

## **Civil Differentiated Case Management (DCM) Plan**

This Civil DCM Plan is established in accordance with Md. Rule 16-302(b) which requires the County Administrative Judge to develop and, upon approval by the Chief Judge of the Maryland Court of Appeals, implement and monitor a case management plan for the prompt and efficient scheduling and disposition of action in the Circuit Court.

### **Statement of Purpose**

From the commencement of litigation to its resolution, whether by trial or settlement, any elapsed time other than reasonably required for pleadings, discovery, and court events, is unacceptable and should be eliminated. To enable just and efficient resolution of cases, the Court, not the lawyers or litigants, should control the pace of litigation. A strong judicial commitment is essential to reducing delay and once achieved, maintaining a current docket. (Standard 250, ABA Standards Relating to Court Delay Reduction)

It is the purpose of this DCM Plan is to provide an effective case management system which will ensure:

1. equal treatment of all litigants by the court;
2. timely disposition consistent with the circumstances of the individual case;
3. enhancement of the quality of the litigation process; and
4. public confidence in the court as an institution.

Consistent with the case time standards adopted by the Judicial Council, Constitutional requirements and applicable Md. Rules, it is the goal of this Plan to ensure that all civil cases, jury and non-jury, with the exception of foreclosure cases, be concluded within 18 months (548 days) of the filing date. The time standard for foreclosure cases is 24 months from the filing of the case. In order to achieve these goals, the Circuit Court is committed to resolving different categories of cases within a regular and predictable time frame warranted by the needs of those cases. For simpler cases, the warranted time frame may be shorter than 18 months.

The DCM plan for civil case types does not include family or domestic relations case types.<sup>1</sup> Civil cases with claims greater than \$5,000, up to \$30,000, may be filed in the District or Circuit Court.

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<sup>1</sup> See Family DCM template for all civil domestic case types.

The Circuit Court for Baltimore County, Maryland Circuit  
**Civil Differentiated Case Management Plan**

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Cases with claims greater than \$30,000 must be filed in Circuit Court. Formal rules of procedure and of evidence apply in civil cases. Either side may demand a jury trial in cases with claims greater than \$15,000 (Md. Code § 4-402.) If a jury trial is requested, the case must be heard in Circuit Court.

### **Case Management**

The policies and procedures outlined in this plan shall be implemented by the Lead Civil Judge and staff. The Lead Civil Judge reports to the County Administrative Judge. The County Administrative Judge supervises all aspects of civil case management and is ultimately responsible for the implementation and monitoring of this Civil DCM Plan, pursuant to Md. Rule 16-302(b). The Lead Civil Judge shall have and exercise authority over such civil case issues and matters as designated by the County Administrative Judge and shall monitor the implementation and effectiveness of the Civil jDCM Plan.

All judges are responsible to comply with and implement in their rulings the provisions of this Plan. Individual judges are responsible for the effective management of cases assigned to them; however, the scheduling of assigned cases must always be coordinated with the Assignment Office and the Jury Office. Assigned cases should be managed to the extent possible consistent with the provisions of this plan, including adherence to the case time standards.

## **Case Processing – All Civil Case Types**

### **File a Case**

The following steps are required to file a civil case:

- (a) **File a complaint**, attaching a completed [Case Information Report](#) (CC-DCM-02,) with the Court (Md. Rule 2-111) for most civil case subtypes, except those cases that are exempt by a revised administrative order of the Chief Judge of the Court of Appeals dated December 2, 2005, effective January 2, 2005 (See list of these cases in the Committee Note to Md. Rule 2-111.)
  
- (b) **Pay the filing fee.** Refer to the [Summary of Charges, Costs, and Fees of the Clerks of the Circuit Court](#) for fees. The filing for most civil complaints is \$165.00. (See *Civil, New Case*.) Filing fees may be waived by the court, based on the following conditions:

- ✓ filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089); and/or
- ✓ representation by a civil legal aid lawyer; and/or
- ✓ other determination by the court.

If the Court does not grant the request to waive prepaid costs, the plaintiff has 10 days to pay the filing and other required fees (prepaid costs).

At the conclusion of the case, the judge will decide who should pay the court costs, including fees, even if the waiver of prepaid costs was granted. If a party cannot afford to pay the final court costs assessed against them, he/she will need to complete the [Request for Final Waiver of Open Costs](#) form (CC-DC-090), provide a copy of the request to the opposing party or that person's lawyer, file the request with the Clerk's Office, and submit the request in open court on the day of the hearing.

(c) **Notify the other party (Defendant).** The plaintiff is required to attempt to notify the defendant that a complaint has been filed against the defendant. The clerk will issue a summons to officially notify the defendant that a suit has been filed (Md. Rule 2-112.) The summons has to be served on the defendant within 60 days. After the time limit has expired, the summons is no longer valid, unless renewed by motion of the plaintiff. The original complaint, summons and Case Information Report must be delivered to the defendant. There are three legal ways to deliver these documents to the defendant: 1) certified mail, 2) private process; and 3) sheriff. Alternative methods of delivery may be approved by order of the Court.

(d) **Proof of Service.** The Court requires that the individual who made service (cannot be a party to the action, but any competent person 18 years of age or older) fill out and sign an [Affidavit of Service \(Private Process\)](#) (CC-DR-55) form when service is made by a private process, or an [Affidavit of Service \(Certified Mail\)](#) (CC-DR-56) and attach the original return receipt, when service is made by certified mail, to prove that the other side has been notified, or served. These forms, together with a copy of the Writ of Summons, need to be filed with the Clerk's Office. If the Court does not receive proof of service within the time allotted for the defendant to file an answer, the plaintiff may not be able to present their case on the trial date.

