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CONFERENCE OF CIRCUIT JUDGES
COMMITTEE ON COMPLEX LITIGATION

NOTES FROM JULY 9, 2021 MEETING
BUSINESS & TECHNOLOGY WORK GROUP

Time: 12:30 – 1:30 pm
Place: Virtual (Zoom)

Attendees:

Judge Rubin, Chair
Judge Kehoe
Eric Orlinsky
Judy Rupp

Judge Geller
Jean Lewis
James Reilly

Staff:

Linda Fallowfield

Next Work Group Meeting September 10, 12:30 – 1:30 pm via Zoom

Notes

Meeting commenced with an update from the Complex Litigation Coordinator. She advised that approval had been given to start posting BTCMP opinions on Westlaw and that Westlaw has been contacted to begin the process.

Judge Rubin then commenced a discussion on the BTCMP process for each circuit. One member asked if the judges in the WG had seen any “artful pleading” for BTCMP purposes. Judge Rubin responded that he had seen creative pleadings to get cases into the BTCMP program in Montgomery County. Judge Geller agreed stating that litigants would seek admission to the BTCMP in Baltimore City to take advantage of the specialized attention BTCMP brings. A member of the WG asked if the goal was to take the Montgomery County process, standardize it, and use it for all Maryland Counties or is the goal to simply post Circuit BTCMP processes for informational purposes. Judge Rubin stated that any process developed by the WG would not be a mandatory process but developed as a best practice/suggested process. He emphasized that admission into the BTCMP program is at the discretion of the Administrative Judge.

One member suggested looking into how MDEC could support the BTCMP process. Judge Kehoe stated that a form would be needed because MDEC is form oriented. Judge Kehoe offered to check with the MDEC User Group to see what process can be developed in MDEC that would alert the Clerk that the filing should be considered for BTCMP admission. One WG member asked Judge Rubin if the form used by Montgomery County utilizes the BTCMP presumptive criteria. Judge Rubin responded that it did not; the Montgomery County form is used to merely move the case into the BTCMP process.

The discussion then turned to the revision of the BTCMP website. The Coordinator gave an overview of the intended revision and asked for comments. One member asked about the positioning of the pages. The Coordinator stated that when she receives a link to the revised webpage she will send it out to the WG for their input. The member also asked if the “Links” page could have links to the ABA. The Coordinator indicated that she had intended to have the “Links” page removed but if the WG wished, she would retain the “Links” page. Judge Rubin questioned whether the website could post non judicial/government links and said the matter would have to be referred to the Committee.

Judge Rubin then moved the WG into a discussion about cross designation of BTCMP judges. Judge Rubin said cross designation could be used to permit senior or active BTCMP judges to assist other counties with their BTCMP cases. He asked the Bar WG members their opinion. The Bar members responded that the Business Law Section of the MSBA strongly supports cross designation of BTCMP judges as it would increase the availability of BTCMP judges in smaller counties and help ensure the uniformity and quality of BTCMP decisions. Judge Geller agreed and reminded the WG that Judge Barbera had issued an order permitting cross designation for pandemic purposes. A WG member advised that with current technology just about every activity by a cross designated judge could be accomplished virtually. Judge Rubin agreed and instructed the Coordinator to place on the agenda for the next Committee meeting the WG recommendation of cross designation of senior and active BTCMP judges for BTCMP purposes.

The discussion then turned to the upcoming 2022 Boot Camp. The Coordinator advised that she had formally submitted the request for the April 21-22, 2022 Boot Camp to the Education Committee. A response is expected back from the Education Committee after July 21, 2021. Judge Rubin asked for suggestions in 30 days from the Bar WG members for topics and speakers with the goal to present to the Committee in October a proposed agenda for the Boot Camp.

Due Date

Action Items for the WG Members:

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| 1) Bar Members: Report back to Coordinator with: | |
| a. suggestions for presentation topics for 2022 Boot Camp | 8/10/21 |
| b. potential speakers for 2022 Boot Camp | 8/10/21 |
| 2) Judge Kehoe: contact MDEC User Group for suggestions on BTCMP designations in MDEC | |

Action Items for Staff:

- | | |
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| 1) Place on the agenda for the next Committee on Complex Litigation: | 10/1/21 |
| a. MDEC Form/process for capturing BTCMP designation request | |
| b. Posting non judicial links on BTCMP Website (e.g., ABA) | |

c. Proposed Agenda for Boot Camp

d. WG recommendation of cross designation for BTCMP judges

2) Send out invites for next WG meeting

7/19/21

3) Send link to revised BTCMP website to WG members for
input

TBD