IN THE COURT OF APPEALS OF MARYLAND
SECOND AMENDED ADMINISTRATIVE ORDER
LIFTING THE STATEWIDE SUSPENSION OF JURY TRIALS
AND RESUMING GRAND JURIES

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, 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 disrupt 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 and Prevention (CDC) and the Maryland Department of Health (MDH), an emergency exists for which measures continue to be required to mitigate potential for exposure for individuals visiting a court or judicial facility and judicial personnel; and

WHEREAS, The COVID-19 emergency has continued, with public health strategies appearing to have been effective in reducing the transmission rate in Maryland and such restrictions gradually having been lessened, the resumption of certain judicial functions is possible, with the implementation of safeguards as advised by the Centers for Disease Control and Prevention and the Maryland Department of Health; and

WHEREAS, The *Second Amended Administrative Order on the Progressive Resumption of Full Function of Judiciary Operations Previously Restricted Due to the COVID-19 Emergency*, having been filed on October 2, 2020, (*Second Amended Resumption Order*), technical amendments to the cross-references are required in related administrative orders,

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 of October 2020, that:

(a) Grand juries, previously having been suspended by order of the Chief Judge of the Court of Appeals due to the COVID-19 emergency, may resume at the discretion of the administrative judge or his or her designee; and

(b) New grand juries may be empaneled as necessary; and

(c) Grand juries that are currently convened may be extended by the administrative judge pursuant to an administrative order; and

(d) All criminal jury trials in the Circuit Courts throughout the state of Maryland scheduled to begin on or after March 16, 2020, having been suspended on an emergency basis, are authorized to resume, with trial dates to be scheduled beginning on October 5, 2020, and thereafter. Consistent with Phase V of the *Second Amended Resumption Order*, October 5, 2020, having been identified as such date that the summoning of Maryland citizens in sufficient numbers to constitute an adequate jury pool from which a jury venire may be drawn will again be possible; and

(e) All civil jury trials in the Circuit Courts throughout the state of Maryland scheduled to begin on or after March 16, 2020, having been suspended on an emergency basis, shall resume, with trial dates to be scheduled beginning

October 5, 2020, and thereafter, consistent with the *Second Amended Resumption Order* subject to priority being given to criminal trials and other urgent actions; and

(f) Any previously scheduled jury trial beginning between October 5, 2020, and December 31, 2020, may be maintained, subject to priority being given to criminal trials and other urgent matters in the court, at the discretion of the administrative judge in the court in which the trial is scheduled; and

(g) In tolling the statutory and rules deadlines related to the start of criminal jury trials and other criminal matters, the *Administrative Order on Expanding the Statewide Suspension of Jury Trials and Suspending Grand Juries*, filed April 3, 2020, provided that statutory and rules deadlines related to the adjudication of pending criminal matters were to be suspended and extended by the number of days that the courts are closed to the public; and

(h) For the purposes of this Order, "tolled or extended by the number of days that the courts were closed" means that the days that jury trials were not able to be offered to defendants due to the COVID-19 emergency do not count against the time remaining for the start of a criminal jury trial; and

(i) There further shall be an additional tolling of thirty days from the time that jury trials resume on October 5, 2020, ending on November 4, 2020, for criminal cases pending in the circuit courts on March 12, 2020, or initiated prior to the resumption of jury trials on October 5, 2020[1], to allow the circuit courts to conduct status hearings and reschedule jury trials as appropriate; and

(j) For all criminal cases pending or initiated on March 16, 2020, through July 30, 2020, the deadline to conduct preliminary hearings in the District Court pursuant

[1] For example, if two days remained for start of a jury trial on March 12, 2020, then two days would remain upon the resumption of jury trials on October 5, 2020, and, with the additional thirty days tolled, thirty-two days would be left for a timely beginning of trial or hearing on the trial date.

to Maryland Rule 4-221(b) shall be and is hereby extended to August 30, 2020, consistent with Phase III of the *Second Amended Resumption Order*; and

(k) All such proceedings shall be conducted consistent with the implementation of safeguards, including social distancing and face masks and covering, as advised by the Centers for Disease Control and Prevention and the Maryland Department of Health; and

(l) The *Amended Administrative Order Lifting the Statewide Suspension of Jury Trials and Resuming Grand Juries*, filed June 3, 2020, shall be and hereby is rescinded; and

(m) To the extent that this Administrative Order conflicts with extant Administrative Orders, this Administrative Order shall prevail; and

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

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

Filed: October 2, 2020

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

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Suzanne Johnson
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Suzanne C. Johnson, Clerk