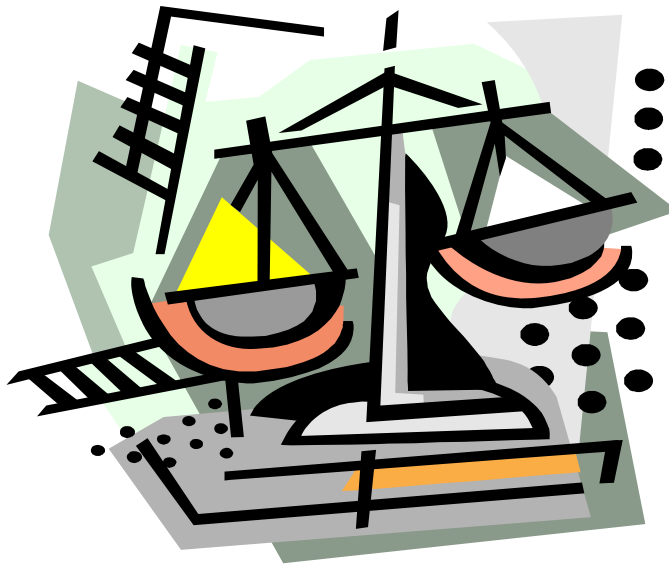


IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND



What Happened?!
Or

How to get from Here to There...
The Civil Odyssey Marches On.....



Dear Counsel:

September, 2008

On April 30,1997, significant changes were made in the Circuit Court's Civil, Non-Domestic Differentiated Case Management System. Following the heels of those changes was Judge Thomas P. Smith's publication of "What Happened?! On "How To Get From Here To There..." which he stated emanated "...from a basic philosophical belief that there are three (3) types of people on earth: Those Who Make Things Happen; Those Who Watch Things Happen; and Those Who Go "What Happened?!"

I have taken the liberty of preparing an updated publication as you navigate the waters of our civil world. Copies will be provided to as many of the bar associations as we can reach. Limited additional copies are available by contacting my Executive Administrative Aide, Pearl LaPlaca at 301-952-3788.

Respectfully Submitted,

Honorable Michele D. Hotten,
Civil Coordinating Judge

You will recall that every civil non-domestic case initiated in any Maryland Circuit Court is required to have an “Information Report” (See Maryland Rule 2-111). This report includes a “Track Request” portion which must also be completed.

Tracks 1 through 4 must be tried within eighteen (18) months of filing. Track 5T and B & T (Business & Technology) cases must also be tried within 18 months of filing. A “try by” date will be posted on the pretrial conference report. The trial date must be cleared on or before the “try by” date. Any extension of the “try by” date must be cleared Judge Hotten, the Civil Coordinating Judge, for Tracks 1 through 4 and by Judge Smith for Tracks 5 and B & T.

The Calendar Management Office (Assignment Office) will issue a Scheduling Order in all Track 1, 2, 3, and 4 cases. The five items on the Scheduling Order must be completed as follows:

(see attached Scheduling Order)

Failure to comply with each of these requirements may result in the imposition of sanctions. The parties may, by consent or otherwise, file a “Motion to Amend Scheduling Order” directed to the Civil Coordinating Judge, but there is no guarantee the Court will grant it. Motions for continuance accompanied by a file will be ruled on by the Civil Coordinating Judge. Do not assume a continuance request is granted by virtue of its filing, even if the request is unopposed or by consent.

TRACK 5T & B & T CASES:

Judge Thomas P. Smith will retain jurisdiction over the management of Track 5 (complex litigation) and B & T (Business and Technology) cases. A different Scheduling Order is utilized for them. Any motion to amend these Scheduling Orders or continue these cases must be approved by Judge Smith.

MOTIONS PROTOCOL:**CIVIL MOTIONS (NON-Domestic Relations)**

Civil (Non-Domestic Relations) Motions, with the following Exceptions, are to be held for 28 days from the date of filing. On the 29th day (or the next day the Court is open for business, having been closed because of Weekends, Holidays or inclement weather), the file should be sent to the appropriate Judge.

EXCEPTIONS*

1. Specific file requested by a Judge, or a Judge's staff.
2. A Motion/File that counsel or a pro se party requests, by separate Line, be sent immediately or on a date specific to a Judge.
3. Any Motion with "Continuance" in the caption.
4. Any Motion with "Time" in the caption.
5. Any Motion with "Consent" in the caption.
6. Any Motion with "Joint" in the caption.
7. Any Motion with "Ex Parte" in the caption.
8. Any Motion with "Recusal" in the caption.
9. Any Motion in a "Specially Assigned" case.
10. Motion for Judgment Notwithstanding the Verdict (JNOV) - M.R. 2-532.
11. Motion for New Trial – M.R. 2-533.
12. Motion to Alter or Amend a Judgment – M.R. 2-534.
13. Motion to Revise or Reconsider – M.R.2-535.

