***Note**: Although this document is titled "State Court Administrator Policy on Deficiencies, Strikings, and Rejections for Clerks," the Maryland Rules do not give the SCA the authority to determine whether a submission should be stricken or rejected. The rule-based reasons for striking or rejecting a submission are included in this document for informational purposes.*

## Deficiencies

Rule 20-103(b)(1) states that the State Court Administrator has the authority to "adopt policies and procedures that are necessary or useful for the proper and efficient implementation of the MDEC System." These policies and procedures may be supplemented by "examples of deficiencies in submissions that the State Court Administrator has determined constitute a material violation of the rules in Title 20 or an applicable policy or procedure and justify the issuance of a deficiency notice under Rule 20-203(d)." **If a deficiency is resolved prior to sending the notice of deficiency**, the clerk should add a comment to the case file and ***not*** send a deficiency notice.

- **If a party is represented by an attorney**, service of a deficiency notice should be made only upon the attorney unless service upon the party is ordered by the court (Rule 1 - 321(a)).
- A copy of a deficiency notice should ***not*** be sent to an ***unserved*** party.
- **Deficient filings received over the counter and by mail**: These should not be docketed in MDEC. These filings should be returned to the filer with a Returned Paper Filing Status Notice – MDEC Action (MDJ-006) and the form should be docketed in the case. The Returned Paper Filing Status Notice form is used to accompany a paper filing in an MDEC action that is returned to the person submitting a filing without scanning the submission into Odyssey. The completed form lists the reason(s) for the return and the notice is to be scanned into the case file. The case event code **RPFSN** should be used for docketing the status notice.

To promote uniformity and to improve the efficient, timely, and correct processing of submissions in Odyssey, failure of a submission to comply with the following should be considered a ***deficiency*** (Rule 20-203(d)):

1. **Consolidated Cases**: Where a judge has issued an order consolidating cases and designates a lead case, all subsequent submissions must be made in the lead case. A submission to a subcase is deficient.
2. **Court Location**: The submission was filed into an incorrect court location, whether the submission is the initial or a subsequent filing. (*Exception: **Correction of a Location Typo:** when a submission is filed into the correct case, but the court location noted on the submission is incorrect, the clerk may accept the submission. This is **not** a deficiency.*)
3. **Electronic Filing Prohibited**: A submission may not be filed electronically if prohibited by Rule 20-106(c)(2). *Exceptions. Except with court approval, the following submissions shall not be filed electronically:*
   - *(A) A single document comprising more than 300 pages; (a single document comprising more than 300 pages may be submitted electronically by dividing the document into shorter segments).*
   - *(B) Oversized documents, such as blueprints, maps, and plats;*
   - *(C) Documents offered as evidence in open court at a trial or other judicial proceeding pursuant to section (e) of this Rule;*

## Deficiencies

*(D) An item that is impracticable to be filed electronically because of the item's physical characteristics; and*

*(E) Any other category of submissions that the State Court Administrator exempts from the requirement of electronic filing.*

