

(PRE-FILED)

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By: **Delegates Taylor, Dewberry, Hurson, Busch, Guns, Harrison, Hixson,  
Howard, Kopp, Menes, Montague, Owings, Rawlings, Rosenberg,  
Vallario, and Wood**

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Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2000

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CHAPTER 10

1 AN ACT concerning

2 **Circuit Courts - Business and Technology Division**

3 FOR the purpose of stating the intent of the General Assembly that business and  
4 technology matters be treated in a particular manner in the judicial system;  
5 ~~that a certain number of business and technology divisions be established in~~  
6 ~~circuit courts throughout the State, and that the judges of the business and~~  
7 ~~technology division have certain experience and training; authorizing the Chief~~  
8 ~~Judge of the Court of Appeals to establish business and technology divisions in~~  
9 ~~certain circuit courts; requiring the Chief Judge to consult with the~~  
10 ~~administrative judge of the county before establishing a business and technology~~  
11 ~~division in a circuit court; requiring a judge assigned to the business and~~  
12 ~~technology division to devote full time and attention to matters under the~~  
13 ~~jurisdiction of the division, unless the administration of justice requires~~  
14 ~~otherwise; requiring the Chief Judge of the Court of Appeals to develop a certain~~  
15 ~~plan and that the Chief Judge of the Court of Appeals consider, based on a~~  
16 ~~certain study, the feasibility of the establishment of a business and technology~~  
17 ~~court division in the State; establishing a task force to study the creation of a~~  
18 ~~business and technology division in appropriate circuit courts and issue a~~  
19 ~~certain report by a certain date; providing that the report include certain input~~  
20 ~~and information and be submitted to certain persons; providing for the~~  
21 ~~membership of the task force; providing for the effective date of this Act;~~  
22 ~~providing for the termination of this Act; and generally relating to the~~  
23 ~~establishment of a task force to study and issue a certain report concerning the~~  
24 ~~feasibility of the establishment of business and technology divisions in the~~  
25 circuit courts.

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That:

3 (a) ~~It~~ it is the intent of the General Assembly that:

4 (1) Business business and technology matters be treated efficiently and  
5 effectively in the judicial system; and

6 (2) ~~In order to enable the circuit courts to handle business and  
7 technology matters in the most coordinated, efficient, and responsive manner, the  
8 Chief Judge of the Court of Appeals utilize judiciary resources to establish a sufficient  
9 number of business and technology divisions in circuit courts throughout the State to  
10 afford convenient access to lawyers and litigants involved in matters under the  
11 jurisdiction of the division; and~~

12 (2) the Chief Judge of the Court of Appeals consider the feasibility of the  
13 establishment of a business and technology court division in Maryland, based on a  
14 study to be completed by the Business and Technology Division Task Force, in order to  
15 enable the circuit courts to handle business and technology matters in the most  
16 coordinated, efficient, and responsive manner, and to afford convenient access to  
17 lawyers and litigants involved in business and technology matters.

18 (3) ~~The judges of the business and technology division have special  
19 experience or training in business and technology matters and an understanding of  
20 the issues likely to come before such a division.~~

21 (b) (1) ~~The Chief Judge of the Court of Appeals may establish a business and  
22 technology division in each circuit court where the creation of a business and  
23 technology division is feasible.~~

24 (2) ~~The Chief Judge shall consult with the administrative judge of the  
25 county before establishing a business and technology division in a circuit court.~~

26 (c) ~~Unless the administration of justice requires otherwise, a judge assigned  
27 to the business and technology division of a circuit court shall devote full time and  
28 attention to matters under the jurisdiction of the division.~~

