

CIRCUIT COURT FOR CARROLL COUNTY
Fifth Judicial Circuit of Maryland
Courthouse Annex, 55 North Court Street
Westminster, Maryland 21157
Phone: 410-386-2616

Differentiated Case Management Plans
Pursuant to Md. Rule 16-302 (b)

Effective: June 16, 2018

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I. FAMILY LAW DIFFERENTIATED CASE MANAGEMENT PLAN

GENERAL

A. Family Law Cases Defined

1. Generally. The policies and procedures described in this Plan apply to the following types of contested cases (defined as one where a responsive pleading in any form is filed opposing any relief):

a. Original divorce (including property division), alimony, child support (except URESA/UIFSA), custody and/or child visitation action, annulment, adoption, guardianship, and name change.

b. Request for modification, enforcement, or contempt of any aspect of any prior judgment, order, or agreement except as set forth in paragraph 2.b. below.

2. Excluded Cases. Cases excluded from this Plan are:

a. All uncontested cases. An “uncontested case” is a case that proceeds by an Order of Default, or upon the filing of an answer that agrees to the relief requested in the complaint.

b. Certain matters heard by family magistrate (“magistrate”). Unless the Court orders otherwise, the family magistrate will hear child in need of assistance, child in need of supervision, juvenile delinquency, child support contempt, URESA/UIFSA, and paternity cases pursuant to applicable rules, law, and time standards.

c. Domestic Violence Cases.

3. Separate Pleadings Required. Causes of action that proceed as a matter of course before the family magistrate (e.g., contempt) must be set forth in a pleading separate from those that proceed as a matter of course before a judge (e.g., motion to specifically enforce agreement).

B. Waivers of Filing Fees and Other Costs

1. When waivers for prepayment of filing fees and other costs are granted, costs are to be determined by the Clerk’s Office at the conclusion of the case. Said costs shall then be assessed by the judge or waived. The Clerk’s Office is to remind the judges of this obligation.

C. Postponement Policy

1. All requests for postponements shall be made in writing and considered by the Court under the provisions of the Carroll County Circuit Court Postponement Policy (“Postponement Policy”) (Exhibit 1).

D. Settlement of the Case

1. If settlement occurs before the Pretrial Conference Date or between the Pretrial Conference date and the trial date, attorneys and/or parties shall notify the Civil Assignment Office in writing immediately, but in any event within seven days of settlement. Unless final paperwork has been approved by the Court, the parties must appear on the Pretrial Conference date or trial date to put the agreement upon the record. Such agreement will be incorporated immediately into a temporary

order, which shall further provide for a Status Review Hearing in the event that final paperwork has not been submitted.

2. The Status Review Hearing shall take place in 30 days, or on the trial date, but in no event later than the time standards date. Final consent orders shall be submitted without breaks in text, counterparts, and with original signatures. The page bearing the judge's signature line must contain a minimum of one line of text.

E. Effective Date

1. The provisions of this Plan are effective as of 30 days from approval by the Chief Judge of the Court of Appeals.

DIVORCE AND RELATED ISSUES

F. Civil-Family Law Case Information Report

1. Pursuant to Md. Rule 2-111, a Civil - Domestic Information Report (DCIR) shall be filed with a complaint or petition, and a copy must be served on the defendant/respondent.

G. *Ex Parte* (Emergency) Order

1. Generally. All motions for *ex parte* relief shall be made under one of the forms of affidavit required by Md. Rule 1-304, and shall certify that the required notice has been given to all opposing parties under Md. Rule 1-351(b), unless such notice is excused by the Court. **B e f o r e** ruling, the judge may require a brief hearing. If such *ex parte* relief is granted, the order shall further grant the opposing party a right to a hearing to dissolve the order upon forty-eight (48) hours' notice.

2. Standards for *Ex Parte* Relief. Motions for *ex parte* relief will be denied unless there is a sufficient showing:

- a. Of an imminent risk of immediate physical harm to a party or minor child;
- b. That a prejudicial relocation of a minor child from a stable environment has occurred;
- c. That a serious and continuing breach of an existing order for custody or visitation has taken place; or
- d. Of a serious and continuing denial of access to a child.

3. Other Relief. Following a hearing, the prevailing party may be granted reasonable attorney's fees. Motions for the immediate payment of child support and/or alimony do not meet the standard for *ex parte* relief Any other request for relief (e.g., expedited, emergency, etc.) prior to response by, or in the absence of consent from, an adverse party will be denied.

H. Initial Case Review – Referral to Educational Seminar

All appropriate parties will be ordered to attend and complete a 6-hour educational seminar.

