Rule 89. Debt collection and housing action division commissioner's recommendations and orders.

(a) Scope. This rule applies to recommendations and orders entered by a Division Commissioner, as described by Code of Judicial Administration rule 6-702.

(b) Recommendations. A recommendation of a Division Commissioner is not an order of the court and is not subject to objection.

(c) Orders. An order of a Division Commissioner is an order of the court until modified by the court.

(d) Objections to Division Commissioner orders. A party may file a written objection to a Division Commissioner's order. A judge's counter-signature on the commissioner's order does not affect the review of an objection.

(1) Time to file, serve, and respond to an objection.

(A) The objecting party must file the objection not later than 14 days after the Division Commissioner's order is made in open court or, if the commissioner takes the matter under advisement, not later than 14 days after the written order is served.

(B) The non-objecting party may file a memorandum opposing the objection within 14 days after the objection is filed.

(C) The objecting party may file a reply supporting the objection within 7 days after a memorandum opposing the objection is filed.

(D) When briefing is complete or the time for briefing has expired, either party may file a request to submit for decision as stated for motions in Rule 7. If no party files a request, the objection will not be submitted for decision.

(2) Name and format of an objection. The objecting party must title the objection substantially as: "Objection to [short phrase describing the Division Commissioner's order]." The rules governing captions and other matters of form in motions apply to objections to Division Commissioner's orders. The page and word limits as stated in Rule 7 for All Other Motions apply to the objection, opposition memorandum, and reply memorandum.

(3) Contents of Objection. An objection to a Division Commissioner's order must identify succinctly and with particularity:

(A) the relief sought;

(B) the findings of fact, the conclusions of law, or other part of the commissioner's order to which the objection is made; and

(C) the grounds for the relief requested, including an explanation of why the findings, conclusions, or other portions of the commissioner's order are incorrect.

(4) Hearings. A party may request a hearing in the objection, a memorandum, or in the request to submit for decision. A request for a hearing must be separately identified in the caption of the document containing the request. The judge may, but is not required to, hold a hearing on any objection.

(5) Review.

(A) The judge will consider the motion or request giving rise to the Division Commissioner's order de novo.

(B) The judge will make independent findings of fact and conclusions of law based on the evidence presented to the Division Commissioner. The judge may review the evidence presented to the Division Commissioner, whether offered by live testimony, exhibit, or proffer.

(C) If there has been a substantial change of circumstances since the Division Commissioner's order, the judge may, in the interests of judicial economy, consider new evidence. Otherwise, any evidence that was not presented to the commissioner, whether by testimony, exhibit, or proffer, shall not be presented to the judge.

Effective: 1/1/2027