

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

ADMINISTRATIVE ORDER REGARDING RESUMPTION AND CONDUCT OF JURY TRIALS IN MONTGOMERY COUNTY CIRCUIT COURT

(AO-E16)

Pursuant to the order of the Honorable Mary Ellen Barbera, Chief Judge of the Court of Appeals of Maryland, the Circuit Court for Montgomery County began Phase V of the statewide courthouse reopening plan on October 5, 2020, including the resumption of jury trials in civil and criminal cases on a limited basis. Because of space limitations required for the protection of courthouse occupants against the spread of the COVID-19 virus, the necessity to limit the number of persons summoned for jury duty on a daily basis, and in order to minimize the time that trial participants spend in the courthouse, this court finds it essential to adopt reasonable measures to streamline the trial process, and so it is this 15th day of October, 2020, by the Circuit Court for Montgomery County, Maryland

ORDERED, that the Assigned Trial Judge in all civil and criminal jury cases shall contact counsel at least ten days before the scheduled trial date regarding the possibility for resolution of their particular case. The Assigned Trial Judge will forward this information to the Administrative Judge pursuant to previously-established internal procedures. All pending motions in any jury trial case, civil or criminal (other than brief motions *in limine*), must be resolved at least one week before the trial date; they will not be heard on the day of the trial, and no exceptions will be permitted. It is counsel's responsibility, and not the court's, to ensure that motions are filed and heard in advance of the trial, and it is further

ORDERED, that the Administrative Judge may designate a Jury Selection Judge who is not the Assigned Trial Judge, to contact counsel ahead of the trial to facilitate jury selection, and the Administrative Judge (rgreenberg@mcccourt.com), Assigned Trial Judge, and Jury Selection Judge shall be electronically copied with all correspondence to the court regarding the possible resolution of any particular case, and it is further

ORDERED, that counsel shall confer in advance of trial and stipulate to the authenticity (but not the admissibility) of documentary evidence whenever possible, and unless the court is made aware of any disputes in this regard, it will assume that the authenticity of all documents offered by witnesses (but not the admissibility) is undisputed, and it is further

ORDERED, that counsel shall confer in advance of trial and electronically file a joint list of *voir dire* questions and jury instructions no later than one week before the scheduled trial date (with copies to the email addresses of the Assigned Trial Judge, Jury Selection Judge, and Administrative Judge) and, if unable to agree after consultation with one another, shall provide the court with a list of the questions or instructions upon which they disagree. Any paper exhibits to be offered by a party at trial must be photocopied and provided for the court, opposing counsel, and jurors on the first day of the trial, and it is further

ORDERED, that in all criminal cases, if a plea memo (Track 2, 3 and 4 cases) is not filed at least seven days before the scheduled trial date, the court will assume the case is in trial posture and summons a jury panel. Any plea in a Track 1 criminal case will be heard by the Assigned Trial Judge, but counsel is responsible for notifying the Administrative Judge, Assigned Trial Judge, and Jury Selection Judge by email of the proposed plea as soon as it is reached. Where several cases – civil or criminal - are in trial posture for the same day, counsel will be notified as soon as possible whether they can expect to go to trial on the scheduled date. Multiple cases will be scheduled for each day in case one or more of them results in a settlement, plea or *nolle pros* on the day of trial. In prioritizing cases, the court will consider, among other things, whether the case is criminal or civil; the age of the case; whether the defendant is incarcerated; any potential *Hicks* issues; whether there are expert witnesses; whether the witnesses are mainly police officers or involve civilians; and the number of jurors that may be required, and it is further

ORDERED, that all persons participating in the trial must wear masks that cover the nose, mouth, and chin completely. Throughout courtroom proceedings, all participants shall wear masks unless, for good cause shown, the presiding judge permits a participant to use a disposable mask, a clear mask, or a personal barrier shield in lieu of a mask for a limited duration to ensure that the participant can be heard or observed, with due consideration given to social distancing and other public health guidelines, and it is further

ORDERED, that failure to comply with this Administrative Order in a particular case will result in a loss of priority for that trial, and subject the non-complying party with the possible imposition of other sanctions, and it is further

ORDERED, that this Administrative Order supersedes any previous order or information provided to litigants or members of the Bar by notice or message, regarding the matters addressed herein.



ROBERT A. GREENBERG
Administrative Judge of the
Circuit Court for
Montgomery County, Maryland