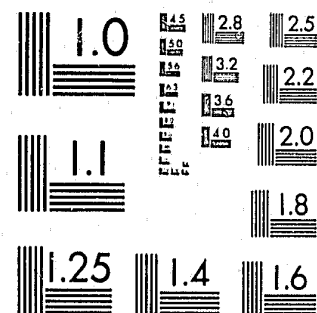


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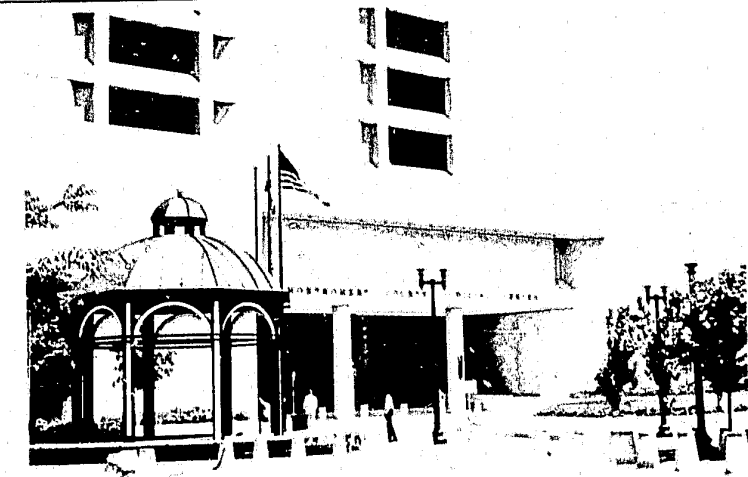
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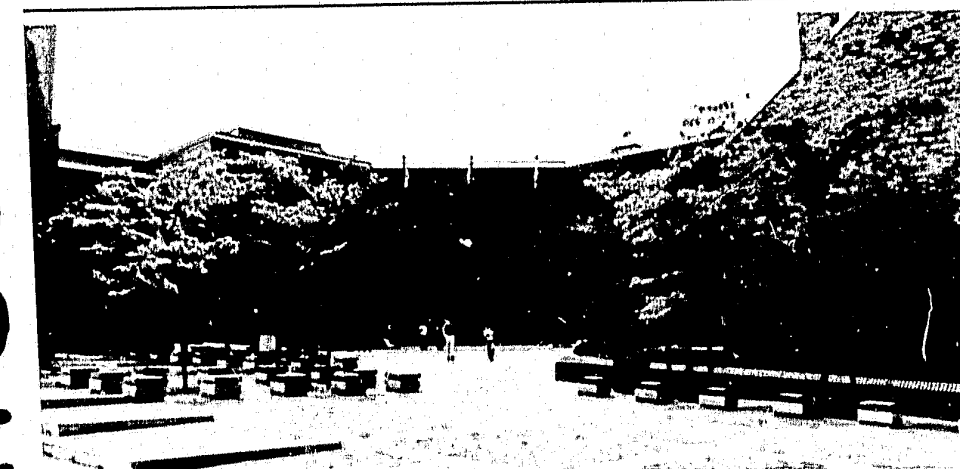
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ANNUAL REPORT of the MARYLAND JUDICIARY



1982-1983



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ANNUAL REPORT of the MARYLAND JUDICIARY 1982-1983

Report prepared by the
Education and Information Section
of the
Administrative Office of the Courts
Editor - Deborah A. Unitus
Photographs by Juana Hopper and Louis S. Lear

U.S. Department of Justice
National Institute of Justice

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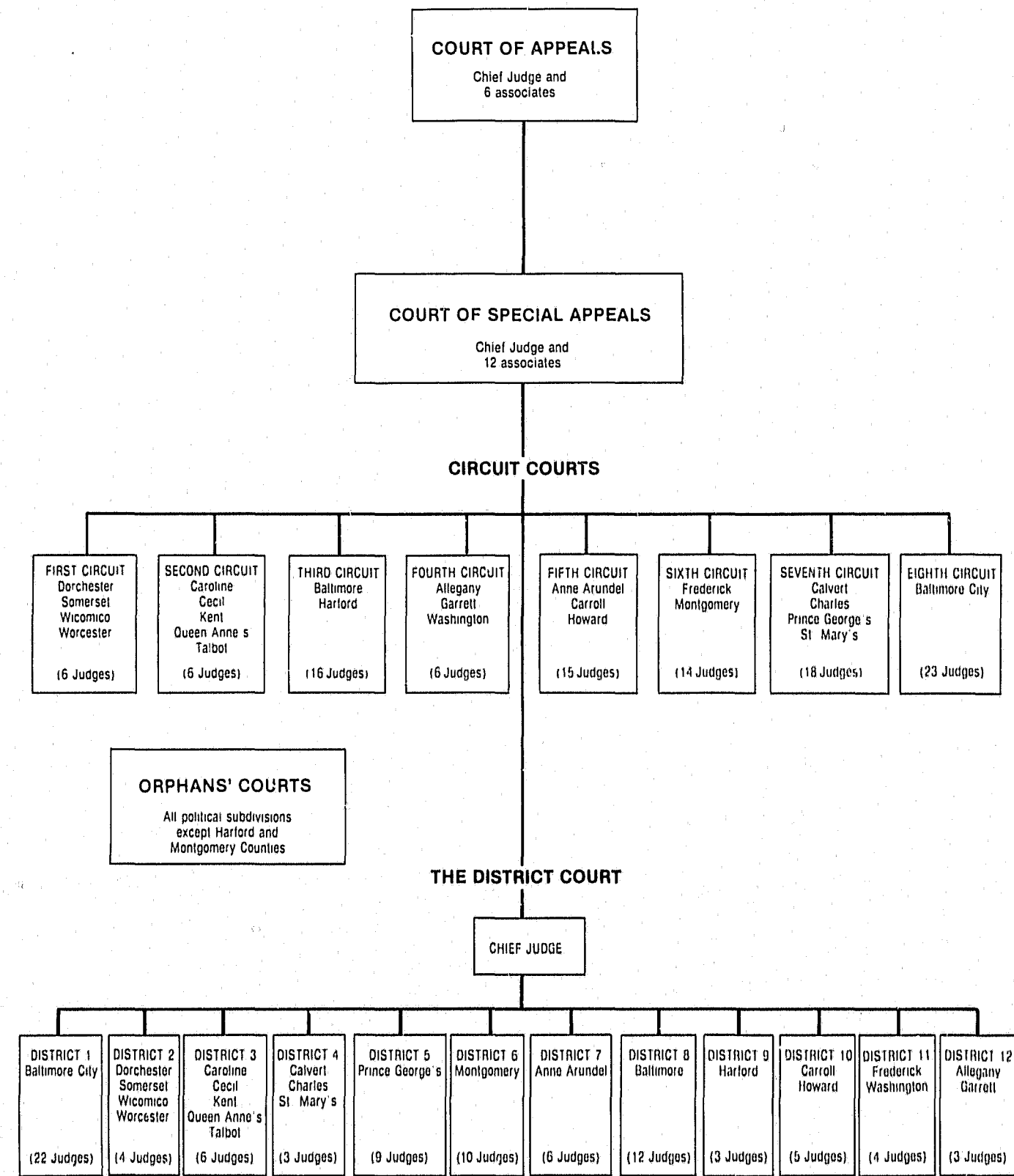
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THE MARYLAND JUDICIAL SYSTEM



Letter of Transmittal

It is a pleasure to present the seventh *Annual Report of the Maryland Judiciary*, which includes the twenty-eighth Annual Report of the Administrative Office of the Courts, as required by § 13-101 (d) (9) of the Courts and Judicial Proceedings Article. The report covers fiscal 1983, beginning July 1, 1982 and ending June 30, 1983.

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 the judiciary and other governmental officials and employees and to the 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 was prepared and edited by the Education and Information Section, and the Special Projects, Research and Planning Section, 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 fine efforts of the clerks of the circuit courts for the counties and Baltimore City and the clerks of the District Court of Maryland.

I take this opportunity to publicly thank the Honorable William H. Adkins, II, my predecessor who has been appointed an Associate Judge of the Court of Special Appeals, for having left me with a fine staff and for his enviable record as State Court Administrator during the past nine years. He will be missed in the field of court administration.

James H. Norris, Jr.

James H. Norris, Jr.
State Court Administrator

Introduction

Increasing workload is an endless problem for Maryland courts and that trend continued in fiscal 1983.

In the Court of Appeals the number of filings exceeded 850 for the second straight year as the Court had 877 filings as compared to 864 filings reported for the previous Term in 1981. With this increase, together with the other responsibilities of the Court, such as attorney discipline, bar admissions and rule making, the heavy burdens upon the judges of the Court are continuing without any signs of remission.

The Court of Special Appeals continued an upward climb in caseload over the past decade, filing 1,968 cases on the regular docket in the September 1982 Term. The majority of filings, 1,107 (56.3 percent,) were criminal cases. Even with the increasing caseload, the statistics show the over-burdened judges of the Court continuing to remain current disposing of 1,808 cases on the regular docket during fiscal 1983. In addition to the regular appeals, the Court of Special Appeals disposed of 128 cases on the post-conviction and miscellaneous dockets which included 96 post-conviction cases, 10 inmate grievance cases and 22 other miscellaneous cases.

It should be noted that a number of innovations have been adopted to assist the Court of Special Appeals. The prehearing conference procedure was implemented about two and half years ago and has been instrumental in disposing of approximately a hundred cases a year. The expedited appeal process which began last year aids the Court in identifying certain cases and placing them on the "fast track" for prompt disposition. A recent enactment of the General Assembly, Chapter 295 of the Acts of 1983, is a legislative innovation that should remove almost 100 cases annually from the regular docket and place them on the applications for leave to appeal docket. The new law treats appeals involving a review of conviction following a plea of guilty as discretionary rather than as of right.

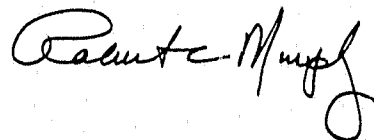
Circuit court filings amounted to 151,941 in fiscal 1983, an increase of 7.0 percent over fiscal 1982. Increases were recorded in all four major areas, criminal up 10.7 percent, equity up 8.7 percent, law

up 4.6 percent, and juvenile up 1.3 percent. The major increase in criminal case filings is generally attributable to one case category—jury trial prayers in the District Court. In fiscal 1982 jury trial prayers diminished by 45 percent over fiscal 1981, approximately 6,500 compared to 12,000. This occurred because of Chapter 608 of the Acts of 1981, which was aimed at reducing the number of requests for a jury trial filed in the District Court. However, in fiscal 1983 a steady increase in the number of requests for jury trials were recorded resulting in figures nearing those of fiscal 1981. About 10,000 requests for jury trials were filed in fiscal 1983, suggesting that the impact of Chapter 608 has somewhat lessened.

The circuit courts may now impose a more severe sentence than that imposed in the District Court upon conviction in a trial de novo appeal. This law, Chapter 293 of the Acts of 1983, became effective July 1, 1983 and will be monitored to determine the effect upon the criminal caseloads in the circuit courts.

The District Court's workload was the highest since it was established with 1,376,846 total filings. These filings included 725,861 motor vehicle cases, 128,185 criminal cases, and 522,800 civil cases in addition to 3,643 juvenile filings in Montgomery County. In four years, the caseload has increased by approximately 250,000 cases. The District Court has been able to handle this increase with only a relatively small increase in the number of judges and court personnel.

This *Annual Report of the Maryland Judiciary* demonstrates that the courts are coping with the increases and I commend the judges and supporting staff of the courts for a job well done.



Robert C. Murphy
Chief Judge of the
Court of Appeals

Judicial Revenues and Expenditures

The State and local costs to support the operations of the judicial branch of government in Maryland were approximately \$78.1 million in fiscal 1983. The judicial branch consists of the Court of Appeals; the Court of Special Appeals; the circuit courts,

including the Circuit Court for Baltimore City; the District Court of Maryland; the clerks' offices and headquarters of these several courts; the Administrative Office of the Courts; the Standing Committee on Rules of Practice and Procedure of the Court of Appeals; the 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 212 judicial positions and approximately 2,800 non-judicial positions in the judicial branch.

