

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE

House Bill 1115

(Delegate Frank, *et al.*)

Judiciary

Judicial Proceedings

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Courts - Legislative Continuances and Time Extensions - Parties to Proceedings

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This bill expands the application of statutory provisions relating to the postponement of legal proceedings when a member or desk officer of the General Assembly is an attorney of record in the proceeding to include a member or desk officer of the General Assembly who is a party to the proceeding.

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Fiscal Summary

**State Effect:** The bill's requirements can be handled with existing budgeted State resources.

**Local Effect:** The bill's requirements can be handled with existing budgeted local resources.

**Small Business Effect:** None.

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Analysis

**Current Law:** If a member or desk officer of the General Assembly is an attorney of record to a legal proceeding, the proceeding must be postponed from five days before the legislative session convenes until at least 10 days after it is adjourned. If the Legislative Policy Committee (LPC), any other committee of the legislature, or any affiliated subcommittee is holding a meeting during the legislative interim, the proceeding must be postponed while the committee is holding a meeting if a member of the committee is an attorney of record in the proceeding.

If a brief, memorandum of law, or another document is required to be filed in a proceeding that has been postponed, the proceeding must remain postponed long enough for the document to be prepared and filed. Any time limits prescribed by the Maryland Rules, by rule or order of court, or by any statute applicable to the filing of the documents must begin to be calculated ten days after the General Assembly adjourns.

These provisions apply to a proceeding in a federal, State, or local court or administrative agency. An attorney who is eligible for the postponements may apply for them by filing a motion or letter with the appropriate court or administrative agency; he/she does not need to personally appear before the court or agency. An eligible attorney is not obligated to file for a postponement/continuance, however, and may waive these benefits.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 10, 2009  
ncs/kdm

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