

HOUSE BILL 1071

D1

8lr2322

By: **Delegates West, Barron, Angel, Korman, Lierman, Miele, and Sydnor**

Introduced and read first time: February 7, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Business and Technology Court**

3 FOR the purpose of establishing a Business and Technology Court; establishing the
4 purpose, jurisdiction, and appropriate venue of the business court; requiring the
5 Chief Judge of the Court of Appeals to appoint a certain number of nominated judges
6 to the business court; requiring and authorizing certain administrative judges to
7 nominate certain circuit court judges for consideration for the business court;
8 establishing the compensation of business court judges; establishing procedures for
9 assigning business court judges to actions before the business court; requiring
10 business court judges to attend certain educational programs; encouraging business
11 court judges to issue written opinions under certain circumstances; authorizing
12 parties before the business court to request the business court judge to issue a
13 written opinion but establishing that the opinions are not precedent; requiring
14 opinions issued by the business court to be published in a certain manner;
15 authorizing certain conferences to be conducted remotely under certain
16 circumstances; requiring a request for assignment of an action to the business court
17 to be filed in a certain manner and identify certain information; requiring the Chief
18 Judge of the Court of Appeals to select a Chief Business Court Judge to administer
19 the business court; establishing certain administrative requirements for the
20 business court; establishing a Business Court Advisory Board; establishing the
21 purpose and responsibilities of the advisory board; requiring the advisory board to
22 conduct a certain periodic review and submit a certain report; requiring the Governor
23 to make a certain appropriation in the budget bill to fund the business court;
24 authorizing the appropriation to be used for certain purposes; defining certain terms;
25 and generally relating to the Business and Technology Court.

26 BY adding to

27 Article – Courts and Judicial Proceedings

28 Section 3–2101 through 3–2109 to be under the new subtitle “Subtitle 21. Business
29 and Technology Court”; and 6–203(f)

30 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2013 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 6–203(a)
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

SUBTITLE 21. BUSINESS AND TECHNOLOGY COURT.

3–2101.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(B) “ADVISORY BOARD” MEANS THE BUSINESS COURT ADVISORY BOARD
CREATED UNDER § 3–2108 OF THIS SUBTITLE.

(C) “ALTERNATIVE DISPUTE RESOLUTION” MEANS THE PROCESS OF
RESOLVING MATTERS IN PENDING LITIGATION THROUGH ARBITRATION,
MEDIATION, NEUTRAL CASE EVALUATION, NEUTRAL FACT-FINDING, SETTLEMENT
CONFERENCE, OR A COMBINATION OF THOSE PROCESSES.

(D) “BUSINESS” INCLUDES CORPORATIONS, GENERAL PARTNERSHIPS,
LIMITED LIABILITY PARTNERSHIPS, LIMITED LIABILITY COMPANIES, SOLE
PROPRIETORSHIPS, PROFESSIONAL ASSOCIATIONS, REAL ESTATE INVESTMENT
TRUSTS, AND JOINT VENTURES.

(E) “BUSINESS COURT” MEANS THE BUSINESS AND TECHNOLOGY COURT
ESTABLISHED UNDER § 3–2102 OF THIS SUBTITLE.

(F) “BUSINESS COURT JUDGE” MEANS A CIRCUIT COURT JUDGE WHO IS
APPOINTED TO THE BUSINESS COURT.

(G) “CHIEF BUSINESS COURT JUDGE” MEANS A BUSINESS COURT JUDGE
SELECTED BY THE CHIEF JUDGE TO ADMINISTER THE BUSINESS COURT AND
PERFORM THE DUTIES ESTABLISHED UNDER § 3–2107 OF THIS SUBTITLE.

(H) “CHIEF JUDGE” MEANS THE CHIEF JUDGE OF THE COURT OF APPEALS

1 OF MARYLAND.

2 3-2102.

3 THERE IS A BUSINESS AND TECHNOLOGY COURT.

4 3-2103.

5 THE PURPOSE OF THE BUSINESS COURT IS TO HANDLE BUSINESS AND
6 TECHNOLOGY MATTERS IN A COORDINATED, EFFICIENT, AND RESPONSIVE MANNER
7 AND TO AFFORD CONVENIENT ACCESS TO ATTORNEYS AND LITIGANTS IN LEGAL
8 ACTIONS WITH A SIGNIFICANT BUSINESS OR TECHNOLOGY COMPONENT.

9 3-2104.