I. Magistrate Hearing

1. Scheduling Conference Date – New Case

a. Within 10 days of the filing of the first answer to a new divorce, custody, and/or visitation complaint or petition, the Civil Assignment Office will promptly set a Scheduling Conference date. By or on the Scheduling Conference date, which will be held within 30 days of the filing of the answer, the parties will either have all *pendente lite* issues resolved and submit a proposed consent order or have a firm, agreed upon hearing date with a magistrate to resolve *pendente lite* issues. All parties and attorneys must attend the Scheduling Conference.

b. If on the Scheduling Conference date the parties and the magistrate agree, a magistrate may conduct the final hearing on contested issues. In such cases, review will be by exceptions and the case will proceed to a hearing before the magistrate without a scheduling order. The magistrate may set the time to be allotted for such trial at the Scheduling Conference date.

c. Matters to be Considered. At least five days prior to the Scheduling Conference date, counsel shall consult with one another and advise which types of relief each intends to request.

d. A facilitator may be available at the Scheduling Conference to assist the parties in reaching a *pendente lite* agreement for custody/visitation. The parties may request the facilitator's assistance or it can be directed by the magistrate. The parties can also prearrange the facilitation with the Mediation Coordinator.

e. Upon request of attorneys/self-represented litigants and for good cause, the following relief will be considered by the magistrate at the Scheduling Conference:

- (i) Order Appointing a Best Interest Attorney
- (ii) Order Appointing a Child Advocate
- (iii) Order Appointing a Child's Privilege Attorney
- (iv) Order for Full Custody Evaluation
- (v) Order for Limited Custody Evaluation
- (vi) Order for Substance Abuse Assessment
- (vii) Order for Psychological Evaluation
- (viii) Order for Monitored Transfer and/or Supervised Visitation
- (ix) Order for Paternity Testing
- (x) Order for Mediation
- (xi) Order for Parent Coordinator
- (xii) Temporary Order for Suit Fees, subject to final allocation at trial
- (xiii) Any other investigation or order that may be necessary to expedite the case

f. After the Scheduling Conference, the above relief will only be considered for good cause shown that did not exist on the Scheduling Conference date.

g. After considering the positions of the parties, the magistrate will make a track assignment (see subsection K1 below) and written recommendations to the Court on the magistrate's Scheduling Conference Report and Recommendation(s) form. If the parties agree to the magistrate's recommendations, each party shall sign a proposed consent order which will then be forwarded to the assigned judge for a ruling. If any party disagrees with any recommendation of the magistrate, the parties will appear immediately before the assigned judge or, in his or her absence, any available judge for hearing and ruling.

h. If no agreement as to *pendente lite* relief has been reached, the parties will agree at the Scheduling Conference to a magistrate's hearing date on *pendente lite* relief which shall occur within 45 days of the Scheduling Conference date.

i. Waiver of the Scheduling Conference. The parties may request a waiver of a Scheduling Conference date prior thereto only if all of the following requirements are met:

- (i) Both parties are represented by counsel.
- (ii) There are no issues concerning custody and/or visitation, except that if the parties have outstanding custody and/or visitation issues, and Family Law Administration has recommended mediation, then prior to removal of the case from the Scheduling Conference docket, counsel must have supplied the Mediation Coordinator with the following information so that mediation and parent education seminar orders can be prepared: 1) name(s) of mediators mutually agreed to; 2) current addresses, telephone numbers (home/work/cell), and emails of all parties; 3) list of issues to be mediated; 4) three (3) mutually agreeable dates and times for mediation; and 5) written confirmation by counsel that their client understands and agrees to pay the required fees.
- (iii) A written waiver is signed by both counsels prior to the Scheduling Conference date in the form substantially similar to the Joint Request for Waiver of Scheduling Conference and Track Assignment (Exhibit 2) and has been granted by the Court.
- (iv) The waiver requests assignment to the Family Law Expedited or Family Law Standard Track.
- (v) None of the relief set forth in I.1.e.(1-13) above is requested by either party or, if any such relief is requested, all of the relief requested is agreed upon by the parties and submitted for approval to the Court by consent motions. Consent motions for a custody evaluation must set forth specific facts warranting same.
- (vi) The parties have resolved all *pendente lite* issues and have submitted a consent order or have a firm, agreed upon hearing date with a

magistrate within 45 days of the scheduling order to resolve *pendente lite* issues, or agree in writing to waive or defer such hearing.

(vii) The waiver is reviewed by the magistrate for Plan compliance and approval.

2. Scheduling Conference – Modification Case. The Scheduling Conference date may be set at the discretion of the magistrate.

3. *Pendente Lite* Hearing. All requests for *pendente lite* relief in divorce and/or custody cases shall be heard before a magistrate in a single hearing held within 45 days of the Scheduling Conference date. Said hearing shall not exceed three hours in length with such time divided equally between the parties; provided that, upon motion for good cause shown, the magistrate or assigned judge may grant additional time or the assigned judge may elect to hear *pendente lite* issues instead of the magistrate, but the pendency of or intent to file such a motion shall not affect the acts required by this Plan.

4. Immediate Order. In any case in which reasonable child support is not being paid or reasonable access to a child is being denied, or upon a finding of any other extraordinary circumstance, the magistrate shall recommend that an order be entered immediately, pursuant to Md. Rule 9-208(h)(2).

