

IN THE COURT OF APPEALS OF MARYLAND
ADMINISTRATIVE ORDER ON THE IMPLEMENTATION OF
REMOTE ELECTRONIC PARTICIPATION IN JUDICIAL
PROCEEDINGS

WHEREAS, New Chapter 800 of Title 2 (Chapter 800) of the Maryland Rules (2-801 through 2-806) consolidates existing Rules dealing with remote electronic participation in judicial proceedings; and

WHEREAS, Chapter 800 is intended to take advantage of the technology that allows for reliable interactive communications to provide more efficient access to the courts without sacrificing the required fairness in judicial proceedings in circuit court civil proceedings; and

WHEREAS, Remote electronic participation can occur in two contexts: (1) where one or more parties, witnesses, or attorneys participate by remote electronic means, or (2) where the entire proceeding is conducted by remote electronic means; and

WHEREAS, Both evidentiary and non-evidentiary proceedings may be conducted electronically, with additional safeguards necessary when an evidentiary proceeding is conducted remotely; and

WHEREAS, The State Court Administrator has developed, and will continue to develop, standards for the process, connections, software, and equipment to be used for electronic participation in remote electronic judicial proceedings; and

WHEREAS, The process, connections, software, and equipment to be used must comply with standards developed by the State Court Administrator and approved by the Chief Judge of the Court of Appeals; and

WHEREAS, The State Court Administrator, in conjunction with the Court Technology Committee, has developed and will continue to develop and publish best practices to be followed when conducting remote electronic judicial proceedings,

NOW, THEREFORE, I, Mary Ellen Barbera, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order this 18th day of June 2018, that

1. All video proceedings shall be conducted using equipment and software provided by the Judiciary meeting the minimum requirements specified in the Rules and approved by the State Court Administrator as being capable of reliably providing clear audio and clear visual images of all participants.
2. Equipment and software used in the remote location shall allow the Judiciary equipment to function as designed.
3. The connection between the remote site and the Judiciary site shall be a secure connection unless the presiding judge or other judicial officer, for good cause shown, determines that a secure connection is not necessary.
4. Telephonic electronic participation may be conducted using ordinary telephonic technology.
5. Where reference to documents is necessary, the transmission of documents between locations may be by facsimile, file-sharing programs, or video transmission of sufficient resolution for legibility.
6. The approved equipment and software shall be operated by the Judiciary.
7. During electronic judicial proceedings, the presiding judge or other judicial officer shall ensure the availability of a person or persons

trained in use of the equipment and software to assist in the proceeding.

8. The presiding judge, judicial officer, or magistrate shall follow the best practices for remote electronic judicial proceedings as, from time to time, they are developed by the State Court Administrator pursuant to this Order, unless unforeseeable exigent circumstances necessitate, consistent with the interests of justice, the holding of a remote judicial proceeding for which some or all of the best practices requirements cannot be met.
9. In any remote judicial proceeding, the presiding judge, judicial officer, or magistrate shall make the determination as to whether the equipment and software used in the proceeding meets the best practices requirements for remote judicial proceedings and, where it does not, make a record of the circumstances that necessitated holding the proceeding.

/s/ Mary Ellen Barbera

Mary Ellen Barbera
Chief Judge
Court of Appeals of Maryland

Filed: June 18, 2018

/s/ Bessie M. Decker

Bessie M. Decker
Clerk
Court of Appeals of Maryland