(e) **Lack of Jurisdiction.** Between the filing of the complaint and service, if the defendant has not been served after 120 days, the filing is subject to dismissal without prejudice and the Clerk's Office will send notice that an order of dismissal will be entered after 30 days unless a motion to vacate or defer the order of dismissal is filed. After the 30-day expiration, the Clerk's Office reviews and dismisses the case if no motion to defer is filed. A motion docket entry is made that the case is dismissed without prejudice for lack of jurisdiction or prosecution.

(f) **Lack of Prosecution.** Following service, the Court actively dismisses cases for lack of prosecution after one year under Md. Rule 2-507. Following service, if an answer has not been filed or, following answer, no action has been taken on the case for one year, the Clerk's Office sends notices to the parties that they have 30 days to file a motion to vacate or defer the order of dismissal, or the case will be dismissed without prejudice. After the 30-day expiration, the Clerk's Office reviews and dismisses the case if no motion to defer is filed. A motion docket entry is made that the case is dismissed without prejudice for lack of jurisdiction or prosecution.

### **Answer**

The defendant must file an affirmative Answer, typically within 30 days after he/she has received a summons, for most Circuit Court civil case subtypes (Md. Rule 2-321.)<sup>2</sup> See exceptions indicated in (a) above. Once all defendants have filed an Answer, the case is considered by the Court to be at issue and the case shall proceed (Md. Rule 2-323.) If a defendant seeks to modify any information on the original case information report, or expects to file a counterclaim, cross-claim, or third-party claim, he/she is required to file with the Answer a defendant's information report.

### **Judgment**

The judgment is entered by the clerk following a trial or decision by the Court. The date of the judgment is the date the clerk enters the judgment on the electronic case management system docket (Md. Rule 2-601.) Types of judgments include *judgment*, *consent judgment*, and *confessed judgment*.

### **Post-Judgment**

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<sup>2</sup> Exceptions include defendants who live outside the State of Maryland, resident agents, officers or agencies of the U.S. government, among others. See Md. Rule 2-321.

The Circuit Court for Baltimore County, Maryland Circuit  
**Civil Differentiated Case Management Plan**

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The parties have 10 days to file a motion for a new trial (Md. Rule 2-533) or file a motion to alter or amend a judgment (Md. Rule 2-534,) and 30 days to file an appeal.

### **Enforcement**

After the Court issues a judgment and it is recorded by the Clerk’s Office, both parties will receive a copy of the judgment by mail. The Court will not collect the money owed to the prevailing party. To begin an enforcement action, the prevailing party must file additional pleadings with the Court, pay the required filing fees, and appear in court for additional hearings. The prevailing party usually must wait 10 days before they can take further legal action to enforce the judgment. Once the waiting period passes, there are three different ways a creditor can collect on a monetary judgment:

1. garnishing the other person’s wages;
2. garnishing the other person’s bank account; or
3. seizing the other person’s personal property or real estate.

The prevailing party must file a writ of garnishment of wages and/or property with the Court and provide copies to the other party in order to garnish or seize money or property. If the other person does not have a job, a bank account, real estate or other significant property, it may be difficult to collect on a monetary judgment.

### **Civil Tracks**

A civil case may follow four (4) potential tracks to resolution. Tracks are defined at filing based on the case subtype and the information on the parties’ Circuit Court Civil Case Information Report. Tracks define expected case processing events, the timing of events, assignment, and the expectations for case duration. The caseflow time standard for Circuit Court civil cases is 18 months [548 days] for 98% of dispositions, with the exception of foreclosure cases where the time standard is 98% of dispositions within 24 months. The expected case duration is based on needed time to reach resolution, which may be less than the time standard.

**Table 1.1 – Civil Tracks Case Types and Outcomes**

<i>Track</i>	<i>Case Subtypes</i>	<i>Expected Case Duration and Notes</i>
<b>Track 1 Civil Expedited</b>	1. Confessed Judgments 2. Administrative Agency Appeals 3. Mechanic’s Liens (uncontested)	Answer + 90-105 days = 120-135 days

The Circuit Court for Baltimore County, Maryland Circuit  
**Civil Differentiated Case Management Plan**

	<ol style="list-style-type: none"> <li>4. Tax Sales</li> <li>5. Structured Settlements</li> <li>6. Sale in Lieu of Partition</li> <li>7. Habeas Corpus</li> <li>8. Trust &amp; Guardianship</li> <li>9. Declaratory Judgment</li> <li>10. District Court De Novo &amp; Record Appeals</li> <li>11. District Court Jury Trial Prayers</li> <li>12. Injunctions</li> <li>13. Mandamus</li> <li>14. Orphan's Court Appeal</li> <li>15. Contract (uncontested)</li> <li>16. Forfeiture</li> </ol>	
<b>Track 2 Civil Standard</b>	<ol style="list-style-type: none"> <li>1. Condemnation</li> <li>2. Contract (contested)</li> <li>3. Mechanic's Lien (contested)</li> <li>4. Intentional Tort</li> <li>5. Motor Tort</li> <li>6. Other Tort</li> <li>7. Worker's Compensation</li> <li>8. Other Civil Cases</li> </ol>	Answer + 270 days = 330 days
<b>Track 3 Civil Complex</b>	<ol style="list-style-type: none"> <li>1. Medical Malpractice</li> <li>2. Legal Malpractice</li> <li>3. Mass Tort</li> <li>4. Lead Paint</li> <li>5. Business and Technology</li> <li>6. Science and Technology ASTAR</li> <li>7. Contract (major construction)</li> <li>8. Major Product Liability</li> <li>9. Toxic Tort Claims</li> <li>10. Class Actions Suits or other Complex Cases</li> </ol>	450 days 5% of caseload; specially assigned and custom managed; trial > 4 days
<b>Track 4 Foreclosure</b>	<ol style="list-style-type: none"> <li>1. Foreclosure cases</li> </ol>	720 days