5. Discovery Violation. If the failure to provide timely discovery or expert notice materially affects the ability of a party to present his or her case, the magistrate may recommend any appropriate sanction as allowed by the Rules. Should a continuance be necessary, the magistrate will first take testimony on other issues not affected by the discovery or notice violation and grant a continuance only as to the affected issues. The magistrate shall recommend that the Court assess all costs resulting from such continuance, including reasonable attorney's fees, against the offending party.

6. Hearings and Trials Before a Magistrate. Any motion to modify an existing order in divorce and/or custody cases heard before the magistrate, except that modification of custody in which at least one attorney has entered an appearance shall be heard before a judge. Such magistrate's hearing shall not exceed one day in length with such time divided equally between the parties, provided that, upon motion for good cause shown, the magistrate or assigned judge may grant additional time or the assigned judge may elect to hear such motion to modify instead of the magistrate, but the pendency of or intent to file such a motion shall not affect the acts required by this Plan.

J. Issuance of Scheduling Order

Upon the Court granting a motion for waiver of scheduling order or following a Scheduling Conference date, the Civil Assignment Office shall issue a Scheduling Order and Notice of Assignment.

K. Assignment Guidelines

1. Tracks. At the Scheduling Conference date, or by prior filing of a scheduling conference waiver, the magistrate will assign all family law cases under this Plan to one of the three following tracks:

a. Family Law Expedited Track. The trial date for a Family Law Expedited Track case is approximately 90 days after the Scheduling Conference date. This normally occurs where the contested complaint for absolute divorce (a) does not contain a request for *pendente lite* relief involving custody, visitation, support, or use and possession of property; and (b) contested marital property issues are simple.

b. Family Law Standard Track. The trial date for a Family Law Standard Track case is the later of approximately 150 days after the Scheduling Conference date, or 60 days after the earliest date that any party will be entitled to an absolute divorce, as indicated by the pleadings, but in no event later than 11 months from filing of a complaint for absolute divorce. A Pretrial Conference date will also be scheduled approximately 60 days prior to the trial date.

c. Family Law Extended Track. Cases eligible for a Family Law Extended Track must be commenced with a complaint in which the title lists a limited divorce as the first or only divorce relief sought. The trial date for a Family Law Extended Track case is approximately 500 days after the Scheduling Conference date but not longer than 11 months from the filing of a complaint for absolute divorce. A Pretrial Conference date will also be scheduled approximately 60 days prior to the trial date.

2. Hearing and Trial. If practical, hearings and trials will proceed on consecutive days until completed, except that any case for which an inaccurate time estimate has been given ordinarily will not take precedence over a trial or hearing scheduled to begin thereafter. No evidence shall be received by proffer in or after any hearing or trial, unless all parties fully agree. This applies to all cases regardless of whether the parties are self-represented or represented by counsel. Unless otherwise ordered by the Court, cases must be tried on the assigned trial date or dismissed.

L. Alternative Dispute Resolution Programs

There are several alternative dispute resolution programs available to facilitate the resolution of a case.

1. Mediation.

a. Type of Case. Mediation is ordered in cases where:

(i) There are custody and/or visitation issues; and

(ii) There is no substantial allegation of physical or sexual abuse of a party or a child; and

(iii) There are no active or past domestic violence protective orders between the parties; and

(iv) Both parties live within a reasonable distance from Westminster, Maryland and are not incarcerated or under a disability preventing meaningful participation.

b. General Procedure. When the parties are ordered to participate in mediation, the order will include the name, address and telephone number of the mediator, the date, time and location of the first session, and the costs required from each party. The parties will be required to participate in good faith for up to two, two-hour sessions.

c. Mediation Fees. The administrative judge (“AJ”) or his/her designee sets the fees for court-ordered mediation, and a mediator may not charge fees in excess of the fee rate set in the order.

d. Contempt of Mediation Order. If a party fails to attend, participate in good faith, or pay the required fees, the mediator will report the failure to the Court. The Court may issue an order to show cause and, after a hearing, impose sanctions.

2. Courthouse Facilitation Services. In cases set for a hearing before a judge or family magistrate, an attorney staff member of Family Law Administration may be available for facilitating an immediate agreement.

3. Pretrial Conference. A Pretrial Conference is a non-binding effort to facilitate a resolution of the case and will be conducted by a Settlement Officer who is an attorney with expertise in domestic law who is appointed and compensated by the Court. The Pretrial Conference shall not exceed three hours in duration.

a. Scheduling a Pretrial Conference Date. All attorneys/parties are required to attend the Pretrial Conference date. All discovery must be completed by the time of the Pretrial Conference date. The following updated documents shall be filed with the Court and copies forwarded to the assigned Settlement Officer, as well as to all attorneys and self-represented parties, at least five days prior to the Pretrial Conference:

- (i) A statement addressing those matters set forth in Md. Rule 2-504.2(b);
- (ii) Joint Statement of Property (Md. Rule 9-207);
- (iii) Financial Statement (Md. Rule 9-203);
- (iv) Income information and documentation verifying that income;
- (v) Child Support Guidelines Worksheet, if child support is at issue (Md. Rule 9-206)

b. Pretrial Conference Procedure. The Settlement Officer will meet with the attorneys/parties in an attempt to facilitate a settlement in the case. ALL ATTORNEYS/PARTIES MUST BE PREPARED TO DISCUSS ALL ASPECTS OF THE CASE IN ANTICIPATION OF A POSSIBLE SETTLEMENT. If the attorneys/parties fail to reach an agreement on any or all of the issues, an additional Pretrial Conference date may be requested by a Settlement Officer and/or the attorneys/parties if the Pretrial Conference has lasted less than three hours; and either

- (i) The Settlement Officer believes that the attorneys/parties need time to consider what has already taken place and would benefit from coming back another day; or

(ii) Certain documents are needed to resolve a particular issue and a party needs additional time to retrieve those documents. THIS DOES NOT INCLUDE DISCOVERY THAT THE COURT ORDERED TO BE COMPLETED BY A CERTAIN DATE.

c. Failure to Settle. If the parties cannot reach an agreement, the case will proceed to trial on the scheduled trial date.

OTHER

M. Confidential Handling of Custody Evaluator Report

All attorneys and self-represented litigants shall receive a copy of the written report; however, they are prohibited from showing the report to any minor child and non-parties. In addition, each attorney and self-represented litigant agree that they will not make any copies of the report sent to them, and will return the copy or copies to the Court upon completion of the trial or submission of an agreement on the issues discussed in the report. Copying, sharing with unauthorized persons, or failure to return the copy to the Court may result in sanctions being imposed.

II. CIVIL NON-FAMILY LAW DIFFERENTIATED CASE MANAGEMENT PLAN

A. Civil Non-Family Law Cases Defined

1. Included Cases. The policies and procedures described in this Plan apply to the following types of contested cases:

Condemnation	Motor Tort
Confessed Judgment	Orphans' Court Issue
Contract	Other Civil Non-Domestic
Declaratory Judgment	Other Tort
Fraud and Misrepresentation	Product Liability
Injunction	Specific Performance
Mandamus	State Insolvency
Mechanic's Liens	Workers' Compensation Appeals
Medical Malpractice	

2. Excluded Cases. Cases excluded from this Plan are:

a. All uncontested cases. A default judgment shall be scheduled for hearing at the request of the Plaintiff without a Scheduling Order being entered, but not sooner than 30 days from the entry of the default judgment. Until the hearing, the non-defaulting party may conduct any

discovery permitted by the Rules. If a default judgment is entered after a responsive pleading has been filed, any non-defaulting party seeking affirmative relief may request that the hearing thereon be advanced on the Court docket.

b. Petitions for *Habeas Corpus*, which will be considered by the Court at the earliest practical time.

c. Foreclosures, which will follow the procedures set forth in the Rules.

d. Temporary Restraining Orders and Preliminary Injunctions, which will be considered and/or heard by the Court as provided by the Rules.

e. District Court *de novo* Appeals, which will be scheduled on the next available court date without a Scheduling Order.

f. Mechanic's Lien show cause hearings, which shall be scheduled for hearings as provided by the Rules.

g. Administrative Agency and District Court Record Appeals, which will be scheduled for hearing without a Scheduling Order approximately 60 days from the filing of the transcript.

h. Any other matter or portion of a matter which a rule or statute provides for earlier disposition shall be scheduled consistent with such rule or statute.

B. Waivers of Filing Fees and Other Costs

When waivers for prepayment of filing fees and other costs are granted, costs are to be determined by the Clerk's Office at the conclusion of the case. Said costs shall then be assessed by the judge or waived. The Clerk's Office is to remind the judges of this obligation.

C. Civil Non-Family Case Information Report

Pursuant to Md. Rule 2-111, a Civil Non-Domestic Case Information Report ("CIR") must be obtained from the Clerk of the Court and filed with a complaint and a copy must be served on the defendant(s). Should a party responding to a complaint disagree with the CIR, a CIR shall be filed with the response to that complaint. Failure to file a CIR may result in the Court assigning the case to a track which may be contrary to the intent of a party.

D. Assignment Guidelines

The case will be assigned by the Civil Assignment Office to one of four tracks: Civil Expedited Track, Civil Standard Track, Civil Extended Track, or Civil Complex Track, consistent with this Plan. Except for cases assigned to the Civil Complex Track (*see* paragraph 4), after the case is at issue as to one original defendant, the Civil Assignment Office will issue a Scheduling Order and Notice of

Assignment consistent with the track assigned. The Scheduling Order and Notice of Assignment will be served on all parties or their counsel who have entered an appearance as of the date thereof. All other parties will be served with the same, by regular mail, by plaintiff within 15 days of such other defendants entering an appearance. Plaintiff shall certify to the Court, in writing, compliance with this

service requirement within such 15 day period. If a party disagrees with the designated track assignment, the party may file a motion to change the track within 15 days after service of the Scheduling Order and Notice of Assignment, stating the reasons why a different track assignment is needed. If consented to or unopposed, assignment personnel will then change the track assignment. If opposed by any party within 15 days, the designated judge will decide the appropriate track. At any time, the Court may change a prior track assignment for good cause.

