IN THE COURT OF APPEALS OF MARYLAND
FIRST AMENDED ADMINISTRATIVE ORDER
ON CASE TIME STANDARDS AND RELATED REPORTS
FOR FISCAL YEARS 2020 AND 2021
IN LIGHT OF 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; and

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

WHEREAS, Due to the outbreak of the novel coronavirus, COVID-19, an emergency exists and requires comprehensive measures to protect the health and safety of Maryland residents and Judiciary personnel; and

WHEREAS, The COVID-19 pandemic has forced the restriction of court operations and closure of facilities, requiring postponements of thousands of court events across the state of Maryland; and

WHEREAS, The restricted operations have resulted in a backlog of new and pending matters causing heretofore unforeseen delays in the resolution of cases that must be processed when the courts can be re-opened to routine operations; and

WHEREAS, It is anticipated that the courts will be required to reopen in phases and may continue to be constrained by safety measures necessary to protect the health of court visitors and personnel; and

WHEREAS, Such constraints will impede prompt resolution of matters previously achieved by Maryland's trial courts; and

WHEREAS, Application of case time standards having been suspended for cases pending during the COVID-19 emergency period by the three consecutive emergency Administrative Orders Expanding (and Extending) Statewide Judiciary Restricted Operations Due to the COVID-19 Emergency, filed on April 3, 2020, April 8, 2020, and April 14, 2020; and

WHEREAS, The extended duration of the COVID-19 emergency during Fiscal Year 2021 necessitates further suspension of the application of time standards for cases pending during the COVID-19 emergency period,

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 2nd day of February 2021, effective immediately:

(a) The application of time standards shall be suspended for cases reaching a conclusion in the Circuit Courts and the District Court of Maryland between March 16, 2020, through June 30, 2021; and

(b) The application of time standards for all courts will resume July 1, 2021, absent further order of the Chief Judge of the Court of Appeals, as a benchmarking exercise only to determine the extent of and to project the time to reduce the backlogs caused by the COVID-19 pandemic; and

(c) Given the additional workload that will be required to address the case backlogs resulting from the restriction of operations during the COVID-19 emergency, the reports required by the Chief Judge of the Court of Appeals to be submitted by the Circuit Courts and District Court of Maryland to the Administrative Office of the Courts on an annual basis on the cases that have been completed shall not be required for Fiscal Year 2020 (July 1, 2019, through June 30, 2020) and Fiscal Year 2021 (July 1, 2020, through June 30, 2021); and

(d) Further, courts will be required to report on their case processing benchmark reports for Fiscal Year 2022 (July 1, 2021, through June 30, 2022) and shall submit these benchmark reports required by the Chief Judge of the Court of Appeals to be submitted to the Administrative Office of the Courts; and

(e) The Case Management Subcommittee of the Court Operations Committee of the Judicial Council shall meet within ninety days of the resumption of Phase IV emergency operations to determine backlogs and other delays in cases related to the COVID-19 emergency and formulate recommendations; and

(f) A report of such recommendations shall be transmitted to the Judicial Council, which shall consider the report and make recommendations to the Chief Judge of the Court of Appeals for approval; and

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

(h) The *Administrative Order on Case Time Standards and Related Reports For Fiscal Years 2020 and 2021 in Light of the Covid-19 Emergency*, filed May 1, 2020, shall be rescinded effective immediately; and

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

/s/ Mary Ellen Barbera

Mary Ellen Barbera
Chief Judge
Court of Appeals of Maryland

Filed: February 2, 2021

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

Suzanne Johnson
2021-02-02 16:34-05:00

Suzanne C. Johnson, Clerk

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