**Track Designations Set after First Answer**

After the Court receives the first answer, a DCM Coordinator will review and assign the case to one of the four civil tracks. If a complex track designation is requested, the case is reviewed by the DCM Office. If it appears to be a complex track case, the case will be set for a scheduling conference within approximately 30 days before one of the designated judges.

If an attorney or party disagrees with the designated track assignment, the attorney or party may submit a request in writing to the DCM Office to change the track, stating the reason(s) why a different track assignment is needed. All requests to change the track designation must be made within 30

The Circuit Court for Baltimore County, Maryland Circuit  
**Civil Differentiated Case Management Plan**

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days of the scheduling order being issued. The DCM Office will then notify all attorneys or unrepresented parties in the case to see if they concur with the request to change the track assignment. If the attorneys/parties cannot come to an agreement on a track assignment, the Family/Civil Case Manager will discuss the case with the Lead Civil Judge, who will then designate the track based on track assignment guidelines. The DCM Coordinator will assign all civil cases under the DCM plan to one of the four tracks.

The following diagram illustrates the events and times required for civil case processing tracks.

**Table 1.2 – Civil DCM Track Guidelines**

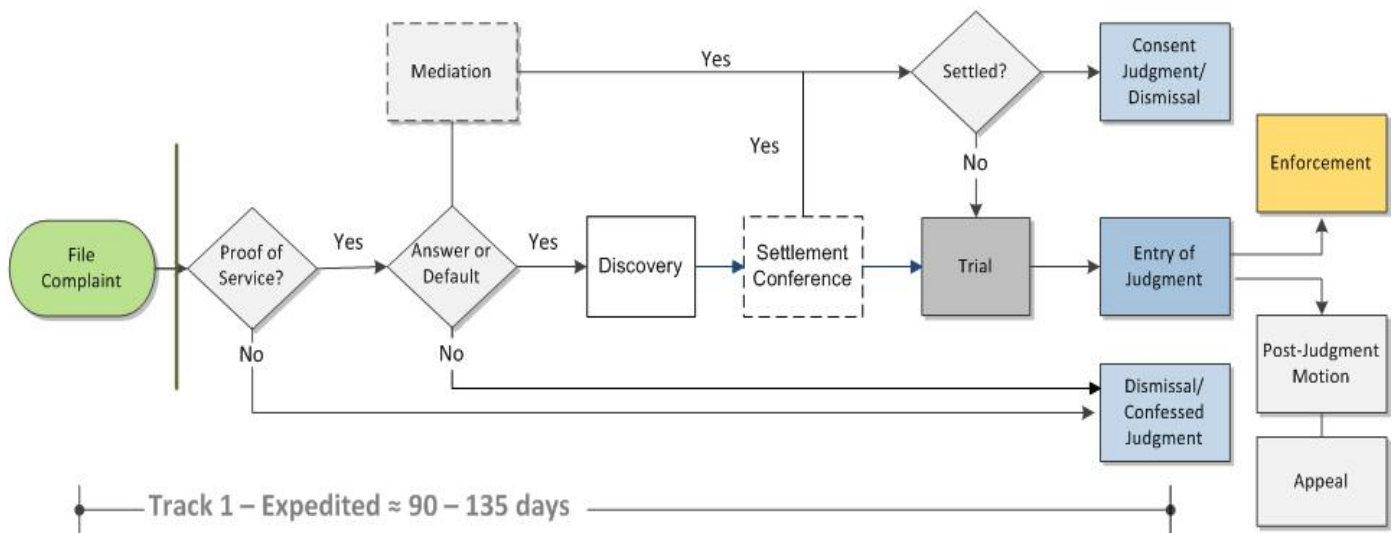
	Track	Scheduling Conference	Plaintiff's Expert Reports	Defendant's Expert Reports	Discovery	ADR/Mediation Complete	Motions Filing Deadline	Settlement Conference	Deadline to Exchange Witness Lists	Trial	
Track 1	Civil Expedited	NA	NA	NA	50 days	75 days	60 days	75 days, if scheduled	-15 days prior to trial	90-135 days	
Track 2	Civil Standard	NA	90 days	150 days	180 days	210 days	210 days	240 days	-15 days prior to trial	330 days	
Track 3	Civil Complex	30 Days	Specially assigned, custom managed								450 days
Track 4	Foreclosure	NA									720 days

## Track 1 – Civil Expedited

The diagram below illustrates case processing events for civil expedited cases.

**Diagram 1.1 – Civil Expedited Case Processing**

Baltimore County Circuit Court  
**Civil Expedited**



An action will ordinarily be assigned to the expedited track if it can be promptly tried with minimal pre-trial discovery and other pre-trial proceedings. Generally, cases assigned to the civil expedited track will include the following:

1. Confessed Judgments;
2. Administrative Agency Appeals;
3. Mechanic’s Liens (uncontested);
4. Tax Sales;



5. Structured Settlements;
6. Sale in Lieu of Partition;
7. Habeas corpus;
8. Trust & Guardianship;
9. Declaratory Judgment;
10. District Court De Novo & Record Appeals;
11. District Court Jury Trial Prayers;
12. Injunctions;
13. Mandamus;
14. Orphan's Court Appeals;
15. Uncontested Contract; and
16. Forfeiture.

