

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND



INSTRUCTIONS FOR FILING A CIVIL CASE ON YOUR OWN BEHALF

JANUARY 2024

These instructions are designed to help you understand basic court procedures in civil actions. These instructions do not cover all circumstances or all types of cases. It is your responsibility to comply with the Federal Rules of Civil Procedure, the Local Rules of this court and any statutes and rules which may apply to your particular case. Please use these guidelines in conjunction with the Federal Rules of Civil and Appellate Procedure and the Local Rules of this court. Please note that court staff cannot give you legal advice.

If you are filing a prisoner civil rights action under 42 U.S.C. § 1983, a habeas corpus petition under 28 U.S.C. § 2241 or § 2254, or a motion to vacate or set aside sentence under 28 U.S.C. § 2255, there are special forms and instructions available from the Clerk's Office.

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I. HOW TO FILE A CIVIL ACTION

A. WHAT TO FILE

The U.S. District Court, District of Maryland is a federal court. To file a civil case in this court, you must provide the following information:

- Complaint
- Summons
- Civil Cover Sheet
- Filing Fee or Application to Proceed In Forma Pauperis

B. THE COMPLAINT

1. *Complaint*

The first step in filing a lawsuit is to prepare a complaint. The court has forms available for filing complaints for [employment discrimination](#) and [appealing a denial of Social Security benefits](#), as well as a general [complaint](#) form. You are not required to use these forms, although you may find it helpful to review them. These forms are available on the court's website at http://www.mdd.uscourts.gov/forms/all-forms/self_rep.

2. *Complaint Content and Format*

- a) **Paper:** White, letter-sized (8.5 x 11") paper.
- b) **Caption:** The first page should begin with the case caption, which includes the name of the court, and the names and addresses of all parties. You should leave a blank space for the case number, which will be filled in by court staff once a number has been assigned. All parties should be named and you should include their addresses. For example, writing the name of only one party and "et al." is inadequate.

<i>Sample Caption for a Complaint</i>	
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND	
MARY SMITH, 100 North Calvert Street Baltimore, Maryland 21202	:
Plaintiff,	
v.	: Civil Action No:
JOHN DOE, 101 West Lombard Street Baltimore, Maryland 21201	
Defendant	:

- c) **Body of the Complaint:** The body of the complaint is made up of numbered paragraphs.

First, explain the facts of your case. Focus on stating what each individual defendant did or did not do to you, that violates the law. Also state what laws you think the defendant violated.

Also state why you believe this court, which is a federal district court, has jurisdiction to hear your case.

Also state the relief you want. This means state what you think the court should order to remedy what happened to you.

Now is not the time to file “evidence” in your case. If your case moves forward, you will have an opportunity to do this at a later time.

Note: Local Rule 102.2 provides additional information about formatting court documents.

- d) **Signature:** At the end of the complaint, each plaintiff must sign and date the complaint. Underneath your signature type or print your full name, address, phone number, and e-mail (if you have one).

Note: The signature, address, and phone number of each named plaintiff must appear on every pleading, motion, or other paper you file.

3. *Number of Copies*

You must file the original complaint with the court. You should keep a copy of the complaint for your own records. If you would like a copy of your complaint with the date of filing stamped on it, you need to provide the copy of the complaint to the clerk. You can bring the copy with you if you file your complaint in person. If you file your complaint through the mail, you should also include a copy and a self-addressed stamped envelope so that the clerk can return the copy to you.

Note: All copies must be identical to the original.

4. *Privacy Protection*

To comply with the E-Government Act of 2002 and Fed. R. Civ. P. 5.2, do not include any sensitive information on documents you file with the court.

If sensitive information must be included, you need to redact (or black out) personal identifiers and then you must file under seal a reference list with the complete information.

For example, this is how to redact the following information:

- If you need to name a minor child, use only the child's initials t (Example: A.B., C.D.)
- If you need to state a financial account number only use the last four digits (Example: xxxx-xxxx-1234)
- If you need to state a Social Security Number only use the last four digits (Example: xxx-xx-1234)
- If you need to state a date of birth, only use the year (Example: DOB 1980)

C. SUMMONS

1. *The Summons*

The summons is needed to serve the complaint on each defendant. “Service of Process” refers to the procedure for notifying a defendant that a lawsuit has been filed, what the lawsuit is about, and the time for filing an answer to the complaint.

