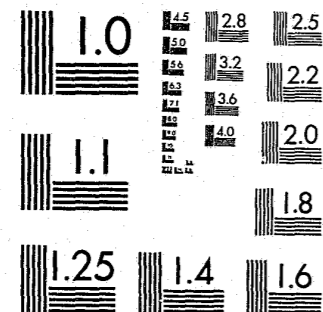


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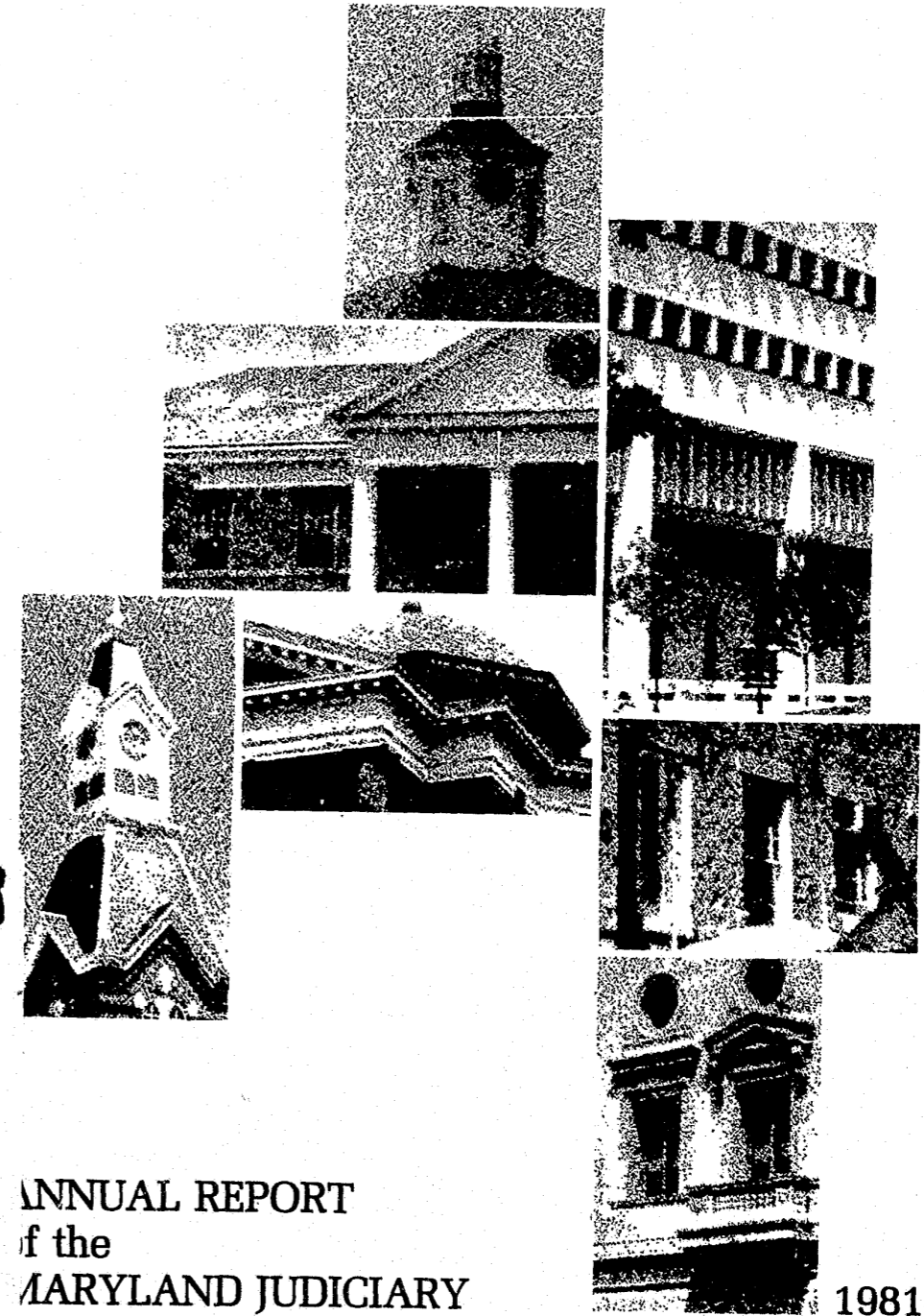
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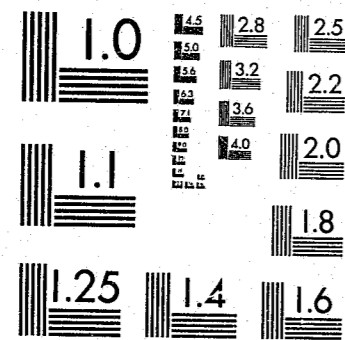
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MARYLAND JUDICIARY

1981-1982

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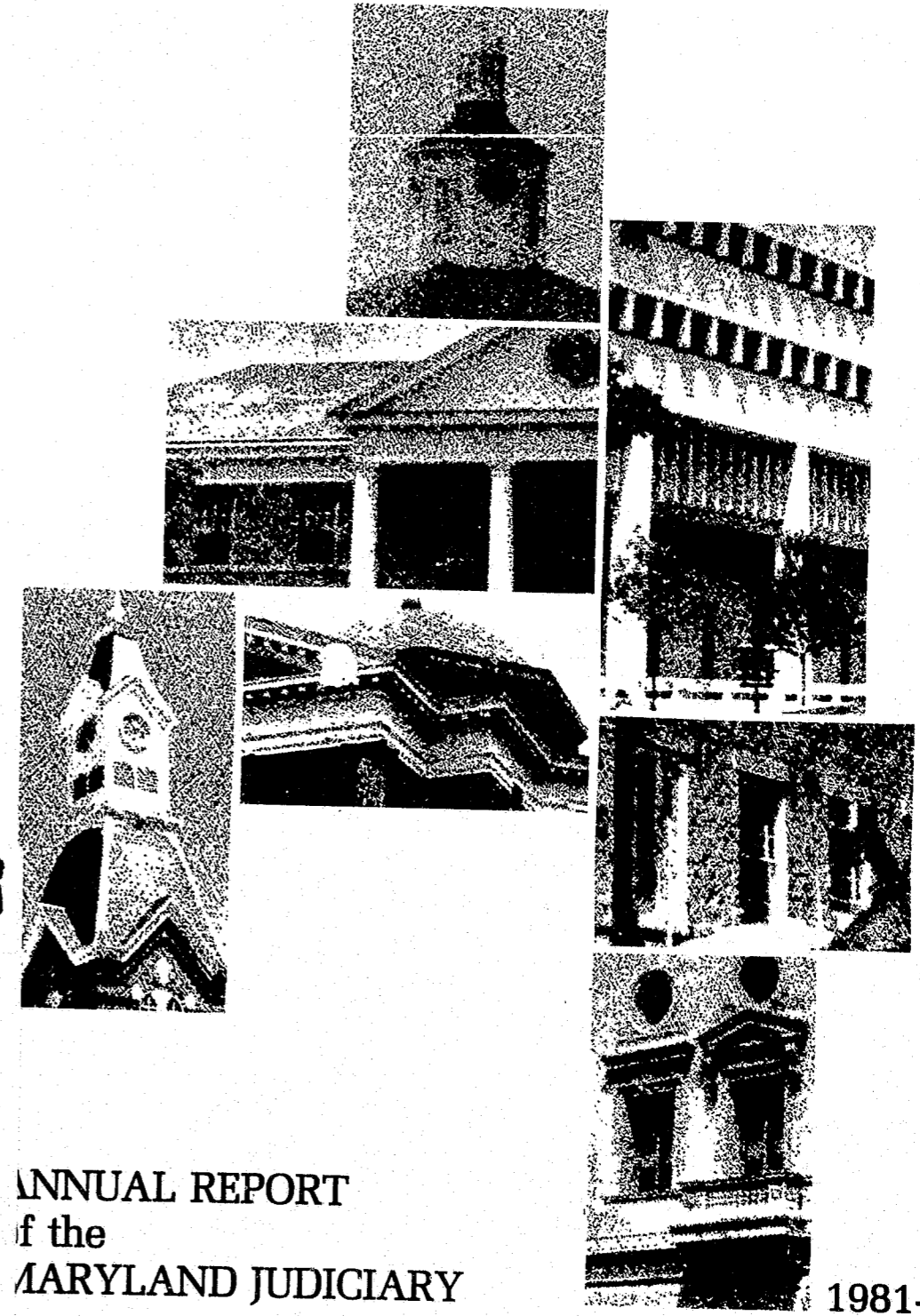
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ANNUAL REPORT  
of the  
MARYLAND JUDICIARY

1981-1982

# Annual Report of the Maryland Judiciary

~~1982-1983~~

1981-1982

Report prepared by the  
Judicial Special Projects, Research and Planning Services Unit  
Editor-Deborah A. Unitus

Photographs by the Honorable Thomas J. Curley  
Copied in black and white by Daniel Lazer.

## Contents

Letter of Transmittal .....	iii	Administrative Conference .....	16
Introduction .....	iv	Circuit Court Administration .....	17
Judicial Revenues and Expenditures .....	1	Circuit Court Facilities and Renovation Projects .....	18
The Maryland Courts .....	4	District Court Administration .....	19
The Court of Appeals .....	4	Assignment of Judges .....	20
The Court of Special Appeals .....	5	Court Related Units .....	22
The Circuit Courts .....	6	Board of Law Examiners .....	22
The District Court .....	8	Rules Committee .....	23
Trends .....	10	State Law Library .....	23
Judicial Administration .....	12	Attorney Grievance Commission .....	24
Administrative Office of the Courts .....	12	Clients' Security Trust Fund .....	25
Judicial Special Projects, Research and Planning Services .....	13	Judicial Conferences .....	26
Judicial Information Systems .....	13	The Maryland Judicial Conference .....	26
Judicial Personnel, Education and Training Services .....	13	Conference of Circuit Judges .....	28
Judicial Budget and Purchasing Services .....	14	Appointment, Discipline, and Removal of Judges .....	30
Legal Officer .....	15	Judicial Nominating Commissions .....	30
Statistical Auditing Project .....	15	Removal and Discipline of Judges .....	32
Sentencing Guidelines Project .....	16	The Commission on Judicial Disabilities .....	33
Liaison with the Legislative and Executive Branches .....	16	1982 Legislation Affecting the Courts .....	34
		Judicial Maps and Members of the Judiciary .....	39

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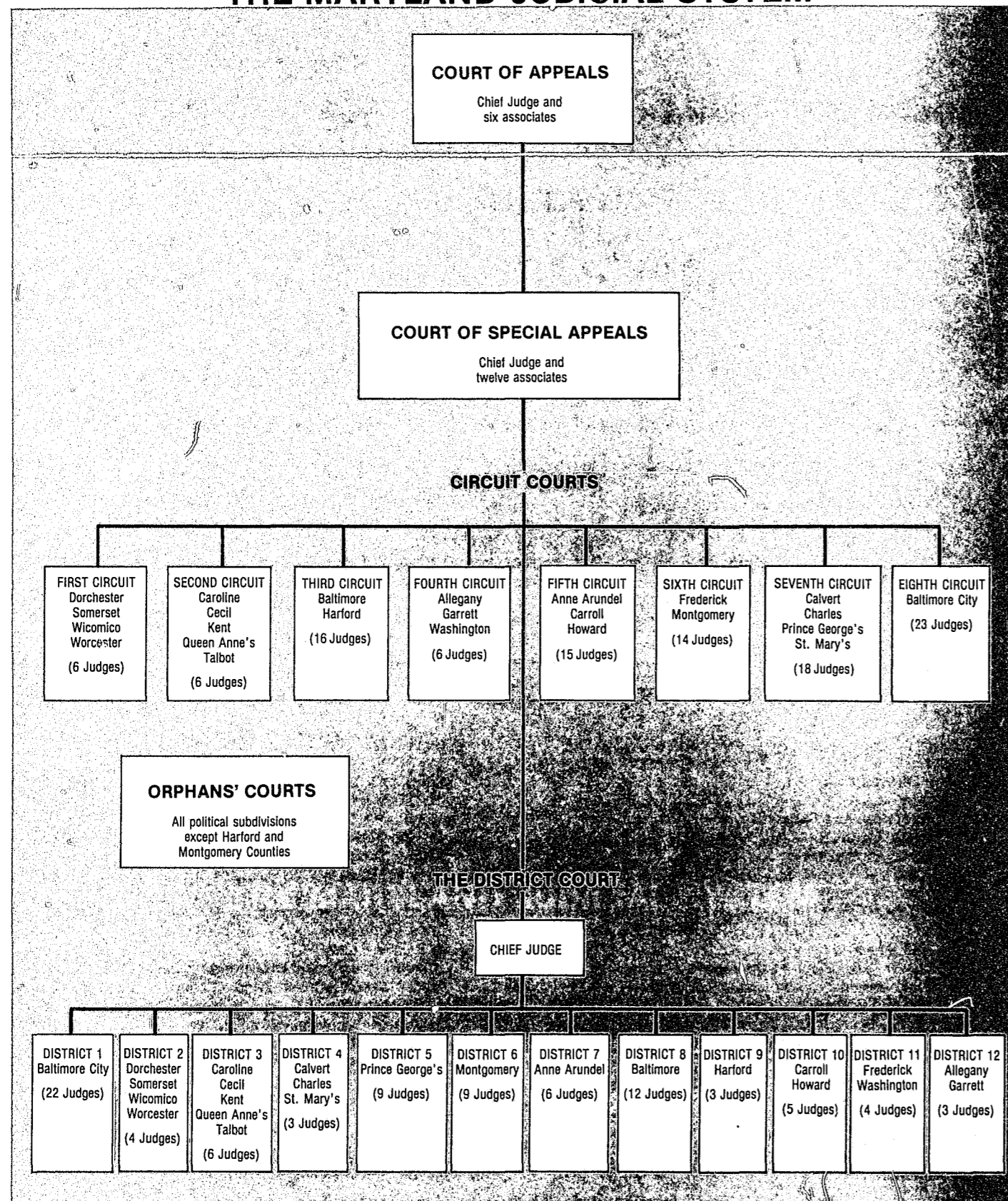
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**THE MARYLAND JUDICIAL SYSTEM**



It is a pleasure to present the sixth *Annual Report of the Maryland Judiciary*, which includes the twenty-seventh Annual Report of the Administrative Office of the Courts, as required by section 13-101(b)(9) of the Courts Article. The Report covers Fiscal 1982, beginning July 1, 1981, and ending June 30, 1982.

The Report is in two volumes. Volume 1 treats the funding, functions, workload, and programs of the court system in overview fashion, highlighted by graphics. It is intended for broad general circulation to judiciary and other governmental officials and employees and also to citizens of the State interested in Maryland's judicial system.

Volume 2 is a statistical abstract designed more for the analyst, student, or court administrator. This volume contains data providing detailed support for much of the material in Volume 1.

Although the Report has been prepared in the Judicial Special Projects, Research and Planning Services Unit of the Administrative Office of the Courts, and edited by a member of that unit, many individuals have contributed to and participated in its preparation. These include the Chief Judge of the Court of Appeals, the Chairman of the Conference of Circuit Judges, the Chief Judge of the District Court, the Deputy State Court Administrator, all unit directors and deputy directors in the Administrative Office, project directors, the clerks of the two appellate courts, the chief clerk and other staff of the District Court Headquarters, circuit and local administrators, and other staff members of the Administrative Office.

The statistics on which much of the Report is based have been provided through the efforts of the clerks of the circuit courts for the counties and of

the courts of the Supreme Bench of Baltimore City through the Judicial Information Systems Unit. The quality of these statistics and the value of the information supplied is continually increasing thanks to the cooperative efforts of the Information Systems Unit, the Statistical Auditing Project, and the clerks themselves.

During the year, we asked the National Center for State Courts to review our *Annual Report* and to make recommendations for its improvement. Several suggestions were made and a number of them have been adopted. Most encouraging, however, were evaluations which found the material in the Report "professionally presented," concluded that the document is "a valuable reference for anyone who has questions concerning the Maryland judicial system," and rated the Report as "a logical and interesting document . . . thoughtfully and carefully put together, and . . . one of the better annual reports produced by the states."

Such an evaluation is gratifying, but could not have been attained without the work and cooperation of many people, including those mentioned above. I take this opportunity of publicly acknowledging the invaluable assistance of all who have contributed to the preparation of this Report. I hope it will continue to provide enhanced understanding of the operations and role of the judicial department of Maryland.

William H. Adkins, II  
State Court Administrator

## Introduction

As this introduction is written, the voters are about to go to the polls to begin the process of selecting those who will serve in the General Assembly for the next four years. Many of the senators and delegates so chosen will start their legislative careers in January; others will be veterans of previous service. Both classes will find awaiting them numerous issues affecting the administration of justice in Maryland. The factual basis of and background for many of these issues are discussed in the following pages of the *Annual Report of the Maryland Judiciary* for the fiscal year that ended last June 30. It is appropriate that I touch lightly on some of them, and also that I make brief mention of other bodies that are grappling with solutions to some of the problems of the Judiciary.

A pervasive and endless problem for our court system has to do with its workload. As the pages of this *Report* reveal, in Fiscal 1982, the docket of the Court of Appeals recorded the highest number of appeals filed since that court became essentially a full-certiorari court in January, 1975. And in Fiscal 1982, the number of petitions for certiorari disposed of by the Court of Appeals registered more than 600 for the second consecutive year.

In the Court of Special Appeals, the number of appeals docketed during the fiscal year approached the 2,000 figure, despite the reductions produced by such innovations as the civil prehearing conferences now being conducted in that court.

At the circuit court level five additional judgeships were filled during the fiscal year, although none of the new judges took office until the middle of the year or thereafter. The addition of these judges may have been a factor in producing a rate of termination in the circuit courts equivalent to 90 percent of the filings at that court level—an improvement over the Fiscal 1981 ratio. However, despite the good termination record, Fiscal 1982 showed modest but nevertheless observable increases in the average times from case filing to case disposition in virtually all categories.

One reason for this may be increases in the proportion of complex cases coming to our courts, but there is no doubt that a basic reason is the never-ending growth in the business of the courts. In Fiscal 1982, there was a slight increase in law filings, as compared to Fiscal 1981, and much more substantial increases in the juvenile and equity areas.

In the criminal area there appears to have been

some decline in filings. However, once adjustments in statistics are made for changes in methods of reporting cases in Baltimore City, that decline is not great. It has apparently been produced by the operation of Chapter 608, Acts of 1981, the effect of which was to cut by about 50 percent the number of jury trial demands in the District Court, and hence the number of lesser criminal and motor vehicle cases transferred to the circuit courts by that mechanism. Since criminal and motor vehicle appeals from the District Court to the circuit courts remained almost stable, it appears that Chapter 608 achieved what it was designed to do—a lessening of workload at the circuit court level. District Court judges and state's attorneys, without whose cooperation Chapter 608 effectively cannot operate, deserve the highest commendation for their effective implementation of this reform.

But even while commenting on this helpful development, I must pause to note what may be an ominous trend. While overall criminal filings were down Statewide in the circuit courts, the number of indictments and criminal informations filed increased Statewide by over nine percent. The growth in Baltimore City appears to have exceeded 19 percent. Since these felony cases in general demand more time to process, any continuing increase in their number will tend to offset and perhaps more than offset the benefits produced through the operation of Chapter 608.

Further evidence of heavy caseload in the Maryland courts is furnished by the District Court data which records over 636,000 motor vehicle cases, more than 135,000 criminal cases, and over 509,000 civil cases in Fiscal 1982, in addition to almost 3,300 juvenile filings in Montgomery County. Over the years, the civil component of this caseload has shown steady increases, although there have been variations in the criminal and motor vehicle figures. The present conditions of the economy may well produce further burdens on the District Court, and this will also be the result of Chapter 608, since cases diverted from the circuit courts by this procedure must be handled in the District Court. Like their appellate and circuit court colleagues, the judges and supporting staff of the District Court deserve high marks for hard work.

The masses of cases coming into our court system require application of innovative administrative techniques and adequate numbers of judges and

## Introduction

other court personnel. In turn, these people and those who have business with the court must be furnished appropriate facilities within which to work. The problem of physical facilities is one that has plagued the District Court since its creation in 1971. But thanks to valuable support in both the executive and legislative branches, as well as foresighted planning by the District Court itself, that situation seems on the verge of real improvement. In Fiscal 1983, nine newly-constructed buildings will become available for District Court use, most of them provided by the State through its District Court/multi-service building construction program.

In addition to these facilities, the 1982 General Assembly, in adopting the capital budget, made provision for future District Court facilities in Prince George's County and in Baltimore City. When this construction program is completed, perhaps by 1985, the District Court will have modern and spacious facilities to serve not only its own personnel but the hundreds of thousands of citizens who every year have business to conduct in that court.

In the circuit courts too, there has been progress in the area of court facilities. The circuit courthouse in Prince George's County has been extensively remodeled. New circuit courthouses have recently been dedicated in Frederick and Montgomery Counties. Similar action will shortly occur in Harford and Howard Counties. All of this demonstrates much appreciated legislative support, at both the State and county levels, for the facilities which our courts must have in order to operate effectively.

The Maryland Judicial Conference, its Executive Committee, and the other committees operating within the Conference, continuously work for the betterment of judicial administration in this State, frequently hand in hand with the General Assembly and with agencies of the Executive Branch. Two ongoing Conference activities are worthy of special note.

The first is the Sentencing Guidelines Project, which the Conference instituted some years ago with the aid of a federal grant. The project continues in its four pilot counties, supported now by State funds. The problems of sentencing in criminal cases, and the desirability of reducing unwarranted disparity in those sentences, are matters of real concern to the public and I am pleased to report that the project shows promise as judges and staff work to enhance and improve the operational guidelines, in cooperation with state's attorneys, public defenders, and others involved in the criminal justice system. It is my hope that the 1983 Judicial Conference will be in a position to pass final judgment on the effectiveness of this project.

The second Conference activity I should like to highlight at first blush seems more internal to the Judiciary. I have in mind the Judicial Institute of Maryland, a mechanism developed by the Judicial Conference to improve continuing education of our judges. The Institute is now operational, and it provides high-quality initial and continuing education for the Judiciary, thereby enhancing judicial skills and expertise. As a supplement to its curriculum, the Institute has developed an impressive library of audio and video materials. On reflection, it is plain that this activity is as important to the citizens of the State as is the Sentencing Guidelines Project, because competence of judges is a critical factor in the even-handed administration of justice.

It is appropriate that I conclude this brief overview of the Maryland Judiciary at the end of Fiscal 1982 by noting the work of the Commission to Study the Judicial Branch of Government. That Commission, created pursuant to Resolution No. 25 of the 1981 General Assembly, began its operations on August 10 of that year. The resolution directs it to submit its recommendations to the 1983 General Assembly, and the Commission is even now engaged in preparing those recommendations. During the course of its lifetime, the Commission will have met approximately 20 times. It has already heard extensive testimony from judges, other public officials, lawyers, and members of the public, and has reviewed masses of documentary and statistical data. Its members have devoted tireless and conscientious effort to their important task. I am confident that its recommendations will help provide guidance and support for improvement of the judicial system in the years to come.

The *Annual Report of the Maryland Judiciary* brings both good and bad news. I hope that as members of the other branches of government and the public in general review both kinds of news, as disclosed by the detailed information contained in the following pages of this *Report* they will be cheered by the former and spurred on by the latter, to renewed efforts to overcome all obstacles to better administration of justice in Maryland.



Robert C. Murphy  
Chief Judge of the Court  
of Appeals of Maryland



Circuit Courthouse, Garrett County; Oakland.



Circuit Courthouse, Wicomico County; Salisbury.



Circuit Courthouse, Baltimore County; Towson.

## Judicial Revenues and Expenditures

State and local costs to support the operations of the judicial branch of government in Maryland were approximately \$71 million in Fiscal 1982. The judicial branch consists of the Court of Appeals; the Court of Special Appeals; the circuit courts for the counties and the six courts comprising the Supreme Bench of Baltimore City; the District Court of Maryland; the clerks' offices or headquarters of these several courts; the Administrative Office of the Courts, including the Juvenile Court Clerk's Office in Baltimore City; the Standing Committee on Rules of Practice and Procedure of the Court of Appeals; State Board of Law Examiners; the Maryland State Law Library; the Commission on Judicial Disabilities; the Clients' Security Trust Fund; and the Attorney Grievance Commission. There are 211 judicial positions and approximately 2,700 nonjudicial positions in the judicial branch.