1. Civil Expedited Track. An action will ordinarily be assigned to the Civil Expedited Track if it appears that by its nature it can be promptly tried with minimal pretrial discovery and other pretrial proceedings. The trial or hearing on the merits of the case will be heard approximately 90 days after the case is first at issue as to one original defendant. No Pretrial (settlement) Conference date will be scheduled for a case on the Civil Expedited Track. The following case types will generally be assigned to the Civil Expedited Track:

- a. Mandamus;
- b. Mechanic's Lien;
- c. Guardianship – Adult; and
- d. Any other matter the parties agree to place on the Civil Expedited Track.

2. Civil Standard Track. Most civil actions will be assigned to the Civil Standard Track. All cases within this track will be scheduled for trial approximately 240 days from when the case is first at issue as to one original defendant. The Settlement Conference date shall be scheduled approximately 60 days prior to trial. The following case types will be generally assigned to the Civil Standard Track:

- a. Condemnation;
- b. Confessed Judgment (if vacated);
- c. Contract;
- d. Declaratory Judgment;
- e. Fraud and Misrepresentation;
- f. Injunction;
- g. Motor Tort (Except as set forth in Section 3, *infra*);
- h. Orphans' Court Issue;
- i. Other Civil Non-Family Cases Not Otherwise Provided for in this Plan;
- j. Other Tort (Except as set forth in Section 3, *infra*);
- k. Specific Performance; and
- l. Workers' Compensation Appeals.

3. **Civil Extended Track.** All cases within this track will be scheduled for trial approximately 345 days from when the case is at issue as to one original defendant. The Settlement Conference date shall be scheduled approximately 60 days prior to trial. The following case types will generally be assigned to the Civil Extended Track:

- a. Medical Malpractice;
- b. Product Liability;
- c. Serious Motor Tort;
- d. Serious Tort; and
- e. State Insolvency.

Factors that would be utilized to determine the seriousness of tort cases would include one or more of the following: (1) medical expenses and lost wages over \$100,000; (2) estimated length of trial of five or more days; (3) the number of expert witnesses; and (4) the availability of out-of-state witnesses or parties.

4. **Civil Complex Track.** An action shall ordinarily be assigned to the Civil Complex Track for individual judicial management if it appears likely that the case will require a disproportionate amount of trial time and/or court resources by reason of the number of parties involved, the number of claims and defenses raised, the legal difficulty of the issues presented, the factual difficulty of the subject matter, or any combination of these factors. The trial date will be scheduled approximately 450 days from when the case is at issue as to all original parties. A Scheduling Order will be issued at a Scheduling Conference to be held within 30 days of the case being at issue with respect to all original parties. Unserved defendants will be subject to Md. Rule 2-507. The Settlement Conference date shall be scheduled approximately 90 days prior to trial. The following case types will generally be assigned to the Civil Complex Track:

- a. Class Action Suit;
- b. Major Construction Contract;
- c. Major Product Liability; and
- d. Other complex cases.

5. **Miscellaneous Provisions Applicable to All Tracks.**

a. The filing of amended complaints, counter-complaints, cross-claims, third-party claims, and/or the joinder of additional parties shall not change a Scheduling Order, except upon motion and for good cause shown.

b. If any date by which action is due under this Plan falls on a weekend or legal holiday, the date to complete such action shall be extended to the next business day.

c. Every Scheduling Order issued shall include a Notice of Assignment of Trial and, if applicable, a Settlement Conference date.

E. Discovery Disputes

Discovery disputes can severely strain the abilities of the parties to bring a case to conclusion either by settlement or trial. The Court is committed to resolving discovery disputes at the earliest opportunity.

F. *Ex Parte* Communications Prohibited

There shall be no oral or written *ex parte* communications with the Court by parties, attorneys, or Settlement Officers except as provided by the Maryland Rules or by this Plan.

G. Postponement Policy

All requests for postponement shall be made in writing and considered by the Court under the provisions of the Carroll County Circuit Court Postponement Policy (“Postponement Policy”) (Exhibit 1).

H. Pretrial Conference

A Pretrial Conference is a non-binding effort to facilitate a resolution of the case, and will be conducted by a Settlement Officer who is an attorney with specialized knowledge of applicable law who is appointed and compensated by the Court.

1. Generally. A Pretrial Conference will be scheduled for all matters except the Civil Expedited Track at the time of the initial Notice of Assignment. All attorneys, parties, and their insurers are required to attend the Pretrial Conference, provided that, upon written certification from a defense attorney received at or prior to the Pretrial Conference that his or her client is fully insured for plaintiff’s losses and that such defendant retains no right to prevent settlement, such defendant need not appear. Failure to attend may result in sanctions by the Court. All discovery must be completed in accordance with the Scheduling Order.

2. Procedure. The Settlement Officer will meet with the attorneys and the parties in an attempt to facilitate a settlement in the case. All attorneys and parties must be prepared to discuss all aspects of the case in anticipation of a possible settlement.