2. *Format*

The summons form is available on the court’s website at http://www.mdd.uscourts.gov/publications/Forms/AO440_SummonsCivil.pdf or in the Clerk’s Office. You must prepare a separate summons for every defendant named.

Note: Do not complete the Proof of Service portion of the summons until after service.

3. *Number of Copies*

You must submit the following number of summons to the Clerk:

- One (1) copy of the summons for each defendant that is not the United States, a federal agency, or a federal employee in an official capacity.
- Five (5) copies of the summons for each defendant that is the United States, a federal agency, or a federal employee sued in an official capacity.

D. CIVIL COVER SHEET

1. *The Civil Cover Sheet*

Each complaint must include a civil cover sheet (JS-44). This form is used to help the Clerk’s Office open your case and to compile statistical information.

2. *Format*

The civil cover sheet is available on the court’s website at <http://www.mdd.uscourts.gov/sites/mdd/files/forms/CivilCoverSheet.pdf> or in the Clerk’s Office. Complete the form the best you can, leaving blank anything you do not know.

3. *Number of Copies*

Only one cover sheet is needed for each case.

E. FILING FEE OR APPLICATION TO PROCEED IN FORMA PAUPERIS

1. *The Fee*

The cost, or filing fee, for a civil action is \$405.00. Payment is due at the time of filing the complaint. The Clerk's Office does not accept cash as payment. The Clerk's Office accepts the following forms of payment: cashier's check, money order, personal check, or credit card (Visa, MasterCard, American Express, and Discover). Checks and money orders must be made payable to "Clerk, U.S. District Court." The person making a credit card payment must be the cardholder whose name is printed on the card. Proof of identity is required.

2. *In Forma Pauperis*

If payment of the filing fee poses a hardship, you may apply to be excused from paying the filing fee, called "proceeding in forma pauperis." To apply to proceed in forma pauperis, complete the form available on the court's website at http://www.mdd.uscourts.gov/sites/mdd/files/forms/A0239_MotionProceedInFormaPauperis.pdf or in the Clerk's Office.

II. WHAT HAPPENS AFTER I FILE MY CASE?

A. OPENING YOUR CASE

If you submit the necessary materials, your case will be "opened." Opening a case involves assigning a case number and a judge and entering basic information into the court's electronic docketing system. Once your case is received in the Clerk's Office, you will receive a letter with your assigned judge, case number, and other information.

After opening a case, the Clerk's Office sends the case to the assigned judge to review. The judge will look at any motions filed with the complaint and will also review the complaint to see if it contains all the necessary information. The judge will also consider and decide on any request to proceed in forma pauperis. After the judge's initial review, the judge may require you to file additional information in support of your case.

Note: Documents can be submitted in person or by mail at either the Baltimore or Greenbelt courthouse. There is an after-hours drop box located in the Baltimore and Greenbelt Courthouse. Non-prisoner litigants may electronically submit documents (excluding complaints) using the Electronic Document Submission System ("EDSS") found on

the Court's website. Do not use EDSS if you do not have a case number.

These documents can be viewed through the Public Access to Court Electronic Records (PACER), <http://www.pacer.gov>. Pages are viewable at the rate of \$0.10 per page. If your monthly usage is less than \$30 in a quarterly billing cycle, fees are waived in accordance with the Electronic Public Access Fee Schedule: <https://www.uscourts.gov/services-forms/fees/electronic-public-access-fee-schedule>

B. SERVICE OF PROCESS

1. *General*

In accordance with Rule 4 of the Federal Rules of Civil Procedure, you are responsible for making arrangements for service of the complaint on every named defendant within 90 days from the date the complaint is filed. **If service is not made within 90 days, your case may be dismissed.**

Note: If you are applying to proceed in forma pauperis, this 90 day-period does not begin until the court rules on your request.