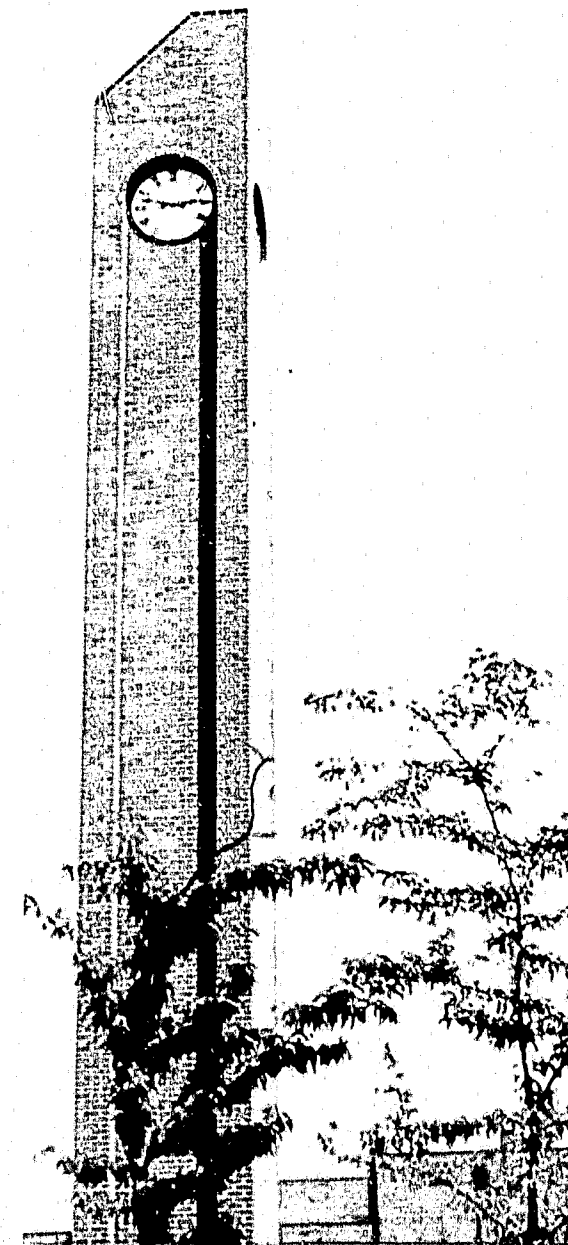
The state-funded judiciary budget operates on a program budget concept and expended \$37,082,819 in the twelve-month period ending June 30, 1983. Two programs fund the two appellate courts and their clerks' offices. Another program provides funds to pay the salaries and official travel costs for the circuit court judges. The largest program is the state-funded District Court which expended \$22,898,919, but brought in revenues of \$33,016,448 in fiscal 1983. The Maryland Judicial Conference includes funds for continuing judicial education and conference committee activities. Remaining programs provide funds for the Administrative Office of the Courts, the Maryland State Law Library, the Standing Committee on Rules of Practice and Procedure of the Court of Appeals, the State Board of Law Examiners, the State Reporter, and the Commission on Judicial Disabilities.

The Attorney Grievance Commission and the Clients' Security Trust Fund are supported by assessments paid by lawyers entitled to practice law in Maryland. These supporting funds are not included in the judicial budget.

The figures in the table show the state-funded judicial revenues and expenditures for fiscal 1983. The court-related revenue of \$33,298,548 is remitted to the State's general fund and cannot be used to offset expenditures.

The total state budget was \$6.2 billion in fiscal 1983. The illustration reflects that the state-funded judicial budget consumes but a tiny fraction of the entire state budget, approximately six tenths of one percent.

Operating costs for the clerks' offices of the circuit courts are paid from filing fees, court costs, and commissions collected by these offices. Any deficiency is paid by the State from a fund maintained by the State Comptroller and from a general fund appropriation. Expenses for fiscal 1983 were approx-



State Funded Judicial Budget

Revenues*

Program	Actual FY 1981	Actual FY 1982	Actual FY 1983
Court of Appeals	\$ 28,458	\$ 34,885	\$ 32,499
Court of Special Appeals	39,783	42,254	41,651
State Board of Law Examiners	159,220	207,760	207,960
District Court**	25,397,195	26,034,995	33,016,438
TOTAL	\$25,624,656	\$26,319,894	\$33,298,548

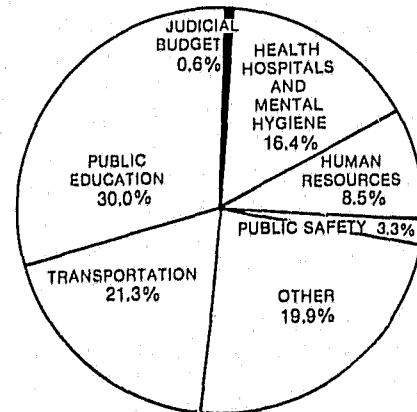
*Revenues come from filing fees, fines, bail forfeitures and court costs remitted to the State's general fund and are not available to offset expenditures except for the special procedures concerning the payments to various sheriffs for service process.

**This is net revenue. The District Court expended \$1,466,916 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 1981	Actual FY 1982	Actual FY 1983
Court of Appeals	\$ 918,615	\$ 944,081	\$ 1,082,510
Court of Special Appeals	1,618,136	1,627,931	1,867,755
Circuit Courts	5,244,836	5,268,775	6,085,433
District Court	19,373,351	20,631,751	22,898,919
Maryland Judicial Conference	53,484	59,123	64,742
Administrative Office of the Courts	1,087,903	1,186,716	1,185,068
Court Related Agencies	396,887	440,525	446,014
Maryland State Law Library	214,819	221,300	269,036
Judicial Data Processing	2,585,424	2,885,534	3,183,342
TOTAL	\$31,493,455	\$33,265,736	\$37,082,819

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

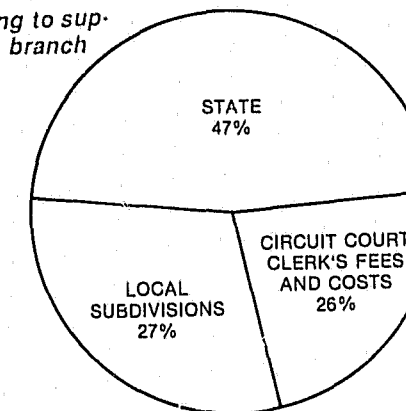


State funded portion of judicial expenditures (shown as solid area) as a percentage of total state expenditures in fiscal 1983

imately \$20,245,000. Fees, costs, and commissions totaled \$17,950,000, resulting in a net deficiency of \$2,295,000. Only seven of the 24 clerks' offices ended the year with a surplus, but that reverts to the General Fund and cannot be used to offset deficits occurring in other offices. The net deficiency figure includes the surplus counties. However, the gross deficiency before subtracting any surplus was approximately \$3.8 million in fiscal 1983. This figure is \$300,000 higher than the deficiency recorded in fiscal 1982. Contributing partly to the size of the deficiency in 1983 was the transfer of Baltimore City

Judicial Revenues and Expenditures

Source of funding to support the judicial branch of government



funded positions to the newly created Circuit Court for Baltimore City. The consolidation of the former Supreme Bench was effective January 1, 1983. The transfer of these city-funded positions brought no revenue producing sources.

Certain fiscal problems in the circuit court clerks' offices were addressed by legislation that went into effect in fiscal 1983. The law requires all clerks of the circuit courts to submit an annual budget to the legislature for review and approval. In addition, the legislation established a uniform minimum work week for all offices and raised certain statutory commissions and fees for noncourt-related revenue.

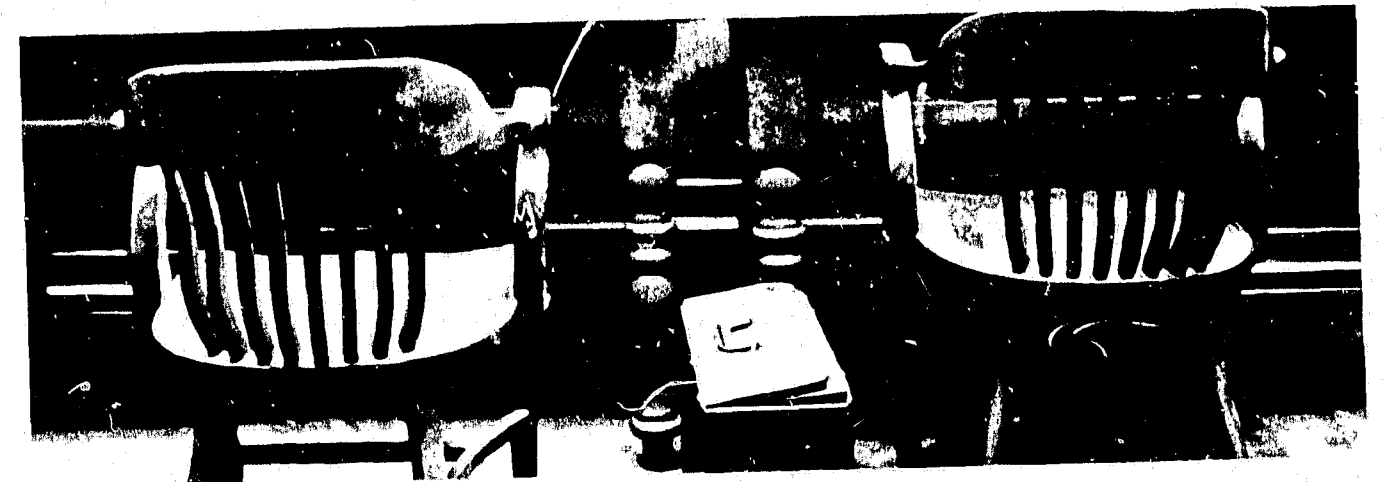
Other costs are funded by Maryland's 23 counties and Baltimore City. In fiscal 1983 the appropriations by the local subdivisions were approximately \$21 million. Court-related revenues collected by the circuit courts from sources other than fines, forfeitures, and appearance fees are minimal. This money

Judicial Branch Personnel Profile

Judicial Personnel	212
Nonjudicial Personnel	
Appellate Courts	72
District Court	812
Administrative Office of the Courts	79
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	1,092
Circuit Courts—Local	698
	2,998

comes from such sources as fees and charges in domestic relations' matters and service charges in collecting nonsupport. Fines, forfeitures, and certain appearance fees are returned to the subdivisions. That sum was approximately \$2 million this year.

The chart illustrating the contributions by the State, the clerks' offices, and the local subdivisions to support the judicial branch of government shows that the State portion accounts for approximately 47 percent of all costs, while the local subdivisions and the clerks' offices account for 27 percent and 26 percent, respectively.



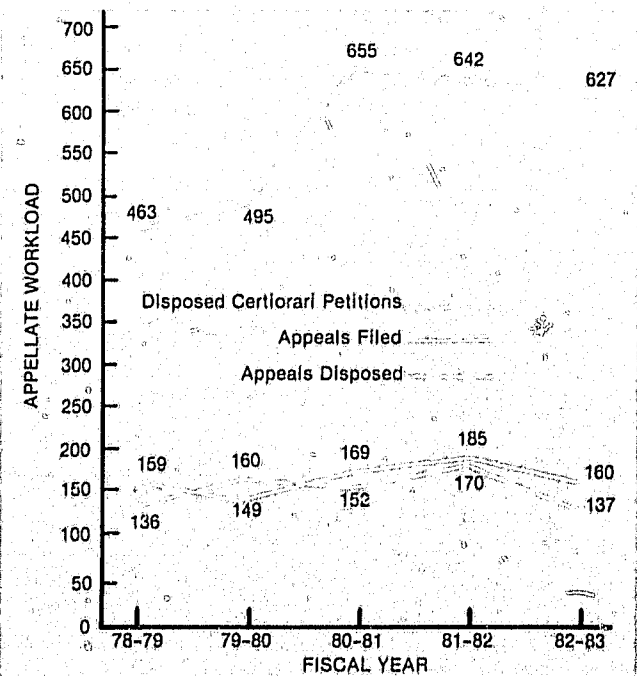
The Maryland Courts

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.

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



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

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 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 Court of Appeals may also decide questions of law certified for review by federal or other state appellate courts.