If an agreement is reached on some or all issues before the Court, that agreement will be placed on the record. A consent order, signed by all attorneys and parties, shall be submitted to the Court within 15 days of the Pretrial Conference date. If the parties are unrepresented, the Court shall prepare the Order.

If the parties fail to reach an agreement on any or all of the issues, the following procedures shall be followed:

a. The Settlement Officer will meet with the attorneys and the parties in an attempt to facilitate a settlement in the case. ALL ATTORNEYS AND PARTIES MUST BE PREPARED TO DISCUSS ALL ASPECTS OF THE CASE IN ANTICIPATION OF A POSSIBLE SETTLEMENT.

(i) An additional Pretrial Conference may be requested by a Settlement Officer and/or the attorneys/parties for the following reasons:

(a) The conference has lasted the entire day and additional time is required;

- (b) The Settlement Officer believes that the attorneys/parties need time to consider what has already taken place and would benefit from coming back another day;
 - (c) Certain documents are needed to resolve a particular issue and a party needs additional time to retrieve those documents. THIS DOES NOT INCLUDE DISCOVERY THAT THE COURT ORDERED TO BE COMPLETED BY A CERTAIN DATE.
- (ii) The Settlement Officer and the attorneys/parties must contact the Pretrial Conference Coordinator to obtain a date for the additional Pretrial Conference. The Motion for Additional Pretrial Conference is properly completed by the Coordinator and signed by all parties. It is then forwarded to the assigned judge for ruling. The Clerk's Office forwards a copy of the signed Order to all attorneys/parties.
 - (iii) No additional Pretrial Conference will be authorized if it would result in the postponement of the trial date; or

b. Proceed to trial as scheduled.

I. Settlement of the Case

If settlement occurs between the Pretrial Conference date and the date of trial, attorneys and/or parties shall notify the Civil Assignment Office, in writing, within 7 days of settlement.

J. Dismissals under Md. Rule 2-507

A request to defer dismissal under Md. Rule 2-507 shall state the specific deferral period sought and the reasons for such request.

III. CRIMINAL LAW DIFFERENTIATED CASE MANAGEMENT PLAN

A. Criminal Track 1: Jury Trial Prayers or Appeals from District Court

All criminal and traffic cases that originate in the District Court, and that are removed to this Court as the result of a request for jury trial or appeal, shall be scheduled for an Initial Appearance ("IA"), if necessary, and a Criminal Scheduling Conference ("Scheduling Conference") in this Court. The combined proceeding in this Court shall be known and referred to as a Scheduling Conference.

All jury trial prayers requested in the District Court, will be assigned to Criminal Track 1.

When a jury trial is requested in open court in the District Court, a summons containing the Scheduling Conference is given to the defendant and notice of the Scheduling Conference is given to the State's Attorney in the District Court. The date is chosen from a list of dates previously provided to the District Court by the Circuit Court Criminal Assignment Office that is approximately 6 weeks from the jury trial prayer. In addition to the summons, the Criminal Assignment Office will separately notify all parties of the Scheduling Conference and set the Trial date in accordance with Rule 4-271.

In all other requests for a jury trial made in the District Court as well as in criminal appeals, the District Court file is forwarded to the Circuit Court Clerk's Office for docketing. The Criminal Assignment Office will set a Scheduling Conference to be held in this Court approximately 6 weeks from the demand for jury trial or notice of appeal, and send notice to all attorneys and parties, a summons to the defendant, and shall set the trial date in accordance with Rule 4-271.

1. Scheduling Conference Date. A Scheduling Conference is required in all Criminal Track 1 cases. Subject to modification by this Court as deemed necessary, Scheduling Conferences will be held four days per month. Public Defender cases shall be set two days per month and private counsel/self-represented defendant cases shall be set two days month. The defendant, his or her attorney of record, if represented, and the State's Attorney, shall be present at the Scheduling Conference. If necessary, writs for the defendant shall be issued sufficiently in advance by the Clerk.

If the defendant is represented by counsel other than the Public Defender, the attorney who will try the case and the prosecutor who is assigned the case, or who has authority to resolve the case, shall be present. Stand-in counsel shall not appear for a party. If trial counsel is not available, the party should make a timely request for a postponement of the Scheduling Conference in advance, in accordance with the Carroll County Circuit Court Postponement Policy ("Postponement Policy") (Exhibit 1). The parties and counsel may not waive or substitute attendance at a Scheduling Conference.

At a Scheduling Conference, a party may enter a guilty plea if appropriate or otherwise dispose of the case. Sentencing may be held at that time, or on another date set by the Court.

If a defendant is on probation to a judge of this Court, and either has a pending violation of probation, or anticipates that the entry of a plea in the case for which the Scheduling Conference is scheduled will result in a violation of probation, and if the defendant and the State have reached a plea agreement, the defendant can request that his or her plea in the case for which the defendant is attending the Scheduling Conference be set together with his or her violation of probation at a Scheduling Conference before the judge to whom the defendant is on probation.

The Scheduling Conference is intended to be a meaningful event and counsel shall prepare by substantially completing pretrial discovery and plea discussions, in advance of the Scheduling Conference. Defense counsel shall meet with their clients in advance of the Scheduling Conference to have substantive discussions about the state of plea negotiations, or be prepared to advise the presiding judge why such a meeting was not held.