Discovery (if applicable) must be completed 50 days from the date an Answer is filed. All motions in expedited cases (excluding Motions in Limine) are due 60 days from the date the first Answer is filed, and a trial date is set 90 days after the first Answer is filed, except for those cases where a Settlement Conference is scheduled. Settlement Conferences will only be scheduled for (1) District Court jury trial prayers that are not referred to civil mediation; (2) administrative agency appeal cases, where appropriate; and (3) any case where the parties agree that a settlement conference should be scheduled. Settlement Conferences will be scheduled 75 days after the date the first Answer is filed. If an expedited case is set for a Settlement Conference, a trial date will be scheduled at the time of the Settlement Conference and should be set no later than 60 days after the Settlement Conference.

Some case types, such as tax sales and appeals on the record without request for oral argument, do not get set for any hearing. These cases are referred to a judge for ruling when they are ripe.

#### **Civil Mediation in Civil Expedited Track Cases**

Most contract and other tort cases filed in the District Court but transferred to the Circuit Court on a jury trial prayer will be routinely referred for civil mediation. At least one plaintiff and one defendant must be represented by an attorney for a case to be referred for civil mediation. A Mediation Conference for a civil expedited track case shall be scheduled with the assigned mediator within 75 days after the first Answer is filed. A trial date is scheduled 90 days after the first Answer is filed. Civil expedited cases referred for civil mediation will not be scheduled for a Settlement Conference.

If any of the parties believe the need for mediation does not exist in the case, they must file a written notice within 30 days of the issuance date on the Scheduling Order with the DCM Office requesting the case be exempt from civil mediation. After the 30-day period, the case will only be exempt from

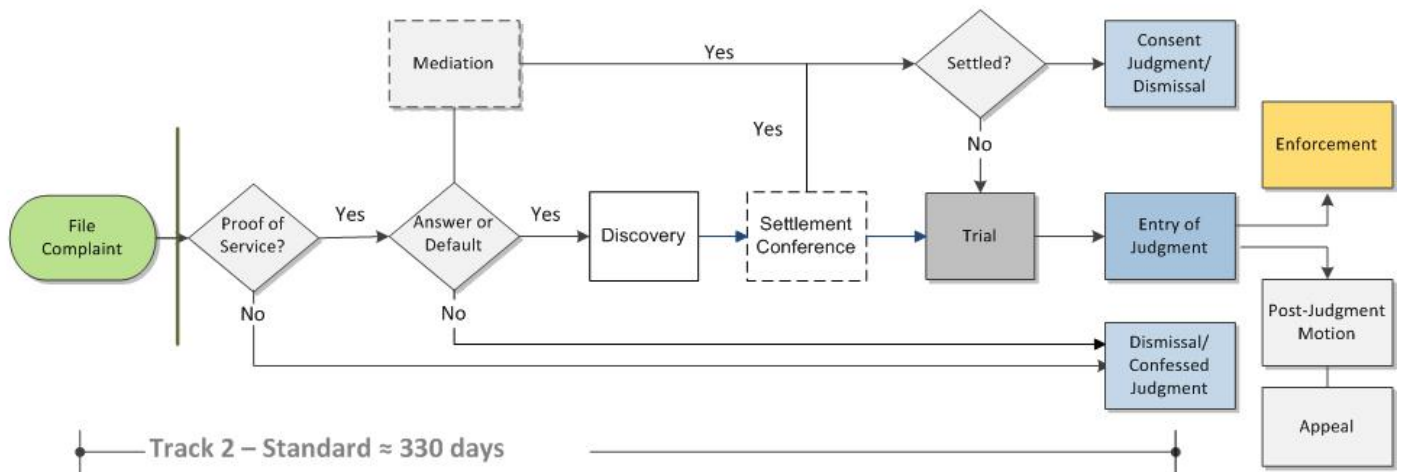
civil mediation on a showing of good cause. The Lead Civil Judge will rule on any request to exempt a case from civil mediation. Once an exemption is granted, the case will be rescheduled by the DCM Office on the appropriate DCM track and set for a Settlement Conference. (Please see the Civil Mediation section under civil standard track for other Rules, Policies and Procedures for civil mediation cases.)

## Track 2 – Civil Standard

The diagram on the following page illustrates case processing events for civil standard.

**Diagram 1.2 – Civil Standard Case Processing**

Baltimore County Circuit Court  
**Civil Standard**



Most civil actions will be assigned to the civil standard track. Plaintiff's expert reports or disclosures under Md. Rule 2-402(e)(1) will be due within 90 days after the date the first Answer is filed. Defendant's expert reports or disclosures will be due 150 days from the same date, along with the deadline for the joinder of additional parties. All discovery in this track must be completed within 180 days, and all motions (excluding Motions in Limine) are due within 210 days. Settlement Conferences will be set 240 days or eight (8) months after the date first Answer is filed. Trial dates, if necessary, will be scheduled at the time of the Settlement Conference and will be scheduled no later than 90 days after the Settlement Conference. Motions in Limine including objections to exhibits

shall be filed 30 days prior to the trial date and parties/counsel must exchange the list of all exhibits and copies of all paper exhibits 15 days prior to trial. (Note: Documents will be deemed authentic if an objection is not filed.)

