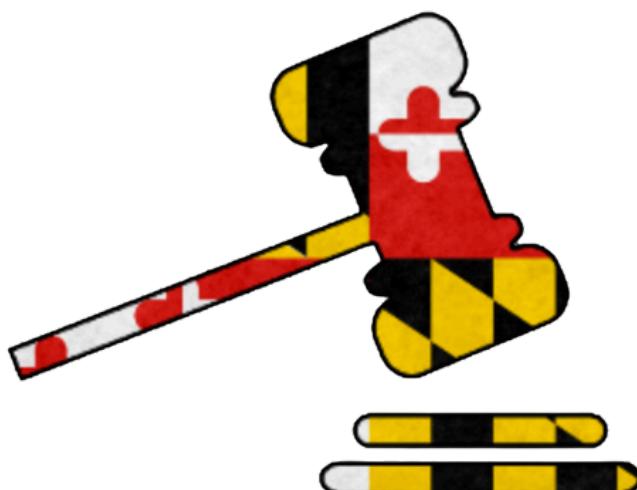




Maryland
INSURANCE ADMINISTRATION

HEARINGS

A GUIDE FOR HEARINGS AT THE
MARYLAND INSURANCE ADMINISTRATION
FOR NON-ATTORNEYS





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A GUIDE FOR HEARINGS AT THE MARYLAND INSURANCE ADMINISTRATION FOR NON-ATTORNEYS (Revised July 1, 2024)

This guide is intended to help a person who has requested a hearing at the Maryland Insurance Administration (MIA) without an attorney. This guide is designed to give you basic information about how to represent yourself. It is not legal advice about your particular case.

Please review the Frequently Asked Questions (FAQ) link on this website as it contains important information about hearings:

<https://insurance.maryland.gov/Consumer/Pages/HearingsFAQ.aspx>

For detailed information about administrative hearings at the MIA, including, but not limited to how to request a postponement, how to subpoena a witness, and how to file requests, motions, and other papers with the MIA. You can also find this information, and more, in the Rules of Procedure for the published at [Code of Maryland Regulations \(COMAR\) 31.02.01](#).

This guide may help you understand some of the legal words you might hear during your hearing. It also explains basic steps in the hearing process. This guide will not answer all your questions about what you need to do to represent yourself. This guide is not legal advice and is not a substitute for an attorney.

If you decide to represent yourself, you are generally expected to follow the rules for hearings and to follow the law, even though you are not a lawyer.

DEFINITIONS OF COMMON LEGAL WORDS

Administrative Complaint

A document that is received by the Insurance Commissioner from a person who claims a violation of a law or regulation enforced by the Insurance Commissioner or violation of an order issued by the Insurance Commissioner has occurred. (See [Code of Maryland Regulations 31.02.01.02](#)).

Brief

A written statement submitted in a hearing that explains your legal and factual arguments.

Complainant

The person or business who filed an Administrative Complaint.

Default judgment

A judgment awarded to one party because the other party failed to appear at a hearing. (See [Code of Maryland Regulations 31.02.01.10](#))

Discovery

Procedures used to obtain disclosure of documentary evidence before the hearing. (See [Code of Maryland Regulations 31.02.01.05-1](#))

Evidence

Sworn testimony presented to the hearing officer by witnesses, including you, if you testify; and other items, usually documents or photographs, that each party offers as evidence to the hearing officer.

Jurisdiction

The legal authority of the Maryland Insurance Administration hearings office to hear and decide cases.

Licensee

A person holding a certificate of authority, license, registration, or special permit issued by the Maryland Insurance Administration or who has other similar authority to operate under the regulatory authority of the Maryland Insurance Administration. (See [Code of Maryland Regulations 31.02.01.02](#)) As an example, an insurance company would be a Licensee.

Moot

A controversy that has not actually arisen or has ended.

Motion

A written request from a party to the hearings officer asking the hearing officer to rule on an issue in the case, instruct the opposing party to do something connected to the hearing, or to request permission to do something connected to the hearing. An example of a motion is a request to have a witness provide testimony by telephone. Motions are filed with the Hearings and Appeals Clerk, and a copy is sent to all opposing parties so they may respond.

Parties

The participants in a hearing.

Postponement

A decision made by a hearing officer to postpone a hearing date and to reschedule it.

Request for Production of Documents

A written request that requires one party to give documents to another party within 15 days. (See [Code of Maryland Regulations 31.02.01.05-1](#))

Respondent

The person subject to an action brought by the Maryland Insurance Administration.

Subpoena

A document requiring a person to attend a hearing and appear as a witness. It may also require the witness to bring documents to the hearing. (See [Code of Maryland Regulations 31.02.01.05](#))

Motion for Summary Decision

A motion filed by a party to the hearing which provides evidence showing there is no genuine issue of material fact and that the party is entitled to prevail as a matter of law. (See [Code of Maryland Regulations 31.02.01.07G](#)) The opposing party may file a written response to a Motion for Summary Decision. If granted, a motion for summary decision can resolve the case.