10 (A) THE BUSINESS COURT HAS EXCLUSIVE ORIGINAL JURISDICTION OVER:

11 (1) ACTIONS ARISING OUT OF TECHNOLOGY DEVELOPMENT,
12 MAINTENANCE, AND CONSULTING AGREEMENTS, INCLUDING SOFTWARE, NETWORK
13 AND INTERNET WEBSITE DEVELOPMENT, AND MAINTENANCE AGREEMENTS;

14 (2) ACTIONS ARISING OUT OF THE HOSTING OF INTERNET WEBSITES
15 FOR BUSINESS ENTITIES;

16 (3) ACTIONS ARISING OUT OF TECHNOLOGY LICENSING
17 AGREEMENTS, INCLUDING SOFTWARE LICENSING, BIOTECHNOLOGY LICENSING, OR
18 ANY AGREEMENT INVOLVING THE LICENSING OF INTELLECTUAL PROPERTY RIGHTS,
19 INCLUDING PATENT RIGHTS;

20 (4) ACTIONS RELATING TO THE INTERNAL AFFAIRS OF BUSINESSES,
21 INCLUDING THE RIGHTS OR OBLIGATIONS OF STOCKHOLDERS, DEBTHOLDERS,
22 DIRECTORS, OFFICERS, AND OTHER MANAGEMENT;

23 (5) ACTIONS CLAIMING BREACH OF CONTRACT, FRAUD,
24 MISREPRESENTATION, OR STATUTORY VIOLATION ARISING OUT OF BUSINESS
25 DEALINGS;

26 (6) STOCKHOLDER DERIVATIVE ACTIONS;

27 (7) STOCKHOLDER, CONSUMER, OR COMMERCIAL CLASS ACTIONS;

28 (8) ACTIONS ARISING OUT OF COMMERCIAL BANK TRANSACTIONS;

1 **(9) DECLARATORY JUDGMENT AND INDEMNIFICATION ACTIONS**
2 **BROUGHT BY OR AGAINST INSURERS IN WHICH:**

3 **(I) THE SUBJECT INSURANCE POLICY IS A BUSINESS OR**
4 **COMMERCIAL POLICY; AND**

5 **(II) THE UNDERLYING DISPUTE WOULD OTHERWISE BE**
6 **ASSIGNED TO THE BUSINESS COURT;**

7 **(10) ACTIONS RELATING TO TRADE SECRET, NONCOMPETE,**
8 **NONSOLICITATION, OR CONFIDENTIALITY AGREEMENTS;**

9 **(11) BUSINESS TORT ACTIONS, INCLUDING CLAIMS FOR UNFAIR**
10 **COMPETITION OR VIOLATIONS OF THE MARYLAND UNIFORM TRADE SECRETS ACT**
11 **OR TITLE 13, SUBTITLE 3 OF THE COMMERCIAL LAW ARTICLE;**

12 **(12) COMMERCIAL REAL PROPERTY ACTIONS OTHER THAN DISPUTES**
13 **BETWEEN LANDLORDS AND TENANTS;**

14 **(13) ACTIONS UNDER THE MARYLAND UNIFORM COMPUTER**
15 **INFORMATION TRANSACTIONS ACT;**

16 **(14) PROFESSIONAL MALPRACTICE ACTIONS IN CONNECTION WITH**
17 **THE RENDERING OF PROFESSIONAL SERVICES TO A BUSINESS;**

18 **(15) ACTIONS ARISING OUT OF VIOLATIONS OF THE MARYLAND**
19 **ANTITRUST ACT; AND**

20 **(16) ACTIONS ARISING OUT OF VIOLATIONS OF THE MARYLAND**
21 **SECURITIES ACT.**

22 **(B) (1) THE BUSINESS COURT HAS CONCURRENT JURISDICTION OVER**
23 **COMPLAINTS THAT MEET THE REQUIREMENTS OF PARAGRAPH (3) OF THIS**
24 **SUBSECTION IF THE COMPLAINT SEEKS:**

25 **(I) COMPENSATORY DAMAGES TOTALING \$100,000 OR MORE;**
26 **OR**

27 **(II) PRIMARILY INJUNCTIVE OR OTHER EQUITABLE RELIEF.**

28 **(2) A REQUEST FOR ASSIGNMENT OF AN ACTION TO THE BUSINESS**
29 **COURT SHALL:**

1 **(I) BE FILED IN THE COUNTY IN WHICH VENUE WOULD BE**
2 **APPROPRIATE UNDER § 6-201 OF THIS ARTICLE; AND**

3 **(II) IDENTIFY THE AMOUNT IN CONTROVERSY IN THE ACTION.**

4 **(3) (I) ON A PARTY'S WRITTEN REQUEST OR ON A COURT'S OWN**
5 **INITIATIVE, AN ACTION MAY BE ASSIGNED TO THE BUSINESS COURT IF THE JUDGE**
6 **DETERMINES THAT THE ACTION PRESENTS BUSINESS OR TECHNOLOGICAL ISSUES**
7 **OF SUCH A COMPLEX OR NOVEL NATURE THAT SPECIALIZED TREATMENT IS LIKELY**
8 **TO IMPROVE THE ADMINISTRATION OF JUSTICE.**