Matters filed for the September 1982 docket formed the incoming workload of the Court of Appeals for fiscal 1983. Filings received from March 1 through February 28 were entered on the September Term docket for argument during the period from the second Monday in September through the end of the following June. In the following discussion, filings are counted by Term, March 1 through February 28, and dispositions by fiscal year, July 1 through June 30. For comparative purposes, the chart displays fiscal year data.

For the September 1982 Term, 877 filings came into the Court. These included: 648 petitions for certiorari; 164 regular cases; 34 attorney discipline proceedings; and 31 miscellaneous appeals, of which three were character committee proceedings regarding candidates for the bar and two were certified questions of law from the United States District Court. Dispositions for fiscal 1983 totaled 819, including: 627 petitions for certiorari; 137 regular cases; 32 attorney discipline proceedings; and 23 miscellaneous appeals, of which three were character committee proceedings and three were certified questions of law from federal courts. In addition to hearing attorney discipline cases, during fiscal 1983, the Court of Appeals admitted 981 persons to the practice of law, including 155 attorneys from other jurisdictions.

Appellants requested the Court of Appeals to decide their cases through filing petitions for certiorari. The Court determined the cases having issues appropriate for review by the State's highest court, and granted certiorari in those cases. Cer-

The Maryland Courts

tiorari is usually granted for cases decided by the Court of Special Appeals. For District Court appeals, after the circuit court has heard the initial appeal, the Court of Appeals takes petitions directly. During fiscal 1983, the Court of Appeals granted 120 (19.1 percent) of the 627 petitions disposed. Although slightly more than half (52 percent) of the petitions disposed concerned criminal cases, less than half (42.5 percent) of the petitions granted concerned criminal cases.

Once certiorari was granted, cases were placed on the regular docket. On its own motion, the Court of Appeals can also add cases to its regular docket from cases pending in the Court of Special Appeals. The Court identifies cases suitable for its consideration from a monthly review of appellants' briefs in the intermediate court. For the 1982 Term, 164 cases were docketed. Of those, 77 were criminal cases and 87 were civil (law, equity, or juvenile.) Geographically, 59 cases (36 percent) came from Baltimore City, 63 (38.4 percent) came from the four large suburban counties, and the remaining 42 (25.6 percent) came from the other counties. Of the large counties, the most cases, 23, came from Baltimore County, followed closely by Montgomery County, sending 21 cases. Considerably fewer appeals were from Prince George's County, sending 11, and Anne Arundel County, sending eight. The contributions of the appellate circuits ranked in approximate order of the large counties in them.

The Court of Appeals disposed of 137 cases on the regular docket during fiscal 1983. Of these, 81 were from the 1982 Term, 51 from the 1981 Term, and five from the 1983 Term. Pending before the Court as of the end of fiscal 1983 were an equal number, indicating that the Court kept fully current. From the 1982 docket, 83 cases were pending, of which only two remained to be argued at the end of the fiscal year. In addition, eight cases remained from the 1981 docket; and 46 cases were filed recently on the 1983 docket to be heard during the September 1983 Term. Cases on the 1982 docket that went to argument before June 30, 1983, took an average of 4.1 months from docketing to reach the argument stage. Cases on the 1982 docket decided by June 30, 1983, took an average of 3.1 months between argument and decision. The Court filed a total of 113 majority opinions in fiscal 1983, 12 of which were per curiam. It also filed 16 dissenting opinions, two concurring opinions, and six dissenting in part and concurring in part.

Of the 137 dispositions, 55 (40.2 percent) concerned criminal cases, 49 (35.8 percent) concerned law cases, 29 (21.2 percent) decided equity cases, and only four (2.9 percent) regarded juvenile cases. As to type of disposition, 50 affirmed the lower court, 42 reversed, and 16 vacated and remanded to the lower court. Eight cases each were either dismissed without opinion or remanded without affirmance or

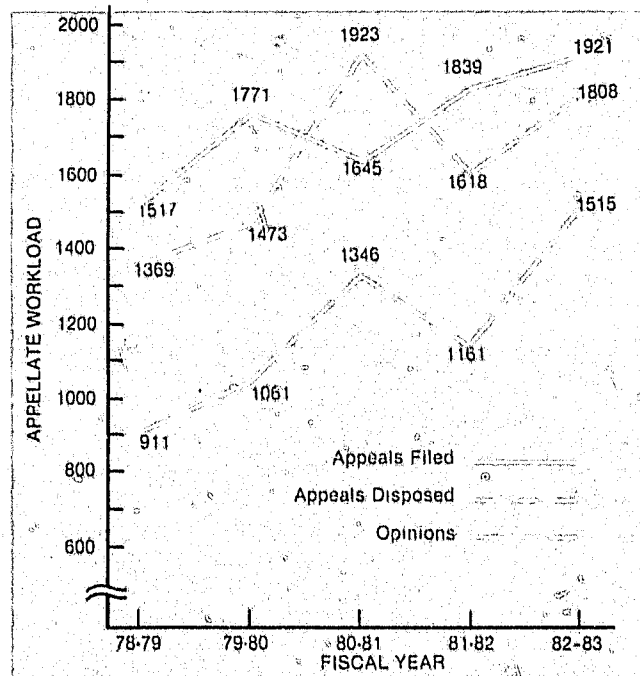
dismissal, six decisions were affirmed in part and reversed in part, three each were either dismissed with opinions or dismissed prior to argument or submission, and one was transferred to the Court of Special Appeals. Overall, the balance was about equal between cases affirmed or dismissed and cases reversed or remanded.

The Court of Special Appeals

The Court of Special Appeals is Maryland's intermediate appellate court. It was created in 1966 as the result of a rapidly growing 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,



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

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, inmate grievances, and from sentences entered upon guilty pleas.

As in the Court of Appeals, matters filed in the Court of Special Appeals for the September 1982 docket formed the incoming workload of the Court of Special Appeals for fiscal 1983. Filings received from March 1 through February 28 were entered on the September Term docket for argument during the period from the second Monday in September through the end of the following June. In this section, filings are counted by Term, March 1 through February 28, and dispositions by fiscal year, July 1 through June 30. For comparative purposes, the chart displays fiscal year data.

Continuing its upward climb in caseload over the past decade, the Court of Special Appeals received 1,968 cases on the regular docket for the September 1982 Term. The majority of filings, 1,107 (56.3 percent), were criminal cases; these accounted for all the increase. The 861 civil cases (43.8 percent of the total) showed a decline of a few cases from last year. In the civil area, the Court uses the procedure of the prehearing conference to identify cases suitable for resolution by the parties. Of 1,071 information reports received during the 1982 Term, identifying the noting of appeals in the circuit courts, the Court assigned 374 (34.9 percent) for prehearing conference. For more than one-third of the cases identified, the burden on the regular docket workload was reduced following the assignment. Directly, 77 cases were dismissed or settled before, at, or as a result of the conference. Issues were limited in another 21 cases, and four cases proceeded with expedited appeals. A further 39 cases were dismissed or remanded after the prehearing conference. By clarifying the issues and bringing the parties together, the prehearing conference procedure saves effort for the Court and appeal costs for the litigants.

Geographically, Baltimore City contributed the largest number of appeals, 620 (31.5 percent.) The large counties sent 872 appeals (44.8 percent.) Of these, Prince George's County sent the most, 275 (14.0 percent,) closely followed by Montgomery County, with 252 (12.8 percent.) Baltimore County contributed 180 (9.1 percent,) and Anne Arundel County sent 165 (8.4 percent.) The proportionate contribution from each appellate circuit followed closely that of the large counties. The circuit court cases tried generated appeals at the rate of 11 percent, calculated as the ratio of 1982 Term regular docket

appeals to fiscal year 1982 trials.

Of the 1,808 cases on the regular docket disposed by the Court of Special Appeals during fiscal year 1983, 1,447 (80.0 percent) were from the 1982 Term docket. A further 297 cases (16.4 percent) from the 1981 docket were concluded as well, plus 64 cases (3.5 percent) from the 1983 docket. On June 30, 1983, of the 867 cases pending, the majority, 545 (62.9 percent,) were from the 1983 docket in the ordinary course of being scheduled for the current term. Only 316 cases (36.4 percent of all pending) remained undecided from the 1982 Term. These generally were cases argued at the end of the fiscal year and were awaiting completion of opinions. Only six cases (0.7 percent of the pendings) remained from the 1981 docket. These figures depict that the Court kept current with its large caseload. Of the cases from the 1982 docket, those argued or disposed before argument as of June 30, 1983, did so in an average of 5.7 months. Those decided by June 30, 1983 were decided in an average of 1.1 months from argument.

Nearly two-thirds of the dispositions of the Court of Special Appeals were affirmances of the lower courts. These numbered 1,136 (62.8 percent.) While 950 (52.5 percent,) barely half, of the disposed cases were criminal matters, 735 (64.7 percent,) nearly two-thirds of the affirmances were for criminal case decisions. Of the 40 juvenile dispositions, 30 (75 percent) were affirmances. Dismissals accounted for 270 (14.9 percent) of all dispositions. Virtually all 256 of these were from law and equity cases. The combined total of affirmances and dismissals in law and equity was similar to that in criminal and juvenile, even though the proportion of direct affirmances was different. The proportion of direct reversals, including full and partial reversals, was similar across the case types. While 61 cases (3.4 percent) were transferred to the Court of Appeals, only 19 (2.0 percent) of criminal appeals were transferred.

In addition to the regular appeals, the Court of Special Appeals also disposed of 128 cases on the post-conviction and miscellaneous dockets during fiscal 1983. Of 96 post-conviction dispositions, the Court denied applications for leave to appeal in 55 cases, granted 15, remanded 14, and dismissed 12. Of ten Inmate Grievance Commission cases, the Court denied nine applications and dismissed one application for leave to appeal. Of 22 other dispositions from the miscellaneous docket, including habeas corpus/bail cases and motions for stays of execution of orders pending appeal, 15 were denied, five granted, and one each dismissed and remanded.