The State-funded (as opposed to locally funded) Judiciary budget, operating on a program budget concept, expended \$33,265,736 in the twelve-month period ending June 30, 1982. Two programs fund the two appellate courts and their clerks' offices. One provides funds to pay the salaries and official travel costs of the circuit court judges. The largest program is the State-funded District Court which ex-

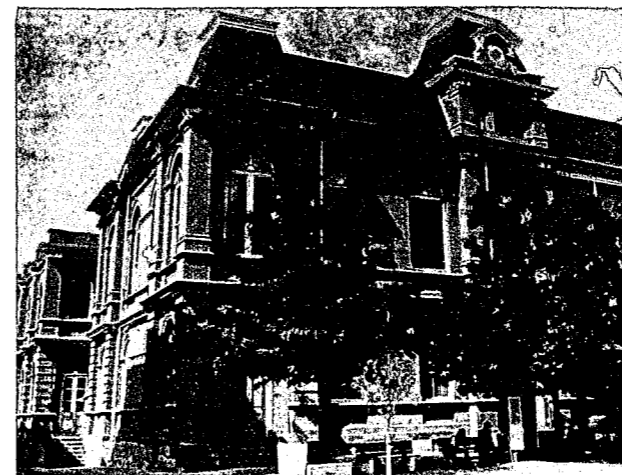
pended \$20,631,751 in Fiscal 1982, 62 percent of the total. The Maryland Judicial Conference program includes funds for continuing judicial education programs and Conference committee activities. The Administrative Office of the Courts expended \$1,186,716, which includes funds to operate the Clerk's Office of the Juvenile Court in Baltimore City. The judicial data processing program, which reflects expenditures for all State level supported electronic data processing and related services, spent \$2,885,534.

The remaining programs provide funds to support the activities of the Standing Committee on Rules of Practice and Procedure of the Court of Appeals, the State Board of Law Examiners, the State Reporter, the Commission on Judicial Disabilities, and the Maryland State Law Library. The Attorney Grievance Commission and the Clients' Security Trust Fund are supported by assessments against lawyers entitled to practice law in Maryland. These supporting funds are not included in the judicial budget.

The figures in the table show that the State-funded judicial budget for the Fiscal Year 1982 increased 6 percent over last year and averaged an 8.5 percent increase over the last two years. The court-related revenues shown on the table generally are remitted to the State's general fund and cannot be used to offset expenditures. In the last two years, the entire State budget rose from approximately \$4.8 billion to approximately \$5.8 billion in Fiscal 1982, for an average growth of 8.8 percent in each year.

The illustrations reflect that the State-funded judicial budget consumes but a tiny fraction of the State's entire budget, approximating six-tenths of one percent.

Operating costs for the clerks' offices of the circuit courts of the counties and those of the Supreme Bench of Baltimore City are paid from filing fees, court costs, and commissions collected by these offices with any deficiency paid by the State from a fund maintained by the State Comptroller. A declining revenue base of noncourt-related income and inflation has severely affected the clerks' offices. Expenses for Fiscal 1982 approximated \$16,540,000 while fees, costs, and commissions collected and retained approximated \$13,500,000, resulting in a net deficiency of approximately \$3,040,000 that had to be paid by the Comptroller from State funds. Only



**State Funded Judicial Budget**

**Revenues\***

Program	Actual FY 1980	Actual FY 1981	Actual FY 1982
Court of Appeals	\$ 25,983	\$ 28,458	\$ 34,885
Court of Special Appeals	37,531	39,783	42,254
State Board of Law Examiners	135,555	159,220	207,760
District Court**	23,173,500	25,397,195	26,034,995
<b>TOTAL</b>	<b>\$23,372,569</b>	<b>\$25,624,656</b>	<b>\$26,319,894</b>

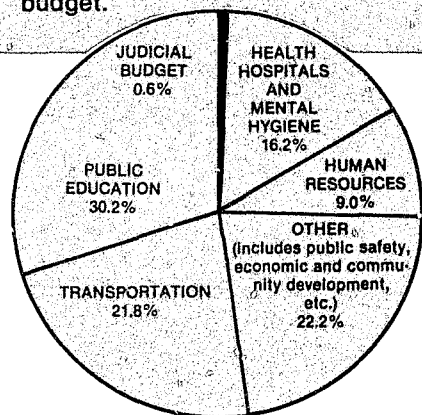
\*Revenues come from filing fees, fines, bail forfeitures and court costs remitted to the State's general fund and are not available to offset expenditures except for the special procedures concerning the payments to various sheriffs for serving process.

\*\*This is net revenue. The District Court expended \$1,240,576 in payments to various sheriffs for serving process. No funds were appropriated for this expenditure which was charged directly against revenues.

**Expenditures\***

Program	Actual FY 1980	Actual FY 1981	Actual FY 1982
Court of Appeals	\$ 819,569	\$ 918,615	\$ 944,081
Court of Special Appeals	1,389,199	1,618,136	1,627,931
Circuit Courts & Supreme Bench	4,368,567	5,244,836	5,268,775
District Court	18,049,325	19,373,351	20,631,751
Maryland Judicial Conference	52,742	53,484	59,123
Administrative Office of the Courts	1,091,854	1,087,903	1,186,716
Court Related Agencies	427,976	396,887	440,525
Maryland State Law Library	171,778	214,819	221,300
Judicial Data Processing	2,003,818	2,585,424	2,885,534
<b>TOTAL</b>	<b>\$28,374,828</b>	<b>\$31,493,455</b>	<b>\$33,265,736</b>

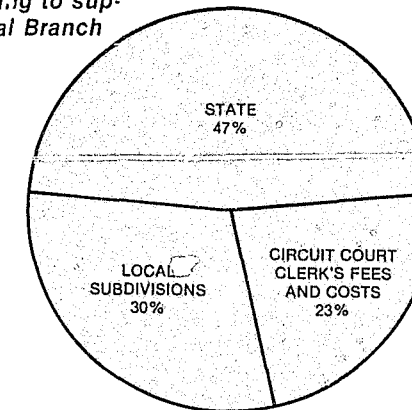
\*Expenditures are paid from annual appropriations by the legislature to the judiciary budget.



State funded portion of Judicial expenditures (shown as solid area) as a percentage of total state expenditures in Fiscal 1982

four out of the 29 clerks' offices ended the year with a surplus which reverts to the general fund and cannot be used to offset deficits occurring in other offices, resulting in a deficiency that is much larger than reported. The General Assembly authorized a deficiency appropriation of \$2.3 million to supplement the other sources of funds from which the Comptroller has to pay any portion of the deficiency incurred by these offices. The gross deficiency (before subtracting any surplus) exceeded \$3.5 million in Fiscal 1982. In 1982, the General Assembly enacted legislation to address the fiscal problem and

Source of funding to support the Judicial Branch of Government



requires all offices to submit an annual budget to the legislature for review and approval, establishes a uniform minimum work week for all offices and raises certain statutory commissions and fees for noncourt-related revenue. It is also designed to provide additional revenue by increasing the amounts realized on investments made by these offices with the money they retain for various purposes. These subjects are covered in more detail in that section of this report on "1982 Legislation Affecting the Courts."

Except for circuit court judges' salaries, their fringe benefits, and official travel expenses, costs to operate the elected circuit court clerks' offices and certain local expenses paid by the state through the Administrative Office of the Courts, the remaining costs to support the circuit courts/Supreme Bench system are borne by Maryland's 23 counties and Baltimore City. In Fiscal 1982, appropriations by the political subdivisions approximated \$21 million. Court-related revenues collected by the circuit courts from sources other than fines, forfeitures,

**Judicial Branch Personnel in Profile**

Judicial Personnel	211
Nonjudicial Personnel	
Appellate Courts	66
District Court	812
Administrative Office of the Courts (27 in Juvenile Court Clerk's Office in Baltimore City)	106
Court Related Agencies (Includes staff to the State Board of Law Examiners, Standing Committee on Rules of Practice and Procedure, State Law Library, Attorney Grievance Commission and State Reporter)	33
Clerks' Offices—Circuit Courts	895
Circuit Courts—Local	735
<b>TOTAL</b>	<b>2858</b>

and appearance fees approximated \$830,000. These monies come from such sources as fees and charges in domestic relations matters and service charges in collecting nonsupport. Fines, forfeitures, appearance fees (remitted for bar library purposes) collected by clerks' offices and remitted to the subdivisions approximated \$1.8 million.

The chart illustrating the contribution by the State, the clerks' offices, and the political subdivisions to support the judicial branch of government shows that the State portion accounts for approximately 47 percent of all costs, while the clerks' offices and the local subdivisions account for 23 percent and 30 percent respectively.



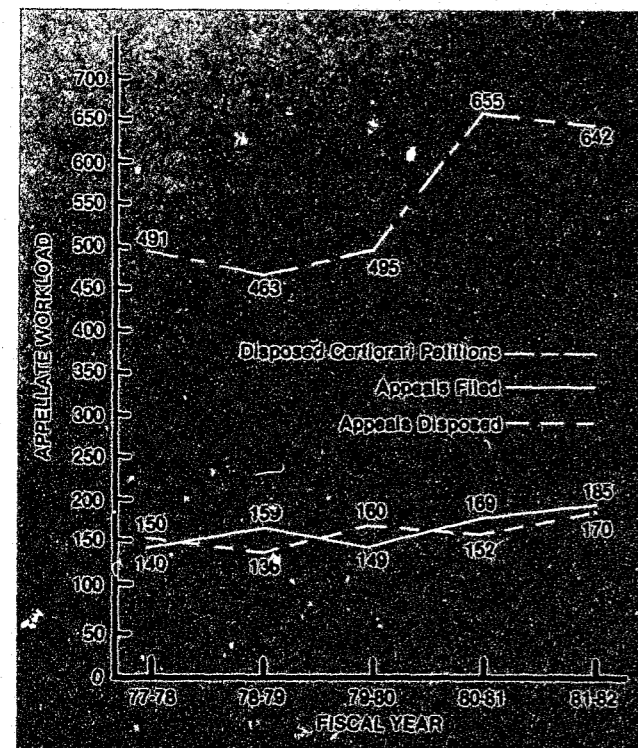
Circuit Courthouse, St. Mary's County; Leonardtown.

## The Maryland Courts

### The Court of Appeals

The Court of Appeals of Maryland is the highest tribunal in the State of Maryland and was created by the Constitution of 1776. In the early years of its existence, the Court met at various locations within the State, but since 1851 has sat only in Annapolis.

The Court is presently composed of seven members, one from each of the first five Appellate Judicial Circuits and two from the Sixth Appellate Judicial Circuit (Baltimore City). Members of the Court, after initial appointment by the Governor, and confirmation by the Senate, run for office on their records, without opposition. If the voters reject the retention in office of a judge, or if the vote is tied, that office becomes vacant and must be filled by a new appointment. Otherwise, the incumbent judge is retained in office for a ten-year term. The Chief Judge of the Court of Appeals is designated by the Governor and is the constitutional administrative head of the Maryland judicial system.



Court of Appeals—Appeals actually filed and terminated within fiscal year

By legislation effective January 1, 1975, the Court of Appeals hears cases almost exclusively by way of certiorari. As a result, its formerly excessive caseload has been reduced to a manageable level so as to allow it to devote its efforts to the most important and far-reaching decisions. At present the Court may review a case decided by the Court of Special Appeals or may bring up for review cases filed in that court before they are decided there. The Court of Appeals may also review certain decisions rendered at the circuit court level if those courts have acted in an appellate capacity with respect to an appeal from the District Court. The Court is empowered to adopt rules of judicial administration, practice and procedure, which have the force of law. It also admits persons to the practice of law, reviews recommendations of the State Board of Law Examiners and conducts disciplinary proceedings involving members of the bench and bar.

The September, 1981 term dockets of the Court of Appeals reflected a total of 864 filings. That figure included 646 petitions for certiorari, 175 cases on the Court's regular docket, 27 disciplinary proceedings involving members of the bar, 3 certified questions of law from the United States District Court for the District of Maryland, 4 character committee proceedings pertaining to candidates for the bar, and 9 miscellaneous appeals. During the conduct of its business, the Court of Appeals must devote considerable time and effort to the exercise of its rule-making functions and holds a number of hearings throughout the year in regard to the adoption or amendment of rules of practice and procedure. It also must apportion some of its time to the supervision of the activities of the Attorney Grievance Commission. Time and effort spent in regard to these matters cannot readily be translated into meaningful statistics. The ever-increasing number of petitions for certiorari also consume more of the Court's time with each passing year. Other regular duties, such as the admission of persons to the practice of law also claim a portion of the Court's time.

During the Fiscal Year, July 1, 1981 through June 30, 1982, the Court of Appeals disposed of 863 matters. They included 170 appeals from its regular dockets, 642 petitions for certiorari, 25 attorney grievance proceedings, 4 character committee proceedings, 3 certified questions of law, and 19 miscellaneous matters.

The disposition of 170 regular appeals left only

59 from the 1981 regular docket to be disposed of by the close of Fiscal 1982. Nearly all of the latter number had been heard, but were not disposed of by way of opinions being filed due to the constraints of time between argument and close of the fiscal year. The 170 regular dispositions consisted of one pending from the 1979 docket, 50 pending from the 1980 docket, 116 on the 1981 docket, and 3 advanced from the 1982 docket. Of the 170 dispositions, 2 were transferred to the Court of Special Appeals for consideration there, while 11 were dismissed prior to argument. The remaining 157 were considered and decided. A total of 140 majority opinions were filed by the Court during Fiscal 1982, including 12 per curiam opinions. There were also 28 dissenting opinions, 4 concurring opinions, and 7 opinions dissenting in part and concurring in part filed. Appeals from the 1981 regular docket averaged 3.4 months from docketing to argument and 3.1 months from argument to decision. In the consideration of 642 petitions for certiorari, a total of 121 were granted (18.8 percent). A total of 919 persons were admitted to the practice of law.

### DISPOSITION OF TOTAL CASELOAD COURT OF APPEALS July 1, 1981-June 30, 1982 Fiscal 1982

Regular Docket	170
Petitions for Certiorari	642
Attorney Grievance Proceedings	25
Character Committee Proceedings	4
Certified Questions of Law	3
Miscellaneous Appeals	19
<b>Total Dispositions</b>	<b>863</b>

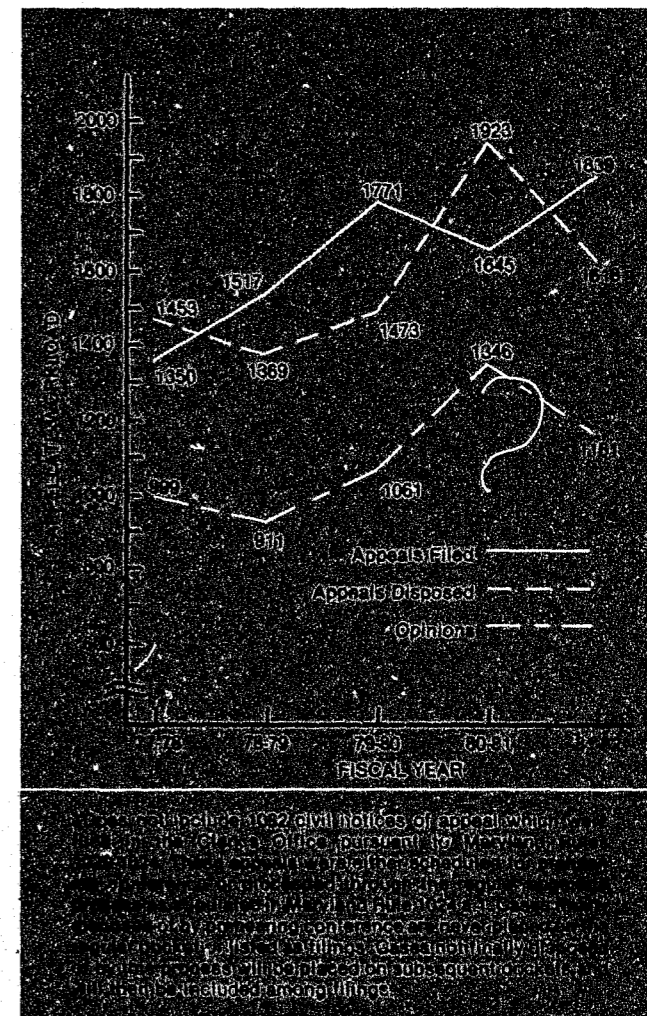
### The Court of Special Appeals

The Court of Special Appeals is Maryland's intermediate appellate court and was created in 1966 as the result of an increasingly overwhelming caseload in the Court of Appeals which had caused that court to develop a substantial backlog.

The Court of Special Appeals sits in Annapolis and, although it was originally composed of five judges, now consists of thirteen members. One member of the Court is elected from each of the first five Appellate Judicial Circuits while two members are elected from the Sixth Appellate Judicial Circuit. The remaining six judges are elected from the State at large. Members of the Court of Special Appeals are initially appointed by the Governor, confirmed by the Senate and thereafter run on their records,

without formal opposition, and are elected to a ten-year term of office in the same manner as are members of the Court of Appeals. The Chief Judge of the Court of Special Appeals is designated by the Governor.

The Court of Special Appeals, except as otherwise provided by law, has exclusive initial appellate jurisdiction over any reviewable judgment, decree, order or other action of a circuit court and generally hears cases appealed as of right from the circuit courts. Judges of the Court are empowered to sit in panels of three. A hearing or rehearing before the Court en banc may be ordered in any case by a majority of the incumbent judges of the Court. The Court also considers applications for leave to appeal in such areas as post conviction, habeas corpus matters involving denial of or excessive bail, and inmate grievances.



Court of Special Appeals—Appeals actually filed and terminated within fiscal year



During the Fiscal Year, July 1, 1981 through June 30, 1982, the Court of Special Appeals had 1,916 regular appeals before it for consideration. One hundred fifty-nine of those were carried over from the previous fiscal year. They had been heard during that year but had not been disposed of due to constraints of time between hearing and the close of that year. Seventy one cases were advanced from the 1982 docket, while the vast majority of regular appeals, 1,686, were docketed on the 1981 term docket and heard during Fiscal 1982.

By the close of the 1982 fiscal year, the Court of Special Appeals had disposed of 1,618 appeals, leaving only 298 pending. That latter number had been argued before the Court, but had not been disposed of by opinion due to the shortness of time between hearing and close of the fiscal year. Of the total number of dispositions, 1,173 were considered by the Court, with the balance being either dismissed prior to argument (359) or transferred to the Court of Appeals (86). The Court filed a total of 1,161 majority opinions in disposing of its caseload, 176 of which were reported (15.1%) and 985 were unreported (84.9%) The Court also disposed of 134 applications for leave to appeal, 6 of which were granted.

In addition to regular appeals, the Court of Special Appeals handles a number of civil appeals through a prehearing conference procedure which is designed "to discuss agreements by the parties as to settlement, dismissal of the appeal, limitation of the issues, contents of the record . . . and other pertinent matters" (Maryland Rule 1024 b). During the 1981 term docket, 1,082 prehearing information reports were received of which 315 (29.1%) were scheduled for conference. Ninety-four cases (29.8%) were fully disposed as a result of this conference and another 11 cases were dismissed or remanded shortly afterwards, although possibly not as a direct result of the conference. In 15 cases, issues were limited. In all, this prehearing conference procedure has had a cost-saving effect for litigants and has also provided the Court with an additional tool to accommodate its burgeoning caseload.

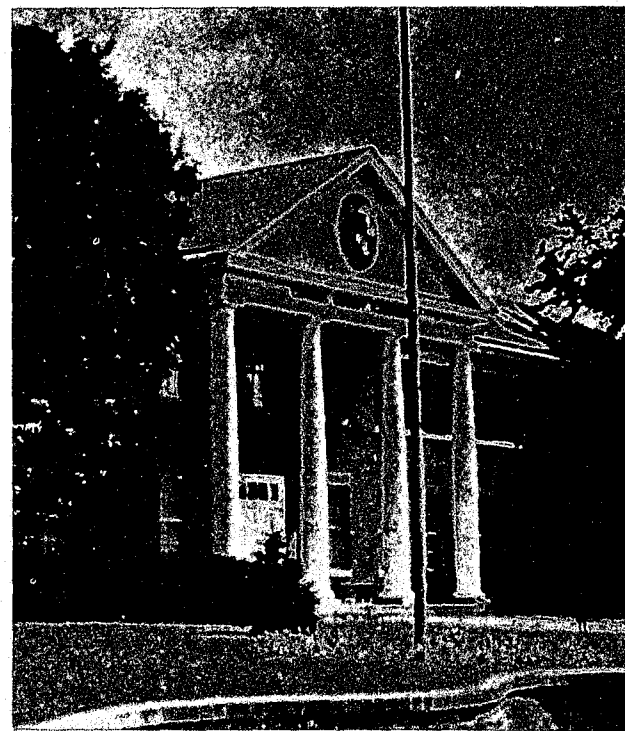
During Fiscal 1982, the Court of Special Appeals performed its duties at an exceptional rate. Its disposition of those regular appeals actually considered and decided averaged approximately 90 appeals for each of its members, not counting the consideration of applications for leave to appeal and other matters such as the prehearing conferences. While disposing of its large caseload, the Court was able to decrease the average time from docketing to argument and the time from argument to disposition.

In Fiscal 1982, docketing to argument took 162 days (5.4 months) as compared to 166 days (5.5 months) reported for the same time interval in Fiscal 1981. Argument to decision in Fiscal 1982 was 26 days (0.4 months) as opposed to 35 days (1.2 months) in Fiscal 1981. Overall, the Court of Special Appeals showed an improvement of 13 days (0.4 months) in the time from docketing to final decision.

**The Circuit Courts**

The circuit courts are the highest common-law and equity courts of record exercising original jurisdiction within the State. Each has full common-law and equity powers and jurisdiction in all civil and criminal cases within its county, and all the additional powers and jurisdiction conferred by the Constitution and by law, except where by law jurisdiction has been limited or conferred upon another tribunal.

In each county of the State, there is a circuit court which is a trial court of general jurisdiction. Its jurisdiction is very broad, but generally it handles the major civil cases and the more serious criminal matters. The circuit courts also decide appeals from the District Court and from certain administrative agencies.

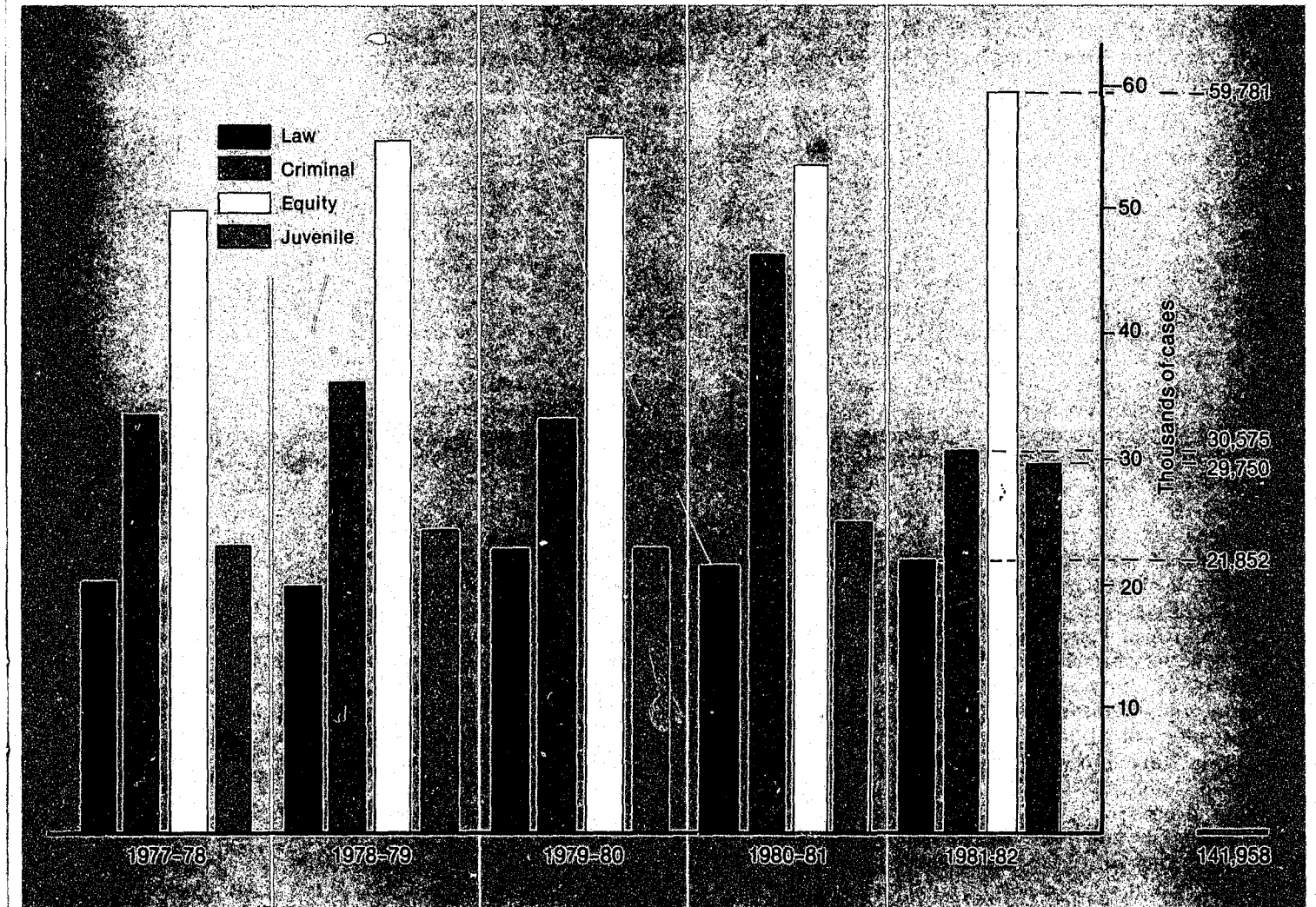
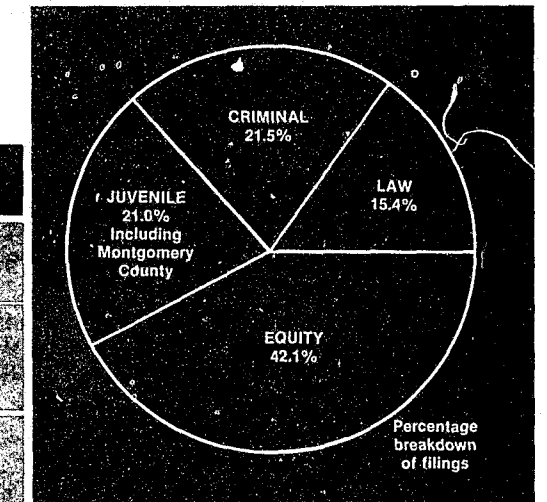


Circuit Courthouse, Charles County; La Plata.