9 **(II) IN MAKING A DETERMINATION UNDER SUBPARAGRAPH (I)**
10 **OF THIS PARAGRAPH, A JUDGE MAY CONSIDER:**

11 **1. THE NATURE OF THE RELIEF SOUGHT;**

12 **2. THE NUMBER AND DIVERSE INTERESTS OF THE**
13 **PARTIES;**

14 **3. THE ANTICIPATED NATURE AND EXTENT OF**
15 **PRETRIAL DISCOVERY AND MOTIONS;**

16 **4. THE DEGREE OF NOVELTY AND COMPLEXITY OF THE**
17 **FACTUAL, LEGAL, OR EVIDENTIARY ISSUES PRESENTED;**

18 **5. WHETHER BUSINESS OR TECHNOLOGY ISSUES**
19 **PREDOMINATE OVER OTHER ISSUES PRESENTED IN THE ACTION; AND**

20 **6. THE WILLINGNESS OF THE PARTIES TO PARTICIPATE**
21 **IN ALTERNATIVE DISPUTE RESOLUTION.**

22 **(C) THE BUSINESS COURT DOES NOT HAVE JURISDICTION OVER:**

23 **(1) PERSONAL INJURY, SURVIVAL, OR WRONGFUL DEATH MATTERS;**

24 **(2) MEDICAL MALPRACTICE MATTERS;**

25 **(3) DISPUTES BETWEEN LANDLORDS AND TENANTS;**

26 **(4) PROFESSIONAL FEE DISPUTES;**

27 **(5) PROFESSIONAL MALPRACTICE CLAIMS OTHER THAN CLAIMS**
28 **BROUGHT IN CONNECTION WITH THE RENDERING OF PROFESSIONAL SERVICES TO**

1 A BUSINESS;

2 (6) DISPUTES BETWEEN AN EMPLOYER AND AN EMPLOYEE THAT ARE
3 NOT WITHIN THE JURISDICTION OF THE BUSINESS COURT, INCLUDING CLAIMS OF
4 DISCRIMINATION, HOSTILE WORK ENVIRONMENT, OR UNPAID WAGES;

5 (7) ADMINISTRATIVE AGENCY, TAX, ZONING, AND OTHER APPEALS;

6 (8) CRIMINAL MATTERS, INCLUDING COMPUTER-RELATED CRIMES;
7 AND

8 (9) PROCEEDINGS TO ENFORCE JUDGMENTS OF ANY TYPE.

9 3-2105.

10 (A) (1) (I) THE CHIEF JUDGE SHALL APPOINT THREE OR FOUR
11 SITTING CIRCUIT COURT JUDGES FROM THOSE JUDGES NOMINATED UNDER
12 PARAGRAPH (2) OF THIS SUBSECTION TO SERVE AS BUSINESS COURT JUDGES.

13 (II) A JUDGE APPOINTED AS A BUSINESS COURT JUDGE SHALL:

14 1. BE SPECIALLY TRAINED IN BUSINESS AND
15 TECHNOLOGY; AND

16 2. HAVE AN INTEREST AND WILLINGNESS TO SERVE AND
17 COMPLY WITH THE REQUIREMENTS OF THE BUSINESS COURT.

18 (III) WHEN APPOINTING BUSINESS COURT JUDGES UNDER THIS
19 SUBSECTION, THE CHIEF JUDGE MAY CONSIDER THE BUSINESS, FINANCE, AND
20 TECHNOLOGICAL EXPERIENCE AND TRAINING OF A NOMINEE.

21 (2) (I) ON OR BEFORE JANUARY 1, 2019, AND WITHIN 60 DAYS OF
22 ANY JUDICIAL OPENING IN THE BUSINESS COURT, THE ADMINISTRATIVE JUDGES OF
23 THE CIRCUITS SHALL NOMINATE CIRCUIT COURT JUDGES FOR APPOINTMENT TO
24 THE BUSINESS COURT UNDER THIS SUBSECTION AS REQUIRED IN SUBPARAGRAPHS
25 (II) AND (III) OF THIS PARAGRAPH.