WHERE TO SEND DOCUMENTS ABOUT YOUR HEARING

The mailing address for the Hearings and Appeals Clerk at the Maryland Insurance Administration is:

Maryland Insurance Administration
ATTN: Hearings and Appeals Clerk
200 St. Paul Place, Suite 2700
Baltimore, Maryland 21202

Email address: appealsclerkcontacts.mia@maryland.gov

Phone: 410-468-2018

Please make sure to include the Maryland Insurance Administration case number (example: MIA-2020-10-042) on all correspondence you send to the Hearings and Appeals Clerk. You must also send a copy of the documents to the opposing party or parties.

CONTACTING THE HEARINGS AND APPEALS CLERK

The Hearings and Appeals Clerk's office is open from 8:00 a.m. until 4:30 p.m. on Monday through Friday, except for [state holidays](#).

The Hearings and Appeals Clerk can answer general questions about procedures. The Clerk cannot give you legal advice. This means, for example, that the Hearings and Appeals Clerk cannot do any of the following:

recommend a legal course of action or suggest ways to help you win your hearing,

- predict how or when a hearing officer will decide an issue,
- interpret the meaning of an Order,
- interpret the Maryland Insurance laws or regulations,
- calculate response times or deadlines, or
- conduct legal research.

The contact information for the Hearings and Appeals Clerk is provided above.

HOW DO YOU RECEIVE DOCUMENTS FILED IN THE CASE?

All notices, decisions, orders and other documents from the Hearing officer at the Maryland Insurance Administration to the parties are sent to the address and/or email address on file with the Maryland Insurance Administration.

WHAT IF YOU MOVE WHILE YOUR CASE IS PENDING?

Please make sure to update any changes to your contact information, including your mailing address, email address, and phone number by contacting the Hearings and Appeals Clerk.

HOW DO YOU DISMISS YOUR HEARING?

If you change your mind and no longer would like to proceed with a hearing, you may dismiss your action by sending a request to withdraw your hearing request to the Hearing and Appeals Court. You must also notify the Hearings and Appeals Clerk if you have settled your case.

WHEN IS AN ATTORNEY REQUIRED?

Although an individual is not required to have an attorney and may represent himself or herself at the hearing, it may be helpful to retain an attorney, since most insurance companies will be represented by an attorney. An individual who chooses not to represent him or herself may only be represented by someone who is licensed to practice law in Maryland.

Under the law, an insurance company must be represented either by an attorney or by an employee of the insurance company who is employed in claims or underwriting.

A business entity (including a corporation, partnership, limited liability company, or sole proprietorship), that qualifies as a small employer may authorize the following to represent it in a hearing:

1. For a corporation, an officer of the corporation or an employee designated by an officer of the corporation;
2. For a partnership, a partner in the partnership or an employee designated by a partner;
3. For a limited liability company, a member of the limited liability company or an employee designated by a member of the limited liability company; and
4. For a sole proprietorship, an employee designated by the owner of the sole proprietorship.

Additionally, prior to the date of the hearing, the business entity must provide the following:

1. Proof to the Commissioner, including but not limited to an affidavit, that it meets the definition of a small employer as that term is defined in Section 31-101 of the Insurance Article. "Small employer" means an employer that, during the preceding calendar year, employed an average of not more than 50 employees, and
2. In the case of a designated employee, sworn documentation, including but not limited to an affidavit, demonstrating that the designated employee: (a) has power of attorney; (b) is an authorized agent of the business entity; and (c) has authority to bind the business entity on matters pending before the Maryland Insurance Commissioner.

Template forms (including a template Affidavit form and a template Power of Attorney form) are available on the MIA website at the following address:

<https://insurance.maryland.gov/Consumer/Pages/HearingsFAQ.aspx>

A business entity that does not qualify as a small employer must be represented by an attorney.

HEARINGS **WHAT ARE ADMINISTRATIVE DECISIONS BASED UPON?**

A hearing officer will decide and issue an order in your case based upon the law and the evidence presented by the parties in the case.

The hearing officer will decide if the evidence is relevant, reliable, and probative. "Relevant" evidence is evidence that is related to the issues in your case. "Reliable" evidence is evidence that the hearing officer has found to be authentic. "Probative" evidence is evidence that helps make a fact that is related to the case more or less likely.

If the evidence that is offered is not relevant, reliable and probative, you or the other party may "object" to the evidence. The hearing officer will rule on the objection and tell you whether the evidence will be accepted.

The law the hearing officer will use to make a decision can be statutes, regulations, or other decisions by the courts and the Commissioner. The important statutes or regulations related to your case are usually listed on the notice of hearing you receive from the Maryland Insurance Administration.

HOW DO I CHOOSE WHAT EVIDENCE TO PRESENT AT THE HEARING?

There are many ways to choose what evidence will be important for your case. Consider some of the following suggestions:

Look up the laws and regulations related to your case. These may be listed on the hearing notice you receive from the Maryland Insurance Administration. A link to the Maryland statutes and regulations is on the Maryland Insurance Administration website at:

<https://insurance.maryland.gov/Pages/laws-and-regulations.aspx>

Comparing the related laws and regulations to the facts of your case will help you decide what is important for the hearing officer to hear about in your case.

