

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND



PROPOSED AMENDMENTS TO THE
LOCAL RULES

PUBLISHED FOR PUBLIC COMMENT ON SEPTEMBER 12, 2025

PURSUANT TO LOCAL RULE 605.1



**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
OFFICE OF THE CLERK**

Reply to Northern Division Address

Catherine M. Stavlas, Clerk of Court
David E. Ciambuschini, Chief Deputy

September 12, 2025

NOTICE

The United States District Court for the District of Maryland is proposing changes to Local Rule 607, Appendix B of the Local Rules, and Standing Order 2025-01 concerning Petitions for Writs of Habeas Corpus by Alien Detainees.

Although Standing Order 2025-01 is an exercise of the Court's inherent judicial authority, the Court recognizes that the Standing Order is a matter of significant public importance on which many stakeholders have varying perspectives and that both the Fourth Circuit and Congress have recognized the value of notice and comment in analogous circumstances. The Court thus invites public comment on both the operative version, Amended Standing Order 2025-01, and the proposed Second Amended Standing Order 2025-01.

Copies of the amendments to Local Rule 607, Appendix B of the Local Rules, and Amended Standing Order 2025-01 are available on the Court's website at <https://www.mdd.uscourts.gov/local-rules-amendments>. If adopted, the amendments would take effect on December 1, 2025.

Comments must be submitted on or before November 12, 2025, to Ms. Suzanne C. Johnson, Local Rules and Forms Committee, U.S. District Court for the District of Maryland, 101 West Lombard Street, Baltimore, MD 21201, or emailed to MDD_Localrules@mdd.uscourts.gov.

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PROPOSED AMENDMENTS TO THE LOCAL RULES

RULE 607. ALTERNATIVE DISPUTE RESOLUTION.....2

**APPENDIX B. RULES AND GUIDELINES FOR DETERMINING
ATTORNEYS’ FEES IN CERTAIN CASES.....3**

RULE 607. ALTERNATIVE DISPUTE RESOLUTION

REDLINED VERSION

1. Authorization of ADR

The Court authorizes the use of all alternative dispute resolution processes in civil actions, including[**contested matters and**] adversary proceedings in bankruptcy. The magistrate judges[**and, in bankruptcy, the bankruptcy judges**] of the Court shall constitute the panel of neutrals made available by the Court for use by the parties. The provisions of 28 U.S.C. § 455 shall govern the disqualification of a magistrate judge[**or a bankruptcy judge**] from serving as a neutral. The parties may agree to the use of a neutral other than a magistrate judge [**or a bankruptcy judge**].

PROPOSED VERSION

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APPENDIX B. RULES AND GUIDELINES FOR DETERMINING ATTORNEYS' FEES IN CERTAIN CASES*

REDLINED VERSION

1. Mandatory Rules Regarding Billing Format, Time Recordation, and Submission of Quarterly Statements

- a. Time shall be recorded by specific task and lawyer or other professional performing the task as set forth more fully in L.R. 109.1.b.
- b. Fee applications, accompanied by time records, shall be submitted in the following format organized by litigation phase:[†]
 - i. case development, background investigation, and case administration (includes initial investigations, file setup, preparation of budgets, and routine communications with client, co-counsel, opposing counsel, and the Court);
 - ii. pleadings;
 - iii. interrogatories, document production, and other written discovery;
 - iv. depositions (includes time spent preparing for depositions);
 - v. motions practice;
 - vi. attending court hearings;

*These rules and guidelines apply to cases in which a prevailing party would be entitled, by applicable law or contract, to reasonable attorneys' fees based on a set of criteria including hours and rates. They do not apply to cases in which statutes or contracts authorize fees based on a fixed percentage or other formula, such as social security and Prisoner Litigation Reform Act cases.

[†]In general, preparation time and travel time should be reported under the category to which they relate. For example, time spent preparing for and traveling to and from a court hearing should be recorded under the category "court hearings." Factual investigation should also be listed under the specific category to which it relates. For example, time spent with a witness to obtain an affidavit for a summary judgment motion or opposition should be included under the category "motions practice." Similarly, a telephone conversation or a meeting with a client held for the purpose of preparing interrogatory answers should be included under the category "Interrogatories, Document Production, and Other Written Discovery." Of course, each of these tasks must be separately recorded in the back-up documentation in accordance with Guideline 1.a.