**Circuit Court Filings by Fiscal Year**

	1977-78	1978-79	1979-80	1980-81	1981-82
Filings	135,030	145,066	151,946	146,768	141,958
Terminations	119,817	129,460	152,720	124,787	128,411

\* Includes Montgomery County Juvenile Causes



Circuit Court—Filings by Fiscal Year

These courts are grouped into eight geographical circuits. Each of the first seven contains two or more counties. The Eighth Judicial Circuit consists of Baltimore City. Judges of that circuit are appointed to the Supreme Bench of Baltimore City. The Supreme Bench is presently composed of six courts, each of which exercises varying degrees of overlapping or separate jurisdiction in relation to each other. As of January 1, 1983, these courts will be consolidated into one court which will then be called the Circuit Court for Baltimore City.

As of July 1, 1982, there are 104 circuit court judges (23 of them on the Supreme Bench), with at least one judge for each county. Unlike the other three levels of courts in Maryland, there is no chief judge for the circuit courts; instead, eight circuit administrative judges appointed by the Chief Judge of the Court of Appeals perform administrative duties in each of their respective circuits, with the aid of county administrative judges.

Each circuit judge is initially appointed to office by the Governor and must stand for election at the next general election following by at least one year the vacancy the judge was appointed to fill. The judge may be opposed by one or more members of the bar, with the successful candidate being elected to a fifteen-year term of office.

Total law, equity, juvenile and criminal case filings numbered 141,958 in Fiscal 1982. This figure also includes 3,269 juvenile cases filed at the District Court level in Montgomery County. The total caseload for the past year consisted of 42.1 percent of the filings in equity, 21.5 percent of the filings in criminal, 21.0 percent of the filings in juvenile and 15.4 percent in the law category.

Overall filings decreased by 3.3 percent over the 146,768 filings recorded last year. However, increases were registered in all categories except criminal. Law filings increased 1.1 percent, equity filings grew by 11.3 percent, and juvenile filings climbed by 17.3 percent. Criminal filings appeared to have dropped 33.6 percent.

One of the reasons for the statistical variance in criminal filings in Fiscal 1982 was that Baltimore City changed its procedures in July 1981 from counting individual charges to counting cases, so that cases now represent incidents rather than charges. However, even adjusting for this change in reporting procedures, there appears to have been a decrease in criminal filings, statewide. This was probably in large part produced by Chapter 608, Acts of 1981, effective July 1 of that year. The aim of this law was to reduce the number of jury trials prayed in District Court, and hence the number of such cases transferred to the circuit courts. A substantial reduction in such jury trial demands was recorded during Fiscal 1982. The increases in juvenile filings were the delinquency and child in need of assistance categories. However, these increases were mostly due to

shifts from the unreported case categories in Fiscal 1981 to other specific case categories in Fiscal 1982.

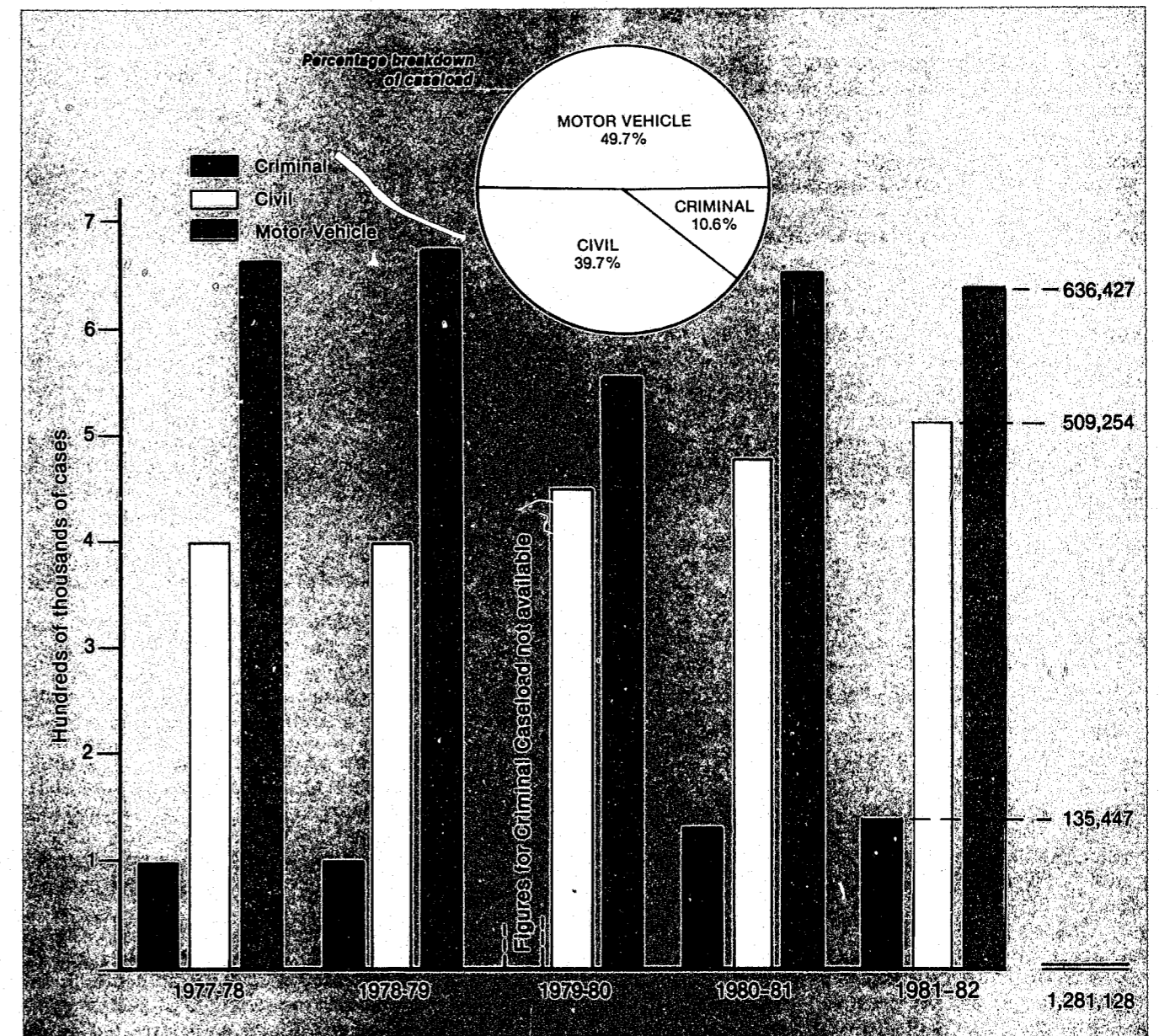
Terminations in Fiscal 1982 totaled 128,411 and represented 90.5 percent of the total 141,958 filings. There were 3,434 juvenile causes terminated at the District Court level in Montgomery County. Terminations in the five metropolitan areas of Baltimore County, Anne Arundel County, Prince George's County, Montgomery County, and Baltimore City were responsible for 72.2 percent of all terminations and 76.7 percent of all filings. The other 19 counties accounted for 27.8 percent of the terminations and 23.3 percent of the filings.

### The District Court

The District Court of Maryland was created as the result of the ratification in 1970 of a constitutional amendment proposed by the legislature in 1969.

The District Court began operating on July 5, 1971, and replaced an existing miscellaneous system of trial magistrates, people's and municipal courts. It is a court of record, is entirely State funded and has statewide jurisdiction. District Court judges are appointed by the Governor to ten-year terms, subject to Senate confirmation. They do not stand for election. The first Chief Judge of the Court was designated by the Governor, but all subsequent Chief Judges are subject to appointment by the Chief Judge of the Court of Appeals. The District Court is divided into 12 geographical districts, each containing one or more political subdivisions, with at least one judge in each subdivision. Presently, there are 87 judges on the Court, including the Chief Judge. The Chief Judge is the administrative head of the Court and appoints administrative judges for each of the 12 districts, subject to the approval of the Chief Judge of the Court of Appeals. A Chief Clerk of the Court is appointed by the Chief Judge. Administrative Clerks for each district are also appointed as are commissioners who perform such duties as issuing arrest warrants and setting bail or collateral.

The District Court has jurisdiction in both the criminal (including motor vehicle) and civil areas. It has little equity jurisdiction and has jurisdiction over juvenile causes only in Montgomery County. The exclusive jurisdiction of the District Court generally includes all landlord/tenant cases; replevin actions; motor vehicle violations; criminal cases if the penalty is less than three years imprisonment or does not exceed a fine of \$2,500, or both; and civil cases involving amounts not exceeding \$2,500. It has concurrent jurisdiction with the circuit courts in civil cases over \$2,500 to not exceeding \$10,000; and concurrent jurisdiction in misde-



District Court—Caseload by Fiscal Year

meanors and certain enumerated felonies. Since there are no juries provided in the District Court, a person entitled to and electing a jury trial must proceed to the circuit court.

The District Court processed 636,427 motor vehicle cases, 135,447 criminal cases and 509,254 civil cases in Fiscal 1982. The District Court for Montgomery County also reported an additional 3,269 juvenile filings.

Statewide, 176,404 motor vehicle cases went to trial, with the remaining 434,619 being disposed of without trial by payment or forfeiture. Baltimore

County recorded the most motor vehicle trials, 47,293 followed by Baltimore City with 27,194 and Prince George's County with 18,720. Kent County registered the smallest number of motor vehicle trials, 396.

Over 34 percent of the District Court criminal caseload was processed in Baltimore City. The four largest counties accounted for 43 percent (58,685 cases) of the criminal workload, with Prince George's County having the highest activity, followed by Baltimore, Montgomery, and Anne Arundel Counties. The smallest caseload in the criminal area

was noted in Queen Anne's County, where 400 cases were terminated.

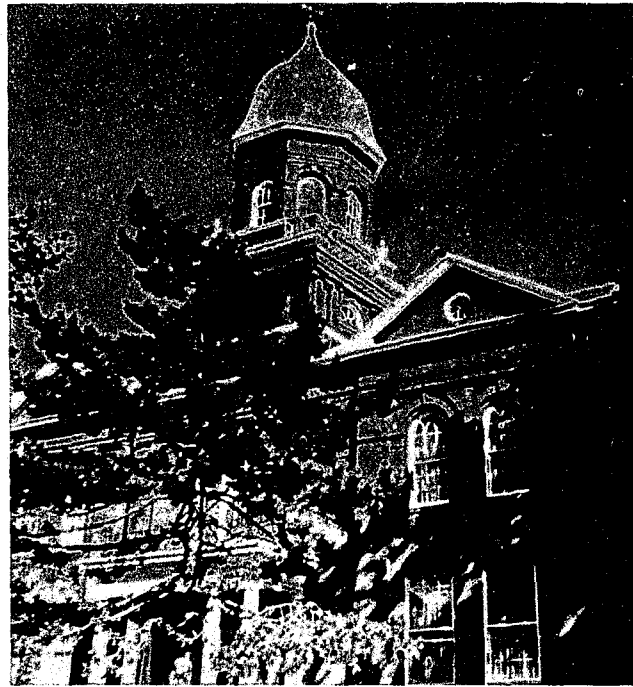
Filings in the civil area increased by 5.6 percent from Fiscal 1981 to Fiscal 1982. Baltimore City, as usual, accounted for the majority of civil filings, 185,921, followed by Prince George's and Baltimore Counties with 121,937 and 76,051, respectively. Somerset County recorded the smallest number of civil actions, 758.

### Trends

Of the four levels of courts in Maryland described on the preceding pages, the courts which have had the greatest change in caseload activities within recent years are the Court of Special Appeals and the circuit courts. However, increases appeared at other levels as well. For example, over the past several years, the Court of Appeals' regular docket has ranged between 140 and 170 appeals per year. But in Fiscal 1982, the Court of Appeals reached the highest number of appeals filed (185), since the Court became essentially a full certiorari court in 1975. At the same time, the number of disposed certiorari petitions registered more than 600 for the second consecutive year.

While the Court of Appeals to a certain extent may control its own workload, the Court of Special Appeals cannot. Over the past five years, this Court has seen significant growth in the number of appeals filed and no one factor such as a change in jurisdiction can be solely identified as contributing to this increase. In Fiscal 1980, for instance, regular appeals increased by almost 17 percent over the previous year. This was also the year the Court initiated a prehearing conference procedure aimed at settling civil cases or limiting the issues prior to submission of brief or argument. As previously mentioned, this has helped the Court in disposing of approximately a hundred cases a year, many of which would have eventually appeared on its regular docket. In Fiscal 1982, 68 more appeals were filed than in Fiscal 1980, and it appears that by Fiscal 1984, the Court may be near the two thousand figure in terms of regular appeals. Beginning with the September term 1982, the Court will initiate an "expedited appeal process" which will aid the Court and litigants as well in identifying and handling some cases in a more rapid manner. This is one of a number of innovations the Court has adopted to assist it in keeping its workload current.

At the circuit court level, while the statistical data from Fiscal 1982 tend to suggest an overall decline in total filings, the real pattern of workload is characterized by what has been apparent for the



Circuit Courthouse, Worcester County; Snowhill.

past five or six fiscal years, i.e., a sure but steady growth in law filings (between one and two percent annually), spotty increases in juvenile statistics, sharp but consistent increases in equity filings (usually between six and eight percent a year and attributable to domestic relations cases), and erratic criminal caseloads.

During the past two fiscal years, there have been a number of statistical "system" changes which have made a trend analysis difficult to conduct. In Fiscal 1981, a complete new statistical system was implemented. Reopened filings were counted from the hearing stage rather than at the time of petition, thus causing a significant reduction in filings since a number of reopened cases are disposed of prior to the hearing stage. In Fiscal 1982, criminal statistics showed substantial declines and two reasons are thought to be contributing factors. First, Baltimore City changed its methodology in counting case filings from a charge-oriented system to one based on the number of incidents. This had the effect of reducing Baltimore City's criminal filings almost in half. Secondly, and perhaps more universal, was the law passed by the 1981 General Assembly of Maryland known as the Gerstung Law (Chapter 608, Acts of 1981). This legislation was aimed at reducing the number of requests for a jury trial filed in the District Court, and thus requiring transfer of cases

to the circuit court. Pre- and post-July 1, 1981, data measuring the effect of this law show that over 6,000 fewer filings resulted because of the new law. At the same time, appeals from the District Court showed no appreciable increase. (Note: While generally comparative data are not available in Baltimore City, statistical information on the number of defendants praying a jury trial has been provided by the Criminal Assignment Office of Baltimore City to review the impact of this new law.)

While criminal caseload data are down because of counting procedures and the Gerstung Law, indictments and criminal informations initially filed in the circuit court are up. For the period July 1, 1981 through June 30, 1982, all counties in Maryland (excluding Baltimore City) reported 11,988 indictment and information filings. In the previous fiscal year (1981), these same jurisdictions tallied 10,990 indictments and informations, meaning a 9.1 percent increase was realized in this past fiscal year. In Baltimore City, using defendant statistics maintained by the Criminal Assignment Office of the Supreme Bench, indictments and information rose 19.3 percent in Fiscal 1982 (4,087 in Fiscal 1982 compared to 3,427 in Fiscal 1981). Thus, while the less serious criminal and motor vehicle jury trial prayers are down significantly in the circuit courts, the more serious and often more time-consuming felony cases have increased dramatically. If this trend continues, along with the constant growth of civil litigation, the circuit courts will need some substantial relief in the not too distant future. In Fiscal 1983, statistics will be counted as they were before Fiscal 1981, meaning filings will be counted from the petition stage and caseload statistics should be even higher. Thus, by the close of Fiscal 1983, the circuit courts can reasonably expect over 150,000 filings.

Fiscal 1981 was one of the highest statistical years for the District Court. In that year, total filings reached over a million and a quarter. This year,

Fiscal 1982, total figures rose to 1,281,128 cases processed, or about 5,000 more cases than last year. The largest portion of the District Court workload in terms of case statistics was the motor vehicle category which represents 49.7 percent of the overall case volume. Civil caseload was next with about 39.7 percent, followed by criminal cases which account for only 10.6 percent of total cases.

Of the three major case categories, civil cases have climbed with the greatest consistency showing an average annual increase of about 30,000 cases yearly. Criminal and motor vehicle case categories have fluctuated over recent years but it is now apparent that the District Court can expect between 600,000 and 650,000 motor vehicle cases a year along with about 120,000 to 135,000 criminal cases.

Within the motor vehicle area, Montgomery County was the highest volume jurisdiction in the State, accounting for approximately 17.3 percent of the overall volume. Prince George's County was the next with 16.6 percent followed by Baltimore County, 15.5 percent; Baltimore City, 9.6 percent; and Anne Arundel County with 6.9 percent. However, in terms of cases tried, which place a greater demand upon judicial resources, Baltimore County ranks first and accounts for over a fourth (26.8 percent) of all motor vehicle cases contested in the State in Fiscal 1982.

Landlord and tenant cases constituted 69.1 percent of the District Court's civil caseload. This category rose in Fiscal 1982 by 15,000 cases statewide but contested civil cases climbed overall by approximately 3,000 cases. Baltimore City and Prince George's County again disposed of the greatest volume of landlord/tenant matters accounting for 60.5 percent of the Court's entire civil caseload.

In summary, the District Court has still managed to handle its large workload without any significant changes in manpower which is a fine tribute to judges and their staffs throughout the State.

### Jury Trial Prayers Pre and Post Gerstung Law (Chapter 608)

	Jury Trial Prayers Pre Chapter 608 July 1, 1980- June 30, 1981	Jury Trial Prayers Post Chapter 608 July 1, 1981- June 30, 1982	Reduction in Jury Trial Prayers	Percentage Difference
Baltimore City*	5,925	2,034	3,891	=65.7%
Anne Arundel County	503	381	122	=24.3%
Baltimore County	1,312	1,050	262	=20.0%
Montgomery County	636	489	147	=23.1%
Prince George's County	952	895	57	=6.0%
All Other Counties	2,962	1,399	1,563	=52.8%
Statewide	12,290	6,248	6,042	=49.2%

\*Based on number of defendants provided by the Criminal Assignment Office of Baltimore City's Supreme Bench.

## Judicial Administration

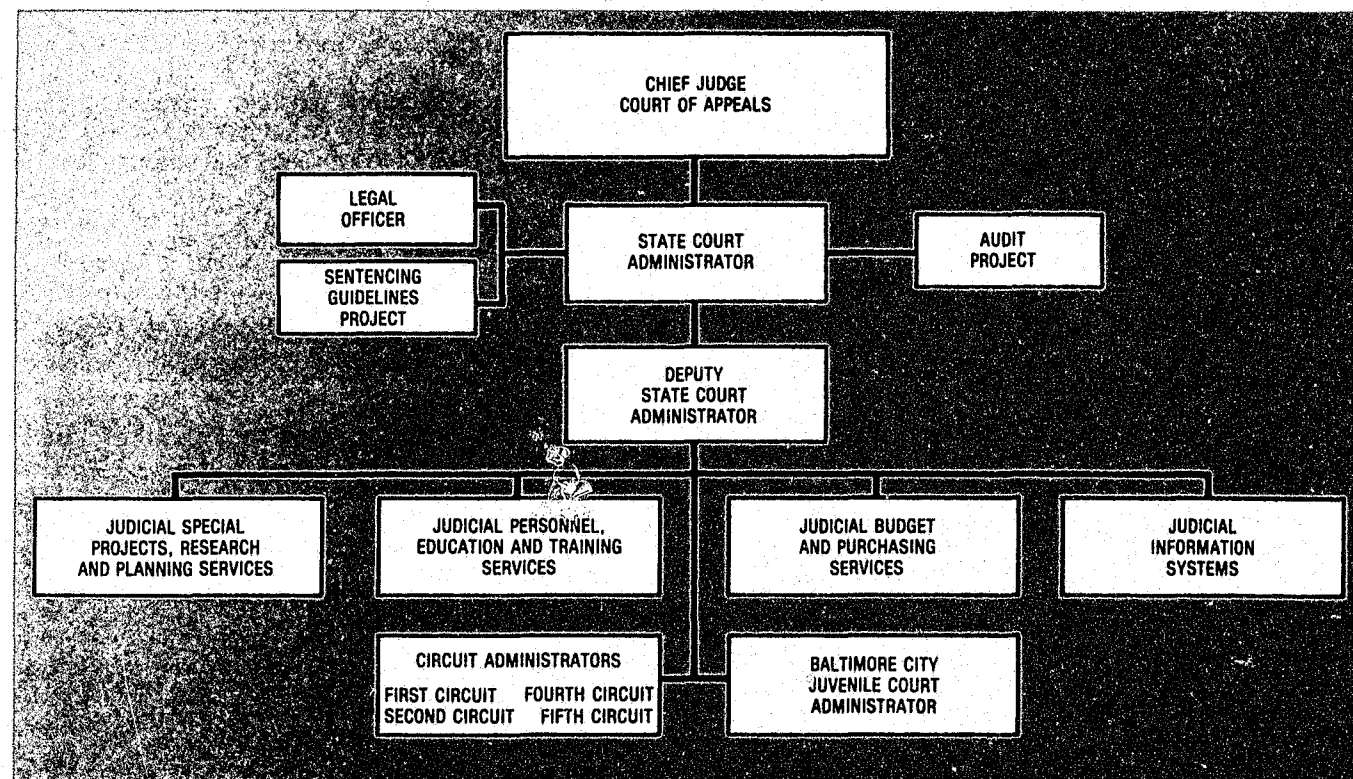
### Administrative Office of the Courts

In 1944, the people of Maryland recognized the need for providing for administrative direction of the court system when they ratified what is now Article IV, section 18(b) of the Constitution, providing that the Chief Judge of the Court of Appeals is "the administrative head of the Judicial system of the State." But it was not until 1955 that the General Assembly took the initial steps for the provision of professional administrative staff necessary to assist the Chief Judge in carrying out administrative responsibilities.

In the latter year, the General Assembly created the Administrative Office of the Courts, headed by a

State Court Administrator appointed by and serving at the pleasure of the Chief Judge of the Court of Appeals, as provided by section 13-101 of the Courts Article. The basic function of the State Court Administrator and the Administrative Office itself is to provide the Chief Judge with advice, information, facilities, and staff to assist him in the performance of his administrative duties, and to implement court administration policies established by the Chief Judge, the Court of Appeals, and the General Assembly.

These administrative tasks include planning, research, providing staff support for the education and training of judges and nonjudicial personnel, preparation and administration of the Judiciary budget, liaison with the legislative and executive



Administrative Office of the Courts

branches, staff support for the Maryland Judicial Conference and the Conference of Circuit Judges, the operation of information systems and the gathering and analysis of statistics and other management information, and assisting the Chief Judge in the deployment of judges to cope with temporary backlogs or to address shortages of judicial personnel. During Fiscal 1982, the Administrative Office has also furnished staff support to the Commission to Study the Judicial Branch of Government. Some of the details pertaining to these activities appear in this portion of the report. A review of these details demonstrates the dedicated and effective efforts of the personnel of the Administrative Office to assist the Chief Judge in the administration of an ever-growing and increasingly complex judicial system.