Administrative Appeals/Judicial Reviews are assigned to a particular Judge for consideration. Oral Arguments are scheduled on Fridays generally as follows:

Land Use Cases – within 10 months

MVA Cases - within 90 days

Personnel Cases – within 90 days

Others (e.g., unemployment appeals, animal control) - within 90 days

*Exceptions are sent to the appropriate Judge on the day the Exception occurs.

PROCEDURES FOR THE PENDING CIVIL DOCKET

1. The day before the scheduled trial, the attorneys should contact the Civil Coordinating Judge's office to advise:
 - a. Whether the case is still going to trial.
 - b. Jury trial or bench trial.
 - c. Duration of trial.
 - d. Number of witnesses.
 - e. Whether any outstanding motions remain to be heard.
 - f. To ascertain which Judge will be selecting the jury and provide that Judge with voir dire.
2. On the day of trial:
 - a. Attorneys/parties should report to the pending Civil Courtroom, (or the courtroom of the assigned judge), no later than 8:45 a.m., ready to select the jury/try the case.
 - b. Once a jury is selected (not sworn), the attorneys/parties should return to the pending civil courtroom to await assignment to a judge and courtroom for trial.
3. On the day of trial, any requests for continuance of Tracks 1 thru 4 are referred to the Civil Coordinating Judge (after the jury is selected, but not sworn); and Tracks 5T and Business & Technology Cases are referred to Judge Smith for consideration.
4. If the case is scheduled for trial and a motion for continuance is made, the request and accompanying file must be referred to the Civil Coordinating Judge, after the jury is selected but not sworn. If the request is granted, the attorneys/parties must report to the Office of Calendar Management to clear a new date and then provide the new date to the courtroom clerk for the courtroom for disposition. Do not assume that a motion for continuance is granted just by virtue of your

filing, even if the request for continuance is unopposed or by consent. The case will not be continued unless the Civil Coordinating Judge grants the request.

5. If a case has settled, the matter must be referred to the Civil Coordinating Judge for consideration. The case will not be removed from the trial docket without the approval of the Civil Coordinating Judge. Counsel will be required to forward a Line to the Civil Coordinating Judge consistent with Attachment One (1).

PRETRIAL CONFERENCES(Tracks 1 through 4):

Each Scheduling Order sets the case for a PreTrial Conference (Maryland Rule 2-504). The matters which are considered for pretrial conference are set forth in Maryland Rule 2-504(b). **As required by the Scheduling Order, a copy of the Pretrial Statement must be filed with the Court not less than five (5) business days prior to the Pretrial.** Failure to comply may subject the party to sanctions, including fines as deemed appropriate.

60 days prior to pretrial, complete the following:

- 1) Amendment to pleadings
- 2) Add and serve additional parties including uninsured/underinsured insurance carriers

30 days prior to pretrial, complete the following:

- 1) All discovery
- 2) All independent medical examinations
- 3) File dispositive motion

A pretrial conference may be automatically continued, **once**, forty eight (48) hours prior to the scheduled pretrial with the consent of opposing counsel, provided that a new pretrial date has been cleared and reset within 60 days. Any continuance of a pretrial date beyond sixty days, consent or not, must be approved by the Civil Coordinating Judge.

The Circuit Court has at its disposal the following retired judges who will hear cases the parties agree to refer to ADR (Alternative Dispute Resolution). They are:

Judge A. Monty Ahalt
Judge James Lombardi
Judge Joseph Casula
Judge Richard Clark
Judge Steven I. Platt

Judge Robert Karwacki
Judge William Cave
Judge William McCullough
Judge Raymond Thieme
Judge Graydon S. McKee

The following are forms/documents which may be of assistance to you as you navigate the civil process. They are:

1. "To All Counsel" procedure to settling/resolving cases short of trial.
2. 30 day Order
3. Request for Automatic Continuance of Civil (non-Domestic) Pretrial Conferences (1 per case).
4. "To All Counsel" – Non-binding ADR with retired Judges.
5. Memorandum/Order ADR Referral.
6. Memorandum/Order staying case but closing case statistically.
7. Order for continuance of case.
8. Automatic request to schedule one (1) day trial by agreement in Tracks 1, 2, 3, and 4 cases.
9. List of important telephone numbers (calendar managements, etc.)
10. Interpreter Request Form
11. Scheduling Order

2-507 STATUS HEARINGS

Pursuant to 2-507(b) any Defendant who has not been served, or over whom the court has not otherwise acquired jurisdiction within 120 days from the issuance of original process directed to that Defendant, may be dismissed without prejudice as a party, for lack of jurisdiction.