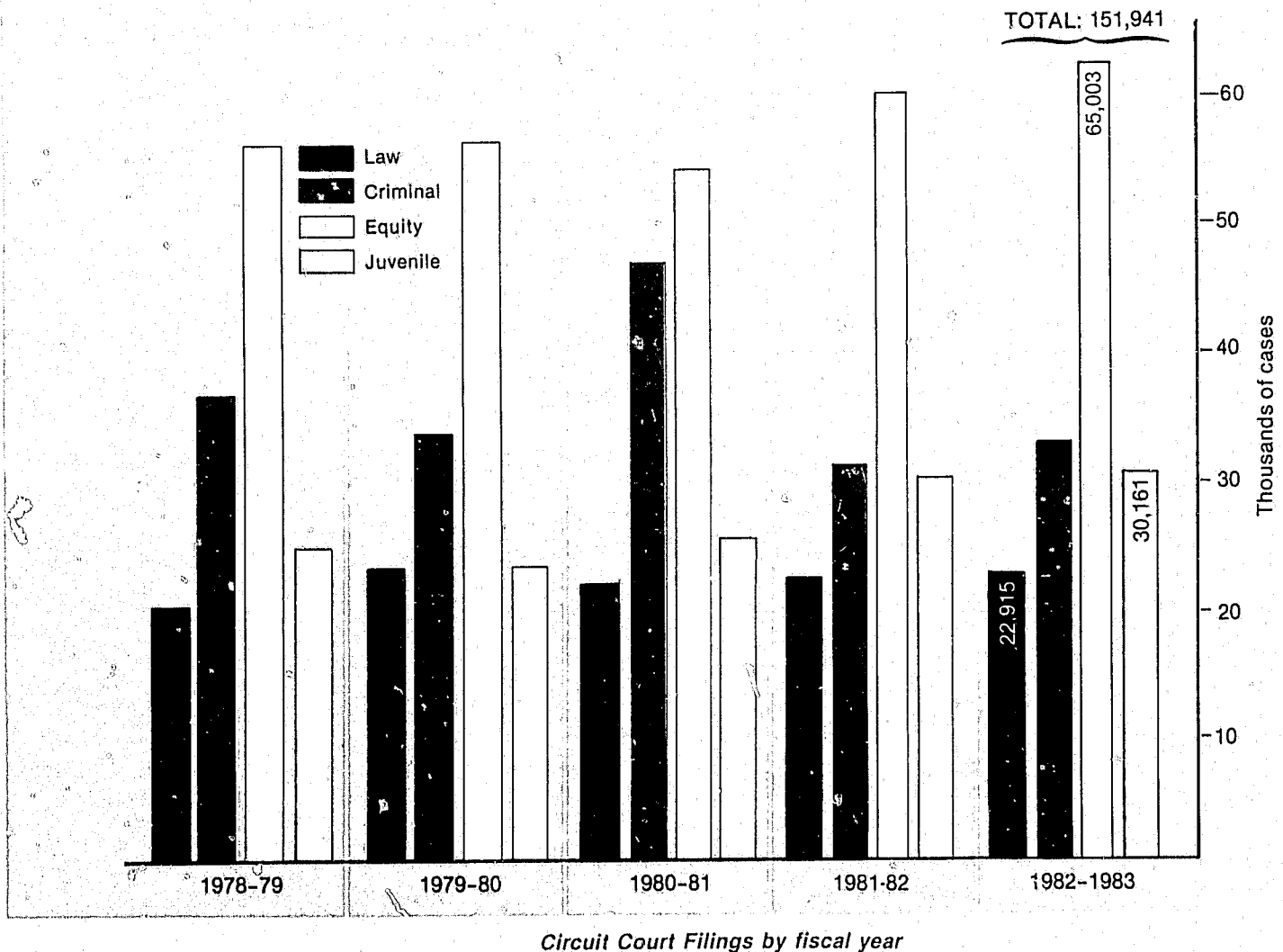
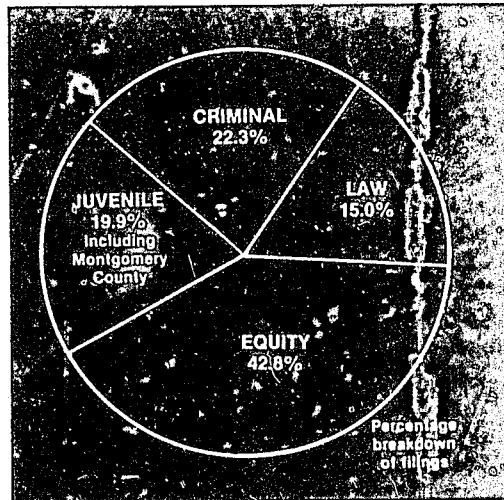
The Circuit Courts

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

Circuit Court—Filings by fiscal year

	1978-79	1979-80	1980-81	1981-82	1982-83
Filings	145,066	151,946	146,768	141,958	151,941
Terminations	129,460	152,720	124,787	128,411	126,548

Includes Montgomery County Juvenile Causes



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.

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 and as of January 1, 1983, the former Supreme Bench has been consolidated into the Circuit Court for Baltimore City.

As of July 1, 1983, there are 104 circuit court judges with at least one judge for each county and 23 in Baltimore City. Unlike the other three levels of courts in Maryland, there is no chief judge for the circuit courts. There are eight circuit administrative judges appointed by the Chief Judge of the Court of Appeals who perform administrative duties in each of their respective circuits. They are assisted by 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.

Law, equity, juvenile, and criminal case filings amounted to 151,941 in Maryland for fiscal 1983. This figure also includes 3,643 juvenile causes heard at the District Court level in Montgomery County. With respect to total circuit court caseload, 42.8 percent of the filings were in equity, 22.3 percent in criminal, 19.9 percent in juvenile, and 15.0 percent in the law category.

The fiscal 1983 filings of 151,941 increased by 7.0 percent over the 141,958 filings recorded in fiscal 1982. Increases were registered in all four major functional areas. Criminal filings increased the greatest, up 10.7 percent over the previous fiscal year (33,862 in fiscal 1983 compared to 30,575 in fiscal 1982) followed by equity, up 8.7 percent (65,003 in fiscal 1983 as opposed to 59,781 in fiscal 1982); and law, up 4.6 percent (22,915 in fiscal 1983, 21,582 in fiscal 1982.) Juvenile recorded only a slight increase of 1.3 percent (30,161 in fiscal 1983 compared to 29,750 in fiscal 1982.)

Several reasons may be cited for these statistical increases. Most significant is the fact that reopened cases are no longer counted from the hearing stage; rather, they are now reported from the date of the filing of the reopened petition. This means that more

total filings will result since a number of reopened cases never reach the hearing stage. This system of counting is more reflective of total workload and goes back to a system which was established prior to fiscal 1982. Reopened petitions are more frequently found in domestic relations cases and this may be one reason why equity case filings rose 8.7 percent in fiscal 1983.

In terms of criminal case filings, just about all of the 3,000 or more additional filings witnessed this year are attributable to one case category—jury trial prayers. In 1981, a law was passed, known as the Gerstung Law, which was aimed at reducing the number of requests for a jury trial filed in the District Court and requiring transfer of cases to the circuit court (Chapter 608, Acts of 1981.) Prior to the initiation of this Act, approximately 12,000 requests were filed in the circuit courts yearly. One year later jury trial prayers dropped by one-half to approximately 6,500 yearly, directly as a result of this law. In fiscal 1983, however, a steady climb in the number of requests has been noticed to the point that the courts are nearing pre-Chapter 608 levels. Approximately 10,000 requests for jury trials were made in fiscal 1983, thus suggesting that the impact of Gerstung legislation may have somewhat lessened in its second year of implementation.

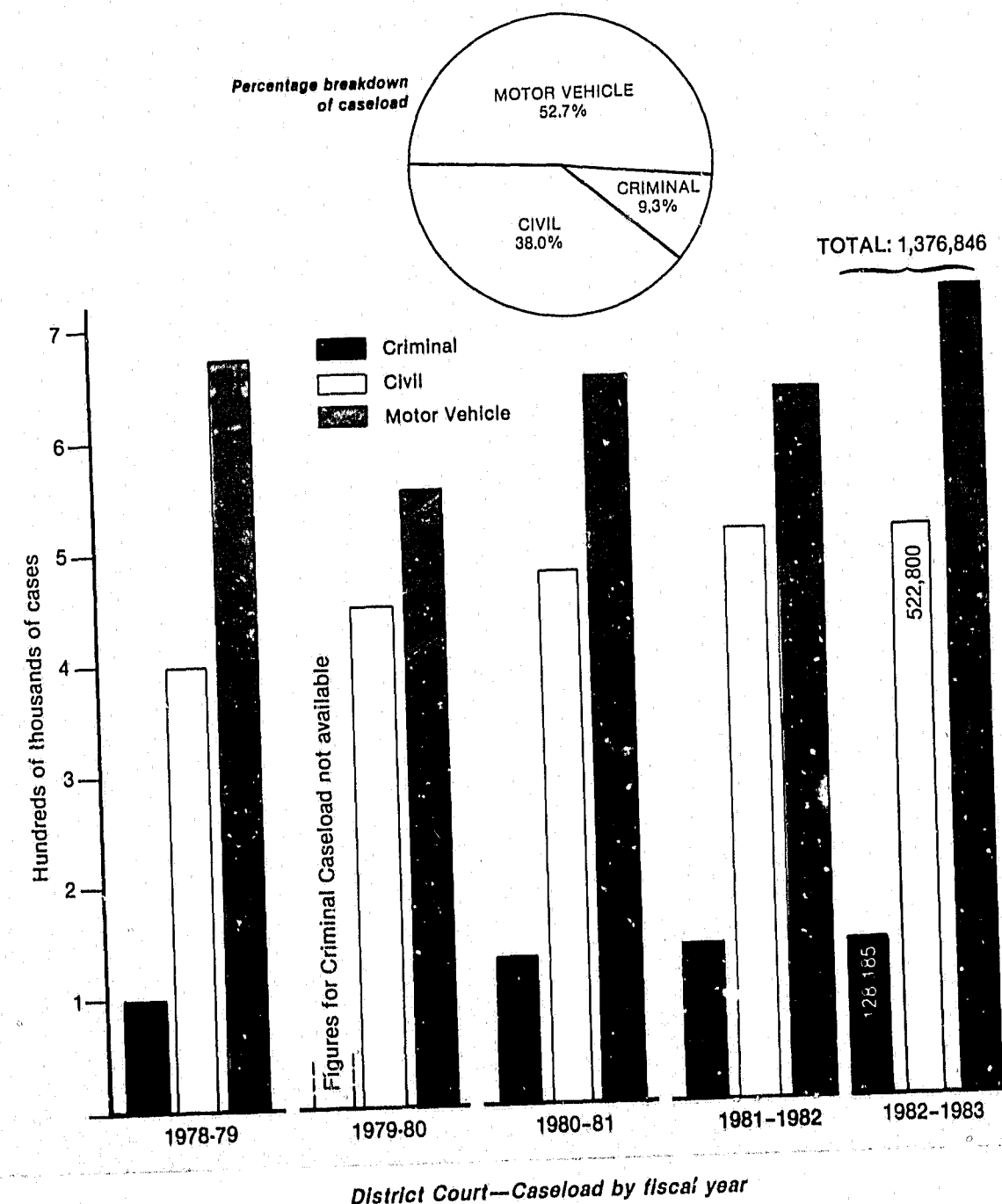
In the State, terminations totaled 126,548 in fiscal 1983 for the four major categories of law, equity, criminal, and juvenile. This figure includes 3,593 juvenile terminations heard at the District Court level in Montgomery County. There were 128,411 case terminations reported in fiscal 1982. Terminations represented 83.2 percent of filings in fiscal 1983.

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 state-wide 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 District 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.

As of July 1, 1983, there are 88 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 misdemeanors and certain enumerated felonies. Since there are no juries pro-

vided in the District Court, a person entitled to and electing a jury trial must proceed to the circuit court.

The District Court processed 725,861 motor vehicle cases, 128,185 criminal cases, and 522,800 civil cases in fiscal 1983. The District Court for Montgomery County also reported an additional 3,643 juvenile filings.

Statewide, 193,885 motor vehicle cases went to trial, with the remaining 498,377 being disposed of without trial by payment or forfeiture. Baltimore County recorded the most motor vehicle trials, 49,129, followed by Baltimore City with 31,011 and Montgomery County with 23,424. Kent County registered the smallest number of motor vehicle trials, 328.

Over 39 percent of the District Court criminal caseload was processed in Baltimore City. The four largest counties accounted for 40 percent (52,481 cases) of the criminal workload, with Prince George's County having the highest activity, followed by Baltimore County, Anne Arundel County, and Montgomery County. The smallest caseload in the criminal area was noted in Kent County, where 471 cases were terminated.

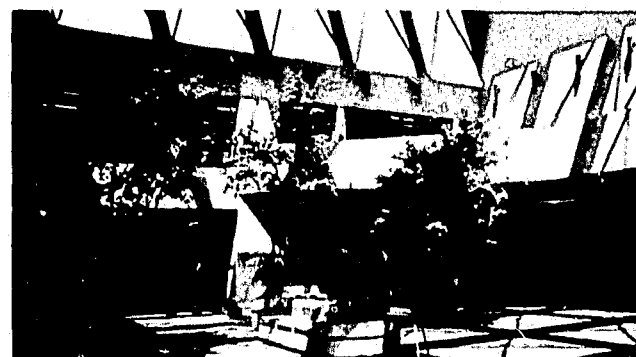
Filings in the civil area increased by 2.6 percent from fiscal 1982 to fiscal 1983. Baltimore City, as usual, accounted for the majority of civil filings, 195,403, followed by Prince George's and Baltimore Counties with 123,951 and 76,815, respectively. Somerset County recorded the smallest number of civil actions, 697.

Trends

The Court of Special Appeals and the circuit courts illustrate the most significant growth in caseload of the four levels of courts in Maryland over the past several years. It should be noted, however, that increases have been recorded on other levels as well.

The Court of Appeals, for example, exceeded over 850 filings for the second straight year. During the September 1982 Term, 877 filings were recorded compared to 864 filings for the previous Term in 1981. At the same time, more than 600 certiorari petitions were disposed of for the third consecutive year. While this data pictures the significant workload of the Court of Appeals, it does not depict the extensive amount of time and effort required to consider the complex and lengthy litigation which is coming before the Court with great regularity. It is not unreasonable to expect that with the advent of more and more death penalty cases and other complicated matters involving social issues, the Court can anticipate greater demands upon its limited resources within the next several years.