### Judicial Special Projects, Research, and Planning Services

The Special Projects unit is responsible for the development of capabilities and procedures designed to provide technical assistance to support the operational and research needs of the State courts and the research and analytical needs of the Administrative Office of the Courts. Its planning responsibilities are exercised at the request of the Chief Judge of the Court of Appeals and in staff support of such bodies as the Executive Committee of the Judicial Conference and the Commission to Study the Judicial Branch of Government.

Staff members conducted research assignments and program evaluations throughout the year. Examples of these efforts include analysis of judicial personnel needs, legislation (Gerstung Law—Chapter 608 of the 1981 Laws of Maryland), case-load analysis, and space management reports. The unit also prepared several publications which in varying degrees are of importance to the Judiciary. These include, among others, *The Compilation of Administrative Materials for Judges*; *The Judicial Ethics Handbook*; *The Annual Report of the Maryland Judiciary*; and the *Statistical Abstract*.

### Judicial Information Systems

During the report year, the Deloitte, Haskins and Sells study report was accepted by an Evaluation Committee chaired by Judge Marvin H. Smith and forwarded to Chief Judge Murphy with Committee commentary and recommendations. As a result of these actions an EDP Policy Committee was created to provide advice and direction in matters relating to data processing.

EDP systems supporting the Supreme Bench of

Baltimore City were transferred from the Annapolis Data Center to a modest facility located in the Courthouse West of the City, on time and within budget. The Supreme Bench added a one trial or one day jury system and completed a civil case processing system due to be implemented in July 1982.

Chief Judge Murphy, Chief Judge Sweeney, and State Court Administrator Adkins joined officials from Baltimore, Montgomery, and Prince George's Counties, as well as the Secretary of Public Safety and Correctional Services, in the Governor's Office on January 25, 1982, to execute agreements establishing an improved Criminal Justice Information System. This system combines local and state based EDP systems into a network which is designed to improve the flow of criminal justice information between and among members of the criminal justice community in the State of Maryland.

Baltimore City, Carroll, Frederick, and Washington Counties were added to the traffic adjudication system. The City's system became operational in October 1981. The counties were made part of the network but actual use of the system is delayed until certain technical support matters are resolved. These difficulties should be eliminated during the early summer of 1982.

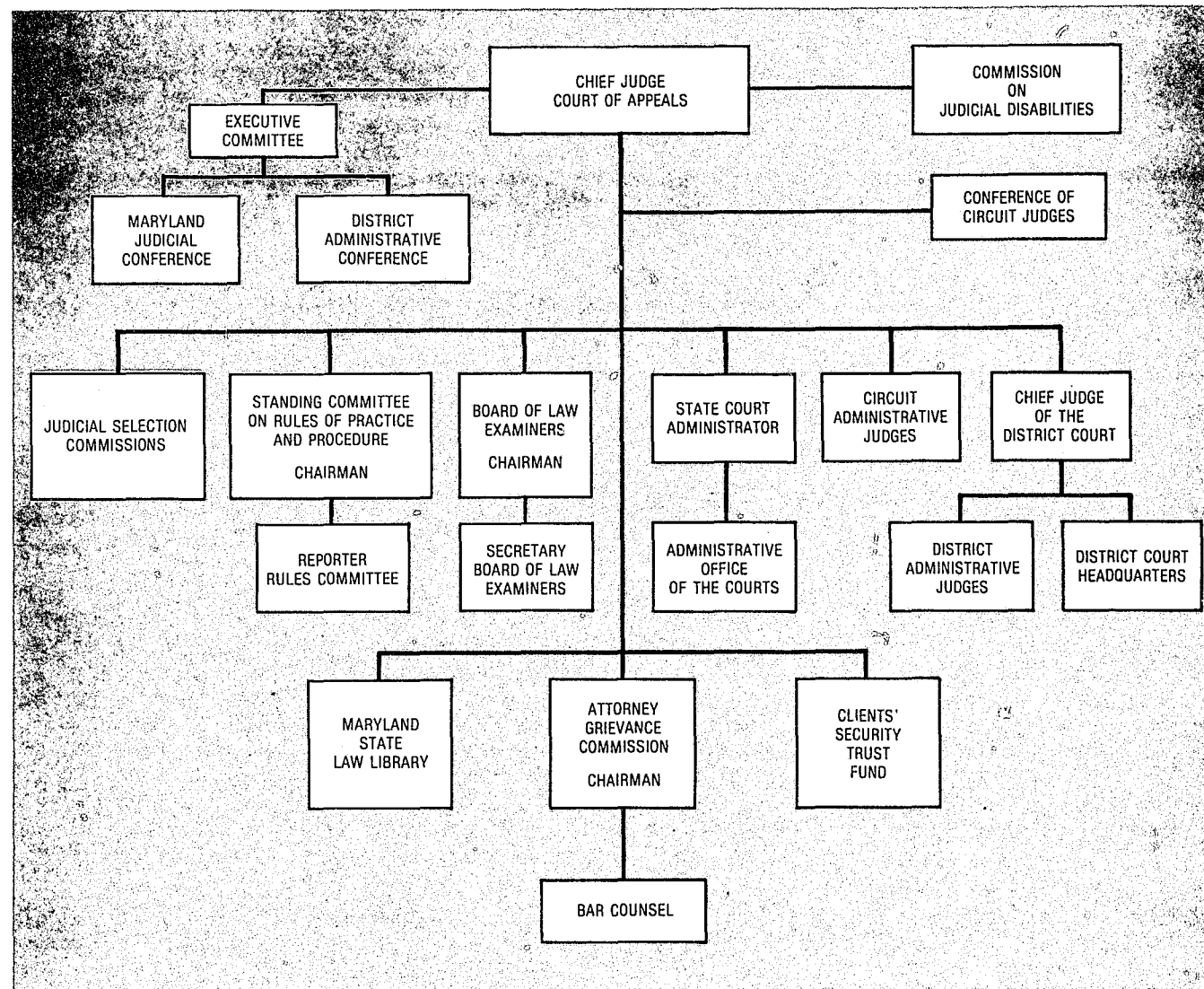
An on-line criminal case processing system was installed in the District Court for Baltimore City during March 1982. This system will be further implemented in all traffic adjudication locations except Baltimore, Montgomery, and Prince George's Counties as soon as the technical problems previously mentioned in connection with the traffic system are resolved.

### Judicial Personnel, Education, and Training Services

In Fiscal Year 1982, the unit developed and initiated an automated personnel inventory system which is capable of producing a variety of personnel and training reports. The automated system stores information on employee leave records, inventories allocated and contractual positions, and records numbers relating to equal employment opportunity.

The Judicial Institute of Maryland began its first year of operation by offering judges a variety of continuing legal educational programs. A total of seven programs cover a broad spectrum to meet the diverse educational needs of the judiciary.

Three programs were directed specifically to civil law ranging from torts, damages and jurisdiction to the more specialized areas of medically related litigation, warranties and sovereign immunity. Other programs addressed competency and responsibility; domestic and juvenile related problems;



Administrative Organization

sentencing; and judicial decision-making. Maryland judges attended the following programs: *Civil Law in the District Court*, *Civil Law and Procedure*, *Competency and Insanity*, *Decision-making*, *Family in Court*, *Sentencing*, and *Specialty Areas in Civil Litigation* in January, February, and March, 1982.

New trial judges attended an orientation seminar supplemented by a growing library of video and audio tapes, as well as written materials that address procedural and substantive law.

In 1983, the Institute will again offer a variety of programs, as well as repeat several of the 1982 selections. New programs will include the judicial process, damages, administrative law, the Marital Property Act, self-incrimination and confessions.

In addition to judicial education, a course in bus-

ness communications was developed and presented to the personnel of the Courts of Appeal, Administrative Office of the Courts, and the District Court.

Other activities included technical assistance to the Supreme Bench consolidation effort, a statewide workload and staffing project within the clerks' offices, and the publication of a Court Reporters' Manual.

### Judicial Budget and Purchasing Services

The Judicial Budget and Purchasing Services Unit is responsible for all accounting records for revenues and accounts payable. It coordinates these activities

with the General Accounting Department of the State Comptroller's Office. There has been an increase in the volume of accounts payable due to a greater number of projects in the Judicial Information Systems program. The working fund account and fiscal grant activities are also the responsibility of this Unit. All activities connected with payroll matters, such as adding new employees to the payroll, removing terminated employees, and adjusting overtime and leave without pay are the direct charge of this Unit.

The Unit is also responsible for preparing and monitoring the annual Judiciary budget, excluding the District Court of Maryland, and coordinating all associated activities with the Department of Budget and Fiscal Planning of the executive branch of government.

Other activities include maintaining records so that the legislative auditor can perform timely audits on the fiscal activities of the Judiciary. Members of the Unit also purchase general supplies and equipment. They have the responsibility for maintaining an inventory control of all furniture and equipment which is used by the Judiciary. Duties include maintaining lease agreements for all leased property, monitoring the safety and maintenance records of the Judiciary automobile fleet, and performing tasks assigned by the State Court Administrator.

### Legal Officer

The Legal Officer's primary responsibility is the publication of *Amicus Curiarum*. Opinions of the Court of Appeals, Court of Special Appeals, and the Supreme Court of the United States are summarized and reported monthly, often in advance of the *Maryland Advance Reports* and text print of the cases in the *Daily Record*. Circuit court opinions and opinions of courts in other jurisdictions, when these are of special interest to the Maryland Judiciary, are included as well as Judicial Ethics Opinions, relevant changes in the Maryland Rules, judicial nominations and appointments, attorney disbarments and suspensions plus other items of interest to the Judiciary. This year there has been increased interest in the use of *Amicus Curiarum* by the Maryland Bar, State's Attorneys, and Public Defenders who view it as a helpful legal tool.

In addition, bill drafting and fiscal note preparation, research, contract review, committee work and the annual revision of the *Maryland Trial Judges' Benchbook* are handled by the Legal Officer. The Officer responds to requests from other jurisdictions, national and local organizations, State agencies, inmates and the general public concerning Maryland court administration, procedure, and law.

Over 750 Senate and House proposals affecting everything from administration to zoning were reported by the Legal Officer in the Weekly Legislative Report series. Committee and floor activity, bill status, projections and analysis of those bills were reported by the State Court Administrator. Over 150 of these bills were enacted and included in the Annual Report of the Legislative Committee of the Judicial Conference.

The annual revision of the *Maryland Trial Judges' Benchbook*, included substantial revisions to the Equity and Criminal Law Sections. A copyright release was authorized so that the Maryland Institute for Continuing Professional Education of Lawyers (MICPEL) can make copies of the revised *Benchbook* available to the bar and other legal professionals. Because of its utilitarian value to the bench and bar, more expedient methods of revising and improving the *Benchbook* to include new changes in the law, practice and procedure will be offered for the consideration of the 1983 Benchbook Committee.

### Statistical Auditing Project

Monitoring the accuracy, timeliness, and consistency of court statistics prepared by the Judicial Information Systems Unit is the responsibility of the separate Statistical Auditing Unit. Through field auditing of the circuit courts, sample case data in the computer record is compared with the actual court records for those cases. Auditors review discrepancies with clerks of court and clarify reporting requirements. Reports describe audit findings and recommend improvements. Information gained in audit activities is contributing to more informed legislative analysis, judge needs assessment, and information systems design.

During the past year, the Auditing Unit completed two special studies. "Choices in Charging" evaluated compliance of State's Attorneys, with an initiative of their Association, to adopt a uniform definition of a criminal case. Their recommendation grew out of a 1978 report of the Auditing Unit, "Apples and Oranges." Six State's Attorneys' offices reported changing their practices, while only two remained inconsistent. Most State's Attorneys now establish one criminal case for a single defendant involved in a single incident. A second study, "Garbled in Transmission," identified why figures for appeals and jury trial prayers from the District Court differ between the District Court and circuit court. The District Court has now established a procedure to adjust its figures to the filing procedures of the recipient court level.

Members of the Unit also audited statistics and

criminal histories generated by the reporting and processing system that has been in effect for the last two years in the circuit courts.

### Sentencing Guidelines Project

May 31, 1982, marked the completion of the first year's use of sentencing guidelines by the circuit court judges in Baltimore City and Harford, Montgomery, and Prince George's Counties. The guidelines are intended to aid judges and to provide the opportunity for more equitable sentencing than has been possible in the past, enunciating judicial sentencing policy through suggested sentencing ranges for particular kinds of offenders who have committed certain types of offenses.

Under guidelines, individual judicial discretion is maintained, but judges are asked to give their reasons when sentencing outside the guidelines. These reasons and all the other sentencing data submitted by the judges are regularly analyzed to provide the judiciary and legislature with a reliable basis for needed policy changes. The first major modification of the guidelines in June 1982 took into account, as will future modifications, new legislation and the experience of judges, prosecutors, and defense counsel.

After developing and implementing guidelines under a grant from the National Institute of Justice, the project received state funding for Fiscal 1983 for an additional year of testing in the four original jurisdictions. At the end of the year the legislature and judiciary will decide as to extending the guidelines to the other circuit courts on a permanent basis. Also to be considered will be whether the District Court would benefit from the use of guidelines.

### Liaison with the Legislative and Executive Branches

The budget is one example of an important area of liaison with both the executive and legislative branches, since Judiciary budget requests pass through both and must be given final approval by the latter. In a number of other areas, including the support of or opposition to legislation, the appointment of judges, and criminal justice and other planning, close contact with one or both of the other branches of government is required. On occasion, liaison with local government is also needed. On a day-to-day working level, this liaison is generally supplied by the State Court Administrator and other members of the Administrative Office staff as well as staff members of District Court Headquarters. With respect to more fundamental policy issues, including presenta-



Circuit Courthouse, Kent County; Chestertown.

tion of the State of the Judiciary Message to the General Assembly, the Chief Judge takes an active part. The Chairman of the Conference of Circuit Judges and the Chief Judge of the District Court also participate in liaison activities as appropriate.

### Administrative Conference

To address the need for consultation regarding administrative decisions and the need for a mechanism to assure that such matters are kept under consideration until finally resolved, the Chief Judge of the Court of Appeals organized the Administrative Conference in 1977. The Conference consists of the Chief Judge of the Court of Appeals, the Chairman of the Conference of Circuit Judges, the Chief Judge of the District Court, and the State Court Administrator. Thus, the Conference includes judicial representation from the several court levels, as well as a nonjudge administrator.

The Conference meets approximately monthly. An agenda for each meeting is distributed in advance and a memorandum of the Conference actions follows each meeting. A docket is maintained listing each matter considered by the Conference and each matter is kept on the docket until the Conference has disposed of it.

This procedure offers a method whereby Judiciary leaders can be kept informed as to systemwide developments and by which the Chief Judge of the Court of Appeals can consult with others as he formulates administrative policy. The procedure has proved to be of substantial benefit for the purpose of administrative decision making.

### Circuit Court Administration

Improvements in juror selection and management, and other court support services continued in Fiscal 1982 in the circuit courts. In Dorchester and Wicomico Counties, call-in telephone systems have been installed for petit jurors to eliminate the former process of telephone calls to each juror to notify them whether or not they were to report for duty. With the addition of the call-in system in these two counties, the entire First Judicial Circuit is utilizing the system. In Dorchester County, the practice of using two petit juror panels per term instead of one has been instituted. The panels alternate every other month. The process does not reduce the length of a term but it does reduce the time the petit juror actually has to serve.

In the last Annual Report, it was reported that the Supreme Bench of Baltimore City had taken steps to initiate a one trial or one day jury system. In Fiscal 1982, the system was implemented as planned. Overriding concern for jurors time is emphasized through the use of a call-in system which permits any last minute changes in the juror quota for a particular day. In addition, for fiscal convenience and savings, all jurors are now paid in cash on the actual day of service. The Supreme Bench anticipates that the call-in and cash payment system will result in annual savings of approximately \$200,000 over the previous "always report" and "check payment" systems.

Efforts to improve the assignment and scheduling of cases in the circuit courts continued. In Worcester County, responsibility for the assignment of criminal cases, in cooperation with the State's Attorney's Office has been removed from that office and transferred to the Clerk's Office. It is anticipated that this change will relieve the State's Attorney's Office of many administrative burdens that had been placed on it and will improve the general flow of criminal cases through the court. Allegany and Washington Counties have added full-time staff as assignment clerks. In Allegany County, the personnel are in the Clerk's Office and in Washington County, they are county personnel. Full-time staff will permit the adoption of more sophisticated techniques in the assignment of civil trial dates.

In Fiscal 1982, Prince George's County completed plans for and will implement in Fiscal 1983 a closed circuit television operation between the Circuit Court Courthouse and the County's Detention Center. This "first" in Maryland will permit the court to conduct proceedings pertaining to initial appearance and appointment of counsel for a defendant under procedures required by the Maryland Rules without having to transport the defendants. The system undoubtedly will save time and money and result in more efficient use of manpower.

The Supreme Bench of Baltimore City continued to move toward full consolidation into one circuit court that will come into existence on January 1, 1983. The Court Consolidation Committee continued with the study and development of an automated civil case assignment and scheduling system. In Fiscal 1982, the Supreme Bench installed its own computer facility with funds provided by the Administrative Office of the Courts through legislative authorization. Criminal and juvenile case assignment and scheduling systems are already in an automated mode in this court. Scheduled for implementation on June 30, 1982, the automated civil system will centralize at least five separate present manual systems with technical staff support provided by the Administrative Office of the Courts. Areas to be automated include centralized indexing, case numbering, docketing, case scheduling, financial accounting and a number of management reports.

In addition, and in anticipation of consolidation, the Supreme Bench has already relocated numerous offices including judges' chambers, a State's Attorney's unit, and other court support offices and divisions. Although more moves are anticipated in the coming Fiscal Year, these preconsolidation moves involving 130 people were important so that full consolidation could proceed expeditiously.

The Administrative Office of the Courts continued to provide technical assistance to the Court Consolidation Committee by developing a proposed organizational structure, a suggested classification and compensation plan and a staffing assessment report for the new consolidated circuit court system in Baltimore City.

In Fiscal 1982 and Fiscal 1983, the Administrative Office of the Courts also was requested by the legislature to extend its examination of the staffing needs in the Supreme Bench's Clerks' Offices to all clerks' offices of the circuit courts. Alarmed by rising deficits in the costs to operate these offices throughout the state, the legislature requested the study. When completed, the findings will be used to support requests for personnel by these offices in connection with budget submissions that are required by legislation passed by the 1982 General Assembly.

In another area, the Supreme Bench developed and implemented procedures to improve service in child support cases. The Domestic Relations Division of the Supreme Bench handled over 11,000 new or reopened cases in Fiscal 1982 of which 5,300 support agreements were executed. In conjunction with state and local agencies involved with child support enforcement, these efforts are further designed to increase child support collections.

Another program instituted almost two years ago at the Supreme Bench is its community service program that provides a sentencing alternative for offenders convicted of minor and nonviolent crimes.

It is administered by the Pre-Trial Release Services Division of the Supreme Bench. In its 20 plus months of operation, the program has accepted and referred over 1,600 individuals to 169 agencies. In addition to serving as a positive alternative to jail overcrowding, the program produces savings in personnel costs and affords individuals opportunities to learn certain skills. They are involved in such projects as courthouse maintenance, caring for the elderly in city sheltered homes, working in the city public schools in various capacities, and maintenance of city parks. Beyond these particular benefits, some individual work assignments have resulted in direct employment by city or other affiliated agencies.

### Circuit Court Facilities and Renovation Projects

During the past fiscal year, a number of circuit courts have engaged in space programs which call for the completion of new facilities or the renovation of existing areas. In the Third Circuit, Baltimore County began efforts which will allow for the occupation of new space on the fifth floor of the County Courts Building. By December 1982 or January 1983, it is expected that space renovations will be completed for two new courtrooms, jury consultation rooms, judges' chambers, sequestration rooms, holding cells, and a large jury assembly room, in addition to other office space for the Court's Support and Custody Division, the Office of the Court Psychiatrist, and the State's Attorney. While undergoing these renovations, the Circuit Court for Baltimore County is also planning a historically significant project in restoring Courtroom 5 of the old Baltimore County Courthouse. It has been reported that the first court session was held in this courtroom on January 5, 1857. Extensive refurbishing will be done to the judge's bench, witness stand, jury box, railings, and the spectator's section much the way it existed 125 years ago. This project has received extensive support, particularly from the Maryland Historical Trust, the county government, and local citizen interest groups. Also within the Third Circuit, Harford County is nearing completion of a new facility directly behind the old courthouse, which will include for the first time in a number of years, sufficient space in one centralized area for all three circuit courtrooms as well as judicial chambers and staff offices. More information about Harford County's new facility will be presented in next year's *Annual Report of the Maryland Judiciary*.

In the Fourth Circuit, two renovation efforts were completed in Fiscal 1982. Allegany County fin-

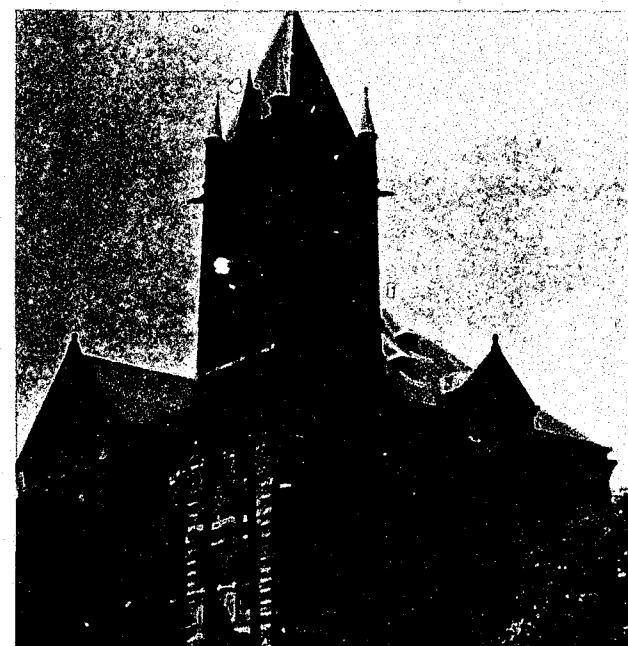
ished remodeling its ceremonial courtroom, which included, among other things, the installation of a more efficient heating and cooling system. At the same time, the Bar Library and public access ways were also enhanced. With the authorization of a new judgeship in Washington County, it was necessary to convert existing space into a third courtroom, judicial chambers, and staff offices. Washington County also completed extensive refurbishing of its ceremonial courtroom.

The Fifth Judicial Circuit embarked upon two remodeling and space programs which will continue into Fiscal 1983. In Anne Arundel County, with assistance from the Arts Commission, a beautification program was undertaken to paint and restore various public corridors and access ways. This will include the addition of a small art gallery on the second floor of the courthouse as well as the painting of the county crest. In Howard County, a much larger undertaking is being planned with the construction of a new \$10 million courthouse. This includes much needed space for four circuit court judges, the clerk of the court, sheriff, State's attorney, and other court support units.

In the Sixth Judicial Circuit, two of the largest courthouse construction programs came to fruition. By combining State and local resources, Frederick County completed the construction of the new Frederick County Courthouse and Multi-Service Center, perhaps the first ever in the State of Maryland designed expressly for the purpose of housing courts and support groups who are funded by both the State and local units of government. This new three-level facility includes three courtrooms and office space for both the circuit and District Courts. There is also space for the Circuit and District Court Clerks' Offices, Parole and Probation, the State's Attorney's Office, the Register of Wills, Juvenile Services, the Sheriff's Department, the Frederick City Police Department, and other State agencies. Occupancy of this new building began in July of 1982 and it is expected that official dedication ceremonies will take place during the fall of this year.

In Montgomery County, a new Judicial Center opened its doors in October of 1981 and provides ample space for courthouse expansion in the future. Within a nine-floor complex, space has been provided for 15 courtrooms, of which 12 are presently in use, circuit and appellate court judges' chambers, and a multitude of space for court and support-related units, including such futuristic areas as audio/video taping rooms.

During Fiscal 1982, Prince George's County completed its second phase of renovation which provides four additional jury courtrooms, judicial chambers, a new law library, a lawyers' lounge, a new grand jury room, and an enlarged petit jury holding room. Renovations during this phase also included



Circuit Courthouse, Alleghany County: Cumberland.

space for the fourteenth judgeship authorized for Prince George's County in July of 1982. St. Mary's County completed the remodeling of the judges' chambers in conjunction with expanded renovated space in the clerk's office.

Finally, in anticipation of court consolidation in Baltimore City which will take place in January of 1983, numerous offices have been relocated. Some of those affected include judges, State's attorney's units, security, assignment, data processing, administration, and jury personnel. Within the upcoming fiscal year, more relocations may take place when consolidation becomes a reality.