If the parties do not reach an agreement at the Scheduling Conference, but require a Motions Hearing to suppress evidence, the Court shall advise the defendant and counsel in open court of the dates and times of the Motions Hearing and may reset the trial date.

2. Requests for Postponement of Scheduling Conference. Requests for postponement and/or reset of a Scheduling Conference/Trial Date shall be made in accordance with the Postponement Policy.

3. Other Track 1 Provisions.

a. If a Scheduling Conference is scheduled for a self-represented litigant, and the Public Defender enters an appearance, the date will automatically be reset to the next Public Defender Scheduling Conference; if the Public Defender panels a case to private counsel, the case will remain on the Public Defender date previously scheduled.

b. Any self-represented litigant will be summonsed for a hearing on counsel three weeks from the Scheduling Conference, and every three weeks thereafter, until the defendant has an attorney or waives his or her right to counsel, but this status does not affect the setting of a Trial Date per Rule 4-271(a)(1).

c. Upon email request to the Criminal Assignment Office, the case of any self-represented defendant or his/her attorney will be reset to the next Public Defender date or to one (1) of the next two (2) self-represented/private attorney date, as appropriate. Any request for a longer reset date or for a second reset date must be made by written motion for postponement for good cause shown to the Administrative Judge.

B. Criminal Track 2 – Circuit Court Informations or Indictments; Status Conferences

All charges filed in the Circuit Court by Information or Indictment shall be assigned to Criminal Track 2.

1. Initial Appearance (“IA”). Criminal Track 2 cases will receive an IA date within 30 days of filing of the charging document in the Circuit Court. If an appearance of counsel is filed before the IA, the IA will be vacated. At the IA, or upon counsel’s prior entry of appearance, the Criminal Assignment Office will set a criminal Status Conference approximately 60 days from the IA and a trial date in accordance with Md. Rule 4-271(a)(1).

2. Motions Practice. Consistent with Md. Rule 4-252, all mandatory motions shall be filed within 30 days after the earlier of the appearance of counsel or the first appearance of the defendant before the court pursuant to Md. Rule 4-213(c), except when discovery discloses the basis for a motion, the motion may be filed within five days after the discovery is furnished.

3. Status Conference Date. The Status Conference date will be set approximately 60 days from the earlier of the first appearance of the defendant or counsel, and will be conducted by the Administrative Judge (“AJ”) or his or her designee. The attorney who will try the case must attend in person or, by prior arrangement with the AJ, by phone. **ALL ATTORNEYS MUST BRING THEIR CALENDARS.** Any represented defendant need not appear at the Status Conference which will be conducted off the record in chambers, unless either party elects that it take place in open court on the record. Any unrepresented defendant must personally appear at the Status Conference, which will be conducted in open court.

The purposes of the Status Conference date include answering the following questions and taking the actions indicated:

a. Is the State’s discovery complete and, if not, why not, and when will it be complete?

b. If there is a need for a Rule 4-252 hearing, the defense will identify the specific issues to be raised, the parties will give an accurate time estimate and a hearing date will be assigned approximately 30 days from the Status Conference.

c. If, but only if, both parties want to discuss a possible plea, a plea judge will be assigned. All plea discussions will be completed by the return date given the parties by the plea judge at their meeting. The plea judge assigned to a case is the sole judge who will engage in any plea discussions in that case, and his or her involvement will be consistent with the holding in *Sharpe v. State*, 446 Md. 669 (2016).

d. Absent good cause, the plea judge will not hear motions or conduct the trial.

e. A tentative jury/bench trial election will be made by defendant or counsel, an accurate trial time estimate will be given and a trial date will be assigned. Counsel should have witness' schedules available at the Status Conference to confirm availability for court events to be scheduled.

f. Although reasonable efforts will be made to adhere to the above time frames, the AJ may permit deviations, depending upon whether the defendant is incarcerated, whether there are evidentiary and witness issues beyond the parties' control, or for other demonstrated good cause.

4. Other Track 2 Provisions.

- a. Any request for a postponement of a hearing, trial or conference described above must be made in accordance with the Postponement Policy.
- b. If good cause exists, the AJ may defer or postpone a Status Conference date until after plea discussions
- c. It is the responsibility of the State's Attorney and the Public Defender to assign trial counsel whose calendars permit the scheduling of hearings and trials as provided herein. Failure to do so will not be a basis to deviate from the time frames established herein.

CARROLL COUNTY CIRCUIT COURT
POSTPONEMENT POLICY

A. FIRM TRIAL/HEARING DATES APPLICABLE TO ALL CASES

1. Dates set without agreement of counsel/self-represented litigants are not firm and may be postponed if good cause exists and a postponement is requested within 30 days of the date of the notice in accordance with this Policy. Absent such request, the date becomes "firm" at the expiration of such 30 day period.
2. Dates set by agreement of counsel/self-represented litigants shall be firm upon agreement.
3. Firm dates will not be postponed for any reason known or which by the exercise of due diligence should have been known at the time the date became firm, except that the Court may grant a postponement in accordance with Md. Rule 16-804.
4. Parties in default need not be contacted for his or her position as to a postponement.
5. Notwithstanding these provisions, any request for postponement that, if granted, would delay the resolution of the case beyond the Hicks date will be ruled upon by the Administrative Judge or his/her designee.