In the Court of Special Appeals, the workload pressures are equally demanding and it is this court which perhaps best typifies the appellate explosion



facing the American court system today. Over the past five years, this court charted a significant expansion in the number of appeals filed. No one factor, such as a change in jurisdiction, can be solely identified as contributing to this growth. For example, between the September 1978 and 1979 Terms, an 18.0 percent increase was recorded for the number of appeals filed on the regular docket in the Court of Special Appeals (1,416 appeals filed in 1978 compared to 1,671 in 1979.) Another increase was reported between the September 1981 and 1982 Terms when the regular docket grew nearly 13 percentage points (from 1,742 appeals filed in 1981 to 1,968 appeals filed in 1982.) Adding to the regular docket, the number of applications for leave to appeal and other miscellaneous cases, the Court of Special Appeals' workload will be approximately 2,100 to 2,200 filings this year, averaging between 160 and 170 filings per judge.

Within the last several years, the Court of Special Appeals adopted several innovative techniques to keep its burgeoning workload current. An expedited appeal process was initiated last year to aid the Court, and ultimately the litigants, in identifying and processing some cases in a more rapid manner. A prehearing conference procedure was implemented two and a half years ago. The objective is to settle civil cases or limit issues prior to submission of brief or argument. Both changes helped the Court to dispose of approximately a hundred cases a year, many of which would have appeared on the regular docket.

Chapter 295 of the 1983 Acts is also intended to relieve the caseload. This law treats cases involving a review of a conviction following a plea of guilty as discretionary rather than as a matter-of-right appeal. The court projects that about 100 cases would be transferred from the regular docket to the applications for leave-to-appeal docket annually.

Statistical system changes and definition changes in fiscal years 1981 and 1982 made it difficult to conduct any long-term trend analysis for the circuit courts. However, beginning with fiscal 1983, a relatively consistent data basis has been reinstated and it is expected that the circuit courts can expect

a minimum of 155,000 statewide filings by fiscal 1984. In general, the pattern of workload in the circuit courts over the past five or six years may be characterized as follows: a steady growth rate in law filings, usually between one and two percent annually; sporadic increases in juvenile statistics; sharp but consistent increases in equity filings, between six and eight percent a year; and erratic criminal caseloads.

As for categorical changes in the circuit courts, most case types have increased with about the same frequency. However, there have been marked changes recently in domestic relations cases and certain criminal categories.

In 1981, the General Assembly passed a law known as the Gerstung law, Chapter 608, Acts of 1981. The legislative intent was to reduce the number of demands made for jury trials in the District Court. As a result, jury trial prayers dropped by one-half after the first year. (See table.) Then, in fiscal 1983, two years after passage of the Gerstung law, jury trial prayers have increased close to the level where they were prior to the enactment of Chapter 608.

In addition to this legislation, the General Assembly passed another measure in 1983 directed towards appeals from District Court convictions. Chapter 294 of the 1983 Acts amends the Courts and Judicial Proceedings Article. It provides that the circuit court, except in certain circumstances, may upon conviction in a trial de novo appeal impose a more severe sentence than that imposed in the District Court. This law went into effect July 1, 1983 and will most likely affect the number of criminal appeals from the District Court to the circuit courts. Continued monitoring of these laws will determine their effect upon criminal caseloads in the circuit courts.

In terms of workload, the District Court recorded 1,376,846 total filings in fiscal 1983. It is the largest amount in the Court's twelve-year history. For the third straight fiscal year, the District Court processed over one and a quarter million cases. Leading the increases were motor vehicle cases which represent 52.7 percent of the overall caseload (725,861 cases.) Civil caseload was next with about 38.0 percent (522,800 cases,) followed by the criminal category which accounted for only 9.3 percent of the total cases (128,185 cases.)

Of the three major case categories, civil cases climbed with the greatest consistency over the past five years, showing an average increase of 25,000 to 30,000 cases. Criminal and motor vehicle case categories fluctuated, however, in fiscal 1983. The District Court reported 728,861 motor vehicle cases which represents 8.4 percent more than any other year within the last five years.

Prince George's County had the highest volume in the motor vehicle area, accounting for approximately 18.5 percent of the State caseload. Montgomery County was next with 17.2 percent; followed by Baltimore County, 14.1 percent; Baltimore City, 9.8 percent; and Anne Arundel County with 5.5 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 (25.3 percent) of all motor vehicle cases contested in the State in fiscal 1983.

Landlord and tenant cases constituted 69.5 percent of the District Court's civil caseload. This category rose in fiscal 1983 by 11,000 cases statewide while contested cases climbed by approximately 5,000 cases. Baltimore City and Prince George's County again disposed of the greatest volume of landlord/tenant matters accounting for 69.1 percent of the court's entire civil caseload.

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

	Jury Trial Prayers Pre-Chapter 608	Jury Trial Prayers Post-Chapter 608	Jury Trial Prayers Post-Chapter 608
	July 1, 1980- June 30, 1981	July 1, 1981- June 30, 1982	July 1, 1982- June 30, 1983
Baltimore City*	5,925	2,034	3,209
Anne Arundel County	503	361	392
Baltimore County	1,312	1,050	1,424
Montgomery County	636	489	1,223
Price George's County	952	895	1,583
All Other Counties	2,962	1,399	1,930
Statewide	12,290	6,248	9,761

*Based on number of defendants provided by the Criminal Assignment Office of the Circuit Court for Baltimore City.

Judicial Administration

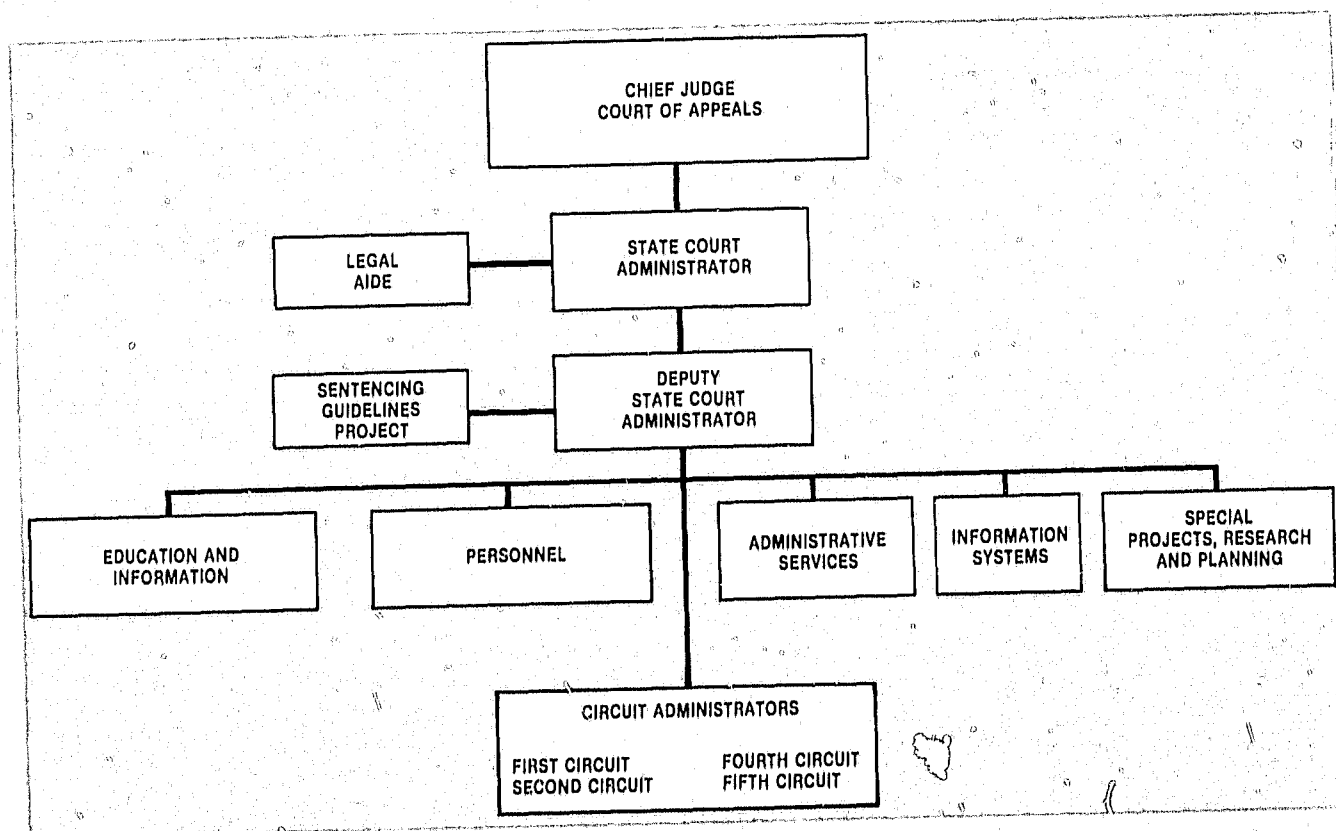
Administrative Office of the Courts

In 1944, the people of Maryland recognized the need for providing administrative direction to the court system when they ratified Article IV, §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 the administrative responsibilities.

In that year, the General Assembly established the Administrative Office of the Courts under the direction of a State Court Administrator. This individual is appointed by and serves at the pleasure of the Chief Judge of the Court of Appeals as provided in §13-101 of the Courts Article. The basic function of the State Court Administrator and the Administrative Office of the Courts is to provide the

Chief Judge with advice, information, facilities, and staff to assist in the performance of the Chief Judge's administrative duties. They also implement court administration policies established by the Chief Judge of the Court of Appeals and the General Assembly.

These administrative tasks include research and planning, education of judges and court support personnel, preparation and administration of the judiciary budget, liaison with the legislative and executive branches and staff support to the Maryland Judicial Conference and the Conference of Circuit Judges. The Administrative Office also furnished staff support to the Commission to Study the Judicial Branch of Government which released its report in December, 1982. Personnel are also responsible for the operation of information systems, collection and analysis of statistics and other management information. Finally, the office assists the Chief Judge in the deployment of judges to cope with case backlogs or to address shortages of judicial personnel.



Administrative Office of the Courts

Judicial Administration

Several changes in the Administrative Office of the Courts occurred in fiscal 1983. In August, 1982, William H. Adkins, II, State Court Administrator, was appointed to the Court of Special Appeals. Chief Judge Robert C. Murphy named James H. Norris, Jr., Clerk of the Court of Appeals, as Adkin's successor.

The State Court Administrator divided Judicial Personnel, Education and Training Services into two sections in late fiscal 1983. One section, Personnel, is solely concerned with personnel administration. The other section, Education and Information, provides continuing education to judges and court support personnel. It also provides information services to the general public. The Judicial Budget and Purchasing Unit was changed to Administrative Services while the Statistical Auditing Project was merged with Special Projects, Research and Planning. In addition, Jerry A. Powell was appointed to replace Michael Neiberding at Judicial Information Systems.

What follows are some of the details pertaining to activities of the Administrative Office of the Courts during 1983.

Judicial Personnel, Education and Training Services

Ten continuing education programs were offered by the Judicial Institute of Maryland in 1983. One hundred and ninety-five Maryland judges selected new course offerings on the fifth amendment, marital property, scientific evidence, contract damages, and judicial process or chose repeat programs in sentencing, competency and insanity, and civil law from the 1982 Institute curriculum.

In February, 1983, twenty-one new trial judges participated in a two-day seminar. The course included lectures and discussions on appellate decisions, D.W.I. alternative sentencing, evidence, judge-attorney relationships, sentencing, and trial procedures.

Besides course programming, the Institute has developed a library of videotapes, audiotapes, and written materials. Many judges took advantage of these supplemental educational resources in fiscal year 1983.

In addition to the Judicial Institute offerings, the Committee on Judicial Education and Training planned the education program for the 1983 Maryland Judicial Conference held on May 19, 20, and 21, 1983. Friday's program highlighted the most recent changes in the Maryland Rules of Procedure and the Maryland District Rules. On Saturday morning, each judge had the option of selecting two of eight discussions on appellate court decisions.

