

The Clock is Ticking Again on Lawsuits

By Trish Weaver

Summary: The Chief Judge of the Maryland courts has issued an order suspending statutes of limitation during the period that the court was closed to the public due to the COVID-19 pandemic. The most recent order provides that the time during the court closure (March 16 to July 19) will not be counted against the limitations period and an additional fifteen days will be added to the statute of limitations period. [Click here](#) to read the full blog.

The COVID-19 pandemic has disrupted “business as usual” in many ways. People and businesses have been focusing on safety measures and efforts to maintain financial stability.

The courts have been disrupted too. Per both executive and judicial orders, the offices of the clerks in the Maryland state courts were closed to the public from March 16, 2020 through July 20, 2020, to protect courthouse personnel and the public.

Given the pandemic, Mary Ellen Barbera (Chief Judge of the Maryland Court of Appeals and head of the judicial branch in Maryland) also issued orders (1) recognizing the widespread impact from the COVID-19 emergency that, among other things, impeded the ability of potential litigants to meet with counsel to prepare and file lawsuits and (2) suspending statutes of limitation during the period that the court was closed to the public. Statutes of limitation establish the time period during which a legal claim must be filed (which is typically three years in Maryland, though some claims have much shorter periods). ***In effect, the orders stopped the limitations clock from ticking during the court closure.***

The orders provide that the time during the court closure (March 16 to July 19) will not be counted against the limitations period and added fifteen days to the statute of limitations period. By way of example, if two days remained in the limitations period as of March 15, 2020, then beginning on July 20, 2020, the party would have two days plus the additional fifteen days for a total of seventeen days to file the claim. In other words, the claim in this example must be filed in early August to avoid being barred by the statute of limitations. ***So, now the clock is ticking again.***

These principles apply to claims filed in the state court, while federal claims are governed by a different set of orders. While we are all adjusting to the “new normal,” our litigation group has continued to actively represent clients in ongoing matters. We are adept at handling cases remotely, or if the client prefers, meeting in our offices using safety protocols. We can analyze your potential claims, identify applicable limitations periods, and assist in filing your claims timely.

As you continue to navigate the challenges of 2020, ***don't let the clock run out.***

Trish Weaver is the Co-Chair of the firm's Litigation practice group, as well as the Chair of the Appellate and Professional Ethics and Discipline practice groups. Feel free to call Trish at (301) 951-9360 with any questions or for a consultation.