26 (II) TO THE EXTENT PRACTICABLE:

27 1. THE ADMINISTRATIVE JUDGES IN BALTIMORE CITY
28 AND MONTGOMERY COUNTY SHALL EACH NOMINATE AT LEAST TWO CIRCUIT COURT
29 JUDGES FOR CONSIDERATION UNDER THIS SUBSECTION; AND

1 **2. THE ADMINISTRATIVE JUDGES IN ANNE ARUNDEL**
2 **COUNTY, BALTIMORE COUNTY, HOWARD COUNTY, AND PRINCE GEORGE'S**
3 **COUNTY SHALL EACH NOMINATE AT LEAST ONE CIRCUIT COURT JUDGE FOR**
4 **CONSIDERATION UNDER THIS SUBSECTION.**

5 **(III) AN ADMINISTRATIVE JUDGE FOR A CIRCUIT COURT NOT**
6 **LISTED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY NOMINATE ONE CIRCUIT**
7 **COURT JUDGE FOR CONSIDERATION UNDER THIS SUBSECTION.**

8 **(B) (1) EXCEPT AS PROVIDED IN SUBSECTIONS (D) AND (E) OF THIS**
9 **SECTION, A BUSINESS COURT JUDGE SHALL PRESIDE OVER ANY ACTION ASSIGNED**
10 **TO THE BUSINESS COURT UNDER THIS SUBTITLE.**

11 **(2) AT THE DISCRETION OF THE CHIEF BUSINESS COURT JUDGE, A**
12 **BUSINESS COURT JUDGE MAY PRESIDE OVER ACTIONS BEFORE THE CIRCUIT COURT.**

13 **(C) A BUSINESS COURT JUDGE SHALL RECEIVE THE SAME COMPENSATION**
14 **AND BENEFITS AS A CIRCUIT COURT JUDGE.**

15 **(D) (1) THE CHIEF BUSINESS COURT JUDGE SHALL ASSIGN EACH**
16 **ACTION IN THE BUSINESS COURT TO A BUSINESS COURT JUDGE ON A ROTATING**
17 **BASIS.**

18 **(2) EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS**
19 **SUBSECTION, THE ASSIGNMENT OF A BUSINESS COURT JUDGE UNDER PARAGRAPH**
20 **(1) OF THIS SUBSECTION IS NOT RELATED TO THE LOCATION IN WHICH THE ACTION**
21 **IS FILED OR THE CIRCUIT IN WHICH THE BUSINESS COURT JUDGE SITS.**

22 **(3) THE ORDER OF ASSIGNMENT UNDER PARAGRAPH (1) OF THIS**
23 **SUBSECTION MAY BE ALTERED AT THE DISCRETION OF THE CHIEF BUSINESS**
24 **COURT JUDGE OR THE CHIEF BUSINESS COURT JUDGE'S DESIGNEE TO AVOID**
25 **UNDUE BURDEN ON LITIGANTS OR THE BUSINESS COURT.**

26 **(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
27 **PARAGRAPH, THE BUSINESS COURT JUDGE ASSIGNED TO AN ACTION UNDER THIS**
28 **SUBSECTION SHALL HEAR ALL PROCEEDINGS UNTIL THE MATTER IS CONCLUDED.**

29 **(II) 1. TO AVOID UNDUE DELAY, PREJUDICE, OR INJUSTICE**
30 **AND TO ALLOW FOR THE TIMELY AND FAIR ADMINISTRATION OF THE ACTION, THE**
31 **CHIEF BUSINESS COURT JUDGE OR THE CHIEF BUSINESS COURT JUDGE'S**
32 **DESIGNEE MAY DESIGNATE ANOTHER BUSINESS COURT JUDGE OR ANOTHER JUDGE**
33 **OF THE CIRCUIT COURT TO HEAR A PRETRIAL MATTER OR TAKE OTHER NECESSARY**
34 **ACTION.**

1 **2. THE CHIEF BUSINESS COURT JUDGE OR THE CHIEF**
2 **BUSINESS COURT JUDGE'S DESIGNEE MAY DESIGNATE ANOTHER JUDGE OF THE**
3 **CIRCUIT COURT UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH RATHER**
4 **THAN DESIGNATING ANOTHER BUSINESS COURT JUDGE ONLY IF ANOTHER**
5 **BUSINESS COURT JUDGE IS NOT AVAILABLE AND IN EXIGENT CIRCUMSTANCES.**