Finally, courses in oral communications, grammar review, telephone technique, style in writing, speech, time management and tact were offered to

court personnel and staff of the Administrative Office of the Courts.

The personnel section administers personnel policies and procedures, promulgated by the Chief Judge of the Maryland Court of Appeals. Personnel staff members insure that policies are fairly and equitably applied to all employees. The staff provided employment counseling, managed employee-employer relations and furnished personnel services in recruitment, career planning, health benefits, and retirement plans.

Judicial Information Systems

Major efforts in data processing during fiscal 1983 were concentrated in project implementation and system refinement.

The traffic adjudication system expanded to include nearly all District Courts within the State. Dorchester, Worcester, Somerset and Wicomico Counties (on the Eastern shore) were added as were Calvert, Charles and St. Mary's (in Southern Maryland.) The western most Counties of Allegany and Garrett also became part of the network during the year. Kent County is scheduled to become operational during August of 1983.

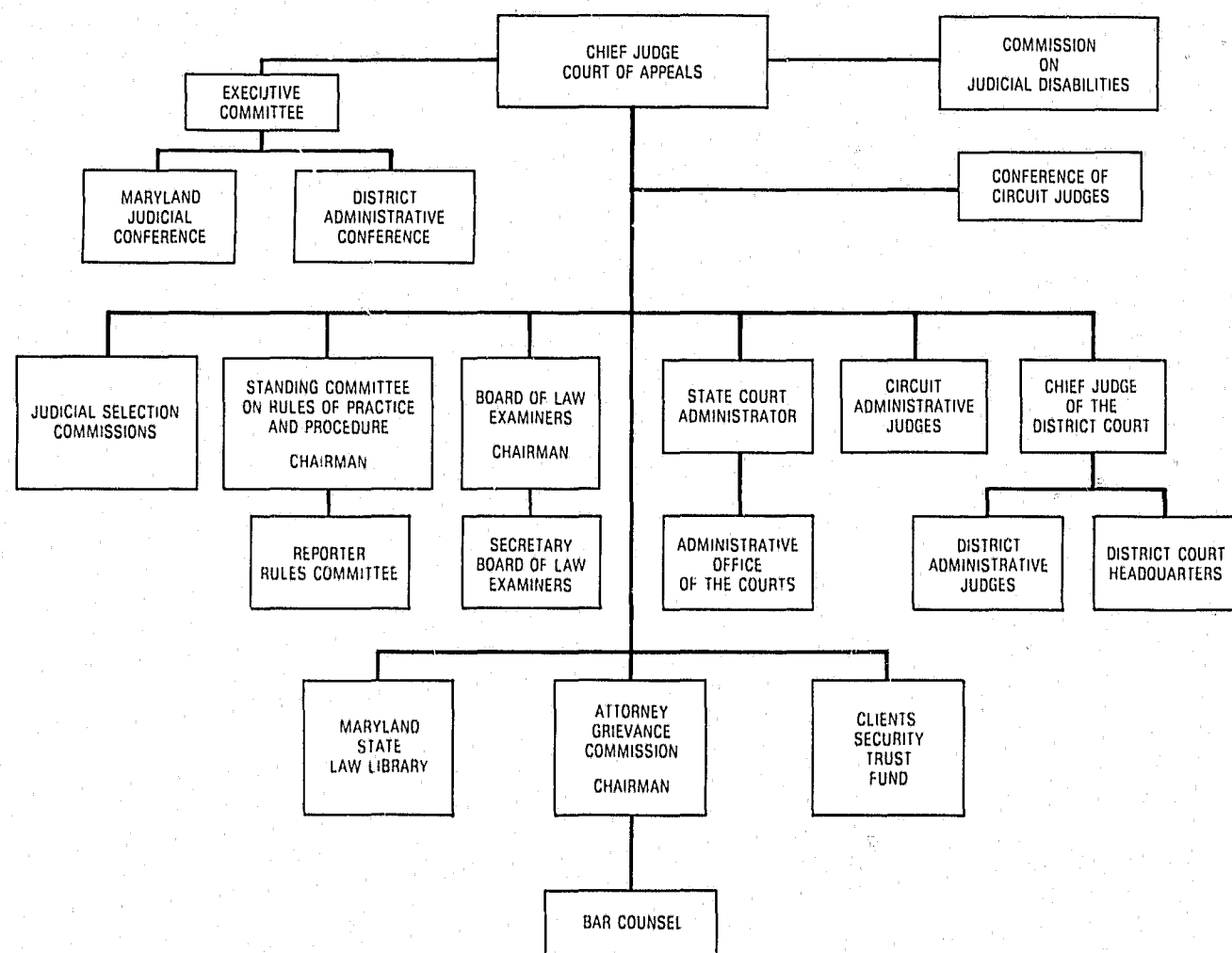
The on-line District Court criminal case processing system was partially implemented in all locations served by traffic adjudication. The system will become fully operational during fiscal 1984. Some minor technical problems still exist but should be resolved within the near future.

Installation of a juvenile case processing system in Montgomery County took place. This is the same system used in Baltimore City and it is now in full operation in the county.

An on-line civil case processing system was installed as planned in Baltimore City. It is the first automated project dealing directly with law and equity procedures in the circuit court system. This system is now under intense observation to identify and isolate any remaining problems.

A data link between the Public Safety and Correctional Services Data Center at Pikesville, the Motor Vehicle Administration Data Center in Glen Burnie and the Annapolis Data Center was installed. Communication lines between data centers provide the court system with a much expanded range of services. Access to data bases in all three computer systems from a single terminal device is now possible.

The Electronic Data Processing Committee created by Chief Judge Murphy in May, 1982 continued to meet twice monthly during the year. Members submitted their first report to the Chief Judge in May, 1983. The EDP Policy Committee will continue to address issues, problems and solutions in the next fiscal year.



Administrative Organization

Judicial Special Projects, Research, and Planning Services

The Special Projects section develops capabilities and procedures to meet 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. The section provided staff support to the Commission to Study the Judicial Branch of Government and the Electronic Data Processing Policy Committee.

Staff members conducted research assignments and program evaluations throughout the year. Ex-

amples of these efforts include analysis of judicial personnel needs, court reporting systems, legislation, caseload analysis, and space management reports. Several publications were also prepared and include: *The Compilation of Administrative Materials for Judges*; *The Judicial Ethics Handbook*; and the *Statistical Abstract*.

Judicial Budget and Purchasing Services

The Judicial Budget and Purchasing Services office prepares and monitors the annual judiciary budget, excluding the District Court of Maryland. All accounting records for revenues and accounts payable are kept by the staff in cooperation with the General

Judicial Administration

Accounting Department of the State Comptroller's Office. Payroll activities and the working fund account are also the responsibility of the Budget and Purchasing staff. Records must be maintained in order for the legislative auditor to perform timely audits on the fiscal activities of the judiciary.

General supplies and equipment are purchased by this office. Inventory controls are established for all of the furniture and equipment used by the judiciary. Other responsibilities include maintaining lease agreements for all leased property, monitoring the safety and maintenance records of the judiciary automobile fleet, and performing special projects as directed by the Chief Judge of the Court of Appeals.

Legal Officer

The primary responsibility of the legal officer is the publication of *Amicus Curiarum*. *Amicus* is a monthly summary of important appellate decisions of the Court of Appeals, Court of Special Appeals and the Supreme Court of the United States. Circuit court opinions and opinions of courts of other jurisdictions, when they are of special interest to the Maryland judiciary, are included as well as judicial ethics opinions, relevant changes in the Maryland Rules, and judicial nominations and appointments. Attorney disbarments and suspensions are also published.

The legal officer assists the state court administrator with legal research and legislative work. This includes bill drafting, fiscal note preparation, and committee work with the General Assembly. The legal officer prepares weekly legislative reports on the status of Senate and House proposals affecting the judiciary while the General Assembly is in session.

Statistical Auditing Project

The Statistical Auditing Project monitors the accuracy, timeliness and consistency of court statistics prepared by the Judicial Information Systems. Through field auditing of the circuit courts, the Statistical Auditing Project compares sample case data in the computer record 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 Project completed a statewide study of circuit court statistics reported in fiscal 1982. The audit evaluated the reporting system in effect since July, 1980. The report of this audit, "Good Intentions: Findings of an

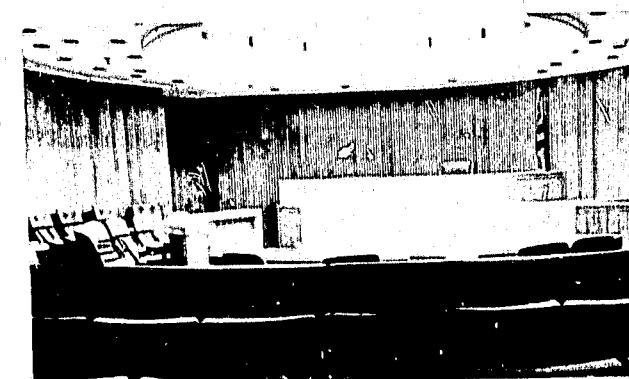
Audit of Maryland Circuit Court Statistics," compares the current system with the previous one and makes a variety of recommendations for long-term improvements. In accordance with the recommendation that the audit function be integrated with the statistical analysis function, the Auditing Project was incorporated into the Special Projects, Research, and Planning Unit at the end of fiscal 1983.

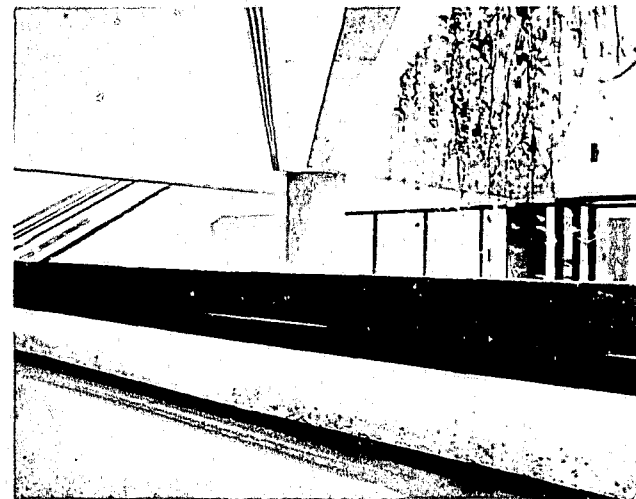
Sentencing Guidelines Project

Sentencing guidelines have been used in four circuit courts on an experimental basis for two years. The Maryland Judicial Conference voted on May 19, 1983, to adopt the guidelines for all circuit courts. Earlier in the year, the General Assembly appropriated money for the continuation of guidelines and passed a statute endorsing the judiciary's use of guidelines as long as they did not violate statutory penalties.

Since July 1, 1983, the entire state has participated with the test jurisdictions (Baltimore City, Harford, Montgomery and Prince George's Counties) in an effort to make judicial sentencing both more equitable and more open. The sentencing guidelines system is basically the articulation of one judicial policy made by all judges. Individual judicial discretion is maintained, but judges are asked to give their reasons when imposing a sentence outside the guidelines range. These reasons and all the other sentencing information submitted by the judges are regularly analyzed and presented to the Sentencing Guidelines Advisory Board for evaluation. The Board presents the judiciary, the General Assembly and the public with a current statement of judicial policy and a reliable basis for needed policy changes.

A staff study of the initial effects of guidelines showed a number of desirable changes from earlier sentencing. For example, the test jurisdiction judges seemed to be more consistent in their sentencing of like offenders for like offenses. Defendants with major criminal records received substantially longer





average sentences while first offenders were sentenced to shorter average periods of incarceration.

Use of the guidelines is carefully monitored so that analysis of sentencing will be based on the most accurate information available. The number of guidelines worksheets received is compared to the number which should have been submitted. Each worksheet is edited and, where necessary, corrections are requested. Finally, a percentage of worksheets is compared for accuracy with actual case files.

Evolution of the guidelines will continue to reflect sentencing trends uncovered through frequent analysis of sentencing data.