29 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Chief Judge of the  
30 Court of Appeals, with the assistance of the Court's Standing Committee on Rules of  
31 Practice and Procedure, the Conference of Circuit Judges, appropriate members of the  
32 Maryland State Bar Association, including members of the Business Law Section and  
33 Litigation Section, and members of the Senate of Maryland and the House of  
34 Delegates, shall study how an implementation plan for the establishment of a  
35 business and technology division in appropriate circuit courts may be established and  
36 shall report his findings to the Governor and the General Assembly on or before  
37 December 1, 2001, in accordance with § 2-1246 of the State Government Article. The  
38 findings shall include consideration of all operational aspects of a business and  
39 technology division, including:~~

40 SECTION 2. AND BE IT FURTHER ENACTED, That:

- 1       (a)       There is a Business and Technology Division Task Force.
- 2       (b)       The Task Force shall reasonably reflect the geographic, ethnic, and gender  
3 diversity of the State and be composed of:
- 4               (1)       the President of the Maryland State Bar Association or the  
5 President's designee;
- 6               (2)       five members of the appropriate sections of the Maryland State Bar  
7 Association appointed by the President of the Maryland State Bar Association;
- 8               (3)       three members of the Judiciary, appointed by the Chief Judge of the  
9 Court of Appeals;
- 10              (4)       two members of the Senate of Maryland, appointed by the President  
11 of the Senate;
- 12              (5)       two members of the House of Delegates, appointed by the Speaker of  
13 the House of Delegates; and
- 14              (6)       six members of the public appointed by the President of the Maryland  
15 State Bar Association, at least two of whom shall have research and development or  
16 academic expertise in technology issues.
- 17       (c)       The President of the Maryland State Bar Association or the President's  
18 designee shall be the chairman of the Task Force.
- 19       (d)       The Task Force shall study the feasibility of the establishment of a  
20 business and technology division in appropriate circuit courts in the State.
- 21       (e)       The report shall include:
- 22               (1)       input from both the Maryland business community and legal  
23 community;
- 24               (2)       a review of the experience of other states in creating business courts  
25 while avoiding an unwarranted proliferation of other "specialty" courts; and
- 26               (3)       a consideration of all operational aspects of establishing a business  
27 and technology division, including:
- 28                       (i)       the benefits, costs, and potential negative impacts to the State  
29 and, in particular, the Judiciary that are associated with the establishment of a  
30 business and technology division in Maryland;
- 31               ~~(a)~~       (ii)       the costs associated with and essential to the efficient operation of a  
32 business and technology division;
- 33               ~~(b)~~       (iii)       the criteria for determining the type and monetary threshold of  
34 matters to be assigned and procedures for assignment of matters to a business and  
35 technology division;

1     (↔)     (iv)     a case management plan for the prompt and efficient scheduling and  
2 disposition of matters assigned to a business and technology division, which shall  
3 identify those matters that are appropriate for assignment to a specific judge who  
4 shall be responsible for the entire case;

5     (↔)     (v)     the use of alternative dispute resolution;

6     (↔)     (vi)     the feasibility of establishing an electronic filing system for pleadings  
7 and papers;

8     (↔)     (vii)     the feasibility of establishing an expedited appeals process for  
9 matters assigned to a business and technology division; and

10    (↔)     (viii)    the feasibility of either assigning technology-related criminal  
11 matters to a business and technology division or of establishing some alternative  
12 means of providing particular courts or judges with appropriate, specific training to  
13 deal with technology-related criminal matters.

14    (f)     The Task Force shall issue a final report of its findings and  
15 recommendations to the Court of Appeals, the Governor, the Lieutenant Governor, the  
16 President of the Senate of Maryland, the Speaker of the House of Delegates, the  
17 House Judiciary Committee, the Senate Judicial Proceedings Committee and, subject  
18 to § 2-1246 of the State Government Article, to the General Assembly on or before  
19 December 1, 2000.

20    ~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
21 ~~October 1, 2000.~~

22    ~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
23 ~~July 1, 2000. It shall remain effective for a period of 1 year and, at the end of June 30,~~  
24 ~~2001, with no further action required by the General Assembly, this Act shall be~~  
25 ~~abrogated and of no further force and effect.~~