DISBARMENT;  
DISABILITY INACTIVE STATUS; RESIGNATION

(a) Scope of Rule

This Rule applies to an attorney who has been disbarred, suspended indefinitely, suspended for a fixed period longer than six months, or transferred to disability inactive status or who has resigned from the practice of law.

(b) Reinstatement Not Automatic

An attorney subject to this Rule is not automatically reinstated upon expiration of the period of suspension. An attorney is not reinstated until the Supreme Court enters an Order of Reinstatement.

(c) Petition for Reinstatement

(1) Requirement

An attorney who seeks reinstatement under this Rule shall file a verified petition for reinstatement with the Clerk of the Supreme Court and serve a

copy on Bar Counsel. The attorney shall be the petitioner. Bar Counsel shall be the respondent.

(2) Timing Following Order of Suspension or Disbarment

(A) If the attorney was suspended for a fixed period, the petition may not be filed earlier than 30 days prior to the end of the period of suspension.

(B) If the attorney was suspended for an indefinite period or disbarred, the petition may not be filed earlier than ~~(i)~~ the time specified in the order of suspension or disbarment.

(3) Content

The petition shall be captioned “In the Matter of the Petition for Reinstatement of XXXXX to the Bar of Maryland” and state or be accompanied by the following:

(A) docket references to all prior disciplinary or remedial actions, including all actions pending as of the date of the attorney's disbarment or suspension, to which the attorney was a party;

(B) a copy of the order that disbarred or suspended the attorney, placed the attorney on inactive status, or accepted the resignation of the attorney and any opinion of the Court that accompanied the order;

(C) that the attorney has complied in all respects with the provisions of Rule 19-741 or, if applicable, Rule 19-743, and with any terms or conditions stated in the disciplinary or remedial order;

(D) that the attorney has paid all assessments and applicable late fees owed to the Client Protection Fund pursuant to Rule 19-605 and the Disciplinary

Fund pursuant to Rule 19-705 as of the effective date of the attorney's suspension, disbarment, transfer to disability inactive status, or resignation;

(E) a description of the conduct or circumstances leading to the order of disbarment, suspension, placement on inactive status, or acceptance of resignation;

(F) facts establishing the attorney's subsequent conduct and reformation, present character, present qualifications and competence to practice law, and ability to satisfy the criteria set forth in section (h) of this Rule; and

(G) a statement that, to the best of the attorney's knowledge, information, and belief, no complaints or disciplinary proceedings are currently pending against the attorney.

(d) Information for Bar Counsel

(1) Generally

Upon the filing of the petition, the attorney shall separately supply to Bar Counsel, in writing, the following information:

(A) the attorney's current address, e-mail address, if any, and telephone number;

(B) the information specified in subsection (c)(2) or (c)(3) of this Rule, as applicable;

(C) evidence establishing compliance with all applicable requirements set forth in section (h) of this Rule;

(D) a statement of whether the attorney has applied for reinstatement in any other jurisdiction and the current status of each such application; and

(E) any other information that the attorney believes is relevant to determining whether the attorney possesses the character and fitness necessary for reinstatement; and

(2) If Disbarred or Suspended

If the attorney has been disbarred or suspended, the information supplied to Bar Counsel shall include:

(A) the address of each residence of the attorney during the period of discipline, with inclusive dates of each residence;

(B) the name, address, e-mail address, if any, and telephone number of each employer, associate, and partner of the attorney during the period of discipline, together with (i) the inclusive dates of each employment, association, and partnership, (ii) the positions held, (iii) the names of all immediate supervisors, and (iv) if applicable, the reasons for termination of the employment, association, or partnership;

(C) the case caption, general nature, and disposition of each civil and criminal action pending during the period of discipline to which the attorney was a party or in which the attorney claimed an interest;

(D) a statement of monthly earnings and all other income during the period of discipline, including the source;

(E) copies of the attorney's state and federal income tax returns for the three years preceding the effective date of the order of disbarment or suspension and each year thereafter;

(F) a statement of the attorney's assets and financial obligations;

(G) the names and addresses of all creditors;

(H) a statement identifying all other business or occupational licenses or certificates applied for or held during the period of discipline and the current status of each application; and

(I) the name and address of each financial institution at which the attorney maintained or was signatory on any account, safe deposit box, deposit, or loan during the period of discipline and written authorization for Bar Counsel to obtain financial records pertaining to such accounts, safe deposit boxes, deposits, or loans.

(3) If Transferred to Disability Inactive Status

If the attorney was transferred to disability inactive status, the information supplied to Bar Counsel shall include:

(A) the name, address, and telephone number of each health care provider or addiction care provider and institution that examined or treated the attorney for incapacity during the period of inactive status; and

(B) a written waiver of any physician-patient privilege with respect to each psychiatrist, psychologist, or psychiatric-mental health nursing specialist named in subsection (d)(3)(A) of this Rule.