### District Court Administration

The District Court of Maryland continues to process a heavy caseload and the judges have managed an increasing number of motor vehicle, criminal and civil cases since the Court's creation in 1971. Although caseload numbers continue to be important, the topic of court facilities is of special interest and deserves attention.

In quick succession during the one-year period from July 1, 1982, to July 1, 1983, nine newly constructed buildings will be dedicated for District Court use in various parts of Maryland. Eight of these buildings have been constructed by the State for the use of the Court and other State-supported agencies, and the ninth building was a joint construction project of the State and Frederick County.

These courthouses, many years in the planning, will redress one of the most pressing problems that has faced the District Court. Of all the many difficulties that confronted the District Court when it came into existence on July 5, 1971, none was more severe than the inadequacy of the physical facilities that the Court was required to use in almost every part of the State. The 60-day lead time from May 5, 1971, when the Chief Judge and a minimal staff took office, and the constitutionally mandated court opening date, July 5, 1971, did not permit any serious effort to improve upon the facilities used by predecessor courts, and during that brief time span it was only possible to select the best of the existing facilities in every county and Baltimore City and make use of them. The "best" were not good. They included the basement of a fire hall, a meeting room over a fire hall, cramped quarters in police departments, and an abandoned lodge hall.

In the judgment of the Chief Judge of the Court and the Department of General Services, in the entire State only the quarters in the Circuit Courthouse in Prince Frederick, Calvert County; in the Circuit Courthouse in Chestertown, Kent County; the County Office Building in Cambridge, Dorchester County; and the former People's Court Building in Baltimore City met minimum standards for use by the new court on a permanent basis.

To complicate space problems further the time available before the Court was scheduled to come into existence on July 5, 1971, did not permit negotiation of leases on any of the properties selected for use by the District Court. In June 1971, the Department of General Services sent to the owners of the buildings selected for use a letter asking that the new court be permitted to occupy the courtrooms and office space until new leases could be signed, and without exception the owners, who were for the most part the counties and municipalities of Maryland, were extremely cooperative in this matter.

Within months after the Court came into being an extensive effort was begun to find improved facilities throughout the State. In many Maryland counties this was a double pronged effort—first, to find larger and more suitable temporary facilities and, second, to begin planning for the construction of permanent quarters specifically designed for court use. Within two years significant progress was made in removing the Court from the worst of its facilities into better, if not completely adequate, leased premises, and by July 5, 1976, the Court's fifth anniversary,

sary, half of the original facilities had been abandoned and replaced by improved quarters.

Charles, Talbot, and St. Mary's Counties have made extensive renovations to the Circuit Court-houses to provide a permanent home for the District Court. The counties are achieving reimbursement through rentals paid by the State. A similar plan is nearing completion in Salisbury, where the Court will lease space for the next seven years in a county-city owned annex to the courthouse. In two other Maryland counties, Carroll and Frederick, the State and the counties entered into joint construction programs, whereby new buildings were erected to house both the circuit and District Court. The Carroll County Courthouse Annex opened in the summer of 1980, and the new Frederick County Courthouse is scheduled to be completed in the summer of 1982.

Yet another approach to providing adequate housing for the Court was selected in Montgomery County, where the State will lease the former circuit court building in Rockville for the use of the District Court and certain court related agencies. Occupancy of the structure should occur in early 1983 following renovations.

In most of Maryland, however, the expedients described here were not available, and so far for the past five years the State has been engaged in an extensive effort to select sites and construct buildings primarily for the use of the District Court and State-supported agencies in the counties of Maryland. Eight new District Court buildings, constructed by the State, will open in various parts of Maryland, providing desirable and attractive quarters for the Court well into the next century. Six of these buildings will be occupied in 1982, including two in Baltimore County (Essex-Rosedale and Catonsville); with the others in Centreville, Queen Anne's County; Denton, Caroline County; Ellicott City, Howard County; and Glen Burnie, Anne Arundel County. Scheduled for completion in early 1983 are new District Court buildings in Elkton, Cecil County and Bel Air, Harford County.

The 1982 General Assembly, in adopting the capital budget, provided full funding for two other badly needed District Court buildings. One of these will be located in Upper Marlboro, Prince George's County and will be a multi-courtroom complex and administrative office for the District court in Maryland's largest county. It is anticipated that this structure will be completed in 1985. The other new building for which funding was provided is in Baltimore City on Wabash Avenue near Northern Parkway. This building will consist of six courtrooms, and will house the administrative staff of the Court in Baltimore City, and could be completed as early as the winter of 1984. It is anticipated that two smaller buildings will be constructed in Baltimore City in 1985 and all District Court operations in Baltimore City and all District Court operations in Maryland's

largest city will then be conducted in these three facilities and the former People's Court Building, allowing the court to remove itself from the eight police precinct buildings which now house its criminal courts.

The General Assembly has funded every request for District Court facilities presented to it, and the Departments of General Services and State Planning have given all possible priority to the Court's needs. A succession of governors and a host of counties have all played a part in construction programs.

It was a goal of the administration of the District Court at the Court's inception to ultimately provide in every part of Maryland, modern, spacious and attractive court facilities for those citizens who had occasion to use them. That goal has now been substantially achieved in almost every part of the State.

### Assignment of Judges

By virtue of Article IV, Section 18(b) of the Maryland Constitution, the Chief Judge of the Court of Appeals is vested with the authority to make temporary assignment of active judges to any appellate or trial court. Additionally, pursuant to Article IV, § 3A, and §1-302 of the Courts Article, the Chief Judge, with approval of a majority of the judges of the Court of Appeals can recall former judges to sit in courts throughout the State.

Maximum use of active and retired judges to fill essential, temporary judicial assignments continued in Fiscal 1982. While § 1-302 sets forth conditions limiting the extent to which a former judge can be recalled, this reservoir of available judicial manpower has been exceedingly helpful since 1977 when legislation establishing this authority was enacted. Utilization of former judges has enhanced the courts' ability to cope with existing caseloads without having to call upon active, full-time judges with the consequent disruption of schedules and delay in the disposition of cases.

In Fiscal 1982, the Chief Judge executed this authority at the circuit level eight times by assigning eight active circuit court judges for temporary judicial assistance to circuit courts other than their own for a total of 38 days. These outside circuit assignments are made pursuant to a predetermined schedule covering a full calendar year and provide a circuit administrative judge with advance notice of the periods for which a particular circuit may be called upon to provide assistance to other circuits. In addition, efforts to effectively use available manpower in the circuit courts were made by circuit administrative judges pursuant to their authority under the Maryland Rules to move judges within their circuits without formal approval by the Chief Judge. Voluntary exchanges of judges likewise occurred.

Temporary Judicial Assistance to the Circuit Courts by Active and Retired Circuit Court and Appellate Court Judges  
July 1, 1981-June 30, 1982  
Fiscal 1982

Circuits Assisted	No. of Designations		Judge Days	
	Active Judges	Former Judges	Active	Former
First	0	0	0	0
Second	0	1	0	2
Third	0	4	0	53
Fourth	0	0	0	0
Fifth	1	2	5	20
Sixth	0	1	0	16
Seventh	0	0	0	0
Eighth	7	10	33	79
Total	8	18	38	170

Further assistance to the circuit courts was provided by appellate judges who sat where their services were required. In the past, these assignments took place during the summer months but now assistance by appellate judges to the circuit courts is provided all year. Judges of the District Court also provided temporary assistance to the circuit courts. Assignments of District Court judges were made in Fiscal 1982 that provided 468 judge days of assistance. Of particular note is the assistance that was provided—and has been regularly since 1973—by District Court judges to the Supreme Bench of Baltimore City. In Fiscal 1982 this amounted to 193 judge days and, for the past five years alone, amounts to over 1,000 judge days. Invaluable assistance has been rendered by specially assigned District Court judges in the disposition of pretrial motions pending in the circuit courts.

Supplementing the complement of active circuit court judges is the pool of former circuit judges eligible to be recalled on a temporary basis. The Chief Judge of the Court of Appeals, with the approval of the Court, executed 18 designations assigning 7 retired circuit court judges and one appellate judge to serve in the circuit courts for 170 judge days at an approximate cost of \$32,000. Of the total, 79 judge days of assistance were provided to the Supreme Bench and 53 to Baltimore County. Between July 1, 1977 and June 30, 1982 former circuit court judges worked 700 judge days—the equivalent of approximately three judge years of assistance.

At the District Court level the Chief Judge of the District Court, pursuant to the constitutional authority vested in him, made assignments internal to that

Temporary Judicial Assistance by Active and Retired District Court Judges  
July 1, 1981-June 30, 1982  
Fiscal 1982

Assistance	No. of Designations		Judge Days	
	Active	Retired Judges	Active	Retired
Intra Court Circuit Court* (excl. Supreme Bench)	352	19	485	37
Supreme Bench	30	0	275	0
Court of Special Appeals	8	0	193	0
Total	2	0	2	0
Total	392	19	955	37

\*Includes judges assigned under a "blanket" designation process for one year at a time.

court to address extended illnesses, unfilled vacancies and backlog. In Fiscal 1982, 352 assignments were made within that court that totaled 435 judge days. In addition, the Chief Judge of the Court of Appeals, with the approval of that Court, made 19 assignments of former District Court judges to that court totaling 37 judge days for an approximate cost of \$7,500.

At the appellate level maximum use of available judicial manpower from all court levels has been of particular emphasis in Fiscal 1982. The dramatic rise in new appeals in the Court of Special Appeals for the past several fiscal years has been addressed by a number of administrative steps taken by that court such as limiting oral argument, using a central professional staff, and implementing a presettlement conference project. In addition, the Chief Judge of the Court of Appeals exercised his authority by designating appellate judges to sit in both appellate courts to hear specific cases and with the approval of a majority of the Court of Appeals, four former appellate judges were recalled. Two former Court of Appeals judges sat in the Court of Appeals on specific matters. Two former appellate judges were recalled to assist the Court of Special Appeals in its prehearing conference project in civil cases. In summary, former appellate judges assisted both appellate courts for a total of 116 judge days compared to 28 days in Fiscal 1981. Even with this assistance, it was necessary for the Chief Judge to assign 24 active circuit court and two active District Court judges to the Court of Special Appeals for a total of 32 judge days to assist that court in coping with extended vacancies, caseload and absences due to illness.



## Court Related Units

### Board of Law Examiners

Originally in Maryland the various courts were authorized to examine persons seeking to be admitted to the practice of law. The examination of attorneys remained as a function of the courts until 1898 when the State Board of Law Examiners was created (Chapter 139, Laws of 1898). The Board is presently composed of seven lawyers appointed by the Court of Appeals.

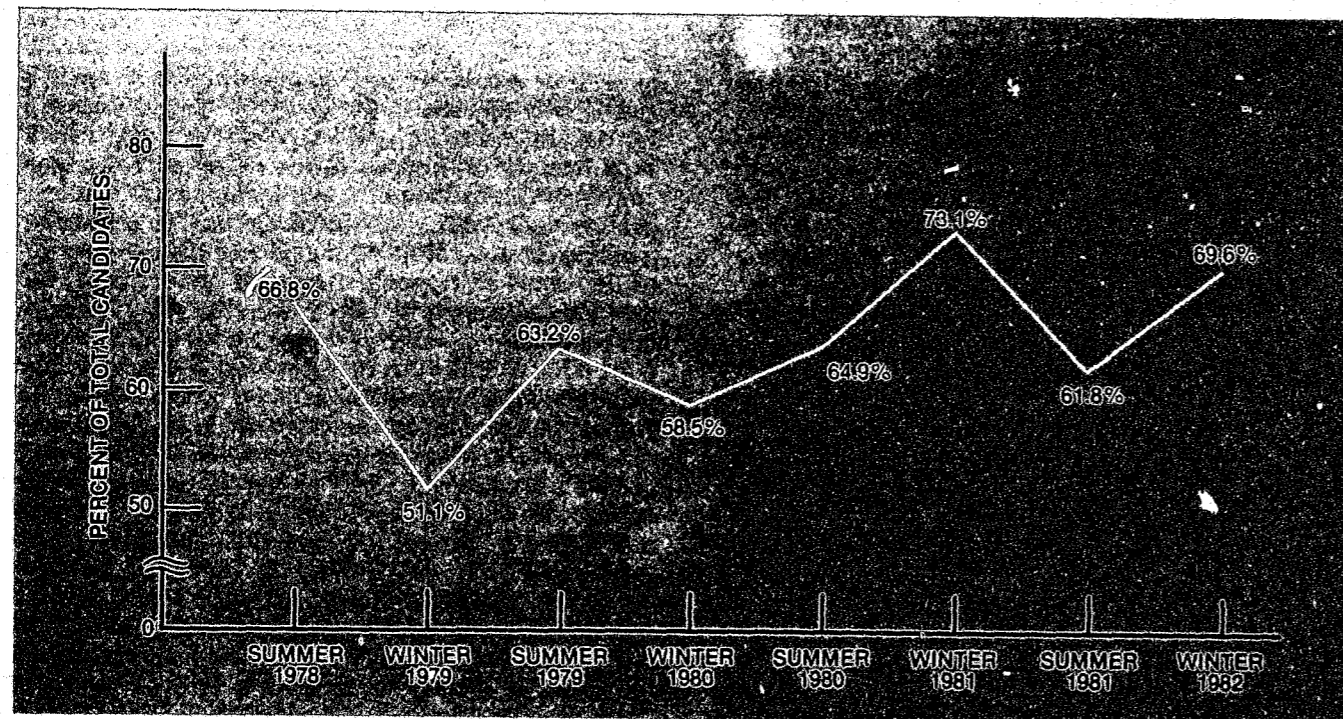
The Board and its administrative staff administer bar examinations twice annually during the last weeks of February and July. Each is a two-day examination of not more than twelve hours nor less than nine hours' writing time.

Commencing with the summer 1972 examination, pursuant to rules adopted by the Court of Appeals, the Board adopted, and has used as part of the overall examination, the Multistate Bar Examination. This is the nationally recognized law examination

consisting of multiple-choice type questions and answers, prepared and graded under the direction of the National Conference of Bar Examiners. The MBE test now occupies the second day of the examination with the first day devoted to the traditional essay examination, prepared and graded by the Board.

The MBE test has been adopted and is now used in forty-eight jurisdictions. It is a six-hour test which had originally covered five subjects: contracts, criminal law, evidence, real property, and torts. Another subject, constitutional law, was added commencing with the February 1976 examination, with the time remaining the same.

Pursuant to the Rules Governing Admission to the Bar, the subjects covered by the Board's test (essay examination) shall be within, but need not include, all of the following subject areas: agency, business associations, commercial transactions, constitutional law, contracts, criminal law and procedure, evidence, Maryland civil procedure, property, and



Ratio (percent) of successful candidates to total candidates taking the bar examination.

torts. Single questions may encompass more than one subject area and subjects are not specifically labeled on the examination paper.

The results of the examinations given during Fiscal 1982 are as follows: A total of 741 candidates sat for the July 1981 examination with 458 (61.8 percent) obtaining a passing grade while 513 sat for the February 1982 examination with 357 (69.6 percent) being successful. Passing percentages for the two previous fiscal years are as follows: July 1979, 63.2 percent and February 1980, 58.5 percent; July 1980, 64.9 percent and February 1981, 73.1 percent.

In addition to administering two regular bar examinations per year, the Board also processes applications for admission filed under Rule 14 which governs out-of-State attorney applicants who must take and pass an attorney examination. That examination is an essay type test limited in scope and subject matter to the rules in Maryland which govern practice and procedure in civil and criminal cases and also the Code of Professional Responsibility. The test is of three hours' duration and is administered on the first day of the regularly scheduled bar examination.

At the attorney examination administered in July 1981, 47 applicants took the examination for the first time along with four who had been unsuccessful on a prior examination for a total of 51 applicants. Out of this number 42 passed. This represents a passing rate of 82.3 percent.

In February 1982, 59 new applicants took the examination for the first time along with nine applicants who had been unsuccessful on a prior examination for a total of 68 applicants. Out of this number 54 passed. This represents a passing rate of 79.4 percent.

By Order of the Court of Appeals of Maryland dated January 22, 1982, the requirement that all applicants be domiciliaries of the State of Maryland by time of admission to the bar was abolished.

### Rules Committee

The Standing Committee on Rules of Practice and Procedure, usually called the Rules Committee, was originally appointed in 1946 by the Court of Appeals to succeed an ad hoc Committee on Rules of Practice and Procedure created in 1940. Its membership consists of "... lawyers, judges, and other persons competent in judicial practice, procedure or administration." (Courts Article, Section 13-301). The Rules Committee meets regularly to recommend changes in or additions to the rules of the Court of Appeals governing the practice and procedure of law and judicial administration. Its members serve without compensation.

The major activity of the Rules Committee continues to be the reorganization of the Maryland Rules of Procedure. In the past year, the Committee tentatively approved the trial rules and a majority of the judgment rules. The criminal subcommittee is currently in the process of preparing a reorganized set of criminal rules for the Committee's consideration in the fall.

In its 75th and 76th Reports the Committee submitted to the Court some rule changes and additions considered on an emergency basis without awaiting completion of the reorganization project. Pursuant to the 75th Report Rule 722 was amended to clarify that only pretrial bail bonds must be in the form appearing in the Appendix of Forms and to permit a surety to deliver a copy of the bond and any refund either to the court in which the charges are pending or to a commissioner in the county in which the charges are pending. Rule 731 c was amended to clarify that the court or the State's Attorney or the attorney for the defendant may conduct the examination of the defendant requisite for acceptance of a plea of guilty. New Rule 735 (Waiver of Jury Trial) was substituted for Rule 735 (Election of Court or Jury Trial). Rule 758 was amended so that the charging documents taken into the jury room will be limited only upon request of the defendant or upon the court's own motion. Rule 914 was amended to permit, under certain circumstances, extension of the time within which an adjudicatory hearing in a juvenile cause must be held. Disciplinary Rules 2-101 through 2-104 were amended to permit lawyers to request referrals from a lawyer referral service operated in compliance with the conditions of DR 2-103 (D) and to ensure that lawyers are personally responsible for actions of the lawyer referral service which violate the requirements of DR 2-101 through 2-104. The definition section of the Code of Professional Responsibility was amended to include a definition of lawyer referral service.

Pursuant to the 76th Report, Rule 543 b was amended to permit more than two alternate jurors to be empaneled. M.D.R. 5 v and M.D.R. 568 e were amended to conform to statutory changes regarding small claim actions. M.D.R. 417 a 3 was amended to enlarge the time for a plaintiff to serve interrogatories. New Rule 18 of the Rules Governing Admission to the Bar of Maryland was substituted for existing Rule 18 which was deleted in its entirety.

On March 22, 1982 Judge David Ross resigned as Chairman of the Rules Committee. Judge Ross served as a chairman since April 15, 1978 and was a member of the Rules Committee since July 1, 1975. The new Chairman of the Rules Committee is the Honorable J. Dudley Digges, who recently retired from the Court of Appeals. Judge Digges previously served as a member of the Rules Committee from 1963 through 1969.



Circuit Courthouse, Queen Anne's County, Centreville.

### State Law Library

The objective of the Maryland State Law Library is to provide an optimum level of support for all the legal and general reference research activities carried on by the Court of Appeals, Court of Special Appeals, and other court-related units within the Judiciary. A full range of information services is also extended to every branch of State government and to citizens throughout Maryland.

Originally established by an act of the legislature in 1827, the Library is now governed by a Library Committee whose powers include appointment of the director of the Library as well as general rule-making authority.

With a collection in excess of 160,000 volumes, this specialized facility offers researchers access to three distinct and comprehensive libraries of law, general reference/government documents, Maryland history and genealogy. Of special note are the Library's holdings of State and Federal government publications which adds tremendous latitude to the scope of research materials found in most law libraries. An additional research tool available to court and other State legal personnel is Mead Data's computer-assisted legal research service, Lexis.

Over the past year the Library has made substantial improvements to its collections, especially the completion of the holdings of all the out-of-state codes and official court reports. A three-year project at the point of conclusion is the classification and recataloging of the entire 15,000 volume legal treatise collection.

When completed in the fall of 1982, all of the legal texts will have Library of Congress classification numbers which basically arranges the collec-

tion by subject. The Library will also be using, for the first time, the automated cataloging library services of OCLC, Inc., and as a result will substantially improve the timeliness and cost effectiveness of this vital library operation.

Other programs undertaken during the year include direct technical assistance given to six circuit court libraries for the development of library services and the continuation of a microfiching program initiated in Fiscal 1982. This filming project of the record extracts and briefs from the Court of Appeals and Court of Special Appeals commenced with the 1980 September terms of Court. The Library supplies a total of 13 current subscriptions to these legal documents.

As a part of its public relations and information dissemination effort, the Library continued the publication of the bimonthly *Recent Acquisitions of the Maryland State Law Library* and also published a new and expanded *Guide to the Resources and Services of the Maryland State Law Library*.

Located on the first floor of the Courts of Appeal Building, the Library is open to the public Monday through Friday, 8:30 a.m.-4:30 p.m.; Thursday, 8:30 a.m.-9:00 p.m.; and Saturday, 9:00 a.m.-4:00 p.m.

### SUMMARY OF LIBRARY USE Fiscal 1982

Phone inquiries .....	3,900
Reference assistance (total) .....	5,335
Titles circulated to users .....	2,400
Interlibrary loan requests filled .....	300
Saturday attendance .....	1,840

### Attorney Grievance Commission

By Rule of the Court of Appeals the Attorney Grievance Commission was created in 1975 to supervise and administer the discipline and inactive status of lawyers. The Commission consists of eight lawyers and two lay persons appointed by the Court of Appeals for four-year terms. No member is eligible for reappointment for a term immediately following the expiration of the member's service for one full term of four years. The Chairman of the Commission is designated by the Court. Members of the Commission serve without compensation. The Commission appoints, subject to approval of the Court of Appeals, a lawyer to serve as Bar Counsel and principal executive officer of the disciplinary system. Duties of the bar counsel and his staff include investigation of all matters involving possible misconduct, prosecution of disciplinary proceedings, and investigation of petitions for reinstatement.

### Summary of Disciplinary Action

	1977 -78	1978 -79	1979 -80	1980 -81	1981 -82
Inquiries Received		510	627	811	741
Complaints Received		449	349	295	326
Complaints Concluded	479	316	427	355	337
Disciplinary Action Taken:					
Disbarment	2	6	3	4	8
Disbarment by Consent	2	5	7	6	2
Suspension	4	5	4	3	4
Public Reprimand	1	7	1	1	2
Private Reprimand	12	18	13	7	7
Placed on Inactive Status	0	1	0	2	3
Disbarred by Court	3	1	0	7	4
Petitions for Reinstatement	0	0	3	0	3
Number of Attorneys	24	42	31	28	33

By the same Rule of Court, the Court of Appeals also established a disciplinary fund to cover expenses of the Commission and provided for an Inquiry Committee and a Review Board to act upon disciplinary cases. The Fund is composed of annual assessments upon members of the bar as a condition precedent to the practice of law. The Review Board consists of eighteen persons. There are fifteen attorney members and three lay members from the State at large. Members serve three-year terms. Judges are not permitted as members of the board. The Inquiry Committee consists of both attorney and lay members.

Inventoried complaints continue to decline as a greater number of cases are forwarded to the Inquiry Committee and Review Board. Needless delays now lie almost exclusively with a few Inquiry Panels, who are not as prompt as desired in hearing, deciding and submitting reports.

The Court of Appeals permitted the Commission to increase the number of members on the Inquiry Committee because of the great demands on the panels. The Court approved an amendment to BV 5, effective July 1, 1982, authorizing the Commission, in its discretion, to add additional members in jurisdictions where needed.

The Commission recommended and the Court approved a financial contribution to the Lawyer Counseling Program of the Maryland State Bar Association. It was the Commission's belief that many of the problems leading to grievances are alcohol or drug related. This program provides the means to cope with such problems and it is the Commission's desire to act preventively rather than to exclusively provide discipline.

Financially, the Commission has continued the pattern set each year since its inception of receiving

income in excess of anticipated revenues and expending funds in a total sum less than its authorized budget. As a result, no increase in assessments was requested for Fiscal 1983. Most if not all of the funding required for the Lawyer Counseling Program will be received from interest on the Commission's funds.

### Clients' Security Trust Fund

The Clients' Security Trust Fund was established by an act of the Maryland Legislature in 1965. The statute empowers the Court of Appeals to provide by rule for the operation of the Fund and to require from each lawyer an annual assessment as a condition precedent to the practice of law in the State of Maryland. Rules of the Court of Appeals that are now in effect are codified as Rule 1228, Maryland Rules of Procedure.

The purpose of the Clients' Security Trust Fund is to maintain the integrity and protect the name of the legal profession by reimbursing, to the extent authorized by these rules and deemed proper and reasonable by the trustees, losses caused by defalcations of the members of the Bar of the State of Maryland, acting either as attorneys or as fiduciaries (except to the extent to which they are bonded).

