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## **INTRODUCTION**

At no point in their motion to dismiss do Defendants attempt to justify or explain the basis for the sweeping order that Judge Pierson actually issued. They identify no harms that might result from allowing members of the public to obtain recordings of judicial proceedings that occurred in open court. And they offer no explanation for why this Circuit—alone among all of Maryland’s judicial circuits—suddenly decided to stop providing copies of these recordings to the public, after doing so for years. Instead, Defendants simply assert that Judge Pierson enjoys absolute discretion to control the public’s access to recordings of court proceedings.

That position has no basis in Maryland law. Administrative Order 2019-02 effectively nullifies—throughout the entire Circuit—Rule 16-504(h)’s express guarantee of public access to copies of court recordings. And it does so without providing a single reason for so drastically restricting judicial transparency. Because a local administrative judge may not invalidate a statewide requirement in this way, and because Rule 16-504(h) provides Petitioner with a clear entitlement to relief, Defendants’ motion should be denied.

## **ARGUMENT**

Defendants do not contest that Rule 16-504(h)(1)’s mandatory language imposes a duty on the custodians of audio recordings to provide copies of those recordings to persons who properly request them. Defendants contend only that an exception to that duty applies here—the exception for restrictions “ordered by the

court.” Rule 16-504(h)(1)(C). That argument is meritless. As explained below, there is no legal basis for denying Petitioner’s request, and this Court should issue a writ of mandamus compelling Ms. Trikeriotis to comply with her nondiscretionary duty to fulfill that request.

**I. Administrative Order 2019-02 Cannot Satisfy Rule 16-504(h)(1)(C)’s “Ordered by the Court” Exception**

**A. Rule 16-504’s text and context make clear that the presiding judge is the sole actor authorized to invoke the Rule’s “ordered by the court” exception.**

Defendants contend that Administrative Order 2019-02 was “ordered by the court” within the meaning of Rule 16-504(h)(1)(C) because “Judge Pierson is a judge of the circuit court.” Defs.’ Mot. Dismiss (“MTD”) 7. According to Defendants, the “normal, plain meaning” of the exception’s language is “clear and unambiguous,” *id.*, such that “[o]rders by *any* judge of this Court . . . are ‘ordered by the court,’” *id.* at 13 (emphasis added). Under this logic, however, numerous Rules that refer to “the court” would cease to make any sense.

For example, consider Rule 5-614, which provides that “the court, where justice so requires, may call persons as court witnesses on its own initiative” and “may interrogate any witness.” If Defendants’ reading of “the court” were correct, this Rule would empower administrative judges to call and interrogate witnesses during any trial—even when another judge is presiding. Or consider Rule 4-349(d), which provides that “[t]he court . . . may revoke an order of release or amend it to impose



additional or different conditions of release” upon any person convicted of a crime. Defendants’ reading of “the court” would mean that, under this Rule, administrative judges could revoke or amend post-conviction conditions of release in virtually any criminal case. Or consider Rule 2-517(a), which provides that “[t]he court shall rule . . . promptly” upon any evidentiary objections raised during a civil proceeding. Under Defendants’ reading of “the court,” this Rule would not only empower administrative judges to rule on evidentiary objections, but *require* them to do so.

These examples show that the phrase “the court” cannot reasonably be construed to include the administrative judge in all circumstances. And numerous other Rules (as well as statutes) similarly use “the court” in ways that refer exclusively to the presiding judge in a specific case.<sup>1</sup> In fact, the sheer number of Rules that delegate case-specific responsibilities to “the court” suggests that in *most* circumstances the phrase must be construed to refer to the presiding judge—not to the administrative judge, and certainly not to “any judge” on a particular district or

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<sup>1</sup> For instance, construing “the court” to include the administrative judge would mean that administrative judges enjoy the power to add or remove parties to civil actions, Rule 3-213; allow pleadings to be amended, Rule 3-342; strike pleadings and grant motions to dismiss, Rule 2-322(c)-(e); order depositions, Rule 4-261; issue subpoenas for the production of evidence, Rule 2-514; sanction parties who abuse subpoenas, Rule 3-510(a)(3); extend the expiration dates for temporary restraining orders, Rule 15-504(c); enter judgments of conviction, Md. Code, Crim. Proc. § 6-221; and assess penalties to remedy discriminatory housing practices, Md. Code, State Gov’t § 20-1032(b)(2)(i).