2. *How to Serve*

The most common ways of making service are through personal delivery (handing the summons, complaint, and any other required document to the defendant) or certified mail, restricted delivery (sending the summons, complaint, and any other required document to the defendant by certified mail, restricted delivery).

Review Federal Rule of Civil Procedure 4 and Maryland Rules 2-121 through 2-125 for more information about how to serve your complaint in the State of Maryland.

Note: If the defendant is a company doing business in Maryland, the easiest way to serve the summons and complaint is to serve the company's resident agent. A resident agent is a person or company with a Maryland address who is authorized to accept service of process. To see whether a company has a registered agent in Maryland, contact the Department of Assessments and Taxation, Charter Information at (410) 767-1184 or at <https://egov.maryland.gov/businessexpress/entitysearch>

3. *Who Can Serve*

- a) **General Rule:** The summons and complaint may be served by any person of at least 18 years of age who is not a party to and does not have a personal interest in the case.
- b) **Private Process Server:** For a fee, you can hire a private process server to serve the defendant(s).
- c) **U.S. Marshal:** The U.S. Marshal will only serve a summons and complaint if you are unrepresented and proceeding in forma pauperis. See Local Rule 103.2.

4. *Service of Process on a U.S. Government Agency or Employee*

If the defendant is either an agency of the United States Federal Government or an officer or employee of the United States Federal Government, you must serve the named defendant and also serve both the U.S. Attorney General and the U.S. Attorney for the District of Maryland. You can serve the summons and complaint by registered or certified mail on the U.S. Attorney General and the U.S. Attorney for the District of Maryland at the following addresses:

Attorney General of the United States Main Justice Building 10th and Constitution Avenue, NW Washington, DC 20530	U.S. Attorney for the District of Maryland 36 S. Charles Street, 4th Floor Baltimore, MD 21201
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5. *Waiver of Service of Summons*

Federal Rule of Civil Procedure 4 allows a defendant to waive personal service of process, if the defendant is not the United States; a federal government agency; or a foreign, federal, state, or local government official sued in an official capacity. To complete this process instead of serving a summons, review Federal Rule of Civil Procedure 4(d) and Local Rule 103.2.

Instead of submitting a summons with your complaint, submit a [notice of a lawsuit and request to waive service of summons](http://www.mdd.uscourts.gov/sites/mdd/files/forms/A0398_RequestWaiveServiceofSummons.pdf) and [waiver of the service of summons](http://www.mdd.uscourts.gov/sites/mdd/files/forms/A0399_WaiverServiceofSummons.pdf) forms for each defendant. These forms are available on the court's website at [http://www.mdd.uscourts.gov/sites/mdd/files/forms/A0398 RequestWaiveServiceofSummons.pdf](http://www.mdd.uscourts.gov/sites/mdd/files/forms/A0398_RequestWaiveServiceofSummons.pdf) and [http://www.mdd.uscourts.gov/sites/mdd/files/forms/A0399 WaiverServiceofSummons.pdf](http://www.mdd.uscourts.gov/sites/mdd/files/forms/A0399_WaiverServiceofSummons.pdf). The forms are also available in the Clerk's Office.

If the defendant returns the signed waiver of service of summons form to you, file this signed form with the court. You must file the waiver for each defendant.

Note: If the defendant does not return the waiver form within the specified time, you must notify the Clerk in writing, submit a proposed summons for each defendant, and ask that summons be issued by the Clerk's Office for service.

C. AFTER SERVICE OF PROCESS

Once a defendant is served, several things may happen: the defendant may file an answer, the defendant may file a motion, or the defendant may do nothing. In the case of more than one defendant, a combination of these things may happen.

1. *Defendant Files an Answer*

After each defendant has filed an answer, the judge may issue a scheduling order. A scheduling order sets deadlines for doing or filing certain things in your case. The scheduling order may include deadlines for completing discovery, filing motions, and filing status reports.

Note: Most scheduling orders do not set trial dates.

2. *Defendant Files a Motion*

There are different kinds of motions a defendant may file before filing an answer. For example, a defendant may file a motion asking that your case be dismissed immediately.

If the motion is a routine request, such as an extension of time to file an answer, the motion will most likely be granted unless you file a prompt opposition and have a good reason why the court should deny the request.