4. **Entry of Appearance for Attorney for Victim/Victim's Representative:** An attorney entering an appearance as attorney for the victim or victim's representative in a case must do so by using form MDJ-009 - Notice of Entry of Appearance by Attorney for Victim or Victim's Representative.
5. **File Names**: The electronic file name for each submission shall relate to the title of the submission. If a submission relates to another submission, the file name and the title of the submission shall make reference to the submission to which it relates (Rule 20-201(i)).
6. **Incorrect Codes**: The clerk shall correct errors of non-compliance that apply to the form and language of the proposed docket entry for the submission. If a corrected docket entry requires a different fee than the fee required for the original docket entry, the clerk shall advise the filer, electronically, if possible, or otherwise by first-class mail of the new fee and the reasons for the change (Rule 20-203(b)(1)).
7. **Legibility and Orientation**: The submission must be completely legible and must be scanned with the proper orientation (e.g., sideways, blurry, or containing blank pages).
8. **Multiple Submissions Filed Together**: All submissions (including proposed orders) that are filed together at one time shall be included in a single envelope as separate PDF files (Rule 20-201(e)).
9. **Non-Registered User**: The submission was filed by a registered user on behalf of a non-registered user.
10. **Omnibus Motions**: MDEC does not permit omnibus motions, which have been replaced by three (3) filing codes that require separate PDFs: 1) Motion/Demand for Speedy Trial; 2) Motion/Request/Demand for Discovery and Inspection 3) Motion to Suppress/Exclude Evidence, Dismiss, or Sever. Refer to the MDEC Policies and Procedures Manual for more information.
11. **Party Names**: Identical reference to the name of each party (spelling, first name, middle name(s), last name(s), initial(s), and other identifiers) is required wherever that party's name is referred to in writing or electronically, including but not limited to, in the pleading or other submission, party field, and File and Serve. In subsequent filings if the name is substantially similar, a deficiency is not required.
12. **Proposed Orders**: Unless it is contained in a form issued by the Judiciary, a proposed order must be submitted as a separate document, must be identified as a proposed order, and must be identified as relating to the motion or other request for court action to which the order pertains (Rule 20-201(j)). Therefore, if the motion (or other request for relief) and order are contained in a form issued by the court, the order may be contained in the same PDF as the motion or request, ***do not issue a deficiency notice***.
13. **Request for a Hearing**: A request for a hearing or motion or other request may be contained in the same PDF as the motion or request (Rule 2-311(f) and Rule 3-311(e)). Therefore, where a request for a hearing is contained in the same PDF as a motion or request for relief, ***do not issue a deficiency notice***.

## Deficiencies

14. Mandatory Use of Approved Form (**District Court Only**): In the District Court, a submission must be submitted on a form approved by the Chief Judge of the District Court. You must use the current version of the form.

## Signatures and Related Information

A signature must comply with the requirements of Rule 20-107(a)(1).

1. The following information, although not part of the signature, must appear below the signature:
   - the filer's address;
   - email address;
   - telephone number; and
   - if the filer is an attorney, the attorney number.
2. A signature must be in the form specified in Rule 20-101(t):
   *(t) Signature. Unless otherwise specified, "signature" means the signer's typewritten name accompanied by a visual image of the signer's handwritten signature or by the symbol /s/.*
3. A signature under oath, affirmation, or with verification must be hand signed and scanned or digitally affixed to the document (Rule 20-107(d)).

## Strikings

**Certificate of Service**: If a pleading lacks a certificate of service, it will be stricken (Rule 20 - 203(c)).

## Rejections

1. **Case Number/Related to Case**: The filing must have the correct case number and must relate to the case in which it was filed. If the clerk is unable to determine the correct case number, the filing will be ***rejected***. (Rule 20-203(a)(2)).
2. **Confidential Information**: If the filing is public but contains confidential information, it ***must include*** a Notice Regarding Restricted Information (MDJ-008) and a redacted version scanned separately (Rule 20-201.1 and Rule 20-201.1(c)).
   - **Multiple restricted/confidential pleadings**: If the filing contains multiple restricted or confidential pleadings, it ***must include*** Notice of Restricted Information (MDJ-008) ***separately*** for ***each*** document (Rule 20-201.1).
3. **Discovery Material**: Discovery material filed through File & Serve will be ***rejected*** (Rule 20 -206), which provides that the MDEC system shall not accept the filing of the discovery material itself. Discovery material may be submitted for service only.
4. **Failure to Pay the Filing Fee for a Case Filing (Electronic and Paper Filings)**: Although it is not addressed by the Maryland Rules, the Maryland Annotated Code, Courts and Judicial Proceedings Article, § 2-201(b) addresses this situation as follows:

## Rejections

*(b) Unless otherwise provided by law, a clerk is not required to record any paper filed with him or to provide any person with a copy of a paper until the applicable charge has been paid.*

5. **Request for Court Seal**: If filer desires that a submission otherwise accessible to the public be sealed, that filer must either identify whether there is an order already in effect to seal the submission or, if there is no such order, include a motion and proposed order to seal the submission. If there is no such existing order or proposed order, the filing will be ***rejected.*** (Rule 20-201.1(d)).