circuit court.<sup>2</sup>

The text of Rule 16-504 confirms that administrative judges cannot invoke the Rule's "ordered by the court" exception. Two of Rule 16-504's sub-provisions, subsections (h)(2) and (i)(2), explicitly distinguish between orders of "the County Administrative Judge" and actions taken by "the court." And another sub-provision, subsection (d), draws a similar distinction, beginning with the clause: "Unless otherwise ordered by the court with the approval of the administrative judge . . . ." It is true that the drafters of Rule 16-504 had reasons for drawing these textual distinctions. *See* MTD 13-14. But that does not change the fact that Rule 16-504 repeatedly uses the phrase "the court" to refer only to the presiding judge in a specific case.

Defendants' proposed reading of "ordered by the court" defies common sense in other ways, as well. For instance, it contravenes the carefully circumscribed limitations on administrative judges' authority that the Rules, as a whole, prescribe. *See St. Joseph Med. Ctr. v. Turnbull*, 432 Md. 259, 277 (2013) (explaining that, under the Rules, administrative judges may only "make administrative decisions with regard to

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<sup>2</sup> For other instances in which "the court" self-evidently refers to the presiding judge in a specific case, see, e.g., Rule 2-401(b), (g); Rule 2-402; Rule 2-403(a); Rule 2-421(a); Rule 2-510(a)(3), (e)-(f); Rule 3-421(a)-(c), (h); Rule 3-603(a); Rule 4-312(d)(1), (3); Rule 4-323(a)-(c); Rule 5-804(a)(1)-(2); Rule 6-416(a)(4), (6); Rule 6-441(b); Rule 7-116(a); Rule 9-205(b)(3), (d)(1); Rule 9-205.2(f); Rule 9-205.3(c)(1), (f)(1); Rule 10-106.1(a)-(d); Rule 14-213; Rule 14-303(a)(1)-(2), (b)-(c); Rule 16-207(e)(2), (f); Rule 16-306.1(d)-(e); Rule 19-301.17(b); and Rule 19-712(e)-(f).

the ‘internal management’ of the circuit courts” (citation omitted)). And Defendants’ interpretation gives multiple judges—*i.e.*, both the administrative judge and the presiding judge—authority to control the public’s right to obtain recordings in each case, even allowing those judges to issue conflicting orders on the topic. What’s more, Defendants would not limit their reading of “the court” to presiding judges and administrative judges alone; in fact, they explicitly assert that *any* judge of this Court may issue the type of order contemplated by Rule 16-504(h)(1)(C). *See* MTD 13 (“Orders by *any* judge of this Court, including Judge Pierson, are ‘ordered by the court.’” (emphasis added)). Defendants fail to grapple with all of the problems that this capacious and counterintuitive reading of “the court” would inevitably raise.

**B. Local administrative judges cannot unilaterally nullify statewide requirements within their circuits.**

Even if some types of administrative orders could satisfy Rule 16-504(h)(1)(C), Judge Pierson’s order would still be unlawful for a separate reason: namely, because it purports to nullify a preexisting right of the public on a *circuit-wide* basis. Whatever authority Rule 16-504(h) might grant to administrative judges, it does not empower them to unilaterally preempt state law within their respective circuits through a single administrative order.

The text of the Rule illustrates this point clearly. Indeed, the Rule does not say that *all* recordings may be withheld in a blanket fashion. Instead, it allows the court to withhold “a copy of *the* audio recording” that would otherwise be available to the

person who requested *that recording*. Rule 16-504(h)(1) (emphasis added). The very next sentence likewise refers to a single, identifiable recording that a member of the public has already requested. Rule 16-504(h)(2) (directing “the custodian of *the recording*” to redact “all portions of *the recording* that the court has directed be safeguarded” (emphases added)). And several other sub-provisions of the Rule reflect the same focus on individual recordings from specific cases.<sup>3</sup>

The legislative history that Defendants cite further underscores why the Rule’s “ordered by the court” exception cannot be invoked by a single judge on a circuit-wide basis. Defendants’ motion quotes an excerpt of the Rules Committee’s report on the 2013 amendments to the Rule. *See* MTD 10 n.4. The first line of that excerpt states that “[t]he Rules Committee was unanimous in the view that . . . members of the public should have a right of access to a properly redacted copy of [court recordings], at least for the purpose of listening or viewing and making notes from the redacted copy.” *Id.* (citing Standing Comm. on Rules of Practice & Procedure, *178th Report: Part I – Notice of Proposed Rules Changes* (2013) (“*2013 Report*”), at 7).<sup>4</sup> But

