

STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

NOTICE OF PROPOSED RULES CHANGES

The Rules Committee has submitted a Second Supplement to its Two Hundred and Ninth Report to the Court of Appeals, providing proposed amendments to Rule 20-109, which was remanded to the Rules Committee for further consideration on January 27, 2022.

The Committee's Second Supplement to the Two Hundred and Ninth Report and the proposed Rule changes are set forth below.

Interested persons are asked to consider the Committee's Supplement and proposed Rule changes and to forward on or before February 14, 2022 any written comments they may wish to make to [rules@mdcourts.gov](mailto:rules@mdcourts.gov) or:

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Reporter, Rules Committee  
Judiciary A-POD  
580 Taylor Avenue  
Annapolis, Maryland 21401

Suzanne Johnson  
Clerk  
Court of Appeals of Maryland

**THE COURT OF APPEALS OF MARYLAND  
STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE**

**Hon. ALAN M. WILNER, Chair**  
**SANDRA F. HAINES, Reporter**  
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February 4, 2022

The Honorable Joseph M. Getty,  
Chief Judge

The Honorable Robert N. McDonald

The Honorable Shirley M. Watts

The Honorable Michele D. Hotten

The Honorable Brynja M. Booth

The Honorable Jonathan Biran

The Honorable Steven B. Gould,

Judges

The Court of Appeals of Maryland

Robert C. Murphy Courts of Appeal Building

Annapolis, Maryland 21401

Your Honors:

The Rules Committee submits this Second Supplement to its Two Hundred and Ninth Report.

At the January 27, 2022 open meeting on the 209<sup>th</sup> Report, questions arose concerning the protection of confidential information when access to court records is provided to judicial contractors pursuant to proposed new Rule 20-109 (e).

Judicial contractors occasionally need access to confidential information to perform the duties for which they have been hired, such as monitoring the effectiveness of certain court operations. Chief Judge Morrissey, State Court Administrator Pamela Harris, Sandra Haines, Reporter to the Rules Committee, and I met to discuss how best to protect confidential information when judicial contractors are performing these duties. The unanimous recommendation of the attendees at that meeting is to require execution of confidentiality agreements in a form approved by the Chief Judge of the Court of Appeals.

A revision to section (e) implementing that recommendation is attached. Proposed additional language is shown in bold and underlined text.

For the Court's reference, the complete text of Rule 20-109 as originally set forth in the 209<sup>th</sup> Report begins on page 194 of that Report.

Respectfully Submitted,

/ s /

Alan M. Wilner, Chair

AMW:sdm

cc: Suzanne C. Johnson, Clerk

MARYLAND RULES OF PROCEDURE

TITLE 20 - ELECTRONIC FILING AND CASE MANAGEMENT

CHAPTER 100 - GENERAL PROVISIONS

RULE 20-109. ACCESS TO ELECTRONIC RECORDS IN MDEC ACTIONS

. . .

(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 confidentiality agreement on a form approved by the Chief Judge of the Court of Appeals.**

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