(e) Response to Petition

(1) Generally

Within 30 days after service of the petition, Bar Counsel shall file and serve on the attorney a response. Except as provided in subsection (d)(2) of this Rule, the response shall admit or deny the averments in the petition in

accordance with Rule 2-323 (c). The response may include Bar Counsel's recommendations in support of or opposition to the petition and with respect to any conditions to reinstatement.

(2) Consent

If Bar Counsel is satisfied that the attorney has complied fully with the provisions of Rule 19-741 and any requirements or conditions in the order of suspension or disbarment, and there are no known complaints or disciplinary proceedings pending against the attorney, the response may be in the form of a consent to the reinstatement.

(f) Disposition

(1) Consent by Bar Counsel

If, pursuant to subsection (e)(2) of this Rule, Bar Counsel has filed a consent to reinstatement, and if the attorney has complied with subsection (h)(2)(H) of this Rule, the Clerk shall proceed in accordance with Rule 19-751 (e)(1).

(2) Other Cases

In other cases, upon review of the petition and Bar Counsel's response, the Court may (A) without a hearing, dismiss the petition or grant the petition and enter an order of reinstatement with such conditions as the Court deems appropriate, or (B) order further proceedings in accordance with section (g) of this Rule.

(g) Further Proceedings

(1) Order Designating Judge

If the Court orders further proceedings pursuant to subsection (f)(2)(B) of this Rule, it shall enter an order designating a judge of any circuit court to hold a hearing.

(2) Discovery

The judge shall allow reasonable time for Bar Counsel to investigate the petition and, subject to Rule 19-726, to take depositions and complete discovery.

(3) Hearing

The applicable provisions of Rule 19-727 shall govern the hearing and the findings and conclusions of the judge, except that the attorney shall have the burden of proving the averments of the petition by clear and convincing evidence.

(4) Proceedings in Supreme Court

The applicable provisions of Rules 19-728 and 19-740 (a), (b), and (d) shall govern subsequent proceedings in the Supreme Court. The Court may (A) dismiss the petition, (B) order reinstatement, with such conditions as the Court deems appropriate, or (C) remand for further proceedings.

(h) Criteria for Reinstatement

(1) Generally

In determining whether to grant a petition for reinstatement, the Supreme Court shall consider the nature and circumstances of the attorney's conduct that led to the disciplinary or remedial order and the attorney's (A)

subsequent conduct, (B) current character, and (C) current qualifications and competence to practice law.

(2) Specific Criteria

The Court may order reinstatement if the attorney meets each of the following criteria or presents sufficient reasons why reinstatement should be ordered in the absence of satisfaction of one or more of those criteria:

(A) the attorney has complied in all respects with the provisions of Rule 19-741 or, if applicable, 19-743 and with the terms and conditions of prior disciplinary or remedial orders;

(B) the attorney has not engaged in or attempted or offered to engage in the unauthorized practice of law during the period of disbarment, suspension, or inactive status;

(C) if the attorney was transferred to disability inactive status, the incapacity or infirmity, including alcohol or drug abuse, no longer exists and is not likely to recur in the future;

(D) if the attorney was disbarred or suspended, the petitioner recognizes the wrongfulness and seriousness of the professional misconduct for which discipline was imposed;

(E) the attorney has not engaged in any professional misconduct or, other than minor traffic or municipal infractions, any unlawful activity since the imposition of discipline;

(F) the attorney currently has the requisite honesty and integrity to practice law;

(G) the attorney has kept informed about recent developments in the law and is competent to practice law; and

(H) the attorney has complied with all financial obligations required by these Rules or by court order, including (i) payment of all outstanding assessments, including late fees, if any, owed to the Client Protection Fund pursuant to Rule 19-605 and the Disciplinary Fund pursuant to Rule 19-705 that accrued prior to the attorney's suspension, disbarment, transfer to disability inactive status, or resignation, (ii) reimbursement of all amounts due to the attorney's former clients, (iii) payment of restitution which, by court order, is due to the attorney's former clients or any other person, (iv) reimbursement of the Client Protection Fund for all claims that arose out of the attorney's practice of law and satisfaction of all judgments arising out of such claims, and (v) payment of all costs assessed by court order or otherwise required by law.

(i) Subsequent Petitions

(1) Limit on Petitions

Except upon order of the Supreme Court, an attorney may not file a petition for reinstatement sooner than one year after the Court denied a prior petition for reinstatement. Absent leave of Court or the consent of Bar Counsel, an attorney may not file more than three petitions for reinstatement.