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<sup>3</sup> For other instances of this case-specific focus, see Rule 16-504(g) (“the recording”); Rule 16-504(h)(3) (“the audio recording,” “an audio-video recording”); Rule 16-504(h)(3)(D) (“the presiding judge in the case”); Rule 16-504(h)(3)(G) (“unless otherwise ordered by the court, a party to the proceeding . . .”); Rule 16-504(h)(3)(H) (“the proceeding”); Rule 16-504(i)(1) (“the recording”); Rule 16-504(i)(2) (“the recording”); Rule 16-504(i)(3) (“the recording”); Rule 16-504(j)(1) (“the audio-video recording,” “a recording of proceedings”); Rule 16-504(j)(2) (“an electronic recording”).

<sup>4</sup> A copy of the report is available at <https://perma.cc/6C7R-G8B3>.

Defendants’ reading of the Rule would empower administrative judges to eliminate not just the public’s right to *obtain* copies of recordings but also the public’s right to *access* those recordings for the limited purpose of listening to or viewing them inside the courthouse. After all, the provision of Rule 16-504 that establishes the “Right to Listen to and View Audio-video Recording[s],” subsection (i), contains an “ordered by the court” exception identical to the exception at issue here. Thus, under Defendants’ reading of that phrase, a single administrative judge could nullify even the “right of access” that the Rules Committee “unanimous[ly]” sought to protect. *2013 Report*, at 7.

And that’s not all. Defendants’ expansive reading of “ordered by the court” would also enable administrative judges to eliminate the rights of *parties and their attorneys* to obtain copies of recordings *in their own cases*. Indeed, the two sub-provisions of Rule 16-504 that require the custodian of recordings to make unredacted copies available to “a party to the proceeding or the attorney for a party” both contain an “unless otherwise ordered by the court” exception. *See* Rule 16-504(h)(3)(G) (exception for copies of audio recordings); Rule 16-504(j)(1)(G) (exception for copies of video recordings). Administrative Order 2019-02 happens to preserve the rights of parties and their attorneys to obtain recordings from their own cases. But make no mistake: Defendants’ reading of the Rule would empower Judge Pierson to eliminate that right tomorrow—and to do so, once again, unilaterally and without explanation.

Nor could Defendants' theory be cabined to Rule 16-504 alone. Rule 16-903, which provides that "[j]udicial records are presumed to be open to the public for inspection," contains an exception nearly identical to the one Defendants have invoked here. In particular, Rule 16-903 states that "the custodian of a judicial record shall permit an individual . . . to inspect the record" in any case, but permits the records custodian to deny access to a case record pursuant to "[a]n order entered by the court." Rule 16-906(a)(5). Defendants' logic would presumably allow a single judge to unilaterally eliminate the public's right to access all judicial records within a circuit, just as Administrative Order 2019-02 seeks to do with respect to all audio recordings in this Circuit. Either type of order would render a statewide rule locally inapplicable.

Notably, in attempting to override Rule 16-504(h)(1) through an administrative order, Judge Pierson has offered *no explanation* for eliminating the public's right to obtain audio recordings under Maryland law. It is not difficult to understand why: any such explanation would have been indefensible. Rule 16-504 already contains multiple mechanisms for preventing any harms that could result from the purchase of audio recordings. If a presiding judge determines that certain proceedings "should and lawfully may be shielded from public access," then those portions of audio recordings must be redacted. Rule 16-504(g). And if some identifiable harm would nonetheless result from an audio recording's release, that recording may lawfully be withheld under Rule 16-504(h)(1)(C).

By definition, then, Administrative Order 2019-02 sweeps far more broadly than necessary. It is inconceivable that the Rule’s drafters would have conferred a “[r]ight” to obtain audio recordings and fine-tuned the right’s proper scope, but nonetheless permitted the right to be entirely extinguished through an unreasoned administrative order.<sup>5</sup> After all, local administrative judges are charged with performing those “administrative duties *necessary* to the effective administration of the internal management of the court.” Rule 16-105(b)(12) (emphasis added).