Seven trustees are appointed by the Court of Appeals from the members of the Maryland Bar. One trustee is appointed from each of the first five Appellate Judicial Circuits and two from the Sixth Appellate Judicial Circuit. One additional trustee is appointed by the Court of Appeals from the State at large. This trustee must be a lay person. Trustees serve on a staggered seven-year basis. As each term expires a new appointment shall be a seven-year term.

The Clients' Security Trust Fund began its sixteenth year on July 1, 1981 with a fund balance of \$843,579.69, as compared to a fund balance of \$758,003.96 for July 1, 1980. The Fund ended its sixteenth year on June 30, 1982 with a fund balance of \$912,464.43, as compared to a fund balance for the year ending June 30, 1981, of \$843,579.69. Total assets amounted to \$917,480.42 with interest income totaling \$110,893.26. The Fund derived the sum of \$106,956.00 from assessments as compared to \$99,228.00 for the preceding fiscal year. There were 12,397 lawyers subject to the annual assessments.

During Fiscal 1982, the Trustees approved and paid twelve claims which amounted to \$87,451.02. There are seventeen pending active claims with a current liability exposure of approximately \$109,000.00. These claims are in the process of investigation.

## Judicial Conferences

### The Maryland Judicial Conference

The Maryland Judicial Conference was organized in 1945 by the Honorable Ogle Marbury, then Chief Judge of the Court of Appeals. It presently exists by virtue of the provisions of Maryland Rule 1226, which direct it "to consider the status of judicial business in the various courts, to devise means for relieving congestion of dockets where it may be necessary, to consider improvements of practice and procedure in the courts, to consider and recommend legislation, and to exchange ideas with respect to the improvement of the administration of justice in Maryland and the judicial system in Maryland."

The Conference consists of the 211 judges of the Court of Appeals, the Court of Special Appeals, the circuit courts for the counties, the Supreme Bench of Baltimore City, and the District Court of Maryland. The Chief Judge of the Court of Appeals is its chairman; the State Court Administrator is its executive secretary. The Conference meets annually in plenary session. Between these sessions, its work is conducted by an Executive Committee and by a number of other committees, as established by the Executive Committee, in consultation with the Chief Judge. In general, the chairmen and members of these committees are appointed by the chairman of the Executive Committee, in consultation with the Chief Judge. The various committees are provided staff support by personnel of the Administrative Office of the Courts.

### The Executive Committee

In an effort to enhance the Conference's ability to carry out the mandate of Maryland Rule 1226, and to increase its effectiveness as a spokesman for the Judiciary, the 1981 plenary session of the Conference recommended a substantial restructuring of the Executive Committee. On June 1, 1981, the Court of Appeals implemented this recommendation by adopting a new Rule 1226. The Executive Committee now consists of 17 judges elected by their peers from all court levels in all parts of the State, with the Chief Judge of the Court of Appeals serving as an ex officio nonvoting member. It elects its own chairman and vice-chairman. Its major functions are to "perform the functions of the Conference" between plenary sessions and to submit "recommendations for the improvement of the administration of justice in

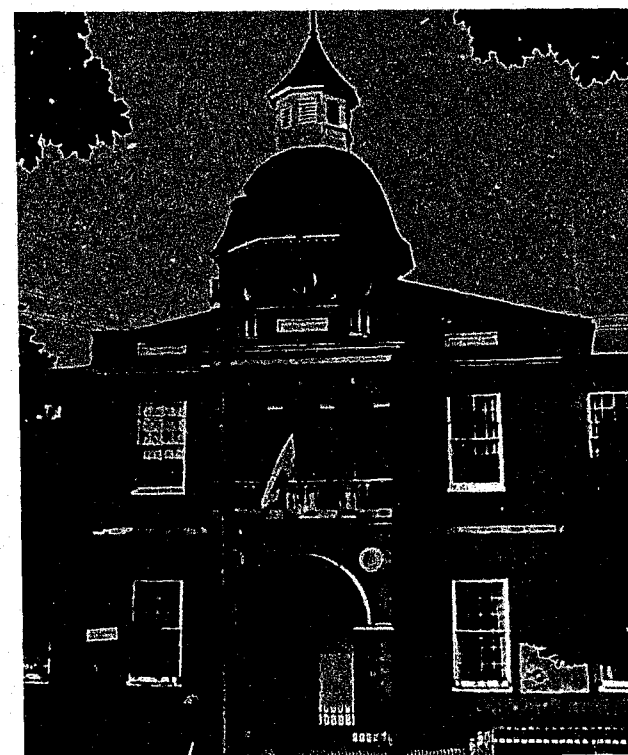
Maryland to the Chief Judge, the Court of Appeals, and the full Conference as appropriate. The Executive Committee may also submit recommendations to the Governor, the General Assembly, or both of them, but these recommendations shall be transmitted through the Chief Judge and the Court of Appeals, and shall be forwarded to the Governor or General Assembly, or both, with any comments or additional recommendations deemed appropriate by the Chief Judge or the Court."

The new Executive Committee held its organizational meeting on August 20, 1981. At that meeting, it elected the Honorable J. Harold Grady, Chief Judge of the Supreme Bench of Baltimore City, as its chairman, and the Honorable Kenneth A. Wilcox, District Administrative Judge of District Three of the District Court, as its vice-chairman.

During the remainder of the year, the Committee met six times and dealt with such relatively routine functions as planning the 1982 Judicial Conference, and review of the work of the various Conference committees. Its chief concern, however, was developing its role as spokesman for the Judicial Conference and its relationship to the Conference of Circuit Judges, the District Judges Administrative Committee, and the Judicial Conference itself. The Committee members worked effectively as a group, and at an early date decided to undertake the important task of submitting Judicial Conference recommendations to the Commission to Study the Judicial Branch of Government, with respect to the important issues before that Commission.

These issues were given careful study by the Executive Committee, in consultation with the Conference of Circuit Judges, and the District Court Administrative Judges Committee. At its meetings on June 2 and June 10, 1982, the Executive Committee formulated positions on a number of these issues and forwarded recommendations to the Study Commission.

In essence, these recommendations opposed any change in the allocation of jurisdiction between the Court of Appeals and the Court of Special Appeals, but recommended that the name of the Court of Special Appeals be changed to The Appellate Court of Maryland. With respect to trial court matters, the Executive Committee opposed consolidation and State funding of the circuit courts and also the creation of the office of chief judge of the circuit courts. It supported the abolition of de novo appeals and the use of six-person juries in the District Court. It en-



Circuit Courthouse, Anne Arundel County, Annapolis.

Conference. By adopting the report of its Committee on Committees on June 2, 1982, it reduced the number of Judicial Conference committees (other than the Executive Committee) from 11 to 8. One of the former committees, the Bench/Bar Committee, will in effect become a committee of the Maryland State Bar Association Section of Judicial Administration, with appropriate judicial representation. The functions of the other former committees will be divided among the new committees, each of which will have a defined area of responsibility. Each will also have an established size with provisions for rotation of membership.

The work of the committees will be reviewed and coordinated by the Executive Committee so that duplication and conflict will be kept to a minimum.

### The 1982 Joint Meeting

The 1982 meeting of the Judicial Conference was held on June 9-12, 1982, and was a joint meeting with the Maryland State Bar Association, Inc. It was held at the Hyatt Regency Hotel in Baltimore and was well attended by both bench and bar. In addition to social functions, Bar Association section council and committee meetings took place and both lawyers and judges enjoyed a day-long educational session on some of the newer developments in effective trial advocacy.

At the business session of the Conference, the Honorable Richard P. Gilbert, Chief Judge of the Court of Special Appeals, was elected Conference vice-chairman and reports were presented by the Committee on Sentencing and the Committee on Mental Health, Alcoholism and Addiction.

The former report resulted in action endorsing an additional year of the Sentencing Guidelines pilot project (discussed elsewhere in this report). The latter sought and received Conference support for expanded programs, including educational programs, to deal with problems of the drinking driver.

### Other Conference Activities

A number of other Conference committees were active during the year. The Committee on Judicial Education and Training supervised the implementation of the Judicial Institute of Maryland and placed into operation other educational policies adopted at the 1981 Conference. The Judicial Compensation Committee maintained liaison with the Judicial Compensation Commission and with the General Assembly. The Legislative Committee, Committee on Jury Study, Criminal Law Committee, and Committee on Juvenile and Family Law and Procedure were all also active in legislative matters (results of which are reported elsewhere in this report) as well as in other work.

dorsed the existing Judicial Conference position in favor of the concept of six-person juries in the circuit courts in civil and misdemeanor cases, with the possibility of twelve-person juries in such cases if a petition were filed to trial and good cause shown, and the use of twelve-person juries in felony cases. The Committee also supported in principle the decriminalization of nonincarcerable motor vehicle cases with trials or hearings in these cases to be held before a District Court hearing officer, and the only appeal to be from the hearing officer to the District Court.

The Committee took no position as to reallocation of jurisdiction between the trial courts, and expressed concern about the feasibility of implementation of the family court concept.

In addition to these important matters, affecting the future structure and operations of the Maryland judicial system, the Executive Committee took steps to improve the internal operations of the Judicial

### Conference of Circuit Judges

The Conference of Circuit Judges is established pursuant to the authority of Maryland Rule 1207. Its sixteen members are comprised of the eight Circuit Administrative Judges and one judge from each of the eight circuits elected every two years by the judges of that circuit. The Chairman is elected by the Conference, likewise for a two-year period. The elective process for selection of members has resulted in a body representative of the circuit court bench and is viewed as being in a position to give the circuit courts a broader voice in the administration of the court system. In Fiscal 1982, the Conference met six times and addressed various concerns to the circuit courts. The following summarizes some of the more important matters considered and acted upon.

#### Unification and State Funding of the Circuit Courts

In Fiscal 1981, legislation was introduced by the Governor's Task Force to Study State/Local Fiscal Relationships to provide for state funding of the circuit courts. In opposing the legislation, which was not enacted, the Conference took the position that the matter is a complex one deserving further study and that it be given additional opportunity to provide input so that advantages can be weighed against disadvantages. In Fiscal 1982, the Conference sought comments from every segment of the circuit court bench and reviewed considerable material on the concept of unification and state funding of trial courts generally. It concluded, after discussion at a special meeting devoted to this purpose, that the administration and operation of the circuit courts and their responsiveness to the needs of the local community can be better served without change in the structure or funding of this segment of the Judiciary. At the same time, the Conference considered the desirability of creating a chief judge or a type of administrative head of the circuit courts. Because of its position on structure and funding, the Conference has taken the position that there is no need for the creation of such a position.

#### Fiscal Problems of the Circuit Court Clerks' Offices

Another important area undertaken for study in Fiscal 1981 was the serious fiscal problem facing the circuit court clerks' offices. The study was continued in Fiscal 1982 because the clerks' offices continue to face substantially reduced revenues from commissions, costs, and fees plus rising inflation. As a result, the deficiency in the operations of these offices continues to increase. During the previous 12-month period, a joint committee consisting of Conference members and clerks met with the Comptroller, and appeared before the legislature with a

series of proposals to increase the revenue base in noncourt related commissions and fees. After accepting the proposals, generally intact, legislation was introduced. Hopefully, it will have some impact on the deficiencies confronting the clerks' offices.

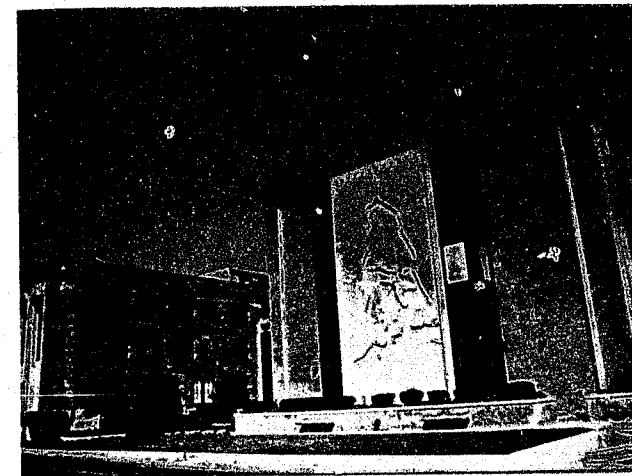
#### Transfer of Juvenile Jurisdiction to the District Court and Alteration of Felony Jurisdiction in the Circuit Courts

Another subject the Conference of Circuit Judges began to consider in Fiscal 1981 was the desirability of transferring juvenile jurisdiction from the circuit courts to the District Court and altering the criminal jurisdiction of the circuit courts. As an effect, the jurisdiction of the District Court would be altered. The Conference sought the input of the State's Attorneys, clerks of the circuit courts, the Juvenile Services Administration, and others. After considering the ramifications of the various caseloads and the fundamental changes required in both the circuit courts and the District Court system, the Conference concluded that there was no need for any change in juvenile jurisdiction nor for any alteration in the criminal jurisdiction of the circuit courts or are any such changes or alterations desirable.

#### Supporting Various Legislative Proposals—Establishing Procedures Handling Alleged Violations of Conditional Releases—Expediting Access to Juvenile Records by Probation Officers—Permitting the Court to Authorize that Probation Commence on Actual Date of Release from Imprisonment has been Imposed

Three legislative proposals that were enacted during the 1982 session had their genesis with the Conference. In Fiscal 1980, the Conference referred to the Maryland Judicial Conference a project to develop a procedure for handling an alleged violation of a court-approved conditional release of an incarcerated individual found not guilty by reason of insanity. The Judicial Conference Committee on Mental Health, Alcoholism and Addiction presented to the Conference a proposed procedure in Fiscal 1981. The Conference approved the procedure and recommended its adoption in the circuit courts. Likewise, the District Court approved the proposed procedure and urged its implementation. However, the Conference, along with the Legislative Committee of the Maryland Judicial Conference, believed it appropriate that legislation be introduced as HB 1332 and enacted as Chapter 700, Laws of 1982.

Under present law, juvenile records are confidential and their contents may not be disclosed except by subpoena or court order. The need to obtain a separate court order to access juvenile records when preparing presentence investigation reports



Circuit Courthouse, Cecil County; Elkton.

prompted the Conference to recommend legislation to expedite the accessibility to such records. The General Assembly saw merit in the Conference's concern and enacted SB 362 (Chapter 124, Laws of 1982) to permit the Maryland Division of Parole and Probation access to juvenile records concerning charges or adjudications of delinquency when "carrying out its statutory duties at the direction of the court" without obtaining a separate court order.

The Conference also supported legislation, which was enacted, that will permit a court to impose as a condition of probation that probation commence on the date that a defendant is actually released from imprisonment. Under present law, the probationary period in a split sentence situation does not begin to run until the first period of incarceration has been completed. As a result of the legislation, a defendant, earlier released from prison on parole, who commits a crime while on parole, could be subject to a revocation of his probation. Presumably, the Parole Board could take similar action and revoke his parole.

#### Encouraging Circuit Court Clerks to Develop Uniform Forms

With the proliferation of different forms utilized in the circuit courts, many of which concern the same type of proceeding, the Conference was advised that

the Maryland Circuit Court Clerks' Association formed a Uniform Forms Committee to address this matter. Upon preliminary review of some of the forms under consideration for revision, the Conference unanimously endorsed the project and has urged the clerks to move ahead with the understanding that further revision may be necessary if amendments to the Maryland Rules of Practice and Procedure require any changes.

#### Adding Information to a Commitment Order when a Split Sentence is Imposed and Court Ordered Restitution as a Condition of Parole or Probation

The Conference received a request from the Department of Public Safety and Correctional Services that it would be helpful if additional information could be provided on a commitment order when a split sentence is imposed and/or where a judge orders restitution either as a condition of probation or parole. This additional information would be an additional guarantee that there would be a coordinated follow-up by the Maryland Parole Commission, the Division of Correction, and the Division of Parole and Probation if a defendant were released on probation or parole. Putting this information on a commitment order permits these three agencies to "work off" the same official document in their coordinated efforts. The Conference endorsed this request and urged all circuit court judges to provide this information.

#### Meeting with Criminal Justice Officials

The Conference met with the Secretary of the Department of Public Safety and Correctional Services who outlined the complex problems with which his Department is faced, particularly in the area of overcrowding and the lack of adequate facilities to handle the influx of individuals sentenced to state institutions. It was evident to the Conference members that the Department's dilemma is its inability to enhance its program efforts in the area of rehabilitation and, at the same time, accommodate a large number of people in facilities inadequate to house them. The Secretary urged continued communication and cooperation between the judiciary and his department as it attempts to cope with these issues. Also members met with a representative of the Division of Probation who, likewise, outlined problems with which the Division is faced in handling increased caseloads with limited staff to perform and maintain services at an adequate level. Here too, the Division urged the cooperation of the Maryland Judiciary.

## Appointment, Discipline, and Removal of Judges

Under the Maryland Constitution, when a vacancy in a judicial office occurs, or when a new judgeship is created, the Governor normally is entitled to appoint an individual to fill the office.

The Constitution also provides certain basic qualifications for judicial office. These include: Maryland citizenship; residence in Maryland for at least five years and in the appropriate circuit, district, or county for at least six months; registration as a qualified voter; admission to practice law in Maryland; and minimum age of 30. In addition, a judicial appointee must be selected from among those lawyers "who are most distinguished for integrity, wisdom, and sound legal knowledge."

Although the Constitution sets forth these basic qualifications, it provides the Governor with no guidance as to how he is to go about exercising his discretion in making judicial appointments. Maryland Governors have themselves filled that gap, however, by establishing judicial nominating commissions.

### Judicial Nominating Commissions

Before 1971, Maryland Governors exercised their power to appoint judges subject only to such advice as a particular Governor might wish to obtain from bar associations, legislators, lawyers, influential politicians, or others. Because of dissatisfaction with this process, as well as concern with other aspects of judicial selection and retention procedures in Maryland, the Maryland State Bar Association for many years pressed for the adoption of some form of what is generally known as "merit selection" procedures.

These efforts bore fruit in 1970 when former Governor Marvin Mandel, by Executive Order, established a State-wide judicial nominating commission to propose nominees for appointment to the appellate courts, and eight regional trial court nominating commissions to perform the same function with respect to vacancies on the trial courts. These nine commissions began operations in 1971, and since then, each judicial vacancy filled pursuant to the Governor's appointing power has been filled from a list of nominees submitted by a nominating commission.

As presently structured under an Executive Order issued by Governor Harry Hughes on April 24, 1982, each of the nine commissions consists of six

lawyer members elected by other lawyers within designated geographical areas; six lay members appointed by the Governor; and a chairperson, who may be either a lawyer or a lay person, appointed by the Governor. The Administrative Office of the Courts acts as Secretariat to all commissions and provides them with staff and logistical support.

When a judicial vacancy occurs or is about to occur, the Administrative Office of the Courts notifies the appropriate commission and puts announcements in the press and through interested bar associations, seeks applications which are distributed to the commission members.

After the filing deadline for the particular vacancy has passed, the commission meets and considers the applications and other relevant information, such as recommendations from bar associations or individual citizens. Each candidate is interviewed either by the full commission or by commission panels. After discussion of the candidates, the commission prepares a list of those it deems to be "legally and professionally most fully qualified" for judicial office. This list is prepared by secret written ballot; no commission may vote unless at least nine of its thirteen members are present; the name of no applicant may be included on the list unless that applicant has the affirmative vote of not less than seven members of the commission. The list is forwarded to the Governor, who is bound by the Executive Order to make his appointment from the commission list.

During Fiscal 1982, 25 vacancies both occurred and were filled, the increase over Fiscal 1981 being accounted for largely by the creation of six new circuit court judgeships, five of which were filled during Fiscal 1982. The substantial number of vacancies produced a busy year for the nominating commissions, each of which met at least twice during the fiscal year, with five meetings being held by the Trial Courts Commissions for the Fourth, Fifth, Sixth, and Seventh Circuits. Some of these meetings were all day affairs and in other cases a commission met more than once to consider applicants for a single vacancy.

The accompanying table gives comparative statistics pertaining to vacancies, number of applicants, and number of nominees, over the past seven fiscal years. In reviewing the number of applicants and the number of nominees, it should be kept in mind that under the current Executive Order, a pooling system exists. Under this system, persons

Judicial Nominating Commission Statistics  
Judicial Vacancies and Nominees from Fiscal 1976 to Fiscal 1982.

		Court of Appeals	Court of Special Appeals	Circuit Courts/ Supreme Bench	District Court	TOTAL
FY 1976	Vacancies	1	1	14	8	24 <sup>a</sup>
	Applicants	10	7	106	85	208
	Nominees	5	3	45	27	80
FY 1977	Vacancies	0	0	6	15	21 <sup>b</sup>
	Applicants	0	0	36	94	130
	Nominees	0	0	15	32	47
FY 1978	Vacancies	1	3	17	9	30 <sup>c</sup>
	Applicants	13	25	130	150	318
	Nominees	5	12	47	40	104
FY 1979	Vacancies	1	1	7	11	20 <sup>d</sup>
	Applicants	4	25	38	67	134
	Nominees	4	6	18	31	59
FY 1980	Vacancies	1	0	13	11	25 <sup>e</sup>
	Applicants	5	0	87	135	227
	Nominees	3	0	27	28	58
FY 1981	Vacancies	0	0	3	10	13 <sup>f</sup>
	Applicants	0	0	30 <sup>g</sup>	69 <sup>g</sup>	99 <sup>g</sup>
	Nominees	0	0	6 <sup>g</sup>	24 <sup>g</sup>	30 <sup>g</sup>
FY 1982	Vacancies	1	1	12	11	25 <sup>h</sup>
	Applicants	5	7	96 <sup>h</sup>	142 <sup>h</sup>	250 <sup>h</sup>
	Nominees	4	4	26 <sup>h</sup>	30 <sup>h</sup>	64 <sup>h</sup>

<sup>a</sup> In Fiscal 1976, four new vacancies occurred but were not filled until FY 77.  
<sup>b</sup> In Fiscal 1977, three new vacancies occurred but were not filled until FY 78. Four additional vacancies that occurred in FY 76 were filled.  
<sup>c</sup> In Fiscal 1978, all vacancies that occurred during the year were filled. Three additional vacancies that occurred in FY 77 were filled.  
<sup>d</sup> In Fiscal 1979, two additional vacancies occurred during the fiscal year but were not filled until FY 80.  
<sup>e</sup> In Fiscal 1980, three new vacancies occurred during the fiscal year but were not filled during that year. Two vacancies that occurred in FY 79 were filled.  
<sup>f</sup> In Fiscal 1981, three vacancies were filled that had occurred in Fiscal 1980.  
<sup>g</sup> Because of the pooling arrangements available under the Executive Order during the past two fiscal years, the number of applicants and nominees in these years may be somewhat understated. The numbers given in the chart do not include individuals whose names were available for consideration by the Governor pursuant to the pooling arrangement.  
<sup>h</sup> Three vacancies that occurred in FY 81 were filled in FY 82. Two vacancies that occurred in FY 82 were not filled until FY 83.

nominated as fully qualified for appointment to a particular court level are automatically submitted to the Governor for further consideration, along with any additional nominees, with respect to any new vacancy on that particular court level that occurs within twelve months from the date of initial nomination. The table does not reflect the pooling arrangements. It shows only new applicants and new nominees, in addition to any that may have been in a pool for any particular vacancy.

The statistics demonstrate a continuation of the trend for a generally larger number of applicants for each District Court vacancy than for vacancies on the circuit or appellate courts. In general, also, Baltimore County tends to produce more applicants per trial court vacancy than do other jurisdictions.

Over the years, the number of applicants per vacancy at the circuit court level tended to remain relatively stable. There have been greater variations in the number of applicants per vacancy at the District Court level. However, the number of nominees per vacancy tends to be rather similar for both trial courts and seems to bear relatively little relation to the number of applicants per vacancy.

As in prior years, a substantial number of circuit court vacancies were filled by the appointment of District Court judges. Eight of the twelve circuit court vacancies were so filled in Fiscal 1982. One vacancy on the Court of Appeals was filled by appointment of a Court of Special Appeals judge. The vacancy on the Court of Special Appeals was filled by the appointment of an individual from outside the Judiciary.

The conscientious and enthusiastic manner in which commission members perform their important functions, and the high attendance rate at commission meetings, testify to their dedication and help explain the high quality of the nominees submitted to the Governor.