### **Civil Mediation in Civil Standard Track Cases**

The DCM Office will screen all cases to determine whether civil mediation is appropriate. Standard track case types routinely referred for civil mediation include the following:

1. Contract cases;
2. Worker's compensation cases;
3. All tort cases, including motor torts; and
4. All other standard track cases where both parties consent to mediation.

At least one plaintiff and one defendant must be represented by an attorney for a case to be referred to civil mediation. All mediators will be assigned to cases by the DCM Office on a rotational basis. By mutual agreement of all parties and by written request, another court-appointed mediator may be appointed from the approved roster of court-appointed mediators. Private mediators who are not appointed by the Court may also be utilized by the parties if a written request is made to the DCM Office and it is mutually agreed upon by all parties/attorneys in the case. In the event that private mediators are utilized, it is the responsibility of the private mediator to report the disposition of the mediation conference to the Court using the Court's evaluation surveys.

### **Scheduling and Other Civil Mediation Policies and Procedures**

All Mediation Conferences are scheduled by the assigned mediator. Therefore, parties shall contact the assigned mediator and obtain an agreed date as soon as they receive the Scheduling Order. If parties do not contact the mediator and/or do not cooperate in having the Mediation Conference scheduled in a timely manner, the assigned mediator shall set the date for the Mediation Conference with the assistance of the DCM Office and send notice to all parties. Although earlier mediation is recommended, all Mediation Conferences shall be completed within 210 days from the assignment date on the Scheduling Order. Parties may request in writing to extend the mediation to a later date, which must be set prior to the Settlement Conference.

Once a Mediation Conference date is scheduled, a party (or parties) must provide two (2) business

days of notice to the assigned mediator to postpone or cancel the scheduled Mediation Conference. Failure to provide the mediator with such notice will result in the party or parties reimbursing the mediator the costs for two (2) hours of time that the mediator reserved for conducting the mediation.

A Mediation Conference Statement form is available on the Court's website for the use of all parties in cases referred to mediation. The form shall be completed by each party and sent to the mediator five (5) days prior to the scheduled Mediation Conference. As indicated on the civil mediation instructions, a copy of this form does not have to be exchanged with opposing counsel or parties in the case. All attorneys and parties are required to attend and participate in the Mediation Conference. Any insurance carrier directly or indirectly involved in the outcome of the case must designate a company representative with settlement authority to attend the Mediation Conference unless excused by the mediator.

Prior to the Mediation Conference, an agreement should be signed by all parties, attorneys and the mediator with respect to the confidential nature of the mediation proceedings. If the parties agree, any communication made in connection with the mediation that relates to the controversy being mediated, whether made to a mediator or a party, or any other person at the Mediation Conference, is confidential. The mediator shall also preserve and maintain by agreement the confidentiality of all written and oral communications made in connection with or during a Mediation Conference, except where required by law to disclose such information.

At the conclusion of the Mediation Conference, if the case has not settled, it shall proceed to the Settlement Conference. If the case is settled at the Mediation Conference, a settlement agreement or consent order must be filed with the Court by the attorneys. The mediator must also report the disposition of the Mediation Conference to the Court using the Court's evaluation surveys. Note: The civil mediation instructions provide detailed court policy regarding civil mediations and are incorporated as part of the Scheduling Order. The instructions can be found on the Court's website here:

<http://www.baltimorecountymd.gov/Agencies/circuit/mediation/civilmediationinstructions.html>.