(2) Withdrawn Petitions

A petition for reinstatement that is withdrawn by the petitioner no later than ten days prior to the time Bar Counsel's response is due does not count toward the limit set forth in subsection (i)(1) of this Rule.

(j) Conditions to Reinstatement

An order that reinstates an attorney may include, as a condition precedent to reinstatement or as a condition of probation after reinstatement that the attorney:

(1) take the oath of attorneys required by Code, Business Occupations and Professions Article, § 10-212;

(2) pass the Uniform Bar Examination;

(3) successfully complete the Maryland Law Component required for admission to the Maryland Bar;

(4) take the Multistate Professional Responsibility Examination and earn a score that meets or exceeds the passing score in Maryland established by the Board of Law Examiners;

(5) attend a bar review course approved by Bar Counsel and submit to Bar Counsel satisfactory evidence of attendance;

(6) submit to Bar Counsel evidence of successful completion of a professional ethics course at an accredited law school;

(7) engage an attorney satisfactory to Bar Counsel to monitor the attorney's legal practice for a period stated in the order of reinstatement;

(8) limit the nature or extent of the attorney's future practice of law in the manner set forth in the order of reinstatement;

(9) participate in a program tailored to individual circumstances that provides the attorney with law office management assistance, attorney assistance or counseling, treatment for substance or gambling abuse, or psychological counseling;

(10) demonstrate, by a report of a health care professional or other evidence, that the attorney is mentally and physically competent to resume the practice of law;

(11) issue an apology to one or more persons; or

(12) take any other corrective action that the Court deems appropriate.

(k) Effective Date of Reinstatement Order

An order that reinstates the petitioner may provide that it shall become effective immediately or on a date stated in the order.

(l) Duties of Clerk

(1) Attorney Admitted to Practice

Promptly after the effective date of an order that reinstates a petitioner, the Clerk of the Supreme Court shall comply with Rule 19-761.

(2) Attorney Not Admitted to Practice

Upon receiving a reinstatement notice authorized by section (e) of this Rule, or on the effective date of an order or notice that reinstates a petitioner not admitted by the Supreme Court to practice law, the Clerk of the Supreme Court shall remove the petitioner's name from the list maintained in that Court of non-admitted attorneys who are ineligible to practice law in this State, and

shall certify that fact to the Board of Law Examiners and the clerks of all courts in the State.

(m) Motion to Vacate Reinstatement

Bar Counsel may file a motion to vacate an order that reinstates the petitioner if (1) the petitioner has failed to demonstrate substantial compliance with the order, including any condition of reinstatement imposed under Rule 19-741 (e) or section (j) of this Rule or (2) the petition filed under section (a) of this Rule contains a false statement or omits a material fact, the petitioner knew the statement was false or the fact was omitted, and the true facts were not disclosed to Bar Counsel prior to entry of the order. The petitioner may file a verified response within 15 days after service of the motion, unless a different time is ordered. If there is a factual dispute to be resolved, the court may enter an order designating a judge in accordance with Rule 19-722 to hold a hearing. The judge shall allow reasonable time for the parties to prepare for the hearing and may authorize discovery pursuant to Rule 19-726. The applicable provisions of Rule 19-727 shall govern the hearing. The applicable provisions of Rules 19-728 and 19-740, except section (c) of Rule 19-740, shall govern any subsequent proceedings in the Supreme Court. The Court may reimpose the discipline that was in effect when the order was entered or may impose additional or different discipline.

Source: This Rule is derived from former Rule 16-781 (2016).

MARYLAND RULES OF PROCEDURE  
TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT  
CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 20-102 by deleting each reference to an MDEC county, by deleting the phrases “in a pending or reopened action in that court” and “in a pending or reopened action in the District Court” from subsection (a)(2), by deleting the Committee note following section (c), and by making stylistic changes, as follows:

Rule 20-102. APPLICATION OF TITLE

(a) Trial Courts

(1) New Actions and Submissions

On and after the MDEC start date in a county, this Title applies to (A) new actions filed in a the trial court for ~~an MDEC~~ that county, (B) new submissions in actions then pending in that court, (C) new submissions in actions in that court that were concluded as of the MDEC start date but were reopened on or after that date, (D) new submissions in actions remanded to that court by a higher court or the United States District Court, and (E) new submissions in actions transferred or removed to that court.