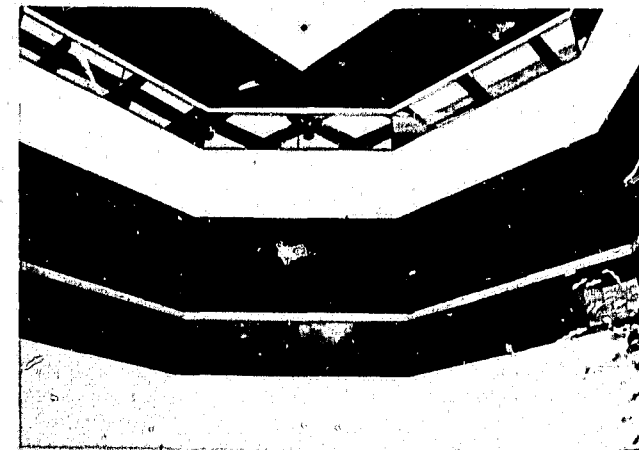
Liaison with the Legislative and Executive Branches

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 presentation 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.

Circuit Court Administration

A most significant effort in the area of circuit court administration became a reality on January 1, 1983, when the six courts of the century-old Supreme Bench in Baltimore City were consolidated into a single Circuit Court for Baltimore City. Consolidation is still new and preconsolidation goals and objectives are still being addressed. Current efforts focus on maximizing the use of available judicial manpower, creating a climate for possible reduction in non-judicial personnel requirements through the consolidation of various tasks and responsibilities, and continuing the impetus for the implementation of several new techniques. These techniques include the automation of centralized indexing, case numbering, docketing, financial accounting and a number of management reports plus better overall control of juror selection, management and utilization. In the early part of fiscal 1983, the Administrative Office of the Courts completed a technical assistance study and submitted a suggested organizational structure, a proposed classification and compensation plan, and a staffing assessment report for consideration by the Consolidation Committee.

In fiscal 1982 and fiscal 1983, the Administrative Office of the Courts was requested by the legislature to extend its examination of the staffing needs in the former Supreme Bench Clerks' offices to all clerks' offices in the circuit courts. Staff constraints did not permit this to occur in all circuit courts. Four circuit court clerks' offices were studied and findings were submitted to the legislature in the fall of 1982. They were reviewed and the 1983 legislature directed a continuation of the staffing study in other circuit courts to be conducted by the Department of Fiscal Services of the State Legislature, and assisted by the Office of the Comptroller, the Department of Budget and Fiscal Planning and the Administrative Office of



the Courts. This project will begin in the first part of fiscal 1984.

In May, 1983, Prince George's County implemented a closed-circuit television operation between the circuit court courthouse and the county's detention center. This is the first such use of closed-circuit television by a court in Maryland. Proceedings pertaining to initial appearance and appointment of counsel under procedures required by the Maryland Rules are being transmitted without having to transport the defendants between the courthouse and the detention center. The system will pay for itself in less than a year because of its savings in manpower. Future use of this system will include bond hearings.

Efforts to improve juror selection, management and utilization continued in fiscal 1983 in the circuit courts. The Second Judicial Circuit completed the installation in all its counties of call-in telephone systems 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. Similar phone-in systems were installed in Allegany, Charles, Calvert, and St. Mary's Counties. The First, Second, and Fourth Judicial Circuits and Prince George's County developed petit juror brochures tailored to meet local concerns and interests for the use of jurors in understanding their respective duties and responsibilities. Juror orientation slide presentations in use in three quarters of Maryland's political subdivisions are being updated as a result of modification in procedures and personnel changes in many

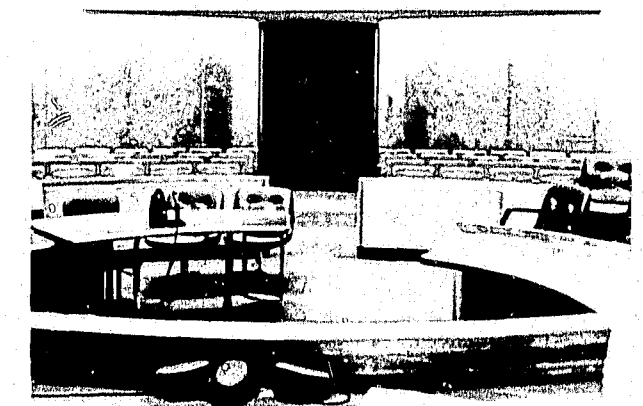
of the counties. The Administrative Office of the Courts will continue to offer technical assistance to this production.

Renovations and improvements to circuit court facilities continued on a modest level in fiscal 1983. Additional space for the Circuit Court for Wicomico County became available when the District Court moved out of the courthouse to a city/county government building. A courtroom has been renovated to permit jury trials and a jury assembly room is planned. The additional space gives the circuit court two courtrooms in which jury trials can be conducted and one nonjury hearing room. There are also plans to enlarge the facilities for the clerks' office in the circuit court for Caroline County. Efforts to modernize recording of land records in clerks' offices took place with the installation of mini-computers for indexing in Wicomico, Somerset, and Worcester Counties. The new system replaces an old method of manually typing the names of parties on instruments placed in large index books. Likewise, similar systems are in progress in several counties in the Second Judicial Circuit.

Other items of administrative importance took place in Prince George's County, which expanded its settlement conference program. Further, to improve the dialogue between judges and clerks, the Seventh Judicial Circuit has begun holding meetings every three months between the clerks, the judges, and other court personnel to consider matters of policy and procedure that are of mutual concern.

District Court Administration by the Chief Judge of the District Court of Maryland Robert F. Sweeney

In any assessment of the administration of the District Court, it would be difficult to overstate the importance of the 700 clerks, constables, bailiffs, secretaries and others who generally work beyond the courtroom walls. In the fiscal year which con-



cluded on June 30, 1983, 1,376,846 cases were processed in the District Court. Of that massive number of cases, the 86 trial judges of the Court had involvement with approximately 375,000, but to one degree or another, the nonjudicial employees were involved in the processing of every case. For example, in fiscal 1983 only 193,000 motor vehicle cases reached the courtroom for trial by judges, but each of those cases, and the 498,000 cases where the defendant waived trial and paid his fine by mail, required expert and expeditious handling by clerical personnel in the traffic, accounting and computer sections. Similarly, of the 523,000 civil cases filed in the District Court in fiscal 1983, only 57,000 were contested in court, but the clerical responsibility extended not only to those tried in court but to the 466,000 that were disposed of without trial.

Scores of times each year, the Chief Judge and the administrative judges receive letters of praise from citizens of Maryland concerning the Court's clerks, constables, bailiffs and others who perform their work in relative anonymity. These letters, which are always most welcome and always acknowledged, do not, however, provide the best barometer of the efficiency and courtesy of the administrative and clerical staff. Far more meaningful, it would appear, is the virtual absence of complaints from our citizens about the millions of transactions performed by our clerical staff in the processing of cases through the Court.

On July 5, 1971, when the District Court began, all full-time clerical employees of its predecessor courts became employees of the District Court and automatically became members of the classified service. The implementing legislation did not extend classified service status to the nonjudicial employees of the Court who were hired after July 5, 1971. Several years ago the Chief Judge and the administrative judges of the Court recognized the fact that of the 700 clerks, secretaries, bailiffs, constables and similar support personnel then employed in the Court, no more than 200 enjoyed merit system status, with the remaining 500 having little, if any, job security or job protection. To rectify this situation, the General Assembly at the 1982 session, on the recommendation of the Chief Judge of the District Court with the concurrence of the Chief Judge of the Court of Appeals, enacted legislation (Chapter 302 of the Laws of Maryland, 1982) extending classified service status to all nonjudicial employees of the Court who are constitutionally eligible for that status, excepting only the four assistant chief clerks, and the chief internal auditor. Under the Constitution of Maryland, the chief clerk, the twelve administrative clerks and District Court commissioners, cannot be granted classified service status.

It was the intent and purpose of the Chief Judge and the administrative judges of the Court, in sponsoring the 1982 legislation, to give the maximum of



job security and protection to the dedicated and capable employees of the Court whose work is so vital to the Court's operations, and the quality of whose service has brought such great credit to the Court.

Assignment of Judges

The Chief Judge of the Court of Appeals has the authority to make temporary assignments of active judges to both appellate and trial courts under Article IV, § 18(b) of the Maryland Constitution. In addition, 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 recalls former judges to sit in courts throughout the State.

The placement of active and retired judges filling temporary judicial assignments continued in fiscal 1983. While § 1-302 sets forth certain conditions that limit the extent to which a former judge can be recalled, this reservoir of available judicial manpower has been exceedingly helpful since its enactment by the legislature six years ago. Mobilization of these judges enhances the courts' ability to cope with existing caseloads. This is accomplished without calling upon active, full-time judges, and disrupting schedules, and delaying case disposition.

In fiscal 1983, the Chief Judge assigned three active circuit court judges for temporary judicial assistance to the circuit courts other than their own, for a total of 19 days. These particular outside circuit assignments were made pursuant to a predetermined schedule covering a twelve-month period. This schedule provides the Circuit Administrative Judge with advance notice of the periods for which a par-

ticular circuit may be called upon to provide assistance elsewhere. In addition, Circuit Administrative Judges, pursuant to their authority under the Maryland Rules, moved judges within their circuits. Likewise, voluntary exchanges of judges between circuits took place.

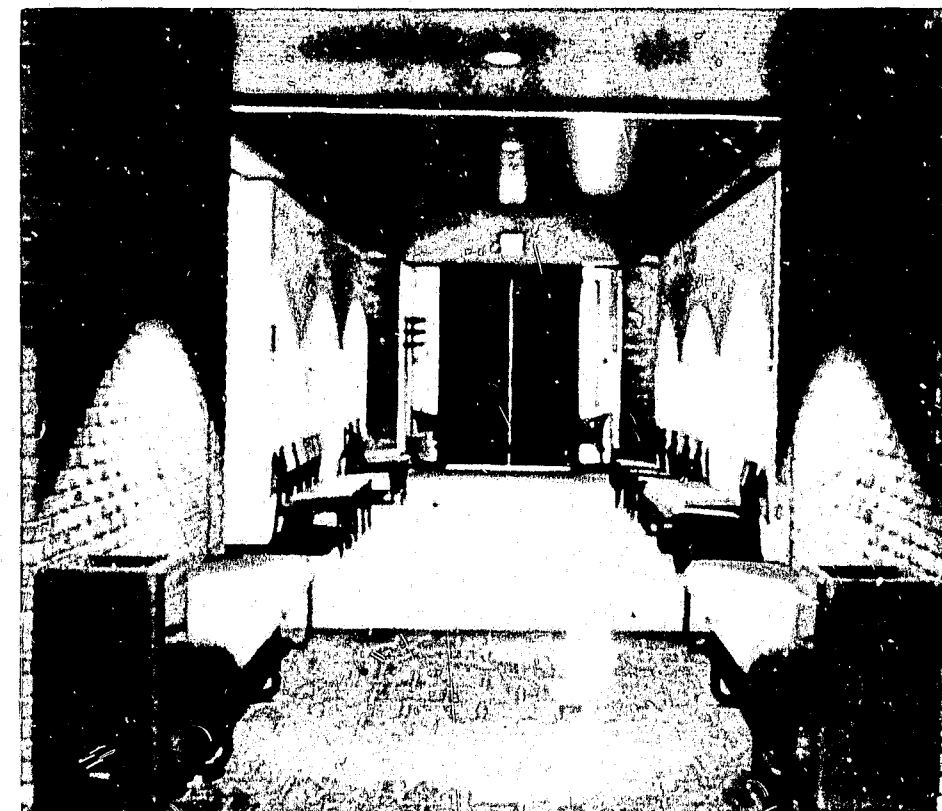
Further assistance to the circuit courts was provided by judges of the District Court in fiscal 1983. This assistance consisted of 361 judge days. Included in that figure is 159 judge days provided, as has been since 1973, to the Circuit Court for Baltimore City.

Significantly aiding the active circuit court judges is the pool of former circuit court judges eligible to be recalled on a temporary basis. The Chief Judge of the Court of Appeals, with the approval of the Court, recalled five former circuit court judges and one appellate judge to serve in the circuit courts for 179 judge days at an approximate cost of \$42,320. Of the total, 160 judge days were provided to the Circuit Court for Baltimore City to assist that court in coping with the ever increasing caseload of criminal cases.

