IN THE COURT OF APPEALS OF MARYLAND

ADMINISTRATIVE ORDER

EXPANDING

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; 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 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 COVID-19 emergency requires further expansion of 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 3rd day of April 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, 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) This Administrative Order does not affect or prohibit the courts' consideration or resolution of:

(1) matters that can be addressed without a proceeding; or

(2) matters that require a proceeding, to the extent that an individual court has the capacity to hear such proceedings, with access to the public as justice requires. Courts shall notify all participants to the proceeding if a matter will go forward; and

(c) 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 during the COVID-19 emergency; and

(d) Each County and Baltimore City shall have sufficient judges to hear the emergency matters listed in sections (i) and (j) each weekday, during the pendency of this Administrative Order; and

(e) Essential personnel, as identified by administrative judges, court administrators, clerks of courts, administrative clerks, and 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

(f) Essential court personnel shall be available to the public by telephone between the hours of 8:30 AM to 4:30 PM; and

(g) 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

(h) 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

(i) 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 (j); and

(4) In the District Court:

(A) bail reviews/bench warrants

(B) emergency evaluation petitions

(C) quarantine and isolation violations

(D) body attachments; and

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

(5) District Court Commissioners shall handle the following matters:

(A) new extreme risk protective order petitions

(B) new domestic violence protective petitions (adult respondents)

(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 (j); and

(j) 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, including, but not limited to:

(1) shelter care hearings and related CINA matters
(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

(k) 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

(l) All other matters scheduled to be heard beginning March 16, 2020, through the end of the COVID-19 emergency are hereby postponed or suspended,

unless participants are notified that the matter(s) will proceed or as otherwise ordered by the Chief Judge of the Court of Appeals; and

(m) The Administrative Order on Emergency Tolling or Suspension of Statutes of Limitations and Statutory and Rules Deadlines Related to the Initiation of Matters and Certain Statutory and Rules Deadlines in Pending Matters, filed on April 3, 2020, issued pursuant to Maryland Rule 16-1003(a)(7), shall control as to statutory and rules deadlines, except that the deadline for the scheduling of criminal jury trials shall be governed by the Administrative Order on Expanding the Statewide Suspension of Jury Trials and Suspending Grand Juries, filed April 3, 2020; and

(n) Application of case time standards shall be suspended for cases pending during the COVID-19 emergency period; and

(o) 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; and

(p) The Maryland Electronic Courts (MDEC) continues to be available for electronic filing and is required to be used in all MDEC counties; and

(q) In Baltimore City, Montgomery and Prince George's Counties (non-MDEC jurisdictions) only, to the extent that a Court determines to make a virtual drop box available for filings during the COVID-19 emergency period, such drop boxes may be utilized consistent with protocols adopted in an administrative order issued by that Court, announced electronically, and posted on that Court's website; and

(r) In the three non-MDEC jurisdictions only, a Court may determine to process and handle only the emergency and urgent matters listed in (i), (j), and (k), with such a determination to be made by administrative order issued by that Court, announced electronically, and posted on that Court's website; and

(s) During this emergency period, for pleadings not required to be filed electronically or where permitted by virtual drop box, filings will be received by mail and may be received via physical drop boxes installed at local courthouses:

(1) Filings subject to the Administrative Order on Emergency Tolling or Suspension of Statutes of Limitations and Statutory and Rules Deadlines Related to the Initiation of Matters and Certain Statutory and Rules Deadlines in Pending Matters, filed on April 3, 2020, shall have a filing date as determined by that Order; and

(2) For filings not controlled by the Administrative Order on Emergency Tolling or Suspension of Statutes of Limitations and Statutory and Rules Deadlines Related to the Initiation of Matters and Certain Statutory and Rules Deadlines in Pending Matters, filed on April 3, 2020, the date of filings will be considered the date a mailed filing has been postmarked or, if filed via a physical drop box, the previous business day, unless there is a timestamp on the drop box; and

(t) 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 filings, filings by virtual drop box where permitted, and paper filings to the extent possible with essential staff working onsite, staff teleworking, or both; and

(u) The Administrative Order on Extending the Length of the Statewide Closing of the Courts to the Public Due to the COVID-19 Emergency filed on March 25, 2020, is rescinded effective April 3, 2020; and

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

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

/s/ Mary Ellen Barbera

Mary Ellen Barbera

Chief Judge

Court of Appeals of Maryland

Filed: April 3, 2020

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

Suzanne Johnson
2020-04-03 16:19-04:00

Suzanne C. Johnson, Clerk

/s/ Suzanne C. Johnson

Suzanne C. Johnson

Clerk

Court of Appeals of Maryland