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- vii. trial preparation and post-trial motions;
 - viii. attending trial;
 - ix. ADR; ~~and~~
 - x. fee petition preparation[; and
 - xi. time spent on appeals.]

c. Counsel for ~~a party intending to seek fees if the party prevails shall submit to opposing counsel quarterly statements showing the amount of time spent on the case and the total value of that time. These statements need not be in the “litigation phase” format provided in Guideline 1.b or otherwise reflect how time has been spent. The first such statement is due at the end of the first quarter in which the action is filed. Failure to submit these statements may result in a denial or reduction of fees.[#]~~[the parties are encouraged to meet and confer (preferably within fifteen (15) days of the issuance of the court’s scheduling order) to discuss their intent to seek fees. The parties are to discuss:

- i. Whether counsel for the party intending to seek fees will submit to opposing counsel periodic (but no more frequently than quarterly) statements showing the amount of time spent on the case and the total value of that time.
- ii. Whether the parties will stipulate to the rate guidelines set forth in Section 3 of this Appendix or to any other rates counsel for a party intending to seek fees may propose.]

d. ~~Upon request by the judge (or private mediator agreed upon by the parties) presiding over a settlement conference, counsel for all parties (with the exception of public lawyers who do not ordinarily keep time records) shall turn over to that officer (or mediator) statements of time and the value of that time in the “litigation phase” format provided in Guideline 1.b.~~ [Counsel for a party intending to seek fees if the party prevails is encouraged, but not required, to submit to opposing counsel a current statement of fees during the meeting described in Guideline 1.c. The failure to submit a statement of fees to opposing counsel at that meeting shall not be considered as a factor in determining whether to award fees pursuant to a fee petition.]

e. ~~If during the course of a fee award dispute, a judge orders that the billing records of counsel for the party opposing fees must be turned over to the party requesting fees, those~~

~~[#]Opposing counsel may not seek a denial or reduction of fees from the court if he/she did not first request that such statements be provided.~~

~~billing records shall be submitted in the “litigation phase” format. [Counsel for a party intending to seek fees if the party prevails shall provide fee statements to opposing counsel, if requested.[§] These statements shall reflect the amount of fees and number of hours worked to date. The statements need not be in the “litigation phase” format provided in Guideline 1.b. or otherwise reflect how time has been spent. Reasonable time spent compiling these statements may be compensable if a prevailing party succeeds in obtaining fees.]~~

d[f.] Upon request by the judge (or private mediator agreed upon by the parties) presiding over a settlement conference, counsel for all parties (with the exception of public lawyers who do not ordinarily keep time records) shall turn over to that officer (or mediator) statements of time and the value of that time in the “litigation phase” format provided in Guideline 1.b.

e[g.] If during the course of a fee award dispute, a judge orders that the billing records of counsel for the party opposing fees must be turned over to the party requesting fees, those billing records shall be submitted in the “litigation phase” format.

2. Guidelines Regarding Compensable and Non-Compensable Time

~~a.—Where plaintiffs with both common and conflicting interests are represented by different lawyers, there shall be a lead attorney for each task (e.g., preparing for and speaking at depositions on issues of common interest and preparing pleadings, motions, and memoranda), and other lawyers shall be compensated only to the extent that they provide input into the activity directly related to their own client’s interests.~~

~~b.—Only one lawyer for each separately represented party shall be compensated for attending depositions.^{**}~~

~~c.—Only one lawyer for each party shall be compensated for attending hearings^{††}.~~

~~[§ A party may not seek a denial or reduction of fees on the ground that periodic fee statements were not provided to their counsel if counsel did not first request that such statements be provided.]~~

~~^{**}Departure from this Guideline would be appropriate upon a showing of a valid reason for sending two attorneys to the deposition, e.g., that the less senior attorney’s presence is necessary because he/she organized numerous documents important to the deposition but the deposition is of a critical witness whom the more senior attorney should properly depose. Departure from the guideline may be appropriate upon a showing that more than one retained attorney representing the defendant attended the deposition and charged the time for his/her attendance.~~

~~^{††}The same considerations discussed in footnote 4 concerning attendance by more than one lawyer at a deposition also apply to attendance by more than one lawyer at a hearing. There is no guideline as to whether~~

d. ~~Generally, only one lawyer is to be compensated for client, third party, and intra-office conferences, although if only one lawyer is being compensated the time may be charged at the rate of the more senior lawyer. Compensation may be paid for the attendance of more than one lawyer where justified for specific purposes such as periodic conferences of defined duration held for the purpose of work organization, strategy, and delegation of tasks in cases where such conferences are reasonably necessary for the proper management of the litigation.~~

e. ~~Travel~~

i. ~~Whenever possible time spent in traveling should be devoted to doing substantive work for a client and should be billed (at the usual rate) to that client. If the travel time is devoted to work for a client other than the matter for which fees are sought, then the travel time should not be included in any fee request. If the travel time is devoted to substantive work for the client whose representation is the subject of the fee request, then the time should be billed for the substantive work, not travel time.~~

ii. ~~Up to two (2) hours of travel time (each way and each day) to and from a court appearance, deposition, witness interview, or similar proceeding that cannot be devoted to substantive work may be charged at the lawyer's hourly rate.~~

iii. ~~Time spent in long distance travel above the two (2) hours limit each way, that cannot be devoted to substantive work, may be charged at one-half of the lawyer's hourly rate.~~