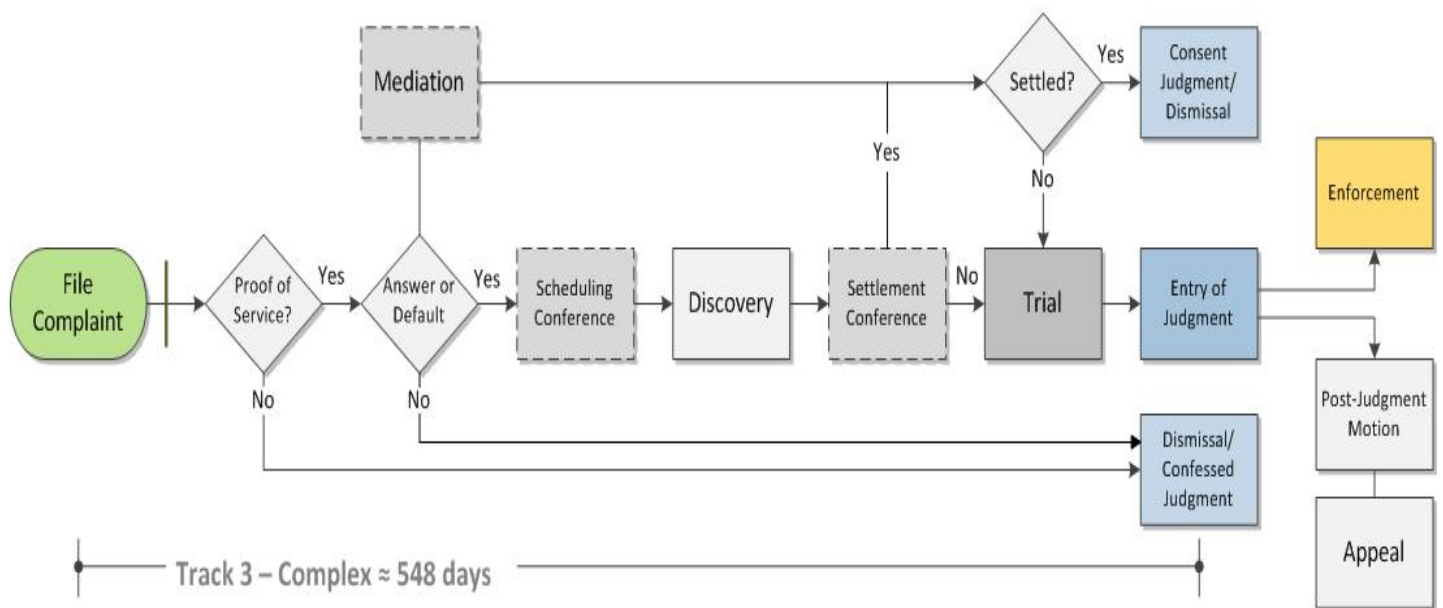
**Exemption from Mediation**

If any of the parties believes the need for mediation does not exist in the case, they must file a written notice, within 30 days of the issuance date on the Scheduling Order, to the DCM Office requesting the case be exempt from civil mediation. After the 30-day period, the case will only be exempt from civil mediation on a showing of good cause. The Lead Civil Judge will rule on any request to exempt a case from civil mediation. Once an exemption is granted, the case will be rescheduled by the DCM Office on the appropriate DCM track.

**Track 3 – Civil Complex**

**Diagram 1.3 – Civil Complex Case Processing**

Baltimore County Circuit Court  
**Civil Complex**



An action shall be assigned to the complex track if it appears likely that the case would benefit from individualized judicial management based upon the number of parties involved, the complexity of the claims and defenses raised, the legal difficulty of the issues presented, the factual difficulty of the

The Circuit Court for Baltimore County, Maryland Circuit  
**Civil Differentiated Case Management Plan**

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subject matter, a projected length of trial in excess of four days, or any combination of these factors. Generally, cases in the civil complex track will include the following:

1. Medical Malpractice;
2. Legal Malpractice;
3. Mass Tort;
4. Lead Paint;
5. Business and Technology;
6. Science and Technology ASTAR;
7. Contract (major construction);
8. Major Product Liability;
9. Toxic Tort Claims; and
10. Class Actions Suits or other Complex Cases.

Cases may be assigned to the civil complex track based upon the following: (1) a request for civil complex track assignment on the Civil Case Information Report; (2) a written request sent to the Family/Civil Case Manager explaining the specific reasons why the case should be a civil complex track case; or (3) a determination by the County Administrative Judge or Lead Civil Judge that the case should be on the civil complex track.

Once it is determined that a case is appropriate for the civil complex track, the DCM Office will schedule a Civil Scheduling Conference in approximately 30 days before a judge and send notice to all parties/attorneys. The Civil Scheduling Conferences will be scheduled in the designated judge's chambers with all parties/attorneys, but attorneys may request to participate in the Civil Scheduling Conference via telephone. Attorneys requesting to participate by phone will need to contact the DCM Office at 410-887-3233. Complex cases that are identified as Business and Technology or ASTAR cases will be assigned to a Business and Technology or ASTAR judge, who will then conduct the Civil Scheduling Conference.

All event dates, including a Settlement Conference before a recalled judge, any Status Conference, and the trial date, as well as all deadline dates for naming experts, discovery, motions deadline, deadline to exchange witness lists and to file Motions in Limine, will be established at the Civil Scheduling Conference. The length of trial and parameters for mediation will also be determined at the Civil Scheduling Conference. If mediation is appropriate, the designated judge may select a mediator or give the parties an opportunity to select a mediator themselves. The designated judge will set a deadline for mediation to take place, which will be prior to the Settlement Conference. Any requests for exemption from mediation or change of mediators that arise after the case is specially assigned

should be referred to the assigned judge. Otherwise, the civil mediation instructions referenced above also apply to civil complex track cases. All civil complex track cases will be scheduled for trial within 450 days (i.e., 15 months) unless there are extraordinary circumstances that warrant a later date.

All civil complex track cases will be specially assigned. Judges will be assigned by the Lead Civil Judge. Business and Technology and ASTAR cases will be assigned to the designated judges who hear these cases, but, otherwise, special assignments are based on current workload and availability of the judges. The DCM Office will issue the custom scheduling order which will include the name of the assigned judge. All postponement requests and any requests to modify the Scheduling Order will be referred to the specially assigned judge. Any request to postpone the trial date beyond the case time standard deadlines must also be approved by the County Administrative Judge.

## **Track 4 – Foreclosure Cases**

Scheduling Orders are not issued in foreclosure cases. Procedure in these cases is prescribed by provisions of the Real Property Article and the Maryland Rules. Cases are reviewed by court foreclosure case staff for compliance with these prescriptions at case inception, ratification of sale and ratification of the auditor’s report, and are then referred to those judges designated by the County Administrative Judge to rule on foreclosure cases. Motions in foreclosure cases are also reviewed by court foreclosure case staff and referred to a designated foreclosure judge, who will schedule a hearing as necessary.

## **General Civil Case Processing Policies and Procedures**

### **Civil Case Motions**

All administrative motions, such as motions for change of venue, to stay a case, for Md. Rule 2-507 dismissal, or to strike an attorney’s appearance shall be forwarded to the County Administrative Judge, or her designee, for review and ruling.

All other motions, including discovery and dispositive motions, will be forwarded to the designated Motions Judges for review and ruling. If a Motions Judge determines that a hearing on the motion is necessary, the Judge will refer the case to the Civil Assignment Office to schedule a Motions Hearing

within 30 days. The case will then be forwarded to an assigned judge for review in advance of the hearing.