For many routine motions you have 14 days from the date the motion was filed to file a response. For more substantive motions, such as a motion to dismiss, you may be allowed additional time to file a response. You may also request an extension of time to file your response if you have a good reason.

Note: Federal Rule of Civil Procedure 12 lists the types of motions that could be filed at this point.

3. *Defendant Files Nothing*

If the defendant files nothing within the time for filing a response, you may request that the clerk make an entry of default against the defendant. After the clerk makes the entry of default you may request that the judge issue a default judgment. See Rule 55 of the Federal Rules of Civil Procedure.

D. DISCOVERY AND TRIAL

1. *General*

If the judge issues a scheduling order in your case, the order may contain a deadline for completing discovery. Discovery is the process of getting information and evidence related to your case. The most common forms of discovery are interrogatories (written questions), requests for documents, and depositions (a recorded questioning of a potential witness under oath). Most discovery requests go to parties in the case, but under certain circumstances, discovery can involve non-parties.

Review Federal Rules of Civil Procedure 26 through 37 and Local Rule 104 for additional information.

Note: Discovery does not occur in all cases and will not begin until the court enters a scheduling order.

2. *Tips for Conducting Discovery*

- The court will let you know when to begin discovery.
- Be sure to make your discovery requests promptly so that the other party has enough time to answer or to object before the discovery deadline.
- Respond to any discovery requests you receive. A party who does not respond to a discovery request may be subject to court sanctions.
- Do not send copies of discovery requests or responses to the court unless the court directs you to do so.
- Send the requesting party a copy of the requested material and keep the original for your records.

3. *Trial*

After discovery, the other party may try to dismiss the case without a trial. If the judge denies the request, your case will proceed to trial.

You will receive additional instructions from the assigned judge at that point.

III. WHAT HAPPENS AFTER THE COURT DECIDES MY CASE?

A. IF YOU LOSE

1. *Appeal*

If your case is dismissed at any point, you can ask another court—the U.S. Court of Appeals for the Fourth Circuit—to hear your case and to reverse the judge’s decision.

To file an appeal, submit a Notice of Appeal to the Clerk’s Office along with either the appellate filing fee of \$605.00 or a request to proceed on appeal in forma pauperis. The [notice of appeal](#) form and the [motion for permission to appeal in forma pauperis](#) form are available on the court’s website or in the Clerk’s Office.

Note: Once your appeal is filed, you will be assigned a new case number and should send all future filings to the U.S. Court of Appeals for the Fourth Circuit, 1100 East Main Street, Suite 501, Richmond, Virginia 23219-3517. If you file any kind of motion asking the district judge to take any action with your Notice of Appeal, it may delay action on your appeal until the motion is decided.

2. *Paying Costs*

In some circumstances, the winning party may ask the losing party to pay attorneys’ fees or certain costs the winning party incurred during the litigation. These costs can include things such as deposition transcripts, witness fees, and copy expenses. In many cases, these costs can easily add up to thousands of dollars.

Note: Before filing suit, you should consider the consequences of losing.

B. IF YOU WIN

If the court enters judgment in your favor, you may collect any monetary amount awarded as part of the judgment. Additionally, you may be able to be reimbursed for limited costs you spent litigating your case. The [Guidelines for Bills of Costs](#) provides additional information about collecting costs; this document and the [bill of costs form](#) are available on the court’s website or in the Clerk’s Office.

IV. HOW DO I COMPLY WITH COURT PROCEDURES?

A. FILING PROCEDURES

The court requires an original of each document filed. Pleadings are documents filed with the court that parties file either in support of their claim or in response to something filed by an opposing party. Pleadings and all other documents must be typed, printed, or legibly handwritten on 8 1/2 x 11 inch paper, and the pages must be sequentially numbered. Any documentation submitted with a pleading must be attached to the pleading and referred to in the pleading.

Documents can be submitted in person or by mail at either the Baltimore or Greenbelt courthouse. There is an after-hours drop box located in the Baltimore and Greenbelt Courthouse. Non-prisoner litigants may electronically submit documents (excluding complaints) using the Electronic Document Submission System (“EDSS”) found on the Court’s website. Do not use EDSS if you do not have a case number.

