

APPENDIX A (4-23-07 mins)

Sec. 11-14. — Short Calendar; Frequency; Time; Lists

Short calendar sessions shall be held in each judicial district and geographical area at least once each month, the date, hour and place to be fixed by the presiding judge upon due notice to the clerk. The caseload coordinator or clerk, in consultation with the presiding judge, shall determine the number of lists, such as whether there shall be separate lists for family relations matters and foreclosures, and whether various portions of any one list shall be scheduled for different days and for different hours of the same day. [The lists] Notice of the assigned date and time of the motion shall be [printed and distributed] provided to attorneys and pro se parties of record [in cases appearing therein].

COMMENTARY: The above change would allow notice to be provided by other means, including electronic notice and the online posting of calendars. Under the current rule the Judicial Branch must provide printed lists to attorneys and pro se parties of record.

Sec. 11-18. — Oral Argument of Motions in Civil Matters

(a) Oral argument is at the discretion of the judicial authority except as to motions to dismiss, motions to strike, motions for summary judgment, motions for judgment of foreclosure, and motions for judgment on the report of an attorney trial referee and/or hearing on any objections thereto. For those motions, oral argument shall be a matter of right, provided:

(1) the motion has been marked ready for adjudication in accordance with the procedure indicated in the notice that accompanies the short calendar on which the motion appears, and

(2) the movant indicates at the bottom of the first page of the motion or on a reclaim slip that oral argument or testimony is desired or

(3) a nonmoving party files and serves on all other parties pursuant to Sections 10-12 through 10-17, with proof of service endorsed thereon, a written notice stating the party's intention to argue the motion or present testimony. Such a notice shall be filed on or before the third day before the date of the short calendar date and shall contain (A) the name of the party filing the motion and (B) the date of the short calendar on which the matter appears.

(b) As to any motion for which oral argument is of right and as to any other motion for which the judicial authority grants or, in its own discretion, requires argument or testimony, the date for argument or testimony shall be set by the judge to whom the motion is assigned.

(c) If a case has been designated for argument as of right or by the judicial authority but a date for argument or testimony has not been set within thirty days of the date the motion was marked ready, the movant may reclaim the motion.

(d) Failure to appear and present argument on the date set by the judicial authority shall constitute a waiver of the right to argue unless the judicial authority orders otherwise.

(e) Notwithstanding the above, all motions to withdraw appearance, except those under Section 3-9 (b), and any other motions designated by the chief court administrator in the civil short calendar standing order shall be set down for oral argument.

COMMENTARY: The above change would provide uniformity statewide with regard to matters that are arguable.