B. "GOOD CAUSE" POSTPONEMENT POLICY APPLICABLE TO ALL CASES. The policy of the Circuit Court for Carroll County is to deny a request for postponement unless "good cause" is established.

1. The following are examples of "good cause", but only before a date becomes firm:
 - a. Trial date conflict in which conflicting date was set prior to this court's date, and which is proven by attaching a hearing notice of the prior conflict, not a computer printout to the Line or Motion.
 - b. Conflicting Vacation Schedule: Vacation scheduled before establishing the hearing, motion, or trial date is "good cause" for a postponement.
 - c. Party, expert or other witness is not available.
2. The following are not "good cause" after a date becomes firm:
 - a. No previous request(s) for postponement.
 - b. Request for postponement of a trial date is agreed upon by the parties.
 - c. Request for postponement made early in the case.
 - d. Outstanding motion(s) at date of hearing or trial.
 - e. Discovery is incomplete at date of hearing or trial.

- f. Change of counsel.
- g. Any matter known or which should have been known when the trial date became firm is not "good cause" for postponement.

C. CIVIL POSTPONEMENTS

- 1. Requests for postponement of non-firm dates by consent.

A request by consent or motion for postponement of a non-firm trial or hearing date shall be made by motion with a reset date agreed to by all parties and Civil Assignment Office.

- 2. Requests for postponement of non-firm dates without consent, or of firm dates.

Included in the motion shall be the reason for the postponement, documentation in support (except a request made for counsel's medical reasons which need not be documented), the positions of all parties, and a new date from the Civil Assignment Office on which all parties are available. Cooperation in selection a new possible date is without prejudice to the right to object to a postponement.

D. CRIMINAL POSTPONEMENTS

- 1. Requests for postponement of non-firm dates by consent.

A request by consent or motion for postponement of a non-firm trial or hearing date shall be made by motion with a reset date agreed to by all parties and Criminal Assignment Office.

- 2. Requests for postponement of non-firm dates without consent, or of firm dates.

Included in the motion shall be the reason for the postponement, documentation in support (except a request made for counsel's medical reasons which need not be documented), the positions of all parties, and a new date from the Criminal Assignment Office on which all parties are available. All motions are to be ruled upon by the administrative judge, except that motions to postpone violation of probation hearings will be ruled upon by the probation judge.

- E. INCLEMENT WEATHER POLICY.** In the event that Court is closed due to weather or for any other reason, any multi-day jury or non-jury trial that was scheduled to begin on the day Court was closed will begin on the first day that Court re-opens. Any one-day jury or non-jury trial that was scheduled to begin on the day Court was closed will be postponed and reset to the next available date by the Assignment Office.

_____	*	IN THE
Plaintiff	*	CIRCUIT COURT
vs.	*	FOR
_____	*	CARROLL COUNTY
Defendant	*	Case No. _____
	*	

* * * * *

**JOINT REQUEST FOR WAIVER OF SCHEDULING CONFERENCE
AND TRACK ASSIGNMENT**

The undersigned jointly request a waiver of the Scheduling Conference set on _____, and certify to the Court that neither party seeks any of the following relief or, if any such relief is sought, it is agreed upon and submitted by separate Consent Motion(s) for Court approval by Order:

1. Order Appointing a Best Interest Attorney
2. Order Appointing a Child Advocate
3. Order Appointing a Child’s Privilege Attorney
4. Order for Full Custody Evaluation
5. Order for Specific Issue Evaluation – Issues: _____
6. Order for Home Study – Home(s) of: _____
7. Order for Substance Abuse Assessment
8. Order for Psychological Evaluation
9. Order for Monitored Transfer and/or Supervised Visitation
10. Order for Paternity Testing
11. Order for Mediation / Mediation scheduled on _____
12. Order for Parent Coordinator
13. Temporary Order for Suit Fees, subject to final allocation at Trial

14. Any other Investigations or Orders that may be necessary to expedite the case:

Further, Counsel certify and agree that:

15. This case should be assigned to the (check one) Expedited or Standard Track;

16. (Check one) A Consent Order is attached hereto resolving all temporary issues, or

A Family Magistrate's hearing is set for disputed *pendente lite* issues of

_____ on _____ at _____ a.m./p.m.

Trial for ____ day(s) is set for _____, at 8:45 a.m.

Pre-trial Conference set for _____, at _____ a.m./p.m.

Counsel for Plaintiff

Counsel for Defendant

Recommended By:

Family Magistrate

For good cause shown, the Scheduling Conference in this case is hereby CANCELLED, and a Scheduling Order and a Notice of Assignment consistent with the above terms shall be issued forthwith.

DATE

JUDGE