Note: Local Rule 102.2 provides additional information about formatting court documents. Federal Rule of Civil Procedure 6(d) extends the time for filing some documents by three days “[w]hen a party may or must act within a specific time after service and service is made” by mail, among other options under Rule 5(b)(2)(C), (D), or (F). Rule 6(d), however, does not apply when serving a document in person, electronically, or by leaving it the person’s office or “dwelling or usual place of abode.” Fed. R. Civ. P. 5(b)(2)(A)-(E).

B. COPIES OF COURT DOCUMENTS

Do not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk’s Office to be copied and returned. The fee for any copying of court documents done by the Clerk’s Office is \$0.50 per page for paper documents and \$0.10 per page for electronic documents. Payment is due at the time of the copy request. If you would like a copy of your complaint with the date stamped on it, you should bring that with you if you file your complaint in person or include a copy with a self-addressed stamped envelope if you submit your complaint through the mail. These documents can be viewed through the Public Access to Court Electronic Records (PACER), <http://www.pacer.gov>. Pages are viewable at the rate of \$0.10 per page. If your monthly usage is less than \$30 in a quarterly billing cycle, fees are waived in accordance with the Electronic Public Access Fee Schedule: <https://www.uscourts.gov/services-forms/fees/electronic-public-access-fee-schedule>

C. ADDRESS CHANGE

You must notify the court promptly and in writing if your address changes. The Clerk's Office must have a current, correct address and telephone number in the file.

To notify the court of an address change, submit the [change of address form](#), available on the court's website or in the Clerk's Office. Alternatively, you can submit a letter or notice to the Clerk's Office. No address changes can be made based on a phone call, it must be in writing and signed.

D. RULES TO FOLLOW

The [Federal Rules of Civil Procedure](#) and the court's [Local Rules](#) must be followed throughout the life of the case. These rules can be found on the court's [website](#) at <http://www.mdd.uscourts.gov/>.

Some additional tips for litigating your case:

- You must sign every document you file with the court. Electronic signatures (e.g., /s/John Smith or *John Smith* in cursive font) will not be accepted in place of a handwritten signature. All documents must be signed by each person filing the document.
- Filings should not be longer than 25 pages, unless you have received permission from the court. Most documents should be much shorter than 25 pages.
- You are expected to try to reach an agreement with the opposing party before asking the court to issue an order. For example, if you would like additional time to file something or if you are having a disagreement about discovery, you are expected to speak with opposing counsel before filing a motion.
- If you would like the court to issue a subpoena, you must submit a motion explaining who you would like to subpoena and why. Try to file your motion at least two weeks before you will need the subpoena. A proposed subpoena must be included with any motion. Subpoena forms are available in the forms section of the Court's website:
<https://www.mdd.uscourts.gov/forms/>

<p>Note: The Clerk's Office employees and chambers staff are prohibited from giving legal advice or acting as counsel in your case.</p>
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E. COPIES OF PLEADINGS TO OPPOSING PARTY

After a defendant has been served with the complaint, a copy of any document filed with the court must also be sent to the defendant's attorney

(or to the defendant, if unrepresented) in accordance with Rule 5 of the Federal Rules of Civil Procedure and Local Rule 102.1.c.

All pleadings must contain a Certificate of Service reflecting that a copy of the pleading has been sent to the opposing side. Here is a sample Certificate of Service:

<p><i>Sample Certificate of Service</i></p> <p>CERTIFICATE OF SERVICE</p> <p>I hereby certify that a copy of the foregoing Motion for Extension of Time was mailed this 1st day of July, 2010 to Samuel Barrister, counsel for Defendant John Doe, at 200 Saint Paul Place, Baltimore, MD 21202.</p> <p style="text-align: right;">_____ (signature)</p>
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<p>Note: The Clerk is not permitted to forward copies of pleadings for any litigant.</p>

V. WHERE CAN I GET ASSISTANCE WITH MY CASE?

A. COUNSEL

1. *Appointed Counsel*

In a civil case, you do not have the right to have counsel appointed by the court. In exceptional circumstances a judge may appoint counsel. If you would like a judge to consider appointing counsel to represent you, you should file a motion to request appointment of counsel, explaining why you need counsel and why you have been unable to hire counsel on your own.

