

IN THE COURT OF APPEALS OF MARYLAND
EIGHTH ADMINISTRATIVE ORDER
CLARIFYING COVID-19 HEALTH MEASURES
IN COURTHOUSES AND JUDICIAL BRANCH FACILITIES

WHEREAS, Pursuant to the Maryland Constitution, Article IV, § 18, the Chief Judge of the Court of Appeals is granted authority as the administrative head of the Judicial Branch of the State; and

WHEREAS, Title 16, Chapter 1000 of the Maryland Rules of Practice and Procedure sets forth emergency powers of the Chief Judge of the Court of Appeals; and

WHEREAS, Due to the outbreak of the novel coronavirus, COVID-19, and consistent with guidance issued by the Centers for Disease Control and Prevention (CDC), an emergency exists; and

WHEREAS, The COVID-19 emergency continues to require measures to protect the health and safety of Maryland residents and Judiciary personnel; and

WHEREAS, The CDC having updated its protocols to make the wearing of masks voluntary for those who have completed the vaccination process, with the State and some local jurisdictions announcing the lifting of some or all health measures to take effect in the days to come; and

WHEREAS, Although vaccination efforts have made significant progress and infection rates have fallen, given the need for those who have not completed the vaccination process to continue to undertake health measures, continuation of the amended health measures required under this Order remains necessary,

NOW, THEREFORE, I, Mary Ellen Barbera, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order, this 24th day of May 2021, effective June 1, 2021 and for the remainder of the COVID-19 emergency period, pending further order, that:

- (a) The wearing of face masks is voluntary for judges, Judiciary personnel, and any other persons who have completed the vaccination process, except that, for any jurisdictions determining to require individuals to wear face masks indoors regardless of vaccination status or other related health measures, the respective administrative judges of the Circuit Court and District Court, together, in that County or Baltimore City may require additional mandatory health measures consistent with those mandatory health measures adopted by the jurisdiction; and
- (b) All judges, Judiciary personnel, and any other persons over the age of two (2) years who have not completed the COVID-19 vaccination process shall wear masks in all courthouses and judicial facilities at all times including during in-person court proceedings, except as noted in Sections (e), (f), and (g) of this Order, with such masks to cover the nose, mouth, and chin completely, without vents; and
- (c) In instances in which members of the public or Judiciary personnel who have not completed the COVID-19 vaccination process arrive at a courthouse or judicial facility without such a mask, they shall be provided with a disposable mask, if available, or given alternative means for remote access, if appropriate and possible; and
- (d) Barriers, including clear personal barrier shields, are not a substitute for and shall not fulfill the masking requirement in Section (b) of this Order; and

- (e) Unless determined by an administrative judge or the State Court Administrator to be necessary in a large congregate setting, such as a jury pool, social distancing of six feet or more shall not be required for those persons who have been fully vaccinated or those who identify as being part of a social “pod” or cohort; however, social distancing will not be a substitute for the masking requirement for those who have not been fully vaccinated; and
- (f) Those who have not been fully vaccinated may, with appropriate social distancing, lower their masks to eat, drink, or take oral or nasal medications, but shall replace them upon completion; and
- (g) Throughout courtroom proceedings, participants who have not been fully vaccinated shall wear masks as required in Section (b) of this Order; however, the presiding judge or magistrate may require a participant who is required to wear a mask to use a clear mask or wear a personal barrier shield in lieu of a mask for a limited duration to ensure that the participant can be heard or observed, with due consideration given to social distancing and other public health guidelines; and
- (h) Where Judiciary personnel are assigned to single-occupancy enclosed offices, those personnel who have not yet completed the COVID-19 vaccination process may lower their masks when alone and the door is closed; however, masks shall be worn as described in Section (b) of this Order when any other person enters the office or the occupant leaves the office; and
- (i) Where Judiciary personnel are assigned to common area workspaces, including cubicles, masks shall be worn by those who have not been fully vaccinated as described in Section (b) of this Order; and

- (j) Any person who does not comply with this emergency order shall be subject to removal from the courthouse or judicial facility and disciplinary action as appropriate; and
- (k) This Order shall be modified as appropriate; and
- (l) The *Seventh Administrative Order Clarifying COVID-19 Health Measures in Courthouses and Judicial Branch Facilities*, filed on February 16, 2021, shall be and hereby is rescinded effective midnight, May 31, 2021.

/s/ Mary Ellen Barbera
Mary Ellen Barbera
Chief Judge
Court of Appeals of Maryland

Filed: May 24, 2021

/s/ Suzanne C. Johnson
Suzanne C. Johnson
Clerk
Court of Appeals of Maryland

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Suzanne C. Johnson, Clerk