### **Settlement Conferences**

All Settlement Conferences shall be conducted in accordance with Md. Rule 2-504.2. The purpose of the Settlement Conference is to reach a settlement on a case and, if not settled, to confirm that a case is ready to go to trial. Settlement Conferences are routinely scheduled before a recalled judge. Any settlement agreement reached between the parties will be placed on the record by the settlement judge. Unless requested in writing and approved in advance by the Settlement Court, all parties and counsel must appear in person.

### **Required Documentation**

Counsel or the parties shall file, no later than five (5) business days prior to the Settlement Conference, a pretrial statement in accordance with Md. Rule 2-504.2 (b), which includes the following information:

- (1) A brief statement by each party of the facts to be relied on in support of any claim or defense;
- (2) Whether any amendments are required of the pleadings;
- (3) Whether there can be any simplification or limitation of issues;
- (4) Whether the parties can agree on any stipulations of fact;
- (5) The identification of any expert the party proposes to call as a witness; and
- (6) The details of the damages claimed or any other relief sought.

### **Postponement or Cancellation of a Settlement Conference**

Any request to postpone or re-schedule a Settlement Conference must be made in writing in accordance with the Civil Postponement Policy. Requests made within ten (10) days of the scheduled conference are strongly discouraged. If a case settles in advance of the settlement conference, parties or their counsel must notify the Settlement Office at 410-887-2920 so the matter is removed from the settlement schedule.



### **Procedure for Scheduling Merits Hearing**

Upon arrival in Settlement Court, parties and counsel will set a tentative agreed date for a merits hearing before meeting with a Settlement Judge except in complex civil cases, which will already have a trial date. If the case is not resolved in Settlement Court, that trial date will be finalized, and can only be postponed by the Lead Civil Judge or the County Administrative Judge prior to the day of trial or by the assigned judge on the day of trial. Any follow up Settlement Conference must be set prior to the trial date.

### **Civil Assignment and Scheduling**

The County Administrative Judge shall designate a Lead Civil Judge, the judges who have primary responsibility for the handling of Scheduling Conferences, the Motions Judges, and the foreclosure judges. The trial judge will be accountable for the outcome of cases assigned to them for trial. All judges are responsible to comply with and implement in their rulings the provisions of this Plan.

### **Postponements**

It is the policy of this Court to resolve civil law disputes without unnecessary delay or undue waste of the time and other resources of the Court, the litigants, and other case participants. Although it may be necessary or appropriate to postpone a hearing or court event, such requests should be based upon a showing of good cause, and should be done well in advance of any scheduled court deadline or event. Requests for postponement are particularly disfavored on the day of a hearing or trial. The Court also views with disfavor any request for postponement or for modification of a scheduling order that delays the resolution of the matter beyond 18 months (24 months for Foreclosure cases) from the date of filing, which is the case time standard that applies to civil proceedings.

### **Postponement of Motions Hearings or Civil Mediation**

The date of a motions hearing may be reset by conference call between the parties and the Court. If the party requesting the change is unable to arrange a conference call with all necessary parties or counsel, or obtain agreement on a new proposed date, the request must then be made in writing and directed to the Civil Assignment Office to process. All such requests must be made no later than five (5) days prior to motions hearing and will be ruled on by the Lead Civil Judge or the County Administrative Judge. Conference calls to re-schedule a motions hearing shall be directed to the Civil Assignment Office at 410-887-2660.

Requests to postpone a Civil Mediation Conference shall be directed to the assigned civil mediator. If the party requesting the change is unable to arrange a conference call with all necessary parties or counsel, or obtain agreement on a new proposed date, the request must then be made in writing and directed to the DCM Office to process. All such requests must be made no later than five (5) days prior to mediation conference and will be ruled on by the Lead Civil Judge.

### **Modification of Scheduling Order and Postponement of a Settlement Conference or Trial**

All other requests for modification of a Scheduling Order or for postponement of a Settlement Conference or trial shall be in writing. All requests must set forth the basis for the modification or postponement, the position of other parties or their counsel, and provide suggested new scheduling dates.

### **Good Cause Requirement**

The following shall generally be considered good cause for postponement:

- Trial date conflict. The first case set takes precedence;
- Serious illness of, or death in the family of a party, counsel, or necessary witness;
- Vacation(s) scheduled prior to any assigned trial or hearing date. For vacations, requests for postponement must be made within 10 calendar days of notification of the scheduled event;
- Counsel is in trial in another matter that carries over to cause a conflict with the Baltimore County date;
- A party did not receive notice of the hearing or trial, through no fault of the party or their counsel.
- Facts or circumstances arising or becoming apparent too late in the proceedings to be corrected in advance of the hearing, and which, in the view of the Court, would likely cause undue hardship or a possible miscarriage of justice if the hearing or trial proceeded as scheduled.

The following are generally NOT considered good cause for postponement:

- Vacations(s) scheduled after establishing a trial or motion date;
- Consent of counsel without compelling reason or a substantive basis;

- The matter has not previously been postponed (no peremptory postponements);
- Any matter known or which should have been known when the trial date became firm;
- New counsel has entered an appearance or a party wishes to change counsel;
- Discovery is incomplete or was just provided;
- A party wishes to conduct further investigation;
- A party or counsel is unprepared to try to case for reasons including, but not limited to, the party's failure to cooperate with or maintain necessary contact with counsel.