(2) Existing Documents; ~~Pending and Reopened Cases~~

With the approval of the State Court Administrator, (A) the County Administrative Judge of ~~the a~~ a circuit court for ~~an MDEC county~~, by order, may direct that all or some of the documents that were filed prior to the MDEC start

date ~~in a pending or reopened action in that court~~ be converted to electronic form by the clerk, and (B) the Chief Judge of the District Court, by order, may direct that all or some of the documents that were filed prior to the MDEC start date ~~in a pending or reopened action in the District Court~~ be converted to electronic form by the clerk. Any such order by the County Administrative Judge or the Chief Judge of the District Court shall include provisions to ensure that converted documents comply with the redaction provisions applicable to new submissions.

(b) Appellate Courts

(1) Appellate Proceedings

(A) Generally

Except as provided in subsection (b)(1)(B) of this Rule, this Title applies to all appellate proceedings in the Appellate Court and Supreme Court seeking the review of a judgment or order entered in any action.

(B) Exception

For appeals from an action to which section (a) of this Rule does not apply, the clerk of the lower court shall transmit the record in accordance with Rules 8-412 and 8-413, and, upon completion of the appellate proceeding, the clerk of the appellate court shall transmit the mandate and return the record to the lower court in accordance with Rule 8-606 (d)(1).

(2) Other Proceedings

This Title also applies to (A) a question certified to the Supreme Court pursuant to the Maryland Uniform Certification of Questions of Law Act, Code,

Courts Article, §§ 12-601-12-613; and (B) an original action in the Supreme Court allowed by law.

Committee note: After the Supreme Court has received and docketed a certification order pursuant to Rule 8-304 or Rule 8-305, parties who are registered users must file any subsequent papers electronically.

(c) Applicability of Other Rules

Except to the extent of any inconsistency with the Rules in this Title, all of the other applicable Maryland Rules continue to apply. To the extent there is any inconsistency, the Rules in this Title prevail.

~~Committee note: The intent of the 2020 amendments to this Rule is to expand MDEC to appeals and certain other proceedings in the Appellate Court and Supreme Court that emanate from non-MDEC subdivisions. That requires certain clarifications. First, unless they are registered users under Rule 20-104, self represented litigants and other persons subject to Rule 20-106 (a)(4) may not file electronically. See Rule 20-106. They will continue to file their submissions to the appellate court in paper form, unless otherwise permitted by the Court. Second, unless otherwise permitted by the appellate court, trial courts in non-MDEC subdivisions shall continue to transmit the record in accordance with Rules 8-412 and 8-413 and not Rule 20-402.~~

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE  
TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT  
CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 20-104 by changing the term of art “MDEC action” to “action” throughout this Rule, as follows:

Rule 20-104. USER REGISTRATION

(a) Eligibility and Necessity

(1) Any individual may apply to become a registered user in accordance with this Rule.

(2) Only a registered user may file submissions electronically in an MDEC action.

(b) On-line Application

(1) An individual seeking to become a registered user shall complete an on-line application in the form prescribed by the State Court Administrator.

(2) The form may require information the State Court Administrator finds necessary to identify the applicant with particularity and shall include (A) an agreement by the applicant to comply with MDEC policies and procedures and the Rules in this Title, (B) a statement as to whether the applicant is an attorney and, if so, is a member of the Maryland Bar in good standing, and (C) whether the applicant has ever previously registered and, if so, information regarding that registration, including whether it remains in effect and why the applicant is seeking another registration.

Committee note: One of the purposes of registration is to help ensure that electronic submissions are not filed in MDEC actions by persons who are not authorized to file them. See Rule 20-201 (b). It is important for the MDEC system to know, to the extent possible, whether a person seeking to file a submission or to access, through MDEC, documents in an MDEC action, is who he or she purports to be.

This is particularly important with respect to attorneys, who have greater ability to file submissions and access case records than other members of the public. As part of the registration process, attorney-applicants are required to supply a unique attorney number so that MDEC will know they are attorneys. Other kinds of information may be necessary to identify non-attorneys. See section (e) of this Rule with respect to multiple registrations.

(c) Username and Password

Upon successful completion of the registration process in accordance with section (b) of this Rule and any verification that the State Court Administrator may require, the individual becomes a registered user. The State Court Administrator shall issue to the registered user a username and a password, which together shall enable the registered user to file submissions electronically in an MDEC action to which the registered user is a party or is otherwise entitled to file the submission and have the access provided by Rule 20-109. The registered user may change the assigned username and password in conformance with the policies and procedures published by the State Court Administrator.

...

