

**Department of Legislative Services**  
Maryland General Assembly  
2011 Session

**FISCAL AND POLICY NOTE**

Senate Bill 988  
Rules

(Senator Klausmeier)

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**Circuit Court - Civil Actions - Waiver of Discovery Deadlines - Informed Written Consent**

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This bill requires an attorney representing a client in a civil action in a circuit court to obtain the informed written consent of the client to waive any discovery deadline set by the court before waiving a discovery deadline.

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**Fiscal Summary**

**State Effect:** None. The bill only applies to circuit court cases.

**Local Effect:** The bill is procedural/technical in nature and is not expected to materially affect local finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Under the Maryland Rules, parties to a civil action in a circuit court may obtain discovery by one or more of the following methods: (1) depositions upon oral examination or written questions; (2) written interrogatories; (3) production or inspection of documents or other tangible things or permission to enter upon land or other property; (4) mental or physical examinations; and (5) requests for admission of facts and genuineness of documents.

Unless the court orders otherwise, methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, must not operate to delay any other party's discovery. The court may at any time order

that discovery be completed by a specified date or time, which must be a reasonable time after the action is at issue. However, parties to civil actions in the circuit courts are encouraged to reach agreement on a plan for the scheduling and completion of discovery.

**Background:** In fiscal 2009, 91,046 civil cases were filed in the circuit courts.

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### **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 25, 2011  
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