### Removal and Discipline of Judges

Every Maryland judge is subject to mandatory retirement at age 70. In addition, judges of the appellate courts run periodically in noncompetitive elections. A judge who does not receive the majority of the votes cast in such an election is removed from office. Judges of the circuit courts of the counties and the Supreme Bench of Baltimore City must run periodically in regular elections. If a judge is challenged in such an election and the challenger wins, the judge is removed from office. District Court judges face periodic Senate reconfirmation. Such a judge who is not reconfirmed by the Senate is removed from office. In addition, there are from six to



Circuit Courthouse, Dorchester County; Cambridge.

seven other methods that may be employed to remove a judge from office:

1. The Governor may remove a judge "on conviction in a court of law for incompetency, willful neglect of duty, misbehavior in office, or any other crime. . . ."
2. The Governor may remove a judge on the "address of the General Assembly" if two-thirds of each House concur in the address and if the accused has been notified of the charges against him and has had an opportunity to make his defense.
3. The General Assembly may remove a judge by two-thirds vote of each House, and with the Governor's concurrence, by reason of "physical or mental infirmity. . . ."
4. The General Assembly may remove a judge through the process of impeachment.
5. The Court of Appeals may remove a judge upon recommendation of the Commission on Judicial Disabilities.
6. Upon conviction of receiving a bribe in order to influence a judge in the performance of official duties, the judge is "forever . . . disqualified for holding any office of trust or profit in this State" and thus presumably removed from office.
7. Article XV, Section 2 of the Constitution, as adopted in 1974, may provide another method, as to elected judges. It provides for automatic suspension of an "elected official of the State" who is convicted or enters a *nolo* plea for a crime which is a felony or which is a misdemeanor related to his public duties and involves moral turpitude. If the conviction becomes final, the officer is automatically removed from office.

Despite the availability of other methods, only the fifth one has actually been used within recent memory. Since the use of this method involves the

Commission on Judicial Disabilities, which also has the power to recommend discipline less severe than removal, it is useful to examine that commission.

### The Commission on Judicial Disabilities

The Commission on Judicial Disabilities was established by constitutional amendment in 1966 and strengthened in 1970; its powers were further clarified in a 1974 constitutional amendment. The Commission is empowered to investigate complaints, conduct hearings, or take informal action as it deems necessary, provided that the judge involved has been properly notified. Its operating procedures are as follows: The Commission conducts a preliminary investigation to determine whether to initiate formal proceedings, after which a hearing may be held regarding the judge's alleged misconduct or disability. If, as a result of these hearings, the Commission, by a majority vote, decides that a judge should be retired, removed, censured or publicly reprimanded, it recommends that course of action to the Court of Appeals. During the past year the Court of Appeals agreed with the Commission's recommendation and censured a judge for violating a Rule of Judicial Ethics. The Court of Appeals may also order a more severe discipline of the judge than the Commission recommended. In addition, the Commission has the power in limited situations to issue a private reprimand.

The Commission on Judicial Disabilities serves the public in a variety of ways. Its primary function is to receive, investigate and hear complaints against members of the Maryland Judiciary. Formal complaints must be in writing and notarized, but no particular form is required. In addition, numerous individuals either write or call expressing dissatisfaction concerning the outcome of a case or some judicial ruling. While some of these complaints may not fall technically within the Commission's jurisdiction, the complainants are afforded an opportunity to express their feelings and frequently are informed, for the very first time, of their right of appeal. Thus the Commission in an informal fashion, offers an ancillary, though vital, service to members of the public.

During the past year, the Commission considered 31 formal complaints—of which one was initiated by the Commission itself, two by other judges and the remainder by members of the bar and the public. Some complaints were directed against more than one judge and sometimes a single judge was the subject of several complaints. Nine judges sitting at the District Court level, one Orphan's Court judge, and fourteen circuit court judges were the subjects of complaints.

For the first time in several years, criminal proceedings, as opposed to domestic controversies, precipitated the most complaints (17). Domestic litigation (divorce, alimony, custody) accounted for eight complaints and the remainder resulted from some civil litigation or the alleged improper demeanor of some jurist.

The Commission deals with formal complaints in a variety of ways. Tapes or transcripts of judicial hearings are obtained. When pertinent, attorneys and other disinterested parties who participated in the hearings are interviewed. Sometimes, as part of its preliminary investigation, the Commission will request a judge to appear before it.

During the past year, two complaints were dismissed because the particular judges had resigned their positions. Four complaints resulted in hearings in which judges were required to defend charges against them. In most instances the complaints were dismissed either because the charges leveled were not substantiated or because they did not amount to a breach of judicial ethics. Matters were likewise disposed of by way of discussion with the jurist involved or by informal warning.

Finally, pursuant to a revision in Rule 1227 of the Maryland Rules, the Commission serves yet another function. It now supplies judicial nominating commissions with confidential information concerning reprimands to or pending charges against those judges seeking nomination to judicial offices.

The Commission meets as a body irregularly, depending upon the press of business. Its seven members are appointed by the Governor and include four judges presently serving on the bench, two members of the bar for at least fifteen years, and one lay person representing the general public.



Circuit Courthouse, Talbot County; Easton.

## 1982 Legislation Affecting the Courts

At every session of the General Assembly, a great deal of legislation is considered that affects the courts in one way or another. Space limitations preclude review of all of these bills in this Report. This summary is restricted to a few of the more important items. A more detailed Summary of 1982 Legislation is available through the Administrative Office of the Courts.

### 1. COURT ORGANIZATION AND STRUCTURE

*Additional Judgeships*—Pursuant to Chief Judge Murphy's certification, the legislature enacted Chapter 132, creating an additional circuit court judgeship for Prince George's County, effective July 1, 1982. This raises the total number of State court judgeships to 211.

### 2. COURT ADMINISTRATION

*Recall of Former Judges*—Chapter 35, proposed by the Judicial Conference, amends § 1-302 of the Courts Article to permit the temporary recall of a former judge for up to 90 working days per year (as opposed to the former 60 days). In addition, a former judge is eligible for recall if the judge's active judicial service lasted for at least three years (as opposed to five under former law). And the act removes the 75-year-old maximum age limitation with respect to a judge who is otherwise eligible.

*Jury Service—Limitations on Duty*—Chapter 121, a Judicial Conference proposal, allows a political subdivision to modify its jury selection plan to allow jurors to serve more frequently than three years, the present general limitation contained in § 8-209 of the Courts Article. If a plan is modified, a juror may be called once a year, provided the juror has not served on a petit jury five days or more during the three-year period.

*Circuit Court Clerks—Budgets*—Chapters 861 and 915 require the clerk of each circuit court to "submit annually a budget for the review and approval of the General Assembly." Each budget will be in a uniform format; will specify the number of positions, salaries, expenses, and anticipated revenues for the office; is subject to review by the State Comptroller and the State Court Administrator; and will be included in the State budget "as part of the budget for the Executive Branch of government." The Governor is authorized to include in the State budget funds to supplement fees and receipts of the clerks.

*Circuit Court Clerks—Uniform Minimum Work Week*—Chapter 863 establishes a minimum work

week of 35½ hours for full-time deputies and employees of the offices of the clerks of the circuit courts.

*Circuit Court Clerks—Bank Deposits*—Chapter 907 adds a new § 2-205.1 to the Courts Article requiring each circuit court clerk to deposit his receipts daily in a State depository unless the Comptroller waives the requirements of the section.

*Circuit Court Clerks—Fees*—Chapter 906 increases various noncourt-related fees and commissions that may be charged by the circuit court clerks.

### 3. CIVIL LAW AND PROCEDURE

*District Court—Civil Jurisdiction—Jurisdictional Amount*—Chapter 512, a Judicial Conference Proposal, provides that attorneys' fees, if recoverable by law or contract, are not to be included in computing the jurisdictional amount specified for District Court jurisdiction in contract or tort cases and certain other proceedings. The act applies only to a civil action filed in or a small claims appeal noted in the District Court on and after July 1, 1982.

*Estates and Trusts—Small Estates*—Chapter 779 increases from \$7500 to \$10,000 the gross value of an estate subject to small estate administration under §§5-602 to 5-607 of the Estates and Trusts Article.

*Landlord/Tenant—Rent Escrow*—Chapter 787 amends §8-118 of the Real Property Article to provide that in any case for failure to pay rent, or a tenant holding over, or for breach of a lease, and in which case a party prays a jury trial, the tenant or anyone holding under the tenant shall pay all accrued and unpaid rents, and all rents due as they come due during the pendency of the action, into escrow with the clerk of the circuit court. The act further provides that when the tenant or anyone holding under the tenant fails to pay rent as accrued or as it comes due, the court, on motion of the landlord, shall give judgment in favor of the landlord and issue a warrant for possession.

*Landlord/Tenant—Holding Over—Summons*—Chapter 786 amends § 8-402(b)(1) of the Real Property Article to provide that service of process in the case of a tenant holding over may be achieved in the same manner as in a summary ejection proceeding; that is, by posting the premises and notifying the tenant by first-class mail.

*Municipal Infractions—Civil Violations*—Chapter 825 provides that the governing bodies of certain counties and of Baltimore City may provide for en-

forcement of certain local laws by civil fines and penalties. The procedures in general are patterned after the municipal infractions law.

*Wage Garnishment—Public Employees*—Chapter 489 provides that wages due from or payable by a governmental entity to its employees are subject to attachment for private legal obligations in the same manner as if the governmental entity and its employees were private persons. The act applies only to judgments originally entered after June 1, 1982.

*Exemptions from Execution*—Chapter 703, a Judicial Conference proposal, amends § 11-504(b)(5) of the Courts Article to provide for an automatic exemption of property up to the value of \$3,000. The act further provides that within 30 days from the date of the levy, the debtor may elect instead to exempt cash in an amount not to exceed \$3,000.

### 4. JUVENILE AND FAMILY LAW AND PROCEDURE

*Alcoholic Beverages Law—Decriminalization*—Chapter 844 decriminalizes certain provisions of the alcoholic beverage laws with respect to both minors and adults. The laws in question are principally Article 27, §§ 400, 400A, 401, 402, 403, and § 26-103 of the Education Article. A citation procedure is provided as are special sanctions with respect to driving privileges. The act repeals all inconsistent laws. Its effective date is January 1, 1983.

*Access to Juvenile Records*—Chapter 124, a Judicial Conference bill, gives the Maryland Division of

Parole and Probation, when carrying out its statutory duties at the direction of the court, access to police and court juvenile records concerning charges or adjudication of delinquency.

*Juvenile Complaint Procedure*—Chapter 612 extends from 15 to 30 days the time period within which an appeal from the denial by an intake officer must be made to the state's attorney's office.

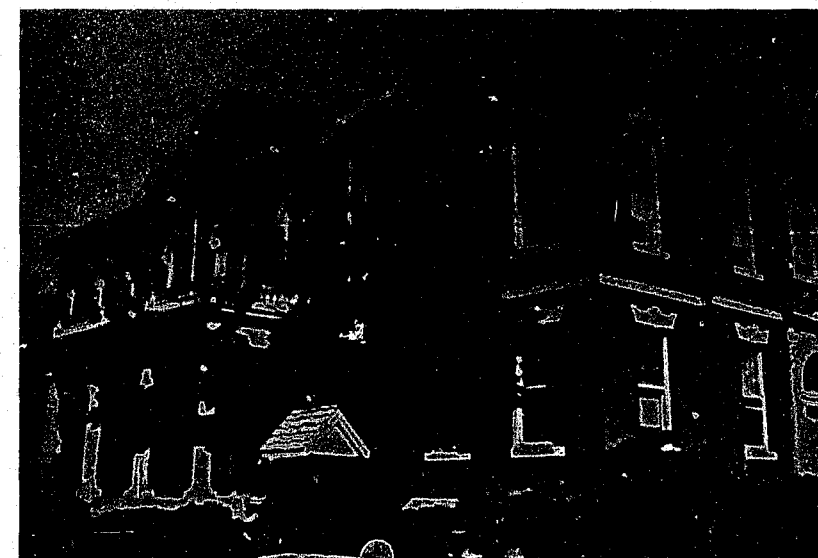
*Juvenile Delinquency Petitions*—Chapter 499 modifies §§3-810 of the Courts Article generally requiring an intake officer to forward certain juvenile complaints to the state's attorney.

*Waiver of Juvenile Jurisdiction*—Chapter 468 places certain limitations on reverse waivers with respect to cases provided for in Article 27, § 594A.

*Waiver of Juvenile Jurisdiction—Appeals*—Chapter 792 makes an order waiving juvenile jurisdiction under § 3-817 of the Courts Article interlocutory rather than immediately appealable.

*Juvenile Causes—Restitution—Hearing Date*—Chapter 478 amends §3-829 of the Courts Article to provide that a restitution hearing to determine the liability of a parent or a child or both shall be held no more than 30 days after the disposition hearing. The courts may extend the time for good cause shown.

*Juveniles—Detention*—Chapter 605 repeals the prohibition against detaining a child who is alleged to be a delinquent in a facility with a child who has been adjudicated delinquent.



Circuit Courthouse, Somerset County; Princess Anne.

**Adoption and Guardianship**—Chapter 514 includes a substantial revision of the adoption and guardianship laws.

**Adoption Records—Inspection**—Chapter 387 makes provision for inspection of portions of adoption records containing medical information, pursuant to court order.

**Summary Judgment in Divorce—Abolition**—Chapter 606 abrogates Maryland Rule S74, which provided for summary judgment in certain divorce proceedings. The act provides that a final decree of divorce, annulment, or alimony may not be entered except on testimony taken in open court or before a master or master examiner in chancery. The Court of Appeals has repealed the inconsistent provisions of the rule.

**Divorce A Vinculo—Recrimination**—Chapter 329 provides that a plea of recrimination is not a bar to divorce a vinculo when the cause is voluntary separation without cohabitation for 12 months (the fifth

count for divorce under Article 16, § 24).

**Divorce—Marital Property**—Chapter 4 deals with the time within which a trial court must make a decision as to marital property. Under the act, the court may extend this time period of 90 days if it has reserved the power to do so. The act is an emergency measure which took effect on May 20, 1982. It applies to all cases pending before the court on that date in which a determination has not been made under the act.

**Imprisonment for Debt**—Chapter 321 eliminates a possible constitutional problem in Article III, § 38 of the Constitution by deleting the word "wife" and substituting the word "spouse" in the provisions permitting imprisonment for failure to provide support. The constitutional amendment will be before the voters for ratification in November 1982.

**Domestic Violence—Ex Parte Orders**—Chapters 843 and 905 provide for continuation of temporary ex parte orders and service of these orders. The latter act also provides that in a domestic violence case, the court may order the respondent to vacate the family home immediately for up to five days, on service of the ex parte order.

**Paternity and Child Support**—Chapter 360 amends Article 16, § 66H to allow a court order for support to include expenses for the pregnancy of the mother of a child and/or the medical support of the child including neonatal expenses.

**Paternity Cases—Blood Tests**—Chapter 855 amends Article 16, § 66G to repeal the requirement that blood tests in paternity cases be conducted in laboratories located within Maryland. Chapter 784 permits blood tests to be received into evidence if they are of sufficient nature to exclude 97.3 percent of putative fathers in paternity cases. The act will allow the admissibility of test results through HLA testing procedures.

**Guardian of the Person**—Chapter 790 amends § 13-709 of the Estates and Trusts Article and Article 88A, §§ 109 and 110 in various respects dealing with the hearing on a petition for the appointment of a guardian of a person and transportation responsibilities as to such persons.

**Emergency Evaluations and Involuntary Admissions**—Chapter 513 amends petition and other procedures with respect to emergency evaluations and involuntary admissions.

#### 5. CRIMINAL LAW AND PROCEDURE

**Alcoholic Beverage Laws—Decriminalization**—Chapter 844 decriminalizes certain provisions of the alcoholic beverages laws with respect to both minors and adults. It deals primarily with Article 27, §§ 400, 400A, 401, 402, 403 and § 26-103 of the Education Article. It provides for a citation and civil penalty procedure with respect to persons charged under these provisions. The act repeals inconsistent laws. It takes effect January 1, 1983.

**Public Defender—Payment of Attorneys' Fees—**

Chapter 789 amends Article 27A, § 7(g) to require the court to order a defendant to reimburse the State for services performed by a public defender as a term or condition of any sentence, judgment, or probation, unless the court affirmatively finds that the defendant does not have the ability to make reimbursement.

**Criminal Injuries Compensation Fund—Costs**—Chapter 157 increases from \$10 to \$15 the amount which is to be imposed as additional costs for the criminal injuries compensation fund in certain criminal cases. The \$15 amount applies only to persons convicted after July 1, 1982.

**Pistols and Revolvers—Crimes of Violence**—Chapter 480 amends the meaning of "crime of violence" to include robbery with a deadly weapon for purposes of Article 27, § 441(e).

**Short-barreled Rifles and Shotguns**—Chapter 783 provides that the defendant has the burden of proving lawful federal registration when there is a charge of unlawful possession of a short-barreled rifle or shotgun.

**Failure to Appear in Response to Criminal Citation**—Chapter 34, a Judicial Conference bill, adds a new § 12C to Article 27. It makes failure to appear in response to a criminal citation a misdemeanor and authorizes the court to issue bench warrants for persons failing to appear.

**Pre-trial Release—Eligibility**—Chapter 476 amends Article 27, § 616 1/2 to provide that if an individual is charged with an offense enumerated in that section, after having been convicted for another offense enumerated in the section, then the individual may not be released on personal recognizance by either a District Court commissioner or a judge.

**Pre-trial Release—District Court Commissioner**—Chapter 449 amends Article 27, § 616 1/2 to prohibit a District Court commissioner from establishing conditions for pre-trial release for persons charged with escape. The act also amends Article 41, § 30 to repeal the authority of District Court commissioners to admit to bail by bond an individual who is the subject of an extradition proceeding.

**Wiretapping—State Prosecutor**—Chapter 535 amends § 10-406 of the Courts Article to permit the state prosecutor to obtain orders authorizing the interception of wire or oral communications; see *State v. McGhee*, Court of Special Appeals, No. 1698, September Term 1981 (7/14/82).

**Credit Card Offenses**—Chapter 496 amends Article 27, § 145 to create a felony for certain credit card offenses and to change penalties. The dividing line between felonies and misdemeanors is \$300.

**Child Abduction**—Chapter 473 amends Article 27, § 2A to make certain child abductions felonies.

**Victim Impact Statement**—Chapter 494 requires that a presentence investigation be made prior to sentencing for a conviction from a misdemeanor which resulted in serious physical injury or death to

the victim. It further requires that a victim impact statement be included in the investigation for such a conviction and also in the case of a conviction of a felony which caused the victim physical, psychological, or economic injury. In a particular case, the court may specifically order that there be no PSI.

**Crimes of Violence—Mandatory Sentences**—Chapter 279 includes burglary and daytime house-breaking as crimes of violence for purposes of mandatory sentencing under Article 27, § 643B.

**Handgun Penalties**—Chapter 475 creates a subsequent offense penalty for use of a handgun in the commission of a felony or crime of violence by making the first offense subject to a mandatory minimum of five years' incarceration and the second offense subject to a mandatory five-year consecutive term.

**Handguns—Use in Commission of Crime**—Chapter 474 increases the maximum sentence from 15 to 20 years for conviction of use of a handgun in the commission of a felony or crime of violence.

**Manslaughter by Automobile**—Chapter 92 increases the maximum penalty for manslaughter by automobile from three to five years' incarceration.

**Harmful Substances**—Chapter 483 increases the maximum term of imprisonment from one to three years for a subsequent conviction of possession with intent to distribute harmful substances to minors with intent to induce unlawful inhaling.

**Suspended Sentence—Conditions for Probation**—Chapter 689, supported by the Conference of Circuit Judges, amends Article 27, § 641A by adding a new subsection (c) to provide that if a sentence of imprisonment is imposed, a portion of it suspended, and the defendant is placed on probation, the court may impose as a condition of probation that the probation commence on the date that the defendant is actually released from imprisonment.

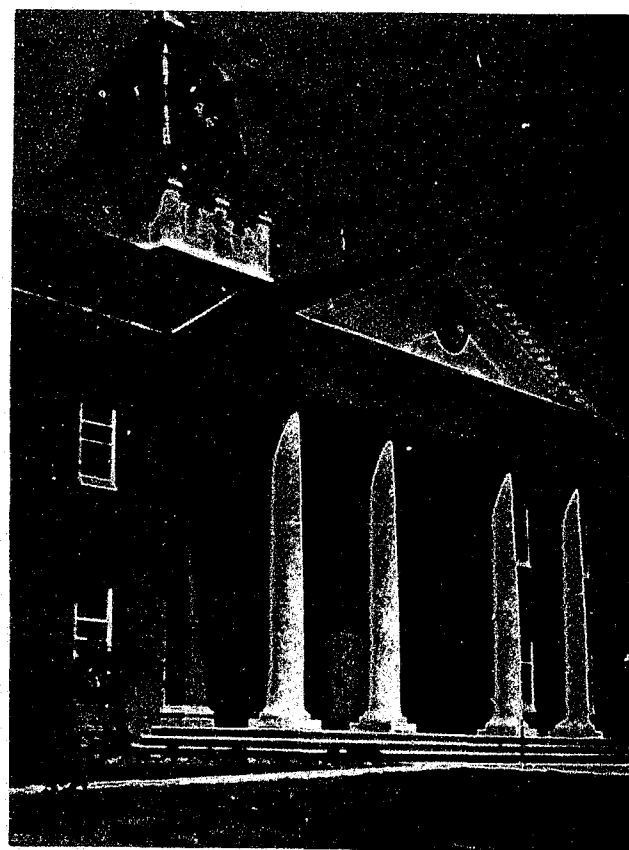
**Mental Health Laws—Conditional Release—Violation—Judicial Review**—Chapter 700 establishes procedures for judicial review when a person has been charged with violation of a conditional release following a determination of not guilty by reason of insanity.

**Appeals by the State**—Chapter 493, supported by the Judicial Conference, provides for limited appeals by the State in certain cases in which a suppression motion has been granted.

#### 6. MOTOR VEHICLE LAWS

**Compliance with Traffic Citations**—Chapter 824 provides new notice and other procedures with respect to persons that have failed to appear in response to a traffic citation.

**School Vehicles—Overtaking**—Chapter 26 provides that in an incorporated town or city with a population of 100,000 or more, a driver of a car need not stop for a school vehicle flashing its warning lights. In other areas, the driver must stop. This is an emergency measure which took effect on April 8, 1982.



Circuit Courthouse, Caroline County; Denton.



**Compulsory Chemical Tests for Alcohol**—Chapter 100 provides for a compulsory test for alcohol when an individual is detained for an intoxicant motor vehicle violation after an accident involving death. Chapter 100 and Chapter 93 both deal with the admissibility in evidence of chemical tests for alcohol.

**Driving While Intoxicated—Probation Before Judgment**—Chapter 98 amends Article 27, §§ 639 and 641(a) to prohibit the court from granting probation before judgment for a second or subsequent finding of guilt under § 21-902(a) or (b) of the Transportation Article.

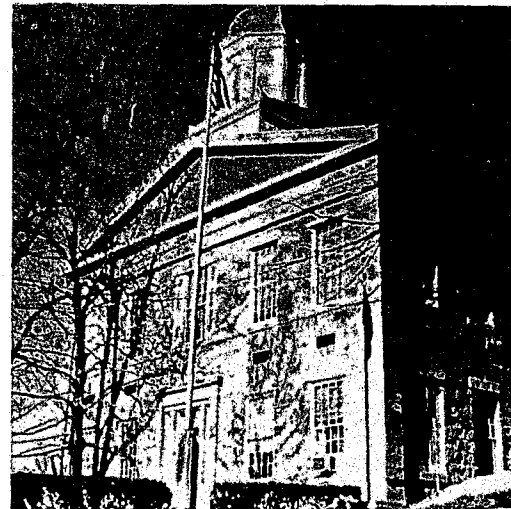
**7. COMPENSATION AND RETIREMENT**

**Judicial Compensation**—The recommendations of the Judicial Compensation Commission took effect July 1, 1982, and provide the following judicial salaries:

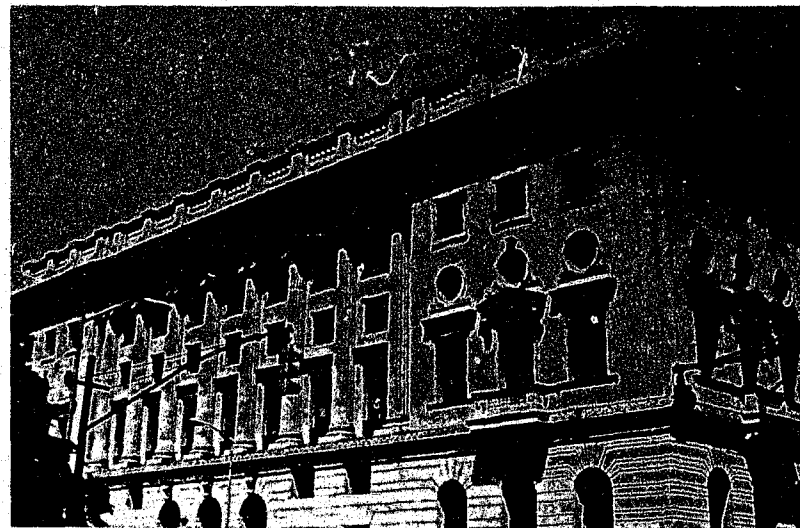
Chief Judge, Court of Appeals . . . . . \$64,000  
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Circuit Courts/Supreme Bench . . . . . 58,000  
Chief Judge, District Court . . . . . 60,000  
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**Judicial Pensions**—Chapter 852 provides that the surviving spouse of a former judge (that is, a judge who has left the bench, then died, leaving a surviving spouse) is not entitled to receive pension benefits until the surviving spouse reaches age 50. The Attorney General has ruled that, to avoid constitutional problems, the act's provisions may be applied only to the surviving spouse of a judge who initially enters judicial office on or after July 1, 1982, and thereafter leaves the bench, and dies leaving a surviving spouse under 50.