- Make a list of important dates related to your case and what happened on those dates. Knowing which dates and events are important to your case will help you decide what the Hearing officer must hear about to understand your case.
- Identify people who were directly involved in your case. These people should be willing and able to testify to help the hearing officer understand the important facts. You can ask these people to come to your hearing or you can ask the Hearings and Appeals Clerk to issue a subpoena.

- Gather the relevant documents. These are documents that will help you prove your case, such as letters or emails, contracts, notices from the Maryland Insurance Administration related to your case, bills, cancelled checks, bank or credit card statements, receipts, or photographs.
- Prepare an "opening statement." This is a short introduction about your case that explains how the problem arose, who will testify about that problem, and why you should win your appeal. Plan on it being just a few minutes long. Remember that this is just a summary of what you want to prove. You will have to support it with evidence – sworn testimony or documents – for the Hearing officer to use in making his or her decision.

WHAT SHOULD I KNOW ABOUT THE ADMINISTRATIVE HEARING?

- Date, Time, and Address of the Hearing. The hearing notice will give you this information. It is very important to read the notice carefully, so you arrive at the right location and at the right time.
- Be Early. Plan to arrive at the hearing location at least 15 minutes early. If your hearing is in person, check in with the receptionist in lobby of the building so they can contact someone to escort you to the hearing room. Tell your witnesses to do the same. If your hearing will be held remotely, log into the video conference platform at least 15 minutes early and make certain that your equipment is operational.
- Bring copies of Your Documents. You should bring the original document, a copy for the hearing officer, and copies for each party with you to the hearing. If you are conducting a remote hearing or a telephone hearing, you should make sure to send copies of the documents to the hearing officer and the other parties by the deadline set by the hearing officer for your case.
- Listen to the Hearing Officer's Instructions. The hearing officer will give instructions at the beginning of the hearing to explain which party has the burden to prove their claim. The party who has the burden to prove their claim usually will go first in each part of the hearing. Make sure to listen closely to the hearing officer's instructions and ask the hearing officer questions if there is something you do not understand.

WHAT ARE THE PARTS OF A HEARING?

Each party to a hearing has the right to present important information to a Hearing officer during three parts of the hearing:

- (1) opening statements;
- (2) presentation of evidence; and
- (3) closing arguments. Each of these is explained more below.

Opening Statement - a short summary of what your case is about. Whatever you tell the Hearing officer in your opening statement is not "evidence." You will have to present evidence -- sworn testimony or documents -- to support whatever you say in your opening statement. You can "waive" opening statement -- you do not have to present an opening statement if you do not want to.

Presentation of Evidence - The party the hearing officer tells to go first will call all its witnesses first. After these witnesses are presented, the other party calls all their witnesses. When these witnesses finish, the hearing officer may give the first party the chance to recall some witnesses to provide additional testimony or documents to clarify the evidence presented by the other party. A witness will be questioned during "Direct Examination" and "Cross-Examination," and may be questioned under "Re-Direct Examination." Every witness testifies through direct and cross examination, and sometimes redirect examination. See below for some helpful hints on how to handle each of these.

You must present all the evidence you think supports your case. Except in rare cases, the Hearing officer will not permit you to present evidence after this phase of the case.

Direct Examination - A witness usually tells the hearing officer important information about what happened in a case in response to questions asked by each party or the party's lawyer during direct examination. If you want the hearing officer to consider a document, it is best to present that document through a witness who is familiar with the document during direct examination. The other party can object to testimony and documents, but if they do, they must explain to the hearing officer why the testimony or documents should not be considered as evidence. Just disagreeing with what the witness or document says is not a reason for the hearing officer to exclude the evidence. It is helpful to the hearing officer if the questions on direct examination are organized by time or by issue. Good questions for a witness may start with "What happened on [date] regarding...?" "What did you see?" "Can you tell the hearing officer what happened when ...?"

Cross Examination - After a party finishes asking his or her witnesses questions on direct examination, the other party has the right to ask that witness questions on cross-examination. You can also ask the other party's witness about documents.

Redirect Examination - The party who called the witness can follow-up with more questions after cross-examination is finished relating to the questions asked on cross-examination.

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Rebuttal - After both parties have presented all their witnesses, the party who bears the burden to prove the claim may ask the hearing officer if he or she can present additional evidence to support its position. Evidence presented must be evidence to challenge what the opposing party's witnesses said, and it may not be evidence that the hearing officer has already heard.

Closing Argument - At the end of the hearing, each party can present a summary of his or her case. During this summary, you can explain to the hearing officer why the evidence you presented shows, under the law or regulations, that you should win the case. Make sure to include in your closing argument the remedy you want the hearing officer to order in his or her decision.

WHAT HAPPENS AT THE END OF THE HEARING?

At the end of the hearing, the hearing officer will explain when the decision will be issued. In most cases, the hearing officer will issue a written decision at a later date.

The hearing officer will mail the decision to both parties and the decision will explain how to file an appeal if a party disagrees with it.

If you have any questions about the rules governing the type of decision in your case, please ask the Judge before you leave the hearing.

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Visit our website for additional information about Hearings:

<https://qrco.de/miahearings>

