

CIRCUIT COURT UPDATE
NEW ORDERS FROM THE COURT OF APPEALS

Several new Administrative Orders were issued by Governor Hogan and Chief Judge Barbera late Friday, April 3, 2020. The Court's orders and all previously issued court orders can be viewed online at:

<https://mdcourts.gov/coronavirusorders>

Certain provisions of these various orders are important to Circuit Court operations. A summary of the several orders is provided.

Jury Trials and Grand Juries

Chief Judge Barbera issued "*Administrative Order On Expanding the Statewide Suspension of Jury Trials And Suspending Grand Juries*". This order suspends grand juries until further notice (as well as Circuit Court criminal and civil jury trials).

- Statutory deadlines and rules deadlines relating to the adjudication of pending criminal matters are suspended
- These deadlines are extended by the number of days that courts are closed to the public.
- Preliminary hearing dates/deadlines are therefore extended
- Indictments by the grand jury are suspended until further order of the Court of Appeals.

Statutes of Limitations/Rules Deadlines

Chief Judge Barbera issued "*Administrative Order on Emergency Tolling of 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*". This order suspends all statutory and rules deadlines relating to initiation of matters to be filed in Maryland State Courts. Statutory and rules deadlines relating to the initiation of matters required to be filed – including statutes of limitations are TOLLED OR SUSPENDED effective March 16, 2020.

- Statutes and rules deadlines to hear pending matters are also TOLLED OR SUSPENDED, effective March 16, 2020
- The toll/suspension (new deadline) for these purposes is calculated by adding the number of days that the courts are closed to the public.
- Further extensions may be ordered once the Court of Appeals terminates the COVID-19 emergency period
- Filings made during the time that clerks offices are closed to the public will relate back to the day before the deadline expired.

Statewide Judiciary Restricted Operations

Chief Judge Barbera issued "*Administrative Order Expanding Statewide Judiciary Restricted Operations Due to the COVID-19 Emergency*." This order slightly expands the scope of the original order on judicial operations, and consequently some of provisions referred to in earlier communications have been renumbered. The clerk's office remains closed to the public.

Matters to be heard in the Circuit Court include bail reviews and bench warrants; arraignments for detained defendants; juvenile detention hearings; peace order petitions for juvenile respondents; emergency evaluation petitions; quarantine and isolation petitions; extradition cases; body attachments; and extreme risk protective order appeals. Other emergency matters may be heard in the court's discretion.

Court staff is most understanding of the extraordinary circumstances common to all. The Circuit Court is operating with approximately 10% of employees. Everyone shares a commitment to the judiciary and the important work that lawyers and litigants must do.

Of course, everyone is also concerned for their personal safety and that of their loved ones. We are trying to balance these concerns to comply with the constitutional and due process rights of everyone with the need to take every possible measure to preclude exposure and risk.

Because we are a non-MDEC jurisdiction, it is important to remember that this court does not have the electronic capabilities present in the vast majority of jurisdictions in this state. Because of health concerns attendant to handling vast quantities of paper filings from outside of the courthouse, we are trying to minimize the amount of new paper filings. As the Statute of Limitations has been suspended, it is requested that those who can postpone the filing of new suits do so if at all possible. Counsel are encouraged to explore mediation and collaborative efforts in family cases. As Judge Barbera's new orders permit, we are exploring other potential electronic innovations, including a platform for filing emergency petitions. For now, however, filers by regular mail and dropbox should clearly note on the envelope whether the paper filed within is "emergency" or "non-emergency." Any paper not so labeled will be considered "non-emergency."

AS THE JUDICIARY'S RESPONSE TO THE CURRENT PANDEMIC IS A FLUID ONE, PLEASE CHECK THIS SITE FREQUENTLY FOR UPDATES.

Robert A. Greenberg, Administrative Judge, Circuit Court for Montgomery County