6 **(5) PROMPTLY AFTER AN ACTION IS ASSIGNED UNDER THIS**
7 **SUBSECTION, THE ASSIGNED BUSINESS COURT JUDGE SHALL:**

8 **(I) HOLD A CASE MANAGEMENT CONFERENCE TO DISCUSS**
9 **ISSUES RELATING TO PLEADINGS, INCLUDING THE SCHEDULE FOR BRIEFING A**
10 **MOTION TO DISMISS, JURISDICTION, AND SETTLEMENT;**

11 **(II) HOLD A SCHEDULING CONFERENCE AT WHICH THE**
12 **BUSINESS COURT JUDGE AND THE PARTIES DISCUSS THE SCHEDULING OF**
13 **DISCOVERY, DISPOSITIVE AND PRETRIAL MOTIONS, OPPORTUNITIES FOR**
14 **ALTERNATIVE DISPUTE RESOLUTION, AND A TRIAL DATE; AND**

15 **(III) ENTER A SCHEDULING ORDER THAT INCLUDES CASE**
16 **MANAGEMENT DECISIONS MADE AT OR AS A RESULT OF THE CONFERENCES HELD**
17 **UNDER THIS SUBSECTION.**

18 **(E) (1) IF A PARTY SEEKS EXPEDITED RELIEF IN A BUSINESS COURT**
19 **ACTION, THE CHIEF BUSINESS COURT JUDGE SHALL EXPEDITE THE ASSIGNMENT**
20 **OF A BUSINESS COURT JUDGE.**

21 **(2) IF THE BUSINESS COURT JUDGE ASSIGNED TO AN ACTION**
22 **SEEKING EXPEDITED RELIEF UNDER THIS SUBSECTION IS NOT AVAILABLE TO**
23 **PRESIDE OVER THE ACTION, SOLELY FOR THE PURPOSE OF DECIDING ON THE**
24 **EXPEDITED RELIEF SOUGHT, THE CHIEF BUSINESS COURT JUDGE MAY**
25 **TEMPORARILY ASSIGN THE ACTION TO:**

26 **(I) ANOTHER BUSINESS COURT JUDGE; OR**

27 **(II) IF ANOTHER BUSINESS COURT JUDGE IS NOT AVAILABLE,**
28 **THE DUTY JUDGE IN THE CIRCUIT IN WHICH THE ACTION WAS FILED.**

29 **(F) ON ASSIGNMENT TO THE BUSINESS COURT AND AT LEAST ONCE A YEAR**
30 **THEREAFTER, A BUSINESS COURT JUDGE SHALL ATTEND AN EDUCATIONAL**
31 **PROGRAM DEVELOPED BY THE ADVISORY BOARD.**

32 **(G) (1) BUSINESS COURT JUDGES ARE ENCOURAGED TO ISSUE WRITTEN**

1 OPINIONS IF:

2 (I) THE SUBJECT OF THE ACTION IS NOT ROUTINE OR
3 INVOLVES NEW, NOVEL, OR UNRESOLVED ISSUES OF LAW; OR

4 (II) THE OPINION WOULD ENRICH THE EXISTING BODY OF LAW.

5 (2) (I) A PARTY BEFORE THE BUSINESS COURT MAY REQUEST THE
6 BUSINESS COURT JUDGE TO ISSUE A WRITTEN OPINION IN A PARTICULAR ACTION.

7 (II) A PARTY REQUESTING A WRITTEN OPINION UNDER THIS
8 PARAGRAPH SHALL PROVIDE JUSTIFICATION TO THE BUSINESS COURT JUDGE
9 SUPPORTING THE REQUEST.

10 (3) A PARTY BEFORE THE BUSINESS COURT MAY CITE OPINIONS
11 ISSUED BY THE BUSINESS COURT OR BY AN APPELLATE COURT, BUT THE OPINIONS
12 MAY NOT BE CONSIDERED PRECEDENT FOR THE BUSINESS COURT.

13 (4) EACH OPINION ISSUED BY THE BUSINESS COURT SHALL BE
14 PUBLISHED AND MADE ACCESSIBLE THROUGH THE WEBSITE MAINTAINED BY THE
15 ADVISORY BOARD UNDER § 3-2108 OF THIS SUBTITLE.

16 3-2106.

17 (A) FOR AN ACTION BEFORE THE BUSINESS COURT, VENUE IS PROPER IN
18 THE COUNTY IN WHICH THE BUSINESS COURT JUDGE ASSIGNED TO THE ACTION
19 SITS.