Defendants claim to have “balance[d] the interests of staff, litigants, witnesses, and jurors . . . at this moment,” and to have “take[n] seriously the day-to-day operation of this Court.” MTD 3, 14. But Administrative Order 2019-02 does none of those things. It conclusively—and permanently—predetermines the outcome of such balancing, even if no reason exists to deny any given request for an audio recording. And despite Defendants’ reliance (at 8-9) on the dynamics of judicial rotations, the wholesale restriction Judge Pierson actually imposed renders those functional considerations irrelevant.

Defendants’ stated reasoning is at war with itself in yet another way. As noted above, Defendants insist that *any* judge of this Court may invoke the “ordered by the court” exception. *See* MTD 13. At the same time, they contend that the exception

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<sup>5</sup> Standing Comm. on Rules of Practice & Procedure, *154th Report – Notice of Proposed Rules Changes* (2005) (“*2005 Report*”), at 118 (“The Committee recommends that copies of audio recordings . . . be available for purchase.”). A copy of the report is available at <https://perma.cc/5WJS-TWLC>.

can be triggered on a *circuit-wide* basis by a single administrative order. But if both of those positions were correct, then the right codified in Rule 16-504(h)(1) could be turned off and on—again, on a circuit-wide basis—at any circuit judge’s whim. Defendants overlook just how nonsensical it would be to empower every judge (or any single judge) to act in this way. This State’s “uniform approach to access to audio and audio-video recordings of court proceedings,” *2005 Report*, at 121, would be thwarted if individual judges could construct a patchwork of circuit-specific policies in place of Rule 16-504(h)(1)’s statewide guarantee.

As Defendants note (at 10-13), the “ordered by the court” exception is an *exception* to the right to obtain copies of audio recordings. Yet in seeking to “advance[] the purpose of the exceptions in the Rule,” MTD 12, Defendants have lost sight of what the Rule itself was meant to guarantee. That distorted outlook has led to an absurd outcome: an exception that swallows the Rule. Defendants’ position would invert the Court of Appeals’ decision in Rule 16-504(h) to “decline[] an alternative formulation of the Rule that would [have] restrict[ed] viewing or listening to an audio or audio-video recording to the courthouse.” MTD 11.<sup>6</sup>

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<sup>6</sup> The same right to obtain copies of audio recordings, with the same three exceptions, applies to proceedings held in district courts. *See* Rule 16-502(g)(1). Unsurprisingly, the official Maryland Courts website states that, with respect to district-court recordings, “[a]nyone may request a copy of an audio recording of a case, regardless of whether the individual making the request was a party in that case.” “Transcripts and Recordings,” District Court of Maryland, <https://perma.cc/BF68-E9UZ>. That definitive characterization of Rule 16-502 belies any assertion that local



**C. Petitioner’s interpretation of Rule 16-504(h)(1)(C) does not render the exception nugatory.**

Defendants insist that if Rule 16-504(h)(1)(C)’s exception can be invoked only by presiding judges, the exception will be functionally unusable. This assertion—which contradicts Defendants’ own explanations about the day-to-day workings of Maryland’s circuit courts—rests on two key misconceptions.

First, Defendants are incorrect that “no judge acting for the court can invoke the exception” with respect to closed cases and pending cases that presently lack a presiding judge. MTD 13. As Defendants explain, circuit judges are often assigned to preside over cases “for a short time” and for a limited purpose. *Id.* at 8. That very procedure can be followed—in both open and closed cases—if it becomes necessary to restrict access to one or more specific audio recordings.<sup>7</sup> Crucially, those judicial assignments are made by *administrative judges themselves*. See Rule 16-108(d). As a result, administrative judges can always ensure that a duly empowered judge stands ready to invoke Rule 16-504(h)(1)(C) when needed.

Second, Defendants suggest that administrative judges must be able to invoke Rule 16-504(h)(1)(C) because “presiding judges might not know when copies of audio recordings become[] important or even if a request for copies has been made.” MTD

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administrative judges may render the right to obtain audio recordings entirely inapplicable within their courts.

<sup>7</sup> Of course, the types of harms that might warrant such a restriction are least likely to arise with respect to closed cases.

2. Each part of this statement is misguided. As an initial matter, it is unclear why administrative judges would be in a superior position to evaluate any harms that might result from the purchase of audio recordings. Those judges, after all, do not preside over “motion[s], discovery, hearing[s] or trial[s].” MTD 9. In contrast, presiding judges—who are familiar with the substance of a case, who observe testimony, and who are charged with deciding whether proceedings may lawfully be closed to the public—are far better equipped to invoke Rule 16-504(h)(1)(C) than are the administrative judges for an entire court system.<sup>8</sup>

Moreover, whether “a request for copies has been made” (MTD 2) is entirely irrelevant to any decision about whether to invoke the exception. Defendants appear to be suggesting that the frequency with which a right is exercised can have some bearing on whether the right should be curtailed. That an administrative judge would be best positioned to act on such a questionable motive is all the more reason to accord Rule 16-504(h)(1)(C) its natural reading—as being triggered only by the orders of presiding judges.