Pursuant to 2-507(c), any case that has not been prosecuted at the expiration of one (1) year from the last docket entry, other than an entry under this

Rule, Rule 2-131 or Rule 2-132 (with some exceptions, i.e., limited divorce, which is 2 years) is subject to dismissal for lack of prosecution.

The Clerk's Office will mail notices to all parties on 2-507 cases with status hearing dates included.

All status hearings will be held before Judge Michele D. Hotten.

TO ALL COUNSEL

Please notify the Court, in writing, that you have settled or otherwise resolved litigation scheduled for trial. Correspondence, faxes or telephone calls to the Calendar Management Unit (Assignment Office) will no longer be accepted. You may Fax or deliver a Line to chambers **(301 780-8063)**, that comports with the following:

- I. In a personal injury case in which the settling party(s) has insurance and the carrier's counsel has agreed to the settlement, a Line may be filed by any Counsel of record and should state:
 - a. All Claims, Counter-Claims, Cross-Claims and Third-Party Claims, if any, has been settled as to all Parties; please remove this case from the trial calendar; and close the case statistically.Or
 - b. All Parties have agreed to submit all Claims, Counter-Claims, Cross-Claims and Third-Party Claims, if any, to Binding Arbitration; please remove this case from the Trial Calendar, and close the case statistically.
- II. In all cases involving Real Property in anyway or Business Litigation, of any nature or in any case in which the settling Party(s) is not insured, the original signatures of all Parties or Counsel of record must appear on the same or separate Lines, that comply with Paragraphs (a) or (b) above, and should be, faxed to **(301) 780-8063**.
- III. The Parties may elect to utilize the Provisions of Maryland Rule 2-506, if appropriate.
- IV. The Parties may always file an Order of Satisfaction pursuant to Maryland Rule 2-626, and tender the appropriate fee, to the Clerk.
- V. In Workers' Compensation cases, comply with I(a) above and also submit an Order remanding the case to the Workers' Compensation Commission, the Order should conclude with the phrase – "Close the Case Statistically".

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Vs Plaintiff

Case No:

Defendant

ORDER OF COURT

The Court having been informed that the above-captioned matter has settled, it is this _____ day of _____, 2006, by the Circuit Court for Prince George's County, Maryland

ORDERED, that all claims are hereby dismissed with prejudice and closed statistically with each party to bear its own costs unless otherwise agreed, in which event the costs shall be adjusted between the parties. The entry of this Order is without prejudice to the right of a party to move for good cause within thirty (30) days to reopen this action, if settlement is not consummated.

JUDGE

Copies Sent by the Court to:

Office of Calendar Management

Exec. Admin. Aide

Dated:

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

REQUEST FOR AUTOMATIC CONTINUANCE

Case Number:

Caption:

Present Pretrial Date: _____ *New Pretrial Date: _____ @9:00 a.m.
 (Not more than 60 days after the Pretrial date specified
 in the Scheduling Order)

TO: CALENDAR MANAGEMENT UNIT

This is to inform you that by agreement of all counsel and/or parties, the presently scheduled Pretrial Conference date has been reschedule to the new date indicated above.

Attorney_____
Phone_____
Dated***Note:**

1. Counsel may not have civil jury trials on the same date.
2. No Notices will be sent by the Court.
3. Correspondence or Fax must be received 48 hours prior to the Pretrial.
4. If for any reason your continuance cannot be granted as requested, you will hear from the Court within one (1) working day.
5. The new Pretrial date may not be more than 60 days after the Pretrial date specified in the Scheduling Order.

Mail or FAX TO:

Prince George's County Circuit Court (301) 574-1061
 Courthouse
 Upper Marlboro, Maryland 20772
 Attention: Calendar Management Unit
 FAX NO: 301 574-1061

TO ALL COUNSEL

As the ADR Office has recently relocated to its new home in the County Administration Building (CAB-1177), it seemed the perfect time to apprise the civil practitioners of the resources available to those who would like to attempt to resolve their disputes before going to trial.