20 (B) (1) A CONFERENCE CONDUCTED UNDER § 3-2105(D)(5) OF THIS
21 SUBTITLE OR ANY OTHER PROCEEDING BEFORE THE BUSINESS COURT MAY BE
22 CONDUCTED REMOTELY IF:

23 (I) THE BUSINESS COURT JUDGE ASSIGNED TO THE ACTION
24 APPROVES THE REMOTE PROCEEDING;

25 (II) THE CONFERENCE OR OTHER PROCEEDING DOES NOT
26 REQUIRE PHYSICAL PRESENCE IN COURT; AND

27 (III) THE REMOTE PROCEEDING, INCLUDING THE REMOTE
28 METHOD USED, DOES NOT CAUSE SIGNIFICANT INCONVENIENCE, BURDEN,
29 PREJUDICE, OR INJUSTICE TO THE PARTIES.

30 (2) BEFORE APPROVING A REMOTE PROCEEDING UNDER THIS

1 SUBSECTION, THE BUSINESS COURT JUDGE SHALL ENSURE THAT THE PARTIES IN
2 THE ACTION HAVE THE ABILITY TO USE THE TECHNOLOGY AND FACILITIES
3 NECESSARY FOR THE REMOTE PROCEEDING, INCLUDING THE USE OF EXHIBITS IN
4 ELECTRONIC FORMAT AND VIDEOCONFERENCING.

5 (3) A REMOTE PROCEEDING UNDER THIS SUBSECTION MAY BE
6 CONDUCTED BY TELEPHONE, VIDEOCONFERENCE, OR ANY OTHER METHOD
7 APPROVED BY THE BUSINESS COURT JUDGE.

8 **3-2107.**

9 (A) THE CHIEF JUDGE SHALL SELECT A BUSINESS COURT JUDGE TO SERVE
10 AS CHIEF BUSINESS COURT JUDGE.

11 (B) (1) THE BUSINESS COURT SHALL BE ADMINISTERED BY THE CHIEF
12 BUSINESS COURT JUDGE WITH THE ASSISTANCE OF THE ADVISORY BOARD.

13 (2) THE CHIEF BUSINESS COURT JUDGE MAY SELECT A BUSINESS
14 COURT ADMINISTRATOR TO ASSIST IN THE ADMINISTRATION OF THE BUSINESS
15 COURT.

16 (3) THE ADMINISTRATION OF THE BUSINESS COURT SHALL BE
17 CONDUCTED JOINTLY IN THE CIRCUIT COURT FOR BALTIMORE CITY AND THE
18 CIRCUIT COURT FOR MONTGOMERY COUNTY.

19 (C) IN CONSULTATION WITH THE ADVISORY BOARD, THE CHIEF BUSINESS
20 COURT JUDGE SHALL DEVELOP:

21 (1) A PROCEDURE BY WHICH AN ACTION MAY BE ASSIGNED TO THE
22 BUSINESS COURT; AND

23 (2) PROCEDURES FOR ASSIGNING AN ACTION TO ALTERNATIVE
24 DISPUTE RESOLUTION CONDUCTED BY A QUALIFIED INDIVIDUAL WHO IS SPECIALLY
25 TRAINED IN BUSINESS AND TECHNOLOGY.

26 (D) (1) THE CHIEF BUSINESS COURT JUDGE SHALL FACILITATE A
27 MEETING OF ALL BUSINESS COURT JUDGES AT LEAST QUARTERLY TO DISCUSS THE
28 ADMINISTRATION AND OPERATION OF THE BUSINESS COURT, INCLUDING:

29 (I) ADOPTION OF STANDARDIZED FORMS;

30 (II) CASE MANAGEMENT PROCEDURES TO BE DISCUSSED AT
31 CONFERENCES REQUIRED UNDER § 3-2105 OF THIS SUBTITLE;

- 1 (III) THE WRITING OF OPINIONS;
- 2 (IV) NEW OR NOVEL ISSUES OF LAW;
- 3 (V) EDUCATIONAL AND TRAINING OPPORTUNITIES; AND
- 4 (VI) OTHER PROTOCOLS OR TOPICS OF INTEREST TO THE
- 5 BUSINESS COURT.

6 (2) MEETINGS CONDUCTED UNDER PARAGRAPH (1) OF THIS

7 SUBSECTION SHALL TAKE PLACE AT THE CIRCUIT COURT FOR BALTIMORE CITY,

8 THE CIRCUIT COURT FOR MONTGOMERY COUNTY, OR AN ALTERNATIVE

9 AGREED-ON LOCATION.

10 **3-2108.**

11 (A) THERE IS A BUSINESS COURT ADVISORY BOARD.