**D. Defendants’ reliance on references to “the presiding judge” in other Rules is unavailing.**

Defendants contend that “the court,” as used in Rule 16-504(h)(1)(C), cannot refer to the presiding judge because the Rules elsewhere refer specifically to “the

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<sup>8</sup> It is ironic that Defendants have cited such practical concerns as subject-matter expertise, given Judge Pierson’s failure to supply any reason for imposing an indiscriminate, circuit-wide restriction on judicial transparency.

presiding judge.” For support, they cite eight Rules that expressly authorize “the presiding judge” to act in specified circumstances. *See* MTD 13. These examples, however, cannot do the work Defendants would require of them, especially in light of the countless other Rules (discussed above) that plainly use the phrase “the court” to refer to the presiding judge alone. *See supra* Part I.A. The fact that the Rules’ drafters occasionally chose to use the term “presiding judge” in other settings does nothing to change the ordinary meaning of “the court” throughout the Rules.

In any event, the Rules cited by Defendants actually reinforce that Rule 16-504(h)(1)(C) contemplates action only by a presiding judge. For instance, Rule 16-208 contains a sub-provision authorizing either “the Local Administrative Judge or the presiding judge [to] enter an order” in a particular context. Rule 16-208(b)(2)(F). Under Defendants’ view, there would have been no reason to list both judges separately—the clause ought to have read simply, “the court may enter an order . . . .”

The same is true of each use of “the presiding judge” in Rules 16-602, 16-605, 16-607, and 16-608, all of which appear in the chapter entitled “Extended Coverage of Court Proceedings.” For purposes of that chapter, “presiding judge” was defined to include “the Local Administrative Judge,” but only in the event that “no judge has been designated to preside over the proceeding.” Rule 16-601(e)(2). Under Defendants’ theory, that definition was needlessly complex: the phrase “the court”—with its “clear and unambiguous” language, MTD 7—ought to have been used in place of “presiding judge” each time. What Rule 601(e)(2)’s clarification does show is

that administrative judges are presumptively unauthorized to perform case-specific tasks ordinarily handled by presiding judges; otherwise, that definition would have been unnecessary. Crucially, Rule 16-504(h)—which consistently focuses on individualized proceedings, *supra* at 5-6—does *not* authorize administrative judges to act in this way.

In addition, although the term “presiding judge” appears in Rules 2-521 and 4-326, it is used interchangeably with “the court,” thereby denoting an equivalence between those terms. *See, e.g.*, Rule 2-521(c) (authorizing “[t]he court” to comply with a jury’s request to review certain trial testimony or evidence during deliberations); Rule 4-326(b) (specifying which items “the court” may allow to be taken into the jury room). Lastly, the phrase “the presiding judge” was used in Rule 2-802(b)(1) to differentiate ordinary judicial action from another type referenced therein—an “administrative order” to be issued by “[t]he county administrative judge.”

## **II. Administrative Order 2019-02 Cannot Overcome the Presumption Against Retroactivity**

Even if a circuit-wide administrative order could satisfy the “ordered by the court” exception, Respondent Trikeriotis would still be obligated to furnish the recording Petitioner requested here. That is because nothing in Administrative Order 2019-02’s single sentence displaces the “long-standing presumption against retroactivity.” *State Ethics Comm’n v. Evans*, 382 Md. 370, 383 (2004).

Defendants deny that Administrative Order 2019-02 operates retroactively at

all, claiming that it is simply “a *prospective* order directing *future* conduct of the custodian.” MTD 15. But, again, Rule 16-504(h) is entitled “*Right to Obtain Copy of Audio Recording*” (emphasis added). All persons are therefore presumptively entitled to obtain copies of audio recordings “upon written request” accompanied by payment of reasonable costs. Rule 16-504(h)(1). Judge Pierson’s order purports to eliminate this legal entitlement, even for persons who submitted requests—and who were expressly *told* that their requests would be granted—before April 24. Thus, the order manifestly “change[s] the legal effect of [a] historical fact.” MTD 14.

