IN THE COURT OF APPEALS OF MARYLAND

AMENDED ADMINISTRATIVE ORDER ON

REMOTE PROCEEDINGS HELD DURING THE COVID-19 EMERGENCY

WHEREAS, Pursuant to the Maryland Constitution, Article IV, § 18, the Chief Judge of the Court of Appeals is granted authority as the administrative head of the Judicial Branch of the State, including the closing of courts in the State of Maryland and non-court judicial facilities; and

WHEREAS, The Court of Appeals has approved Chapter 1000 of Title 16 of the Maryland Rules of Practice and Procedure setting forth the emergency powers of the Chief Judge of the Court of Appeals; and

WHEREAS, Due to the COVID-19 pandemic, consistent with guidance issued by the Centers for Disease Control, an emergency exists that poses a threat of imminent and potentially lethal harm to individuals who may come into contact with a court or judicial facility and personnel; and

WHEREAS, Existing remote technology provides the capacity for access to justice during the pandemic,

NOW, THEREFORE, I, Mary Ellen Barbera, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order this 1st day of May 2020, as follows:

(a) To the extent that the courts have the capacity to hear emergency and other matters remotely, this Administrative Order authorizes such proceedings, with

access to members of the public as justice requires. Courts shall notify all participants to the proceeding if a matter will proceed remotely; and

(b) Courts are authorized to conduct remote proceedings using communication platforms, consistent with the Administrative Order on the Implementation of Remote Electronic Participation in Judicial Proceedings, filed June 18, 2018. To the extent that the Administrative Order on the Implementation of Remote Electronic Participation in Judicial Proceedings, filed June 18, 2018, requires the approval of the State Court Administrator for communication platforms being utilized for remote proceedings, that requirement is waived during the COVID-19 emergency. However, no jurisdiction may utilize a platform that has been deemed to pose a risk to state electronic platforms and must migrate forthwith from such communication platforms if they pose a risk that is deemed unacceptable to the Department of Judicial Information Systems in consultation with other information technology security sources; and

(c) Proceedings shall be on the record using existing capacity or, to the extent necessary, the capacity offered in the communication platforms utilized; and

(d) During the COVID-19 emergency period, when a matter is heard remotely in a non-MDEC county or in Baltimore City, judges, judicial appointees or clerks are authorized to sign any document by personally affixing the judge's, judicial appointee's, or clerk's signature by using an electronic process to affix their signature on the document, by hand signing a paper version of the document and scanning the hand-signed document containing the signature, or by typewriting the signer's name, accompanied by a visual image of the signer's handwritten signature or the symbol /s/; and

(e) The Administrative Order on Remote Hearings Held During the COVID-19 Emergency, issued on March 20, 2020, shall be and hereby is rescinded; and

(f) This Administrative Order will be revised as circumstances warrant.

/s/ Mary Ellen Barbera
Mary Ellen Barbera
Chief Judge
Court of Appeals of Maryland

Filed: May 1, 2020

/s/ Suzanne C. Johnson
Suzanne C. Johnson
Clerk
Court of Appeals of Maryland

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

Suzanne Johnson
2020-05-01 16:08-04:00

Suzanne C. Johnson, Clerk