IN THE COURT OF APPEALS OF MARYLAND

ADMINISTRATIVE ORDER

EXTENDING THE LENGTH OF

STATEWIDE JUDICIARY RESTRICTED OPERATIONS

DUE TO 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, In instances of emergency conditions, whether natural or otherwise, that significantly affect access to or the operations of one or more courts or other judicial facilities of the State or the ability of the Judiciary to operate effectively, the Chief Judge of the Court of Appeals may be required to determine the extent to which court operations or judicial functions shall continue; and

WHEREAS, Due to the outbreak of the novel coronavirus, COVID-19, and 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, The emergency continues to require comprehensive measures to protect the health and safety of Maryland residents and Judiciary personnel,

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 25th day of March 2020, as follows:

(a) All courts in the Maryland Judiciary, court offices, administrative offices, units of the Judiciary, and the Offices of the Clerks of the Circuit Courts and the clerks' offices of the District Court having been restricted to emergency operations and closed with limited exceptions beginning on March 17, 2020, through April 3, 2020, shall remain restricted to emergency operations, except as otherwise described in this Order, and closed to the public with limited exceptions, through May 1, 2020, pending further order of the Chief Judge of the Court of Appeals; and

(b) Each County and Baltimore City shall have sufficient judges to hear the emergency matters listed in section (f) each weekday during the pendency of this Administrative Order; and

(c) Essential personnel, as identified by administrative judges, court administrators, clerks of courts, administrative clerks, administrative heads of units of the Judiciary, shall report as required. If an employee identified as essential is unable to serve due to illness or otherwise has been excused consistent with applicable leave policies, a substitute shall be determined by that employee's administrative head; and

(d) For the duration of the emergency, all incumbent Maryland judges are hereby cross-designated to sit in any trial court in the state of Maryland; and

(e) For the pendency of the emergency, incumbent judges shall be available to respond in person or remotely by phone, e-mail or other electronic means, as shall be determined by their administrative judge; and

(f) In keeping with the urgency of the following mandatory matters and consistent with statutory requirements, such matters shall continue to be

scheduled or heard, either in person or remotely pursuant to the Administrative Order on Remote Electronic Participation in Judicial Proceedings, June 18, 2018. (The court shall notify all participants necessary to the proceeding.):

(1) In the Court of Appeals:

(A) certain election law matters

(B) certain petitions for Writs of Mandamus

(C) certain certified questions of law

(D) quarantine and isolation matters;

(2) In the Court of Special Appeals:

(A) requests for injunctive relief pending appeal

(B) appeals in cases in which a lack of action would result in a dispositive outcome

(C) appeals from quarantine and isolation petitions;

(3) In the Circuit Courts:

(A) bail reviews/bench warrants

(B) arraignments for detained defendants

(C) juvenile detention hearings

(D) peace order petitions (juvenile respondents)

(E) emergency evaluation petitions

(F) quarantine and isolation petitions

(G) extradition cases

(H) body attachments

(I) extreme risk protective order appeals

All other emergency matters shall be handled pursuant to (g);

(4) In the District Court:

(A) bail reviews/bench warrants

(B) emergency evaluation petitions

(C) quarantine and isolation violations

(D) body attachments

District Court Commissioners shall handle the following matters:

(A) new extreme risk protective order petitions

(B) new domestic violence protective petitions

(C) new peace order petitions (adult respondents)

(D) initial appearances

(E) applications for statement of charges

(F) acceptance of bail bonds

(G) bench warrant satisfactions

All other emergency matters shall be handled pursuant to (g); and

(g) For all other emergency matters including those listed below, the administrative judge or his or her designee shall review the petition, determine whether it must be heard in person, or can be heard with remote electronic participation, or can be scheduled after the emergency period has ended, or can be resolved without a hearing:

(1) shelter care hearings and/or related adjudications

(2) emergency delinquency hearings

(3) emergency Habeas Corpus petitions

(4) emergency issues in guardianship matters

(5) domestic violence protective orders

(6) appeals from peace orders

(7) family law emergencies

(8) temporary restraining orders

(9) criminal competency matters

(10) motions regarding:

(A) extreme risk protective orders

(B) domestic violence protective orders

(C) peace orders

(11) contempt hearings related to peace or protective orders

(12) matters involving locally incarcerated defendants; and

(h) This Administrative Order does not affect the courts' consideration or resolution of matters that can be addressed without a proceeding that involves testimony or argument; and

(i) Search warrants must be addressed on a 24-hour, 7-day per week basis. Search warrants shall be handled electronically to the greatest extent possible. The administrative judges of the Circuit Courts and the District Court each shall designate a judge who is responsible to cover search warrant duty for a specified timeframe; and

(j) All other matters, including jury trials, scheduled to be heard beginning March 17, 2020, through May 1, 2020, are hereby postponed, unless otherwise ordered by the Chief Judge of the Court of Appeals; and

(k) Courts further 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, and the Administrative Order on Remote Hearings Held During the COVID-19 Emergency filed March 20, 2020. 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 communications platforms being utilized for remote proceedings, that requirement is waived for the pendency of the COVID-19 emergency; and

(l) Pursuant to Maryland Rule 16-1003(a)(7), statutory and rules deadlines related to the adjudication of criminal and juvenile matters shall be suspended and shall be extended by the number of days that the courts are closed by order of the Chief Judge of the Court of Appeals, but no fewer than twenty-one (21) business days after the first day that the courts have been reopened; and

(m) Scheduling orders issued in civil and family law matters shall be addressed by motion on a case-by-case basis by the administrative judge or his or her designee consistent with the Court's case management plan; and

(n) Essential court personnel shall be available to the public by telephone between the hours of 8:30 AM to 4:30 PM. MDEC continues to be available for electronic filing and is required to be used for all MDEC counties. For pleadings not required to be filed electronically, filings will be received by mail and may be received via drop boxes installed at local courthouses; and

(o) Clerks of the Circuit Courts, the Court of Special Appeals, the Court of Appeals, and the District Court of Maryland shall continue to process MDEC or other electronic filings and paper filings to the extent possible with essential staff working onsite, staff teleworking, or both; and

(p) Other than as set forth in this Administrative Order, deadlines established by Maryland statutes or rules remain in effect; and

(q) For the duration of this emergency, the date of filing will be considered the date a mailed filing has been postmarked or, if filed via a drop box, the previous business day, unless there is a timestamp on the drop box; and

(r) The Administrative Order on Statewide Closing of the Courts to the Public Due to the COVID-19 Emergency filed on March 16, 2020, is rescinded effective March 25, 2020; and

(s) To the extent that this Administrative Order conflicts with extant Administrative Orders, local administrative orders or policies, this Administrative Order shall prevail; and

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

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

Filed: March 25, 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
2020-03-25 18:21-04:00

Suzanne C. Johnson, Clerk