

COURTS, JUDGES, AND ATTORNEYS **Rule 16-205**

(C) appoint a family support services coordinator whose responsibilities include:

(i) compiling, maintaining, and providing lists of available public and private family support services,

(ii) coordinating and monitoring referrals in actions assigned to the family division, and

(iii) reporting to the County Administrative Judge concerning the need for additional family support services or the modification of existing services; and

(D) prepare and submit to the Chief Judge of the Court of Appeals, no later than October 15 of each year, a written report that includes a description of family support services needed by the court's family division, a fiscal note that estimates the cost of those services for the following fiscal year, and, whenever practicable, an estimate of the fiscal needs of the Clerk of the Circuit Court for the county pertaining to the family division.

(b) **Circuit courts without a family division.** (1) **Applicability.** This section applies to circuit courts for counties having less than eight resident judges of the circuit court authorized by law.

(2) **Family support services.** Subject to availability of funds, the family support services listed in subsection (a) (3) of this Rule shall be available through the court for use when appropriate in cases in the categories listed in subsection (a) (2) of this Rule.

(3) **Family support services coordinator.** The County Administrative Judge shall appoint a full-time or part-time family support services coordinator whose responsibilities shall be substantially as set forth in subsection (a) (4) (C) of this Rule.

(4) **Report to the Chief Judge of the Court of Appeals.** The County Administrative Judge shall prepare and submit to the Chief Judge of the Court of Appeals, no later than October 15 of each year, a written report that includes a description of the family support services needed by the court, a fiscal note that estimates the cost of those services for the following fiscal year, and, whenever practicable, an estimate of the fiscal needs of the Clerk of the Circuit Court for the county pertaining to family support services. (Added Jan. 13, 1998, effective July 1, 1998; amended Mar. 5, 2001, effective July 1, 2001; Jan. 8, 2002, effective Feb. 1, 2002.)

Source. — This Rule is new.

Effect of amendments. — The 2001 amendment substituted "9-208" for "9-207" in the cross reference of (a) (4) (B) (ii).

The 2002 amendment substituted "Subtitles

8 and 8A" for "Subtitle 8" in (a)(2)(K) and deleted ", and, in Montgomery ... Article, § 3-804" at the end of the committee note following (a)(2)(M).

Rule 16-205. Business and technology case management program.

(a) **Definitions.** The following definitions apply in this Rule:

(1) **ADR.** "ADR" means "alternative dispute resolution" as defined in Rule 17-102.

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(2) Program. "Program" means the business and technology case management program established pursuant to this Rule.

(3) Program judge. "Program judge" means a judge of a circuit court who is assigned to the program.

(b) **Program established.** Subject to the availability of fiscal and human resources, a program approved by the Chief Judge of the Court of Appeals shall be established to enable each circuit court to handle business and technology matters in a coordinated, efficient, and responsive manner and to afford convenient access to lawyers and litigants in business and technology matters. The program shall include:

(1) a program track within the differentiated case management system established under Rule 16-202;

(2) the procedure by which an action is assigned to the program;

(3) program judges who are specially trained in business and technology; and

(4) ADR proceedings conducted by persons qualified under Title 17 of these Rules and specially trained in business and technology.

Cross references. — See Rules 16-101 a and 16-103 a concerning the assignment of a judge of the circuit court for a county to sit as

a program judge in the circuit court for another county.

(c) **Assignment of actions to the program.** On written request of a party or on the court's own initiative, the Circuit Administrative Judge of the circuit in which an action is filed or the Administrative Judge's designee may assign the action to the program if the judge determines that the action presents commercial or technological issues of such a complex or novel nature that specialized treatment is likely to improve the administration of justice. Factors that the judge may consider in making the determination include: (1) the nature of the relief sought, (2) the number and diverse interests of the parties, (3) the anticipated nature and extent of pretrial discovery and motions, (4) whether the parties agree to waive venue for the hearing of motions and other pretrial matters, (5) the degree of novelty and complexity of the factual and legal issues presented, (6) whether business or technology issues predominate over other issues presented in the action, and (7) the willingness of the parties to participate in ADR procedures.

(d) **Assignment to program judge.** Each action assigned to the program shall be assigned to a specific program judge. The program judge to whom the action is assigned shall hear all proceedings until the matter is concluded, except that, if necessary to prevent undue delay, prejudice, or injustice, the Circuit Administrative Judge or the Circuit Administrative Judge's designee may designate another judge to hear a particular pretrial matter. That judge shall be a program judge, if practicable.

(e) **Scheduling conference; Order.** Promptly after an action is assigned, the program judge shall (1) hold a scheduling conference under Rule 2-504.1 at which the program judge and the parties discuss the scheduling of discovery, ADR, and a trial date and (2) enter a scheduling order under Rule 2-504 that

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includes case management decisions made by the court at or as a result of the scheduling conference. (Added Oct. 31, 2002, effective Jan. 1, 2003.)

Source. — This Rule is new.

CHAPTER 300. CIRCUIT COURT CLERKS' OFFICES.

Rule 16-301. Personnel in clerks' offices.

a. **Chief deputy clerk.** (1) The clerk may appoint a chief deputy clerk. The appointment is not subject to subsection (d) (3) of this Rule.

(2) Subject to paragraph (3) of this section, a chief deputy clerk serves at the pleasure of the clerk.

(3) The appointment, retention and removal of a chief deputy clerk shall be subject to the authority and approval of the Chief Judge of the Court of Appeals, after consultation with the County Administrative Judge.

b. **Other employees.** All other employees in the clerk's office shall be subject to a personnel system to be established by the State Court Administrator and approved by the Court of Appeals. The personnel system shall provide for equal opportunity, shall be based on merit principles, and shall include appropriate job classifications and compensation scales.

c. **Certain deputy clerks.** Persons serving as deputy clerks on July 1, 1991 who qualify for pension rights under Code, State Personnel and Pensions Article, § 23-404 shall hold over as deputy clerks but shall have no fixed term and shall in all respects be subject to the personnel system established pursuant to section (b) of this Rule.

d. **Personnel procedures.** (1) The State Court Administrator shall develop standards and procedures for the selection and appointment of new employees and the promotion, reclassification, transfer, demotion, suspension, discharge or other discipline of employees in the clerks' offices. These standards and procedures shall be subject to the approval of the Court of Appeals.

(2) If a vacancy occurs in a clerk's office, the clerk shall seek authorization from the State Court Administrator to fill the vacancy.

(3) The selection and appointment of new employees and the promotion, reclassification, transfer, demotion, suspension, discharge or other discipline of employees shall be in accordance with the standards and procedures established by the State Court Administrator.

(4) The State Court Administrator may review the selection or promotion of an employee to ensure compliance with the standards and procedures established pursuant to this Rule.

(5) An employee grievance shall be resolved in accordance with procedures established by the State Court Administrator. The clerk shall resolve a grievance within the clerk's office, but appeals of the grievance to the State Court Administrator or a designee of the State Court Administrator shall be allowed and shall constitute the final step in the grievance procedure.

(6) The Administrative Office of the Courts shall prepare the payroll and time and attendance reports for the clerks' offices. The clerks shall submit the information and other documentation that the Administrative Office requires