MARYLAND RULES OF PROCEDURE

TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT

CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 20-109 by deleting the word “MDEC” from each instance of “MDEC Action” in sections (a), (b), subsection (f)(2), the Committee note following subsection (g)(2), and section (h); by moving the phrases “to all case records in that action” and “to case records” in section (b); by adding the phrase “to electronic case records” in section (b); by deleting the provision concerning MDEC jurisdictions in subsection (j)(2); by correcting a reference to a Title 16 Rule in subsection (g)(2); and by making stylistic changes, as follows:

Rule 20-109. ACCESS TO ELECTRONIC RECORDS IN ~~MDEC ACTIONS~~ AN ACTION

(a) Generally

Except as otherwise provided in this Rule, access to electronic judicial records in an ~~MDEC~~ action is governed by the Rules in Title 16, Chapter 900.

(b) Parties and Attorneys of Record

Subject to any protective order issued by the court or other law, parties to and attorneys of record for a party in an ~~MDEC~~ action shall have full access to all case records in that action, including remote access to electronic case records, ~~to all case records in that action~~. In an action where a corporation or business entity established under the law of any state or federal law is a party, the corporation or business entity may designate in writing a registered user

who shall have remote access to all case records in the action but not be permitted to file in the action. An attorney for a victim or victim's representative shall have access to case records, including remote access to electronic case records, ~~to case records~~ as provided in Rule 1-326 (d).

(c) Judges and Judicial Appointees

Judges and judicial appointees shall have full access, including remote access, to judicial records to the extent that such access is necessary to the performance of their official duties. The Chief Justice of the Supreme Court, by Administrative Order, may further define the scope of remote access by judges and judicial appointees.

(d) Clerks and Judicial Personnel

Clerks and judicial personnel shall have full access from their respective work stations to judicial records to the extent such access is necessary to the performance of their official duties. The State Court Administrator, by written directive, may further define the scope of such access by clerks and judicial personnel.

(e) Judiciary Contractors

The State Court Administrator, by written directive, may allow appropriate access for Judiciary contractors from their respective work stations to judicial records to the extent that such access is necessary to the performance of their official duties. Before access under this section is granted to a contractor, the contractor shall sign a non-disclosure agreement on a form approved by the Chief Justice of the Supreme Court.

(f) Court-Designated ADR Practitioners

(1) Definition

In this section, “ADR practitioner” means an individual who conducts ADR under the Rules in Title 17, and includes a mediator designated pursuant to Rule 9-205.

(2) Access to Case Records

During the period of designation of a court-designated ADR practitioner in an ~~MDEC~~ action, and subject to any protective order issued by the court or other law, the ADR practitioner shall have full access, including remote access, to all case records in that action. In an action in the circuit court, the ADR practitioner shall file a notice of the designation with the clerk and, promptly upon completion of all services rendered pursuant to the designation, a notice that the designation is terminated. If not terminated earlier, the designation shall end when the case is closed.

Committee note: The special access provided by section (f) of this Rule may be needed to assist the ADR practitioner in rendering the services anticipated by the designation but should end when no further services are anticipated.

(g) Public Access

(1) Access Through CaseSearch

Members of the public shall have free access to information posted on CaseSearch.

(2) Unshielded Documents

Subject to any protective order issued by the court, members of the public shall have free access to unshielded case records and unshielded parts

of case records from computer terminals or kiosks that the courts make available for that purpose. Each court shall provide a reasonable number of terminals or kiosks for use by the public. The terminals or kiosks shall not permit the user to download, alter, or forward the information, but the user is entitled to a copy of or printout of a case record in accordance with ~~Rule 16-904 (e)~~ Rule 16-905 (c) and (d).

Committee note: The intent of subsection (g)(2) of this Rule is that members of the public be able to access unshielded electronic case records in any MDEC action from a computer terminal or kiosk in any courthouse of the State, regardless of where the action was filed or is pending.

(h) Department of Juvenile Services

Subject to any protective order issued by the court, a registered user authorized by the Department of Juvenile Services to act on its behalf shall have full access, including remote access, to all case records in an MDEC action to the extent the access is (1) authorized by Code, Courts Article, § 3-8A-27 and (2) necessary to the performance of the individual's official duties on behalf of the Department.

(i) Government Agencies and Officials

Nothing in this Rule precludes the Administrative Office of the Courts from providing remote electronic access to additional information contained in case records to government agencies and officials (1) who are approved for such access by the Chief Justice of the Supreme Court, upon a recommendation by the State Court Administrator, and (2) when those agencies or officials seek such access solely in their official capacity, subject to such conditions regarding the dissemination of such information imposed by the Chief Justice.

(j) CASA Program

(1) Definition

In this section, “CASA program” means a Court-Appointed Special Advocate Program created pursuant to Code, Courts Article, § 3-830.