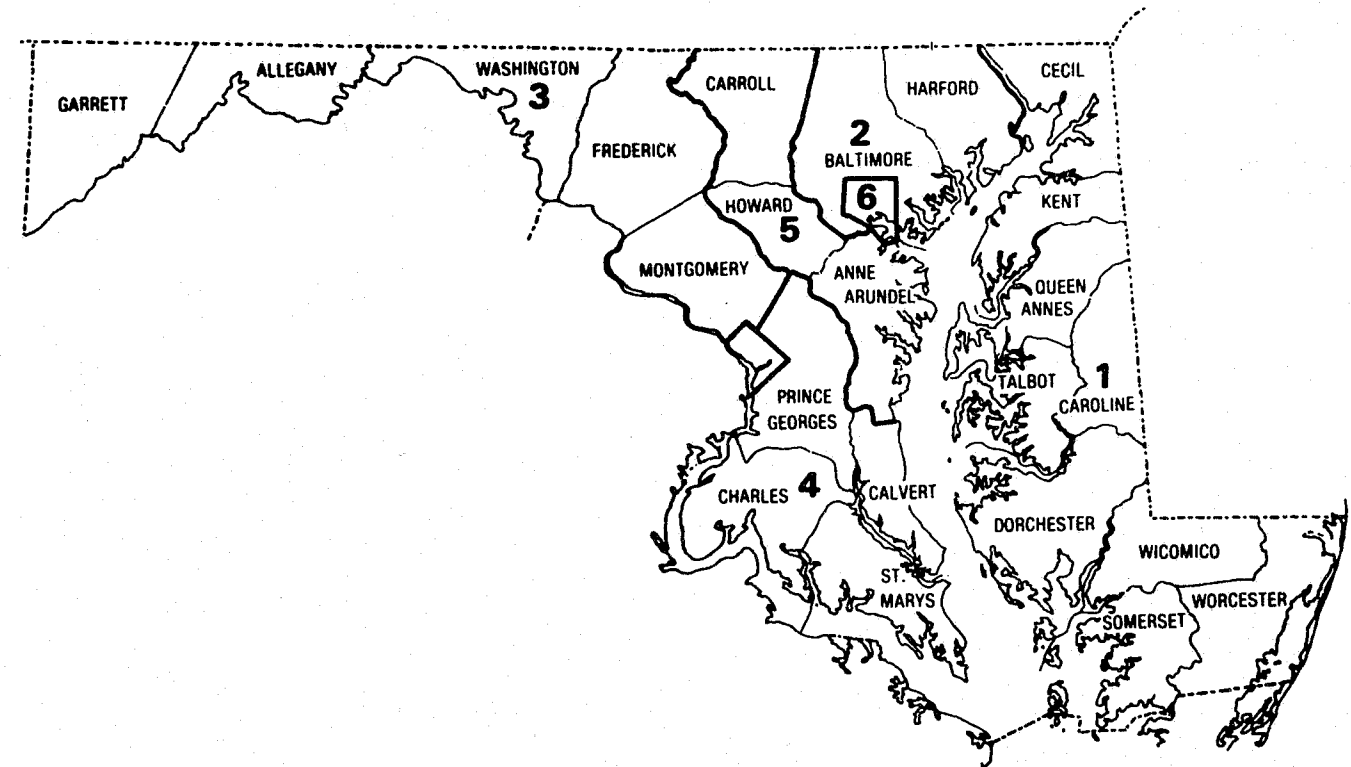


Circuit Courthouse,  
Howard County; Ellicott City.



Supreme Bench Building; Baltimore City.

**Judicial Maps and Members of the Judiciary  
as of September 17, 1982**



**Appellate Judicial Circuits**

**Court of Appeals**

- Hon. Robert C. Murphy, CJ (2)
- Hon. Marvin H. Smith (1)
- Hon. John C. Eldridge (5)
- Hon. Harry A. Cole (6)
- Hon. Rita C. Davidson (3)
- Hon. Lawrence F. Rodowsky (6)
- Hon. James F. Couch, Jr. (4)

**Court of Special Appeals**

- Hon. Richard P. Gilbert, CJ (6)
- Hon. James C. Morton, Jr. (5)
- Hon. Charles E. Moylan, Jr. (At large)
- Hon. John P. Moore (3)
- Hon. Thomas Hunter Lowe (At large)
- Hon. David T. Mason (At large)
- Hon. Solomon Liss (6)
- Hon. Alan M. Wilner (At large)
- Hon. Edward O. Weant, Jr. (At large)
- Hon. John J. Bishop, Jr. (At large)
- Hon. John J. Garrity (4)
- Hon. William H. Adkins, II (1)
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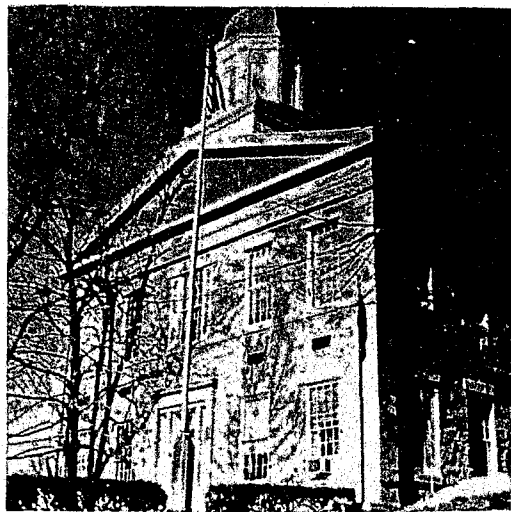
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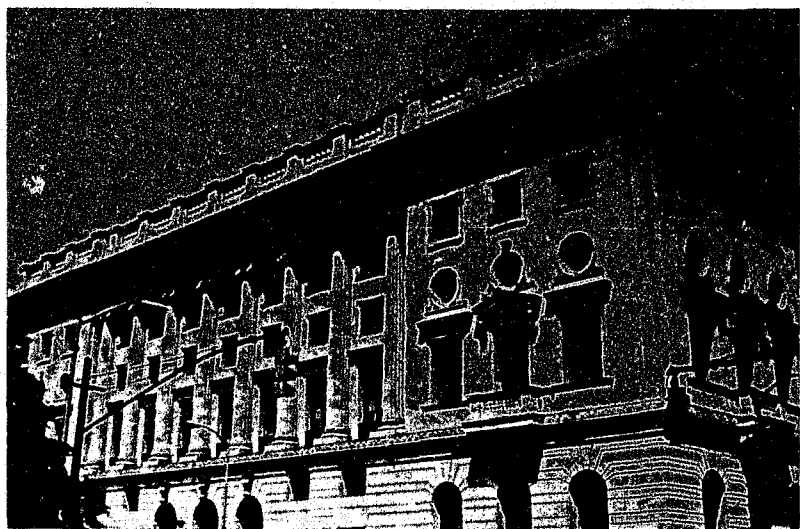
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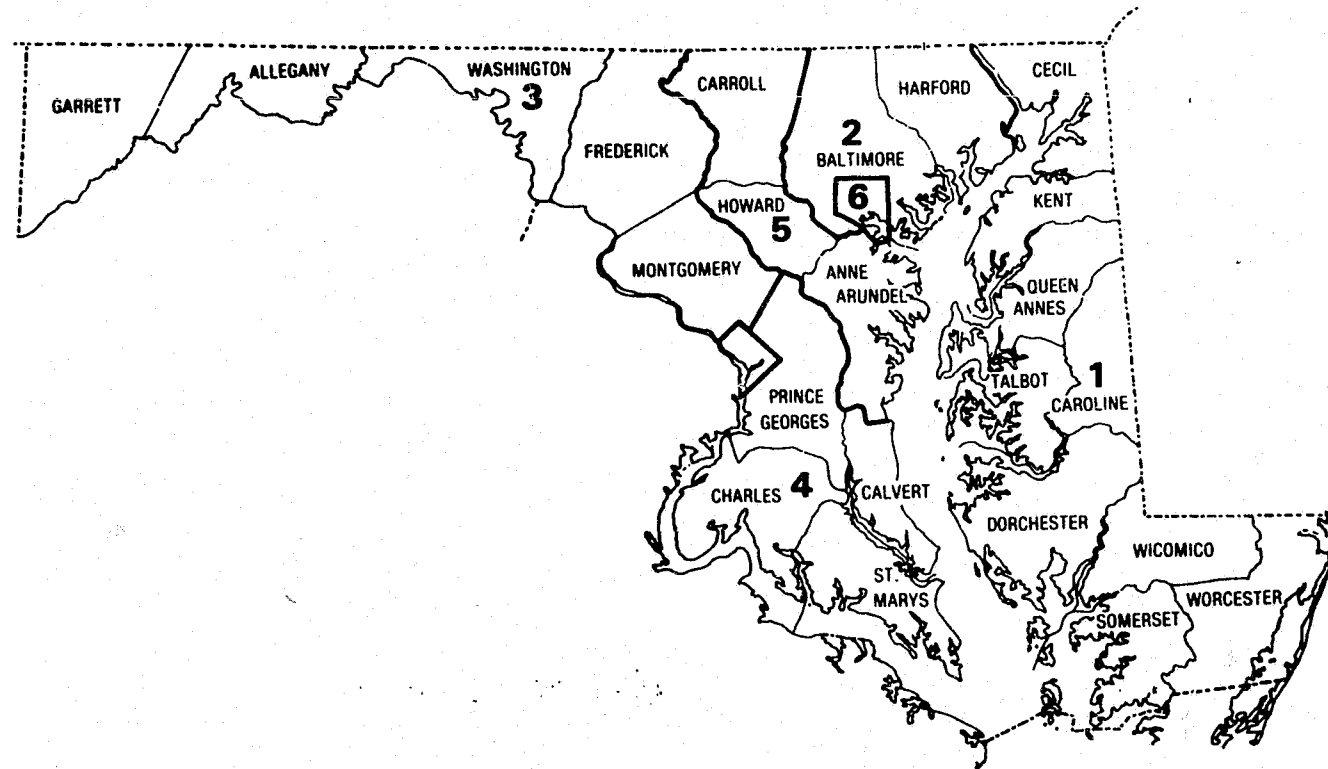


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Supreme Bench Building; Baltimore City.

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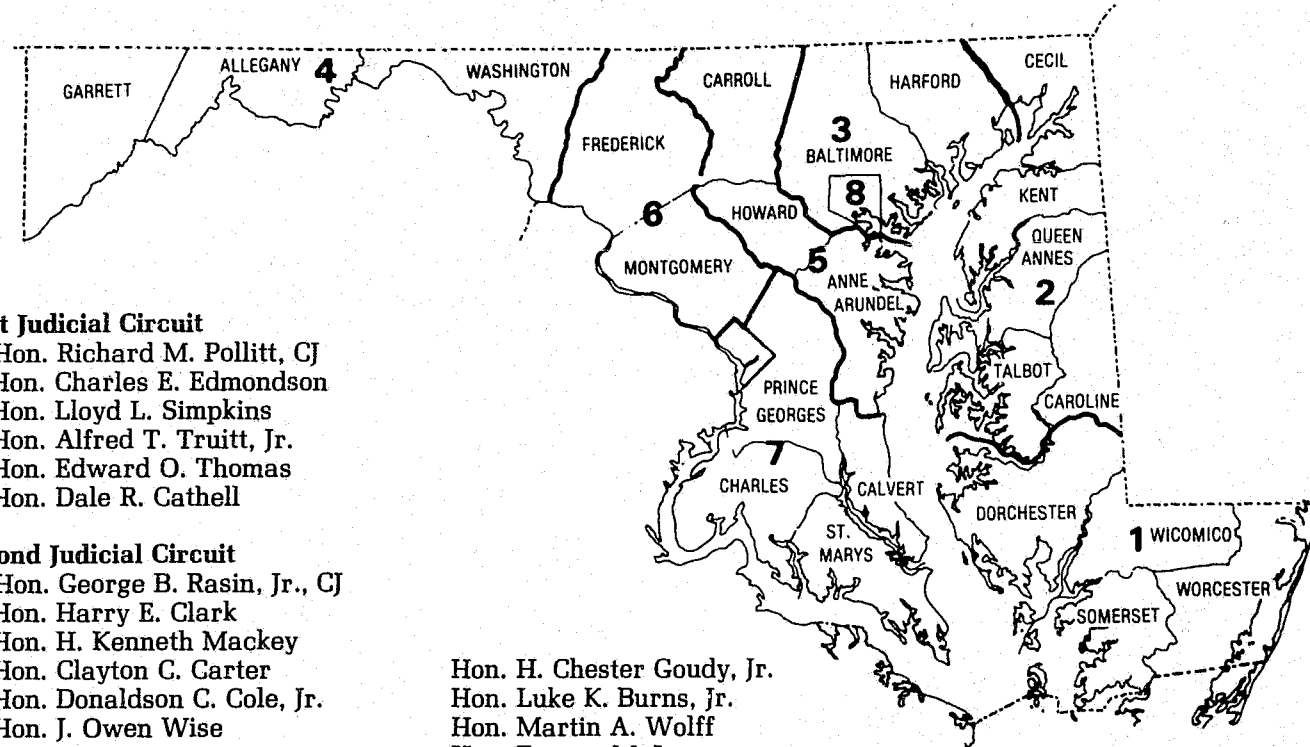
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- Hon. John J. Garrity (4)
- Hon. William H. Adkins, II (1)
- Hon. Paul E. Alpert (2)



**First Judicial Circuit**

- \*Hon. Richard M. Pollitt, CJ
- Hon. Charles E. Edmondson
- Hon. Lloyd L. Simpkins
- Hon. Alfred T. Truitt, Jr.
- Hon. Edward O. Thomas
- Hon. Dale R. Cathell

**Second Judicial Circuit**

- \*Hon. George B. Rasin, Jr., CJ
- Hon. Harry E. Clark
- Hon. H. Kenneth Mackey
- Hon. Clayton C. Carter
- Hon. Donaldson C. Cole, Jr.
- Hon. J. Owen Wise

**Third Judicial Circuit**

- Hon. John E. Raine, Jr., CJ
- Hon. Walter R. Haile
- Hon. Albert P. Close
- \*Hon. Frank E. Cicone
- Hon. Edward D. Higinbotham
- Hon. Edward A. DeWaters, Jr.
- Hon. William R. Buchanan
- Hon. Brodnax Cameron, Jr.
- Hon. Cullen H. Hormes
- Hon. Austin W. Brizendine
- Hon. James S. Sfekas
- Hon. James H. Langrall
- Hon. J. William Hinkel
- Hon. John F. Fader, II
- Vacancy
- Vacancy

**Fourth Judicial Circuit**

- \*Hon. James S. Getty, CJ
- Hon. Frederick A. Thayer, III
- Hon. John P. Corderman
- Hon. Frederick C. Wright, III
- Hon. J. Frederick Sharez
- Hon. Daniel W. Moylan

**Fifth Judicial Circuit**

- Hon. James L. Wray, CJ
- Hon. Morris Turk
- Hon. Guy J. Cicone
- Hon. Bruce C. Williams
- \*Hon. Raymond G. Thieme, Jr.
- Hon. Robert F. Fischer
- Hon. Donald J. Gilmore

- Hon. H. Chester Goudy, Jr.
- Hon. Luke K. Burns, Jr.
- Hon. Martin A. Wolff
- Hon. Eugene M. Lerner
- Hon. J. Thomas Nissel
- Hon. Robert S. Heise
- Hon. James C. Cawood, Jr.
- Hon. Raymond J. Kane, Jr.

**Sixth Judicial Circuit**

- Hon. Samuel W. Barrick, CJ
- \*Hon. David L. Cahoon
- Hon. John F. McAuliffe
- Hon. Philip M. Fairbanks
- Hon. John J. Mitchell
- Hon. Richard B. Latham
- Hon. Stanley B. Frosh
- Hon. William M. Cave
- Hon. Calvin R. Sanders
- Hon. Rosalyn B. Bell
- Hon. William W. Wenner
- Hon. James S. McAuliffe, Jr.
- Hon. Irma S. Raker
- Hon. William C. Miller

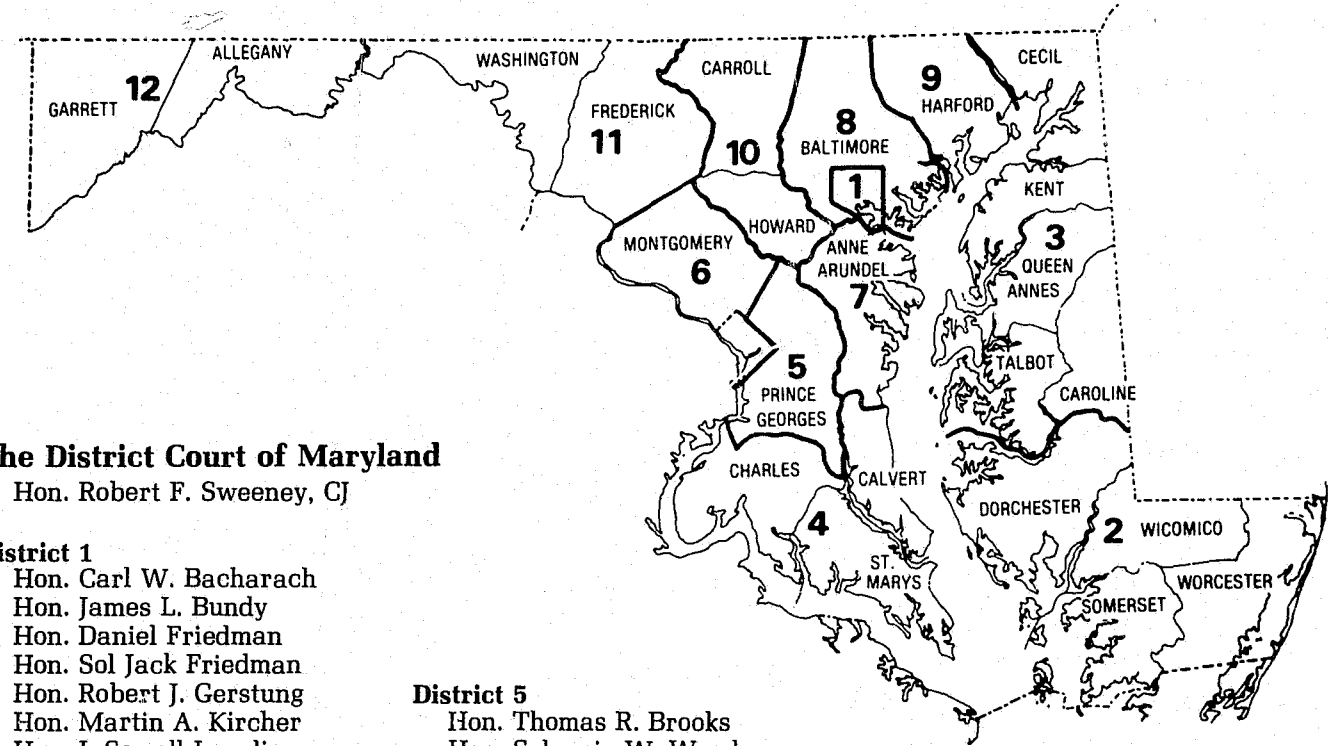
**Seventh Judicial Circuit**

- \*Hon. Ernest A. Loveless, Jr., CJ
- Hon. Perry G. Bowen, Jr.
- Hon. William H. McCullough
- Hon. James H. Taylor
- Hon. Joseph A. Mattingly
- Hon. Jacob S. Levin
- Hon. George W. Bowling
- Hon. Albert T. Blackwell, Jr.
- Hon. Robert J. Woods
- Hon. Howard S. Chasanow
- Hon. Vincent J. Femia
- Hon. Robert H. Mason

**Eighth Judicial Circuit**

- Hon. J. Harold Grady, CJ
- Hon. James A. Perrott
- Hon. Robert I.H. Hammerman
- Hon. David Ross
- Hon. Paul A. Dorf
- Hon. Basil A. Thomas
- Hon. Robert B. Watts
- Hon. James W. Murphy
- Hon. Marshall A. Levin
- \*Hon. Robert L. Karwacki
- Hon. John R. Hargrove
- Hon. Mary Arabian
- Hon. Martin B. Greenfeld
- Hon. Milton B. Allen
- Hon. Joseph H. H. Kaplan
- Hon. Edgar P. Silver
- Hon. Solomon Baylor
- Hon. Elsbeth Levy Bothe
- Hon. Robert M. Bell
- Hon. Peter D. Ward
- Hon. Joseph I. Pines
- Hon. William H. Murphy, Jr.
- Hon. John Carroll Byrnes

\*Circuit Administrative Judge



**The District Court of Maryland**

Hon. Robert F. Sweeney, CJ

**District 1**

- Hon. Carl W. Bacharach
- Hon. James L. Bundy
- Hon. Daniel Friedman
- Hon. Sol Jack Friedman
- Hon. Robert J. Gerstung
- Hon. Martin A. Kircher
- Hon. I. Sewell Lamdin
- Hon. Harold Lewis
- Hon. William H. Murphy, Sr.
- Hon. Alan M. Resnick
- Hon. Henry W. Stichel, Jr.
- Hon. James J. Welsh, Jr.

- \*Hon. Joseph A. Ciotola
- Hon. Hilary D. Caplan
- Hon. Blanche G. Wahl
- Hon. Richard O. Motsay
- Hon. Neal M. Janey
- Hon. Arrie W. Davis
- Hon. Edward J. Angeletti
- Hon. Mabel Houze Hubbard
- Hon. Alan B. Lipson
- Hon. George J. Helinski

**District 2**

- Hon. D. William Simpson
- \*Hon. William B. Yates, II
- Hon. Robert D. Horsey
- Hon. Theodore R. Eschenburg

**District 3**

- \*Hon. Kenneth A. Wilcox
- Hon. Walter E. Buck, Jr.
- Hon. John C. North, II
- Hon. L. Edgar Brown
- Hon. John T. Clark, III
- Hon. H. Thomas Sisk, Jr.

**District 4**

- \*Hon. William O. E. Sterling
- Hon. Larry D. Lamson
- Hon. Robert C. Nalley

**District 5**

- Hon. Thomas R. Brooks
- Hon. Sylvania W. Woods
- Hon. Irving H. Fisher
- \*Hon. Graydon S. McKee, III
- Hon. Francis A. Borelli
- Hon. Bond L. Holford
- Hon. Louis J. DiTrani
- Hon. Bess B. Lavine
- Hon. Joseph S. Casula

**District 6**

- Hon. L. Leonard Ruben
- Hon. Douglas H. Moore, Jr.
- Hon. John C. Tracey
- Hon. Charles W. Woodward, Jr.
- \*Hon. Stanley Klavan
- Hon. Thomas A. Lohm
- Hon. Henry J. Monahan
- Hon. DeLawrence Beard
- Hon. Louis D. Harrington

**District 7**

- \*Hon. Thomas J. Curley
- Hon. Vernon L. Neilson
- Hon. George M. Taylor
- Hon. Robert N. Lucke, Sr.
- Hon. Arthur A. Anderson, Jr.
- Hon. Donald M. Lowman

**District 8**

- Hon. Edward D. Hardesty
- Hon. James E. Kardash
- Hon. Werner G. Schoeler
- Hon. Fred E. Waldrop
- Hon. William T. Evans
- Hon. David N. Bates

**District 9**

- \*Hon. Charles J. Kelly
- Hon. Harry St. A. O'Neill
- Hon. Edwin H. W. Harlan, Jr.

**District 10**

- Hon. Donald M. Smith
- \*Hon. Francis M. Arnold
- Hon. Diane G. Schulte
- Hon. R. Russell Sadler
- Hon. James N. Vaughan

**District 11**

- Hon. Stanley Y. Bennett
- \*Hon. Mary Ann Stepler
- Hon. Darrow Glaser
- Hon. James F. Strine

**District 12**

- \*Hon. Miller Bowen
- Hon. Paul J. Stakem
- Hon. Jack R. Turney

\*District Administrative Judge

**END**