[When considering whether time is compensable, the Court may consider the following factors:^{††}

- a. The time and labor required for a given activity or task;
- b. The novelty and difficulty of the questions at issue in the case;

~~more than one lawyer for each party is to be compensated for attending trial. This must depend upon the complexity of the case and the role that each lawyer is playing. For example, if a junior lawyer is present at trial primarily for the purpose of organizing documents but takes a minor witness for educational purposes, consideration should be given to billing his/her time at a paralegal's rate.~~

[^{††}The first five factors were enumerated by the Fifth Circuit in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974), and adopted by the Fourth Circuit, *see e.g., McAfee v. Boczar*, 738 F.3d 81 (4th Cir. 2013). Should the case law on the relevant factors vary in the future, the prevailing case law shall apply and govern the Court's analysis.]

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- c. The skill requisite to perform the legal service properly;
 - d. Time limitations imposed by the client or other circumstances;
 - e. The amount involved and the results obtained;
 - f. The need for more than one attorney to attend a proceeding; and
 - g. The necessity for travel:

- i. Whenever possible time spent in traveling should be devoted to doing substantive work for a client and should be billed (at the usual rate) to that client. If the travel time is devoted to work for a client other than the matter for which fees are sought, then the travel time should not be included in any fee request. If the travel time is devoted to substantive work for the client whose representation is the subject of the fee request, then the time should be billed for the substantive work, not travel time.

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- iii. Time spent in long-distance travel above the two (2) hours limit each way, that cannot be devoted to substantive work, may be charged at one-half of the lawyer's hourly rate.

The above list of factors is not exhaustive.]

3. Guidelines Regarding Hourly Rates^{§§}

- a. ~~Lawyers admitted to the bar for less than five (5) years: \$150-225.~~
- b. ~~Lawyers admitted to the bar for five (5) to eight (8) years: \$165-300.~~
- c. ~~Lawyers admitted to the bar for nine (9) to fourteen (14) years: \$225-350.~~

~~§§ These rates are intended solely to provide practical guidance to lawyers and judges when requesting, challenging, and awarding fees. The factors established by case law obviously govern over them. One factor that would support an adjustment to the applicable range is an increase in the cost of legal services since the adoption of the Guidelines. The Guidelines, however, may serve to make the fee petition less onerous by narrowing the debate over the range of a reasonable hourly rate in many cases. The Court recognizes that there are attorneys for whom, and cases for which, the market rate differs from these guideline rates. In any event, the Court expects all claims to be appropriately supported.~~

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- ~~d. Lawyers admitted to the bar for fifteen (15) to nineteen (19) years: \$275-425.~~
 - ~~e. Lawyers admitted to the bar for twenty (20) years or more: \$300-475.~~
 - ~~f. Paralegals and law clerks: \$95-150.~~

[Reasonable hourly rates should be determined by the Court using declarations, affidavits, stipulations by the parties, or other evidence. A useful guideline for hourly rates may be provided by the Fitzpatrick Matrix*** as adjusted annually, with a reduction of 5% to 20% (to reflect differences between the legal markets in Washington, D.C. and Maryland).

These guideline rates are intended solely to provide practical guidance to lawyers and judges when requesting, challenging, and awarding fees. The factors established by case law govern. These guidelines do not create any presumptions regarding reasonable rates. The Court recognizes that a fee award should be determined in accordance with relevant case law.†††]

4. Reimbursable Expenses

- a. Generally, reasonable out-of-pocket expenses (including long-distance telephone calls, express and overnight delivery services, computerized online research, and faxes) are compensable at actual cost.
- b. Mileage is compensable at the rate of reimbursement for official government travel in effect at the time the expense was incurred.
- c. Copy work is compensable at the rate established by the Court for taxation of costs.

[*** The Fitzpatrick Matrix is available at: <https://www.mdd.uscourts.gov/sites/mdd/files/fitzpatrick-matrix.pdf>]

[††† See, e.g., *Blum v. Stenson*, 465 U.S. 886 (1984); *Hensley v. Eckerhart*, 461 U.S. 424 (1983); *De Paredes v. Zen Nails Studio LLC*, 134 F.4th 750 (4th Cir. 2025); *Rum Creek Coal Sales, Inc. v. Caperton*, 31 F.3d (4th Cir. 1994). Should the case law vary in the future, the prevailing case law shall apply and govern the Court's analysis.]

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