Committee note: CASA programs provide trained volunteers (1) to provide background information to the Juvenile Courts to aid them in making decisions in the child's best interest, and (2) to ensure that children who are the subject of proceedings within the jurisdiction of the court are provided appropriate case planning and services. See Code, Courts Article, §§ 3-830 and 3-8A-32. CASA programs are county-based. They are created in a county with the support of the Juvenile Court for that county. The overall CASA program is administered by the Administrative Office of the Courts, which may adopt rules governing the operation of the program, including supervision of the volunteers.

More than a dozen CASA programs have been created throughout the State, some of which serve the Juvenile Courts in more than one county. Upon an appointment to assist a child in a particular case, the director of the program assigns a volunteer attached to that program to provide that assistance. The confidentiality that applies to court records in juvenile cases does not prohibit review of a court record by a “Court-Appointed Special Advocate for the child” in a proceeding involving that child. See Code, Courts Article, §§ 3-827(a)(2) and 3-8A-27(b)(2). The purpose of this section is to clarify how that access and ability to file reports may be accomplished through MDEC.

(2) Registered Users; Reports

Each CASA program shall inform the clerk of the circuit court for each county within its authorized service area in writing of the name of and contact information for not more than two staff persons who are registered users authorized by the program to have remote access and to file reports through MDEC on behalf of the program. Except as otherwise ordered by the court, only those registered users may file reports and have remote access to court records on behalf of the program. CASA program registered users must file

reports through MDEC ~~if the program's service area is located in an MDEC jurisdiction.~~

(3) Limitations; Access

The ability to file reports and have remote access to court records shall be limited to cases in which the CASA program or a volunteer on behalf of the program has been appointed by the court to provide service and is allowed only for the period during which service is being provided in that case pursuant to the order of appointment. Unless otherwise ordered by the court, access shall include notices of hearings and all other records not under seal.

(4) Control of Records

The registered user with remote access (A) shall keep exclusive control over the records obtained and (B) may not permit such records to be shared with or copied for anyone other than (i) an authorized volunteer designated by the CASA program to provide service to the child pursuant to the order of appointment and (ii) CASA program staff authorized to supervise the volunteer. Any order expunging the court records in a case in which the CASA program participated shall include the expungement of records in that case obtained and maintained by the program.

Source: This Rule is new.

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

AMEND Rule 20-201 by deleting the word “MDEC” from each instance of “MDEC Action” in sections (b) and (e), by deleting the provision concerning “MDEC counties” in the Committee note following subsection (l)(2), and by adding the phrase “in MDEC” to the Committee note following subsection (l)(2), as follows:

Rule 20-201. REQUIREMENTS FOR ELECTRONIC FILING

(a) Scope

Subject to section (l) of this Rule, sections (b), (c), and (e) of this Rule apply to all filers. Sections (d), (f), (g), (h), (j), (k), and (l) of this Rule do not apply to judges, judicial appointees, clerks, and judicial personnel.

(b) Authorization to File

A person may not file a submission in an ~~MDEC~~ action unless authorized by law to do so.

(c) Policies of State Court Administrator

A filer shall comply with all published policies and procedures adopted by the State Court Administrator pursuant to Rule 20-103.

(d) Signature

If, under Rule 1-311, the signature of the filer is required, the submission shall be signed in accordance with Rule 20-107.

(e) Multiple Submissions Filed Together

All submissions related to a particular MDEC action that are filed together at one time shall be included in a single electronic folder, sometimes referred to as an envelope.

Committee note: As an example, an answer to a complaint, a counter-claim, a cross-claim, and a motion for summary judgment, all filed at the same time in the same action, must be filed as separate pleadings or papers but in a single electronic folder.

(f) Service Contact Information

A registered user who files a submission and who will be entitled to electronic service of subsequent submissions in the action shall include in the submission accurate information as to the e-mail address where such electronic service may be made upon the registered user. If the submission is the registered user's initial submission in an action, or if a change in the e-mail address is made, the filer also shall provide service contact information by using the "Actions" drop-down box that is part of the MDEC submission process.

Committee note: If the "Actions" drop-down box is not used to provide service contact information when an initial submission is filed in an action, the default e-mail address for subsequent notifications and service of other parties' submission in the action will be the e-mail address that the filer used when transmitting the initial submission in the action.

(g) Certificate of Service

(1) Generally

Other than an original pleading that is served by original process, each submission that is required to be served pursuant to Rule 20-205 (d) shall contain a certificate of service signed by the filer.

(2) Non-Electronic Service

If service is not to be made electronically on one or more persons entitled to service, service on such persons shall be made in accordance with the applicable procedures established by other Titles of the Maryland Rules, and the submission shall include a certificate of service that complies with Rule 1-323 as to those persons and states that all other persons, if any, entitled to service were served by the MDEC system.

(3) Electronic Service

If service is made electronically by the MDEC system on all persons entitled to service, the certificate shall so state.