While an ADR session is required in our most complicated civil litigation (5T cases), there is no such mandatory requirement in other civil cases though the Court may order any case into ADR.

The process is simple and should begin with a call to Jennifer Gallagher, the Coordinator for the ADR Office and Retired Judges, at (301) 952-4173. For those of you who prefer the extra effort a motion may be filed requesting such a referral. It should be noted there is no expense to the parties who choose to participate in the Court's ADR program.

Upon receiving an ADR request, Jennifer will work with all parties to set up a mutually agreeable time for your session. Additionally, a judge will be assigned based upon the specifics of your case, as well as their individual areas of expertise (and availability of course). To that end we have eight retired judges available to mediate cases.

The judges available to mediate cases at this time are:

- Honorable A. Monty Ahalt from the Circuit Court for Prince George's County
- Honorable William H. Cave from the Circuit Court for Montgomery County
- Honorable Joseph S. Casula from the Circuit Court for Prince George's County
- Honorable Richard J. Clark from the Circuit Court for Charles County
- Honorable Robert L. Karwacki from the Circuit Court for Baltimore City, the Court of Special Appeals and the Court of Appeals;
- Honorable James J. Lombardi from the Circuit Court for Prince George's County
- Honorable William H. McCullough from the Circuit Court for Prince George's County; and
- Honorable Raymond G. Thieme Jr., from the Circuit Court for Anne Arundel County and the Court of Special Appeals.
- Honorable Steven I. Platt from the Circuit Court for Prince George's County
- Honorable Graydon S. McKee, III from the Circuit Court for Prince George's County

For more information or to have specific questions addressed, please do not hesitate to contact the ADR Office (Jennifer Gallagher) at (301) 952-4173.

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Plaintiff

Vs

Case No:

Defendant

MEMORANDUM – ADR REFERRAL

THIS MATTER CAME before the Court and after a review of the file, it is this ____day of _____, by the Circuit Court for Prince George's County, Maryland,

ORDERED, that pursuant to Maryland Rule 17-101, *et seq.*, the Parties are referred to the Court's Alternative Dispute Resolution panel (301 952-4173) for non-binding arbitration/mediation; there is no charge to the Parties for this service. The Parties must complete Alternative Dispute Resolution within ____days; the issuance of this Memorandum does not act to modify any provision of the Scheduling Order nor does it operate to continue existing Pretrial or Trial dates.

JUDGE

Copies to Counsel of Record

Alternative Dispute Resolution Office

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Plaintiff

Vs

Case No:

Defendant

MEMORANDUM AND ORDER

THIS MATTER CAME before the Court and after a review of the file, it is this _____ day of _____, 2006, by the Circuit Court for Prince George's County, Maryland

ORDERED, that this case is stayed and closed statistically with the right of any Party to move to reopen at any time.

JUDGE

Copies Sent by the Court to:

Calendar Management Unit

Exec. Admin. Aide

Dated:

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Plaintiff

VS

Case No

Defendant

ORDER OR COURT

Upon consideration of the Motion for Continuance filed herein, it is this _____ day of _____, 2006, by the Circuit Court for Prince George's County, Maryland,

ORDERED, that the Motion for Continuance be and is hereby

JUDGE

Copies Sent by the Court to:

Calendar Management Unit

_____, Exec. Admin. Aide

Dated: _____

Counsel/Parties did/did not Consent

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

**AUTOMATIC REQUEST TO SCHEUDLE ONE(1) DAY TRIAL
BY AGREEMENT OF ALL PARTIES IN
TRACK 1, 2, 3, OR 4 CASES**

Case Number:

Caption:

Present Pretrial Date: _____

TO: CALENDAR MANAGEMENT UNIT

Kindly note that all Counsel of Record agree that:

1. The subject case is Track 1, 2, 3, or 4;
2. Trial of this case will taken seven (7) hours (1 day) or less;
3. This form is filed with the Calendar Management Unit (Assignment Office) not less than ten (10) working days prior to the presently scheduled pretrial date; and
4. The parties have jointly contacted the Calendar Management Unit (301) 952-2976, and have mutually agreed on a Trial Date of _____.

It is our understanding that all Parties and Counsel are excused from attending the pretrial. The Calendar Management Unit will schedule the above referenced matter for a One (1) day trial on the date specified in paragraph 4.

- ⇒ If a jury trial, we acknowledge jury selection will occur at 8:45 a.m.
- ⇒ If a non-jury trial, we acknowledge the trial will commence at 9:00 a.m., unless we are notified of an earlier time.