2. *Hiring Counsel*

If you can afford to hire counsel but have been unable to locate counsel, many local bar associations have lawyer referral services. Some services offer consultations with attorneys at a reduced rate. Here is a list of lawyer referral services for each county in Maryland:

Allegany County	Allegany Law Foundation 301-722-3390
Anne Arundel County	Anne Arundel County Bar Association 410-280-6961
Baltimore City	Bar Association of Baltimore City 410-539-3112
Baltimore County	Baltimore County Bar Association 410-337-9100
Calvert County	Maryland State Bar Association 410-685-7878 or 800-492-1964
Caroline County	Maryland State Bar Association 410-685-7878 or 800-492-1964
Carroll County	Baltimore County Bar Association 410-337-9100
Cecil County	Cecil County Bar Association 410-398-7600
Charles County	Charles County Bar Association 301-609-9350
Dorchester County	Maryland State Bar Association 410-685-7878 or 800-492-1964
Frederick County	Baltimore County Bar Association 410-337-9100
Garrett County	Maryland State Bar Association 410-685-7878 or 800-492-1964
Harford County	Harford County Bar Foundation 410-836-0123
Howard County	Howard County Bar Association 410-313-2035
Kent County	Maryland State Bar Association 410-685-7878 or 800-492-1964
Montgomery County	Bar Association of Montgomery County 301-279-9100
Prince George's County	Prince George's County Bar Association 301-952-1440
Queen Anne's County	Maryland State Bar Association 410-685-7878 or 800-492-1964
St. Mary's County	Maryland State Bar Association 410-685-7878 or 800-492-1964
Somerset County	Pro Se Litigants Assistance 410-651-4618
Talbot County	Maryland State Bar Association 410-685-7878 or 800-492-1964
Washington County	Maryland State Bar Association 410-685-7878 or 800-492-1964
Wicomico County	Maryland State Bar Association 410-685-7878 or 800-492-1964
Worcester County	Maryland State Bar Association 410-685-7878 or 800-492-1964

3. *Legal Assistance Organizations*

There are several Maryland organizations that provide legal assistance to people who are unable to afford to hire counsel. These services are generally without cost to low income individuals. Most of these organizations have income-eligibility requirements, and many only provide assistance with specific types of cases.

The largest legal services program in the state is Maryland Legal Aid which has several offices through the state. The central office is located at 500 East Lexington Street, Baltimore, MD 21202, or by phone at 410-951-7777. The central office can refer you to the office closest to you.

For information about other legal services providers, visit the Maryland Legal Services Corporation's website at <https://www.mlsc.org/news-resources/find-legal-help/> or by calling 310-576-9494.

Note: The Clerk's Office cannot recommend individual attorneys or provide legal advice

B. RESOURCES

1. *Court Self-Help Website*

The court's website has information to help self-represented people bring cases in this court. You can access the website from any location at <http://www.mdd.uscourts.gov/filing-without-attorney>, or by visiting either the Baltimore or Greenbelt courthouse.

2. *Case Documents and Docket*

You can view any document filed in your case for free or the case docket from one of the public terminals in either the Baltimore or Greenbelt courthouse. There is a fee of \$0.10 per page for getting a printed copy of any of these documents.

These documents can also be viewed through the Public Access to Court Electronic Records (PACER), <http://www.pacer.gov>. It costs \$0.10 to view each page. If your monthly usage is less than \$30 in a quarterly billing cycle, fees are waived in accordance with the Electronic Public Access Fee Schedule: <https://www.uscourts.gov/services-forms/fees/electronic-public-access-fee-schedule>.

3. *Law Libraries*

Each Maryland state circuit court has a law library. Some of these libraries may be open to the public. You can access information about these libraries by visiting <https://mdcourts.gov/lawlib/using-library/for-librarians/maryland-law-libraries>

Additionally, the University of Maryland and the University of Baltimore law schools have law libraries open to the public, and many public libraries have basic legal materials that may assist you with your case.