(h) Restricted Information

Except as provided in Rule 20-201.1, a submission filed by a filer shall not contain any restricted information.

(i) Electronic File Names

The electronic file name for each submission shall relate to the title of the submission. If a submission relates to another submission, the file name and the title of the submission shall make reference to the submission to which it relates. If all or part of a submission is to be sealed or shielded pursuant to Rule 20-201.1, the electronic file name shall so indicate.

(j) Proposed Orders

A proposed order to be signed by a judge or judicial appointee shall be (1) in an electronic text format specified by the State Court Administrator and (2) filed as a separate document identified as relating to the motion or other

request for court action to which the order pertains. The file name of the proposed order shall indicate that it is a proposed order.

Committee note: As originally adopted, section (j) of this Rule required that a proposed order be submitted in “an editable text form.” Because at the time of initial implementation, the MDEC system could only accept pdf documents, amendments to section (j) [formerly lettered (k)] were made in 2015 to give the State Court Administrator the flexibility to specify the electronic format of the proposed order. The filer should consult the MDEC policies and procedures posted on the Judiciary website for any changes to the required format.

(k) Fee

(1) Generally

A submission shall be accompanied, in a manner allowed by the published policies and procedures adopted by the State Court Administrator, by any fee required to be paid in connection with the filing.

(2) Waiver--Civil Action

(A) A filer in a civil action who (i) desires to file electronically a submission that requires a prepaid fee, (ii) has not previously obtained and had docketed a waiver of prepayment of the fee, and (iii) seeks a waiver of such prepayment, shall file a request for a waiver pursuant to Rule 1-325 or Rule 1-325.1, as applicable.

(B) The request shall be accompanied by (i) the documents required by Rule 1-325 or Rule 1-325.1, as applicable, (ii) the submission for which a waiver of the prepaid fee is requested, and (iii) if applicable, a proposed order granting the request.

(C) No fee shall be charged for the filing of the waiver request.

(D) The clerk shall docket the request for waiver. If the clerk waives prepayment of the prepaid fee pursuant to Rule 1-325 (d) or the applicable provision of Rule 1-325.1, the clerk also shall docket the attached submission. If prepayment is not waived by the clerk, the clerk and the court shall proceed in accordance with Rule 1-325 (e) or Rule 1-325.1 (c), as applicable.

(3) Waiver--Criminal Action

A fee waiver in a criminal action is governed by Rule 7-103 (c)(2), 8-201 (b)(2), or 8-303 (a)(2), as applicable.

(l) Filings by Certain Judicial Officers and Employees

(1) District Court Commissioners

(A) Filings in District Court

In accordance with policies and procedures approved by the Chief Judge of the District Court and the State Court Administrator, District Court commissioners shall file electronically with the District Court reports of pretrial release proceedings conducted pursuant to Rules 4-212, 4-213, 4-213.1, 4-216, 4-216.1, 4-217, 4-267, or 4-347. Those filings shall be entered directly into the MDEC system, subject to post-filing review and correction of clerical errors in the form or language of the docket entry for the filing by a District Court clerk.

Committee note: The intent of the last sentence of subsection (l)(1)(A), as well as subsections (l)(1)(B) and (l)(2), is to provide the same obligation to review and correct post-filing docket entries that the clerk has with respect to filings under Rule 20-203 (b)(1).

(B) Filings in Circuit Court

Subject to approval by the Chief Justice of the Supreme Court, the State Court Administrator may adopt policies and procedures permitting District Court Commissioners to file electronically with a circuit court reports of pretrial release proceedings conducted pursuant to Rules 4-212, 4-213, 4-213.1, 4-216, 4-216.1, 4-217, 4-267, or 4-347. The policies and procedures shall permit District Court Commissioners to enter those filings directly into the MDEC system, subject to post-filing review and correction of clerical errors in the form or language of the docket entry for the filing by a circuit court clerk.

(2) Circuit Court Employees

In addition to authorized employees of the clerk's office and with the approval of the county administrative judge, the clerk of a circuit court may authorize other employees of the circuit court to enter filings directly into the MDEC system, subject to post-filing review and correction of clerical errors in the form or language of the docket entry for the filing by a circuit court clerk.