If this form is faxed, DO NOT send original to the Clerk's Office. Fax copy will be filed as original.

Counsel of Record

Counsel of Record

Note: Mail or Fax to: Prince George's County Circuit Court
Courthouse, Upper Marlboro, MD 20773
Attention: Calendar Management Unit
Fax No: (301) 574-1061

Contact Names and Numbers

Calendar Management Unit

Director	Janlyn Green	(301) 952-3850
Asst. Director	Michelle Satterfield	(301) 952-3850
Civil Supervisor	Tracey Smith	(301) 952-2976
Asst. Supervisor	Julia Johnson	(301) 952-2976

Coordinating Judges

Civil Coordinating Judge – Honorable Michele D. Hotten
Executive Administrative Aide – Pearl A. LaPlaca
(301) 952-3788 fax (301) 780-8063

Clerk of the Court, Civil Division Supervisor
Lorraine Nicely (301) 952-5002

ADR Coordinator (Alternative Dispute Resolution/Retired Judges)
Jennifer Gallagher (301) 952-4173

Paralegal to ADR/Retired Judges:
Lee Cobb – (301) 952-2675

Civil Coordinating Paralegal
Shelley Lester (301) 952-2748

Track 5/Business and Technology Cases –
Honorable Thomas P. Smith
Executive Administrative Aide – Grace Dant
(301) 952-3896 fax (301) 574-8390

REQUEST/CANCELLATION FOR INTERPRETER

Please complete this form as directed:

- (1) Mail the completed form to the Circuit Court Administrative Office, Suite M2407, Courthouse, Upper Marlboro, Maryland 20772. NOTE: Interpreters must be requested no less than 10 days prior to the scheduled court date, absent extraordinary circumstances.
- (2) Present it to a Bailiff or Courtroom Clerk within the Courtroom where the form in completed.

1. CASE INFORMATION

Case No: _____ Date of Request: _____

Case Caption: _____ vs _____

Type of Language _____
(Specify dialect or signing system if applicable)

2. FOR WHOM IS INTERPRETER NEEDED

Petitioner/Plaintiff/State/Defendant/Witness/Parent (**Circle all that apply**)

3. ACTION REQUESTED, PLEASE CHECK APPROPRIATE BOX.

- Schedule
- Cancel

Date & Time: _____ Type of hearing: _____

Estimated amount of time of hearing: _____

4. NAME, PHONE NUMBER AND TITLE OF PARTY REQUESTING AN INTERPRETER

Name Phone No: Title (e.g. attorney for Plaintiff, etc.)

5. NAME OF CLERK OR BAILIFF RECEIVING REQUEST (Courtroom personnel use only)

Courtroom No: _____ Date: _____

ORDER OF COURT

It is on this _____ day of _____, 20_____, by the Circuit Court for Prince George's County, Maryland

ORDERED, that the above request is hereby GRANTED/DENIED.

JUDGE

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Plaintiff
VS Case No
Defendant

SCHEDULING ORDER

This Order is your only notice of dates and required court appearances. It may not be modified except by order of court upon a showing of good cause, stipulations between counsel are not effective to change any deadlines in this order. Failure to Comply with all terms of this Order may result in the imposition of appropriate sanctions.

WILLIAM D. MISSOURI

ADMINISTRATIVE JUDGE

This case is assigned to Civil Track 1; Pretrial is Scheduled for 2-9-06 at 9:00 a.m.

TRACK 1 – TRACK 2 – TRACK 3 – TRACK 4

60 days prior to Pretrial, complete the following:

1. Amendments of pleadings
2. Add and serve additional parties including uninsured/underinsured insurance carriers

30 days prior to Pretrial, complete the following:

1. All discovery
2. All independent medical examinations
3. File dispositive motions

The parties are encouraged, but no required, to submit the controversy to non-binding arbitration which includes mediation. Disputes over track assignment, arbitration or any provision of this Order should be addressed to the Court by Motion to Amend Scheduling Order.

At least five (5) days prior to the pretrial, file a statement in full compliance with Maryland Rule 2-504.2. Parties, represented by counsel, and claims representatives are not required to appear at pretrial, provided they are available by telephone.

With the consent of all parties, the pretrial may be continued for not more than Sixty (60) days after the scheduled pretrial date above. A Motion and Order is required for any request for a continuance that is more than Sixty (60) days after the scheduled pretrial or, made without the consent of all parties.

Attachment 11

9-9-08