

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1476

(Delegate Quinter, *et al.*)

Judiciary

Judicial Proceedings

Legal Proceedings - Legislative Continuances and Time Extensions

This bill provides for legislative continuances for any part of an appellate proceeding and time extensions for filing documents related to legal proceedings.

The bill is to be construed to apply retroactively and will be applied to and interpreted to affect any proceeding pending on or after the bill's October 1, 2005 effective date.

Fiscal Summary

State Effect: None. The change would not materially affect judicial operations or expenditures.

Local Effect: None – see above.

Small Business Effect: None.

Analysis

Bill Summary: If a member or desk officer of the General Assembly is an attorney of record in a proceeding, the proceeding must be continued until at least 10 days after the legislative session is adjourned.

If any document, instead of just a brief or memorandum of law, is required to be filed in a continued proceeding, the proceeding must be continued for additional time to allow it to be prepared. Any time prescribed by the Maryland Rules, by rule or order of court, or by

any statute applicable to the filing of any document, begins to run 10 days after the General Assembly adjourns.

Current Law: “Proceeding” includes: (1) an arbitration proceeding; and (2) any part of an action.

If a member or desk officer of the General Assembly is an attorney of record in a proceeding, the proceeding must be continued from 5 days before the legislative session convenes until 10 days after it is adjourned.

If a brief or a memorandum of law is required to be filed in a continued proceeding, the proceeding must be continued for a time sufficient to allow it to be prepared.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 16, 2005
n/jr

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