MD Rules, Rule 2-551

RULE 2-551. IN BANC REVIEW

(a) Generally. When review by a court in banc is permitted by the Maryland Constitution, a party may have a judgment or determination of any point or question reviewed by a court in banc by filing a notice for in banc review. Issues are reserved for in banc review by making an objection in the manner set forth in Rules 2-517 and 2-520. Upon the filing of the notice, the Circuit Administrative Judge shall designate three judges of the circuit, other than the judge who tried the action, to sit in banc.

(b) Time for Filing. Except as otherwise provided in this section, the notice for in banc review shall be filed within ten days after entry of judgment. When a timely motion is filed pursuant to Rule 2-532, 2-533, or 2-534, the notice for in banc review shall be filed within ten days after entry of an order denying a motion pursuant to Rule 2-533 or disposing of a motion pursuant to Rule 2-532 or 2-534. A notice for in banc review filed before the disposition of any of these motions that was timely filed shall have no effect, and a new notice for in banc review must be filed within the time specified in this section.

(c) Memoranda. Within 30 days after the filing of the notice for in banc review, the party seeking review shall file four copies of a memorandum stating concisely the questions presented, any facts necessary to decide them, and supporting argument. Within 15 days thereafter, an opposing party who wishes to dispute the statement of questions or facts shall file four copies of a memorandum stating the alternative questions presented, any additional or different facts, and supporting argument. In the absence of such dispute, an opposing party may file a memorandum of argument.

(d) Transcript. Promptly after the filing of memoranda, a judge of the panel shall determine, by reviewing the memoranda and, if necessary, by conferring with counsel, whether a transcript of all or part of the proceeding is reasonably required for decision of the questions presented. If a transcript is required, the judge shall order one of the parties to provide the transcript and shall fix a time for its filing. The expenses of the transcript shall be assessed as costs against the losing party, unless otherwise ordered by the panel.

(e) Hearing and Decision. A hearing shall be scheduled as soon as practicable but need not be held if all parties notify the clerk in writing at least 15 days before the scheduled hearing date that the hearing has been waived. In rendering its decision, the panel shall prepare and file or dictate into the record a brief statement of the reasons for the decision.

(f) Motion to Shorten or Extend Time Requirements. Upon motion of any party filed pursuant to Rule 1-204, any judge of the panel may shorten or extend the time requirements of this Rule, except the time for filing a notice for in banc review.

(g) Dismissal. The panel, on its own initiative or on motion of any party, shall dismiss an in banc review if (1) in banc review is not permitted by the Maryland Constitution, (2) the notice for in banc review was prematurely filed or not timely filed, or (3) the case has become moot, and the panel may dismiss if the memorandum of the party seeking review was not timely filed.

(h) Further Review. Any party who seeks and obtains review under this Rule has no further right of appeal. The

decision of the panel does not preclude an appeal to the Court of Special Appeals by an opposing party who is otherwise entitled to appeal.