12 (B) THE PURPOSE OF THE ADVISORY BOARD IS TO ASSIST IN THE

13 ADMINISTRATION AND OPERATION OF THE BUSINESS COURT.

14 (C) (1) THE ADVISORY BOARD SHALL CONSIST OF SEVEN MEMBERS

15 APPOINTED BY THE CHIEF JUDGE.

16 (2) THE MEMBERS OF THE ADVISORY BOARD MAY BE SITTING

17 BUSINESS COURT JUDGES, SITTING APPELLATE JUDGES, FORMER JUDGES,

18 PRACTITIONERS, OR BUSINESS OR COMMUNITY LEADERS.

19 (D) THE ADVISORY BOARD SHALL BE RESPONSIBLE FOR:

20 (1) DEVELOPING AND IMPLEMENTING STANDARDIZED FORMS,

21 BUSINESS COURT PROTOCOLS, AND CASE MANAGEMENT PROCEDURES INCLUDING

22 DISCOVERY, ELECTRONICALLY STORED INFORMATION, AND SCHEDULING

23 CONFERENCE MATTERS;

24 (2) DEVELOPING AND IMPLEMENTING AN ELECTRONIC FILING

25 SYSTEM FOR BUSINESS COURT ACTIONS THAT ALLOWS PARTIES TO

26 ELECTRONICALLY SUBMIT FILINGS AND ACCESS PLEADINGS;

27 (3) DEVELOPING EDUCATIONAL PROGRAMS FOR BUSINESS COURT

28 JUDGES THAT:

1 **(I) INCLUDE AN OVERVIEW OF THE BUSINESS COURT,**
2 **INCLUDING GENERAL BUSINESS AND TECHNOLOGY LEGAL ISSUES BEFORE THE**
3 **COURT, AND ANY OTHER RELEVANT ISSUES IDENTIFIED BY THE ADVISORY BOARD;**

4 **(II) OFFER A VARIETY OF SUBJECT MATTERS ALLOWING**
5 **BUSINESS COURT JUDGES TO ENHANCE THEIR INDIVIDUAL SKILL SETS; AND**

6 **(III) INCLUDE A DIVERSE RANGE OF PERSPECTIVES AND**
7 **STAKEHOLDER INTERESTS;**

8 **(4) MONITORING AND TRACKING THE PROGRESS AND RESOLUTION**
9 **OF CASES ASSIGNED TO THE BUSINESS COURT;**

10 **(5) MONITORING THE ASSIGNMENT OF JUDGES TO BUSINESS COURT**
11 **CASES, INCLUDING ENSURING THAT BUSINESS COURT JUDGES HAVE THE SCHEDULE**
12 **FLEXIBILITY TO ATTEND EDUCATIONAL PROGRAMS DEVELOPED UNDER ITEM (3) OF**
13 **THIS SUBSECTION;**

14 **(6) MONITORING AND FACILITATING THE PUBLICATION OF OPINIONS**
15 **ISSUED BY BUSINESS COURT JUDGES, INCLUDING COORDINATING WITH ONLINE**
16 **LEGAL PUBLISHERS TO ENSURE APPROPRIATE TREATMENT OF BUSINESS COURT**
17 **OPINIONS AND EASE OF PUBLIC ACCESS TO OPINIONS ONLINE;**

18 **(7) MONITORING AND FACILITATING APPROPRIATE EDUCATIONAL**
19 **PROGRAMS FOR BUSINESS COURT JUDGES REQUIRED UNDER § 3-2105 OF THIS**
20 **SUBTITLE;**

21 **(8) COORDINATING AND MAINTAINING A BUSINESS COURT WEBSITE,**
22 **INCLUDING:**

23 **(I) ESTABLISHING LINKS TO THE BUSINESS COURT WEBSITE**
24 **ON ANY CIRCUIT COURT WEBSITE REFERENCING THE BUSINESS COURT;**

25 **(II) ENSURING THAT ALL OPINIONS ISSUED BY THE BUSINESS**
26 **COURT ARE PUBLISHED ON AND EASILY ACCESSIBLE THROUGH THE BUSINESS**
27 **COURT WEBSITE;**

28 **(III) POSTING RESOURCES AND RELEVANT INFORMATION; AND**

29 **(IV) KEEPING THE BUSINESS COURT WEBSITE REGULARLY**
30 **UPDATED;**

31 **(9) ESTABLISHING A SUBCOMMITTEE OF ITS MEMBERS WHO ARE**

1 JUDGES TO SERVE AS AN OPINION REVIEW COMMITTEE TO REVIEW BUSINESS COURT
2 OPINIONS ON REQUEST BY THE BUSINESS COURT JUDGE BEFORE PUBLICATION; AND

3 (10) EXAMINING METHODS FOR EDUCATING AND PROVIDING
4 INFORMATION TO MEMBERS OF THE STATE'S LEGAL AND BUSINESS COMMUNITIES
5 ABOUT THE BUSINESS COURT.