Committee note: In some counties, there are circuit court employees who are not employees in the clerk's office but who perform duties that, in other counties, are performed by employees in the clerk's office. Those employees are at-will employees who serve at the pleasure of the court or the county administrative judge. The intent of subsection (1)(2) is to permit the clerk, with the approval of the county administrative judge, to authorize those employees to enter filings directly into the MDEC system as part of the performance of their official duties, subject to post-filing review by the clerk. It is not the intent that this authority apply to judges' secretaries, law clerks, or administrative assistants. Rule 20-108 (b) authorizes judges and judicial appointees ~~in MDEC counties~~ to delegate to law clerks, secretaries, and administrative assistants authority to file submissions on behalf of the judge or judicial appointee in MDEC. That delegated authority is a ministerial one, to act on behalf of and for the convenience of the judge or judicial appointee and not an authority covered by subsection (1)(2).

Source: This Rule is new.

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

AMEND Rule 20-204 by changing the term of art “MDEC action” to “action,” as follows:

Rule 20-204. NOTICE OF FILING TANGIBLE ITEM

No later than the next business day after a registered user files a tangible item in an ~~MDEC~~ action, the registered user shall file a “Notice of Filing Tangible Item” that describes the tangible item, identifies the electronically filed submission to which the tangible item is attached, and states why the tangible item could not have been filed electronically.

Cross reference: See Rule 20-106 (c)(2) for documents that shall not be filed electronically.

Source: This Rule is new.

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

AMEND Rule 20-205 by changing the term of art “MDEC action” to “action” in section (c), as follows:

Rule 20-205. SERVICE

(a) Original Process

Service of original process shall be made in accordance with the applicable procedures established by the other Titles of the Maryland Rules.

(b) Subpoenas

Service of a subpoena shall be made in accordance with the applicable procedures established by the other Titles of the Maryland Rules.

(c) Court Orders and Communications

The clerk is responsible for serving writs, notices, official communications, court orders, and other dispositions, in the manner set forth in Rule 1-321, on persons entitled to receive service of the submission who (A) are not registered users, (B) are registered users but have not entered an appearance in the ~~MDEC~~ action, and (C) are persons entitled to receive service of copies of tangible items that are in paper form.

(d) Other Electronically Filed Submissions

(1) On the effective date of filing, the MDEC system shall electronically serve on registered users entitled to service all other submissions filed electronically.

Cross reference: For the effective date of filing, see Rule 20-202.

(2) The filer is responsible for serving, in the manner set forth in Rule 1-321, persons entitled to receive service of the submission who (A) are not registered users, (B) are registered users but have not entered an appearance in the action, or (C) are persons entitled to receive service of copies of tangible items that are in paper form.

Committee note: Rule 1-203 (c), which adds three days to certain prescribed periods after service by mail, does not apply when service is made by the MDEC system.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE  
TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT  
CHAPTER 400 – APPELLATE REVIEW

AMEND Rule 20-405 by changing the term of art “MDEC action” to “action” in section (b), as follows:

Rule 20-405. OTHER SUBMISSIONS

(a) Applicability

This Rule applies to a document filed in an appellate court that is not a brief, record extract, or appendix.

(b) Electronic Filing

Unless otherwise ordered by the Court, a submission by an attorney, a self-represented litigant who is a registered user, the Court, a judge of the Court, or a Clerk in an ~~MDEC~~ action shall be filed electronically.

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MARYLAND RULES OF PROCEDURE  
TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT  
CHAPTER 500 – MISCELLANEOUS RULES

AMEND Rule 20-501 by changing the term of art “MDEC action” to “action” in the Committee note following subsection (b)(2), as follows:

Rule 20-501. MDEC SYSTEM OUTAGE

(a) Posting of Notices

(1) Outage Onset Notice

In the event of an MDEC system outage, the State Court Administrator, as expeditiously as possible, shall notify each registered user by posting an MDEC outage notice on the Judiciary website or by other electronic means. The notice shall state the date and time of the onset of the outage.

(2) Outage Termination Notice

Upon the termination of the MDEC system outage, the State Court Administrator, as expeditiously as possible, shall notify each registered user by posting an MDEC outage termination notice on the Judiciary website or by other electronic means. The outage termination notice shall state the date and time of the termination of the outage.

(b) Effect of Notice

(1) Electronic Submissions--Expiring Time Extended

If an MDEC system outage is posted for any portion of the same day that the time for filing a submission expires, the time to file the submission

electronically is automatically extended until the first full day, other than a Saturday, Sunday, or legal holiday, that an outage termination notice is posted.

(2) Paper Submissions—Accepted

If, during an MDEC system outage, the courthouse is otherwise open for business, a registered user may elect to timely file the submission in paper form.

Committee note: There may be circumstances in which the courthouse where an MDEC action is pending is closed or otherwise unable to accept electronic submissions. In that situation, a filer is still able to transmit a submission through the primary electronic service provider in the normal way, even though the court may be temporarily unable to act on it.

Cross reference: See Rule 20-106 (b) for exceptions to required electronic filing.

Source: This Rule is new.