### **Rulings on Requests to Modify Scheduling Orders or to Postpone**

Advance requests for postponement of a trial or modification of the Scheduling Order will be referred to the County Administrative Judge for ruling. Requests for postponement or modification of the scheduling order in cases that are specially assigned, shall be referred to the assigned judge. Requests filed within 15 days of a hearing or trial are processed through the Central Assignment Office. All other requests are processed through the Civil Assignment Office.

Requests for postponement made on the date of a hearing or trial shall be heard on the record before the assigned judge. Postponements on the date of trial are strongly disfavored, and should only be granted upon a compelling showing of good cause or other special circumstance. If a case is postponed, parties and counsel shall be directed to the Civil Assignment Office to select an agreed re-set date.

### **Requests to Strike Appearance of Counsel**

Absent a showing of some compelling circumstance, a motion to strike appearance of counsel will not be granted within the 14-day period before an assigned Settlement Conference or hearing date unless accompanied by the entry of appearance of another attorney. Similarly, a motion to strike appearance of counsel will ordinarily not be granted during a period when counsel is responsible to submit a draft order to the Court based upon a prior hearing or ruling. Counsel are reminded that, pursuant to Md. Rule 2-132(b), the Court “may deny the motion if withdrawal of the appearance would cause undue delay, prejudice or injustice.” All requests to strike appearance of counsel will be ruled upon by the County Administrative Judge.

### **Interpreters**

The Circuit Court for Baltimore County, Maryland Circuit  
**Civil Differentiated Case Management Plan**

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If there is a need for an interpreter for a party or witness in a civil case, the party or his/her attorney shall promptly notify the Court by using the Request for Spoken Language Interpreter form found on the Maryland Judiciary website here:

<http://www.courts.state.md.us/courtforms/joint/ccdc041.pdf> or, if a sign language interpreter is needed, the Request for Accommodation for Person with Disability Form found here: <http://www.courts.state.md.us/courtforms/joint/ccdc049.pdf> . Requests should be made no less than 10days prior to a scheduled court event, absent extraordinary circumstances. A delay in notifying the Court of the need for an interpreter may result in the inability to handle a case on the scheduled date. Requests for interpreters must be specific as to the language and, if appropriate, the particular dialect or signing system that may be needed. The request must also specify for whom the interpreter is needed. You can see what court events are covered by this policy here: <http://www.courts.state.md.us/courts/pdfs/interpretersforrelatedevents.pdf>

The Request for Spoken Language Interpreter form shall be filed with the Clerk's Office. The Clerk's Office shall forward the Request for Spoken Language Interpreter form to the Spanish Interpreter Coordinator in the Clerk's Office (any requests for interpreters that are filed in motion form shall also be directly forwarded to the Interpreter Coordinator immediately when filed). The Spanish Interpreter Coordinator will enter that an interpreter is an involved party to the case in the computer system and then coordinate with the Court Administrator's Office to ensure a certified court interpreter will be scheduled for all court events. A party, or his/her attorney, must indicate the length of the scheduled court event. Unless the Court is advised of a case's specific duration, the Court will only hire interpreters for a single morning or afternoon session.

Once an interpreter has been appointed in a case, there is no need for the party or his/her attorney to submit a new request for each court event. Clerk's Office staff and Court staff who vacate, postpone or reschedule a court event in a case where an interpreter has been appointed are required to inform the Court Administrator's Office that the event was vacated, postponed or rescheduled by sending an e-mail to [CourtInterpreter@baltimorecountymd.gov](mailto:CourtInterpreter@baltimorecountymd.gov).

The party requesting an interpreter shall remain responsible for confirming that an interpreter has been ordered and shall notify the Court immediately if the need for the interpreter changes. If it becomes necessary to cancel an interpreter for a court scheduled event, then the party or his/her attorney should complete a Cancellation of Interpreter Form found here:

The Circuit Court for Baltimore County, Maryland Circuit  
**Civil Differentiated Case Management Plan**

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<http://resources.baltimorecountymd.gov/Documents/Circuit/cancelinterpreterform.pdf> and either mail it to the Court Administrator's Office (County Courts Building, Room 421, 401 Bosley Avenue, Towson, MD 21204) or send it to the Court Administrator's e-mail address here: [CourtInterpreter@baltimorecountymd.gov](mailto:CourtInterpreter@baltimorecountymd.gov). If a request for interpreter is not cancelled at least 48 hours in advance of the trial or hearing, the Court will be billed for the interpreter's services. If the Court is billed for an interpreter needlessly as a result of counsel's failure to advise the Court that the interpreter will not be needed, or because counsel or a litigant does not appear in court in a timely manner, the Court may assess the interpreter costs against the party or counsel causing the unnecessary expense.

Baltimore County has the benefit of a Spanish-speaking interpreter who is employed by the Clerk's Office. The interpreter, or a supplemental Spanish-speaking back-up interpreter, is available on a daily basis when court is in session. The interpreter's regular presence in the courthouse allows some Spanish-speaking matters to go forward without delay. The fact that a Spanish-speaking interpreter may be available does not obviate attorneys and parties of the requirement to make a timely request for an interpreter's presence in court by filling out and submitting the Request for Spoken Language Interpreter form.

## Forms

The following forms may be required to be attached to a complaint in a civil cases or to complete a filing and/or service.

- CC-DCM-002      [Civil Non-Domestic Case Information Report](#)
- CC-DR-055      [Affidavit of Service \(Private Process\)](#)
- CC-DR-056      [Affidavit of Service \(Certified Mail\)](#)

The following forms are used to request an interpreter for a court scheduled event.

- CC-DC-041      [Request for Spoken Language Interpreter](#)
- CC-DC-049      [Request for Accommodation for Person with Disability](#)