The circumstances of Petitioner’s request illustrate this transformation. Before Administrative Order 2019-02 was issued, the Court Reporter’s office twice confirmed Petitioner’s purchase of an audio recording and invited her to pick it up at her convenience. On the morning of April 22, the Deputy Court Reporter informed Petitioner that her recording “w[ould] be ready tomorrow.” Affidavit of Justine Barron Supp. Mot. Summ. J. (“Barron Aff.”), Ex. D. When Petitioner asked if she could pick up the recording on April 24 instead, the Deputy Court Reporter replied, “Yes, room 515, and say you’re here to pick up your DVD . . . . See you tomorrow.” Barron Aff., Ex. E.

Therefore, as of April 22, Petitioner enjoyed an acknowledged legal right to the audio recording she requested. Had her schedule permitted, she could have retrieved the recording on April 23—or even on the morning of April 24. But once Judge Pierson issued Administrative Order 2019-02, the Court Reporter’s office began

attributing no legal significance to Petitioner’s prior written request.<sup>9</sup> Defendants therefore *do* treat the order as “determin[ing] the legal significance of acts or events that occurred prior to its effective date.” *Evans*, 382 Md. at 382 (citation omitted). Because the order’s text contains no “clear expression of intent that it operate retrospectively” in this way, the order cannot be applied to requests—like Petitioner’s—made before its issuance on April 24. *Grasslands Plantation, Inc. v. Frizz-King Enters.*, 410 Md. 191, 219 (Md. 2009) (citation omitted).

### **III. Petitioner Is Entitled to Declaratory and Injunctive Relief**

According to Defendants, Petitioner seeks injunctive and declaratory relief only to the extent that Administrative Order 2019-02 “imposes restrictions or obligations on members of the public.” MTD 16. Counts II and III must therefore fail, they insist, because the order “does not ‘prohibit members of the public’ from doing anything; it prohibits the Court Reporter from providing copies.” *Id.*

This distinction is an empty formalism. More importantly, though, Defendants have mischaracterized the relief Petitioner actually seeks. Her complaint specifically requested “[a] declaratory judgment that Administrative Order 2019-02 is invalid.” Compl. 15; *see also id.* ¶ 30 (“Petitioner is entitled to a declaratory judgment that Administrative Order 2019-02 is invalid.”). And the complaint’s introductory

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<sup>9</sup> Not only did the Court Reporter’s office begin withholding Petitioner’s requested audio recording on April 24—it refused to provide Petitioner a copy of Administrative Order 2019-02 until five days after it was issued. Barron Aff., Ex. L.

paragraph requests “declaratory relief . . . precluding [Defendant Trikeriotis] and Judge W. Michel Pierson from relying on a local administrative order as a basis for refusing to comply with Rule 16-504(h).” *Id.* at 1.

The same is true of Petitioner’s alternative request for injunctive relief. Her complaint asserts that she “is entitled to an injunction directing Defendant Patricia Trikeriotis to provide [Petitioner] with a copy of the audio recording she requested,” as well as “an injunction prohibiting Ms. Trikeriotis from relying on Administrative Order 2019-02 as a basis for denying Petitioner’s future requests for audio recordings of court proceedings.” *Id.* ¶¶ 28-29; *see also id.* at 15 (specifically requesting “issuance of an injunction directing [Respondent] Patricia Trikeriotis to immediately provide Petitioner with a copy of the audio recording she requested”). The relief that Petitioner requested was well adapted to effectuate these asserted legal rights and obligations.<sup>10</sup>

## CONCLUSION

Because Administrative Order 2019-02 did not trigger Rule 16-504(h)(1)(C)’s “ordered by the court” exception, Petitioner is entitled to the audio recording she requested over three months ago. Petitioner respectfully requests that this Court deny

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<sup>10</sup> Defendants also objected (at 17) to the adequacy of service of process with respect to Judge Pierson. During the telephonic status conference held on July 12, 2019, Defendants agreed to withdraw that objection. In any event, out of an abundance of caution, Petitioner served Judge Pierson through alternative means—i.e., under Rule 2-124(k)(2)—on July 10, 2019.

Defendants' motion to dismiss.

July 19, 2019

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing paper was sent via first-class mail  
to counsel for both Defendants, pursuant to Rule 1-321(a), on July 19, 2019.

/s/ Daniel B. Rice

DANIEL B. RICE