6 (E) THE CHIEF BUSINESS COURT JUDGE SHALL CONSULT WITH THE
7 ADVISORY BOARD TO FACILITATE DISCUSSIONS, ACTIVITIES, AND OTHER
8 INTERACTIONS AMONG THE BUSINESS COURT JUDGES.

9 (F) (1) AT LEAST ONCE EVERY 3 YEARS, THE ADVISORY BOARD SHALL
10 CONDUCT A REVIEW OF THE BUSINESS COURT'S OPERATIONS.

11 (2) THE REVIEW CONDUCTED UNDER THIS SUBSECTION SHALL
12 ASSESS:

13 (I) THE TYPES AND NUMBER OF ACTIONS ASSIGNED TO THE
14 BUSINESS COURT;

15 (II) THE OVERALL NUMBER OF JUDGES ASSIGNED TO THE
16 BUSINESS COURT;

17 (III) THE PROVISION OF DISCRETIONARY AND PRESUMPTIVE
18 ASSIGNMENTS MADE BY BUSINESS COURT JUDGES;

19 (IV) THE ADMINISTRATION, DURATION, AND RESOLUTION OF
20 ACTIONS ASSIGNED TO THE BUSINESS COURT;

21 (V) ANY ISSUES ASSIGNED BY THE GOVERNOR OR THE CHIEF
22 BUSINESS COURT JUDGE TO THE ADVISORY BOARD TO ASSESS AS PART OF THE
23 ADVISORY BOARD'S REVIEW; AND

24 (VI) ANY OTHER ISSUES RELATING TO THE IMPLEMENTATION OF
25 THE BUSINESS COURT IDENTIFIED BY THE ADVISORY BOARD TO INCLUDE IN THE
26 ADVISORY BOARD'S REVIEW.

27 (3) ON OR BEFORE DECEMBER 1 OF THE YEAR IN WHICH THE REVIEW
28 REQUIRED UNDER THIS SUBSECTION WAS CONDUCTED, OR MORE OFTEN IF
29 NECESSARY, THE ADVISORY BOARD SHALL SUBMIT A WRITTEN REPORT OF THE
30 REVIEW TO THE GOVERNOR, THE CHIEF JUDGE, AND THE CHIEF BUSINESS COURT
31 JUDGE AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
32 ARTICLE, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE.

1 **3-2109.**

2 (A) IN FISCAL YEAR 2020 AND IN EACH SUBSEQUENT FISCAL YEAR, THE
3 GOVERNOR SHALL INCLUDE IN THE BUDGET BILL AN APPROPRIATION FOR THE
4 JUDICIARY'S BUDGET DESIGNATED FOR THE BUSINESS COURT.

5 (B) THE APPROPRIATION MADE UNDER THIS SECTION SHALL BE:

6 (1) SUFFICIENT TO PAY ALL NECESSARY EXPENSES OF THE BUSINESS
7 COURT, INCLUDING THE COMPENSATION OF BUSINESS COURT JUDGES AND STAFF
8 DEDICATED TO THE BUSINESS COURT; AND

9 (2) ADMINISTERED BY THE CHIEF BUSINESS COURT JUDGE.

10 (C) THE CHIEF BUSINESS COURT JUDGE MAY USE THE APPROPRIATION
11 MADE UNDER THIS SECTION TO REIMBURSE EXPENSES INCURRED BY A BUSINESS
12 COURT JUDGE RELATED TO ATTENDANCE AT AN EDUCATIONAL PROGRAM
13 DEVELOPED BY THE ADVISORY BOARD UNDER § 3-2108 OF THIS SUBTITLE OR AT AN
14 ENRICHMENT ACTIVITY OFFERED BY ANOTHER ORGANIZATION, INCLUDING TRAVEL
15 EXPENSES, REGISTRATION FEES, OR OTHER RELATED COSTS.

16 **6-203.**

17 (a) The general rule of § 6-201 of this subtitle does not apply to actions
18 enumerated in this section.

19 (F) THE VENUE OF AN ACTION BEFORE THE BUSINESS AND TECHNOLOGY
20 COURT UNDER TITLE 3, SUBTITLE 21 OF THIS ARTICLE IS IN THE COUNTY IN WHICH
21 THE BUSINESS COURT JUDGE ASSIGNED TO THE ACTION SITS.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2018.