Through the constitutional authority vested in him, the Chief Judge of the District Court made assignments internal to that Court to address unfilled vacancies, backlog, and extended illnesses. In

fiscal 1983, 420 assignments were made within that Court that totaled 507 judge days. In addition, the Chief Judge of the Court of Appeals, with the approval of that Court, recalled seven former District Court judges to that Court totaling 131 judge days for an approximate cost of \$26,270. This represents the greatest utilization of former judges in the District Court since the law was enacted in 1977.

At the appellate level, maximum use of available judicial manpower from all court levels continued in fiscal 1983. In the Court of Special Appeals, the backlog was addressed by a number of administrative steps taken by the Court such as limiting oral argument, assistance by a central professional staff, and prehearing conferences. Further, 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. Three former appellate judges were recalled to assist both courts for a total of 86 judge days at a cost of \$20,550. Even with this assistance, it was necessary for the Chief Judge to assign 12 active circuit court judges to the Court of Special Appeals for a total of 14 judge days to assist that court in coping with extended vacancies, illnesses, and caseload.



Court Related Units

Board of Law Examiners

In Maryland the various courts were originally authorized to examine persons seeking to be admitted to the practice of law. The examination of attorneys remained 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 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.

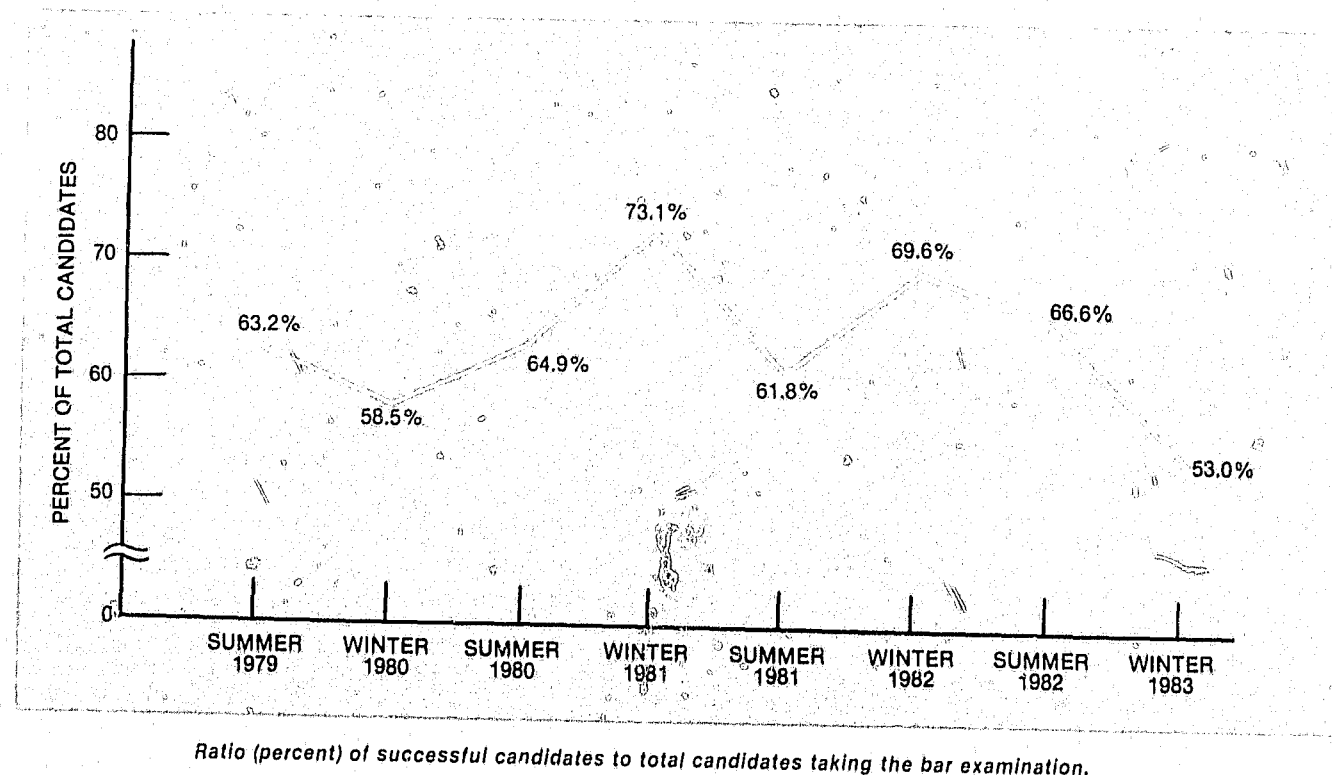
Commencing with the summer 1972 examination and pursuant to rules adopted by the Court of Appeals, the Board adopted, as part of the overall examination, the Multistate Bar Examination. This is the nationally recognized law examination consisting of multiple-choice type questions and answers, prepared 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 is now used in forty-eight jurisdictions. It is a six-hour test that covers six subjects: contracts, criminal law, evidence, real property, torts and constitutional law.

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, contract, criminal law and procedure, evidence, Maryland civil procedure, property and torts. Beginning with the July, 1983 examination, the subject of professional responsibility was added to the list of subjects on the Board's essay test. 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



Court Related Units

fiscal 1983 are as follows: a total of 806 candidates sat for the July, 1982 examination with 537 (66.6 percent) obtaining a passing grade, while 537 sat for the February, 1983 examination with 285 (53.0 percent) being successful. Passing percentages for the two previous fiscal years are as follows: July, 1980, 64.9 percent and February, 1981, 73.1 percent; July, 1981, 61.8 percent and February, 1982, 69.6 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, 1982, 81 applicants took the examination for the first time along with 17 who had been unsuccessful on a prior examination for a total of 98 applicants. Out of this number 62 passed. This represents a passing rate of 63.3 percent.

In February, 1983, 86 new applicants took the examination for the first time along with 24 applicants who had been unsuccessful on a prior examination for a total of 110 applicants. Out of this number 98 passed. This represents a passing rate of 89.1 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 judges, lawyers, and a court clerk. The Committee meets regularly to recommend amendments and additions to the rules of the Court of Appeals governing practice, procedure, and judicial administration in the courts of the State of Maryland.

The major activity of the Rules Committee continues to be the reorganization and revision of the Maryland Rules of Procedure. In the past year, the Committee published and distributed to members of the Maryland bar and judiciary, for review and comment, a Tentative Draft of rules to replace Chapters 1 (General Provisions), 100 (Commencement of Action and Process), 200 (Parties), 300 (Pleading), 400 (Depositions and Discovery), 500 (Trial), 600 (Judg-

ment), and parts of Chapter 1100 (Special Proceedings) of the Maryland Rules of Procedure. The Committee tentatively approved revised criminal rules for the circuit courts and the District Court and has commenced consideration of proposed probate rules.

In its 77th, 78th, 79th, 80th and 81st Reports, the Committee submitted to the Court of Appeals some rule changes and additions considered necessary without awaiting completion of the reorganization project. Pursuant to the 77th Report, new Rule 922 was added to Chapter 900 of the Maryland Rules of Procedure to provide a procedure for intervention in juvenile causes.

Pursuant to the 78th Report, Rules 881 and 1081 were amended to provide for an allowance of printing costs, determined by application of a standard page rate set by the Court of Appeals, in lieu of an allowance of printing costs actually incurred. Rules 832 and 1032 were deleted to remove the requirement for filing a statement of printing costs, and Rules 882 and 1082 were amended by deletion of the no longer necessary reference to unreasonably expensive printing costs.

Pursuant to the 79th Report, new Rule 1029 was added to Chapter 1000 of the Maryland Rules of Procedure to provide a procedure for an expedited appeal in the Court of Special Appeals. Rules 1023 and 1028 were amended to except from their requirements cases in which the expedited appeal procedure is followed.

Pursuant to the 80th Report, Rule 20 of the Rules Governing Admission to the Bar of Maryland was amended to provide a procedure for special admission of out-of-state attorneys in cases pending before administrative agencies and commissions in Maryland.

Pursuant to the 81st Report, the rules in Chapter 1100 (Special Proceedings), Subtitle D (Adoption and Related Proceedings) were amended so as to be consistent with Code, Article 16, §§67 through 86 as amended by Acts of 1982.

In its 82nd Report, the Committee submitted to the Court of Appeals the Proposed Revision of the Maryland Rules of Procedure to replace the rules in Chapters 1 (General Provisions) through 600 (Judgments) and parts of Chapter 1100 (Special Proceedings) of the Maryland Rules of Procedure. It also submitted a proposed amendment to Rule 1012 to correlate this Rule governing the time for filing an appeal and the Proposed Title 2, Chapter 500 Rules governing post judgment motions.

On March 7, 1983, the Honorable John F. McAuliffe, who has served as a member of the Rules Committee since 1974, was appointed Chairman of the Committee to fill the vacancy created by the death of the Honorable J. Dudley Digges. Judge Digges served as a member of the Committee from 1962 to 1969 and as Chairman of the Committee from March, 1982 until his death on February 25, 1983.

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 of 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 and 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 Central's, computer assisted legal research service, Lexis.

Over the past two years, the Library has made substantial improvements to its collections. The Library now contains holdings of all the out-of-state codes and official state 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 spring of 1984, all of the legal texts will have Library of Congress classification numbers which basically arranges the collection by subject. The Library has been utilizing, for the first time, the automated cataloging library services of OCLC, Inc., and substantially improved the timeliness and cost effectiveness of this vital library service.

Additional technical assistance was given to five circuit court libraries in the development of library services and the continuation of a microfiche 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 14 current subscriptions to these appellate briefs.

During the past year the Library has had the good fortune of participating in RSVP (Retired Senior Volunteer Program) through Anne Arundel County. This program has provided the Library with a number of part-time volunteers who have initiated and completed a number of important indexing and clerical projects.

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*. With the assistance of a graduate student intern, the Library has also drafted and will be submitting a grant proposal to support the videotape production of a project called "Public Access to the Law." Basically, the series of tapes planned would provide a primer for students and the public in the use of publically accessible law libraries.

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 1983

Reference Inquiries 5,600
Volumes circulated to patrons 2,300
Interlibrary Loan Requests filled 320
Saturday attendance 1,580

Attorney Grievance Commission

The Attorney Grievance Commission was created in 1975 by the Court of Appeals under the BV Rules 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 can serve two consecutive four-year terms. Members of the Commission serve without compensation.

The Chairman is designated by the Court of Appeals. The Commission appoints a lawyer to serve as bar counsel and principal executive officer of the disciplinary system. This appointment of the bar counsel is subject to the approval of the Court of Appeals. Duties of the bar counsel and staff include: investigation of all matters involving possible misconduct; prosecution of disciplinary proceedings; and investigation of petitions for reinstatement.

By the same Rule of Court, the Court of Appeals also established a disciplinary fund to cover expenses of the Commission. This fund consists of the annual assessments of bar members which is a condition precedent to the practice of law.

The BV Rules also provide for a Review Board and Inquiry Committee to act upon disciplinary cases. The Review Board consists of eighteen persons, fifteen attorneys and three lay members from the State at large. Members serve three-year terms.

Summary of Disciplinary Action

	1978 -79	1979 -80	1980 -81	1981 -82	1982 -83
Inquires Received	510	527	811	741	1,052
Complaints Received	449	349	295	326	280
Complaints Concluded	316	427	355	337	269
Disciplinary Action Taken:					
Disbarred	6	3	4	8	11
Disbarred by Consent	5	7	6	2	5
Suspension	5	4	3	4	3
Public Reprimand	7	1	1	2	3
Private Reprimand	18	13	7	7	8
Placed on Inactive Status	1	0	2	3	0
Dismissed by Court	1	0	7	4	3
Petitions for Reinstatement	0	3	0	3	0
Number of Attorneys	42	31	28	33	33

Judges are not permitted to be members of the Board. The Inquiry Committee also consists of both attorney and lay members.

These bodies, who are able to process complaints, with few delays, have relieved the caseload of the Attorney Grievance Commission. However, since the number of disbarred lawyers has increased this year, the bar counsel is able to devote a greater part of his efforts to these more complex cases.

The Commission continues to provide financial support for the Lawyer Counseling program of the Maryland State Bar Association. Complaints against lawyers sometimes result from mental illness or dependence on alcohol or drugs. The bar counsel finds referrals to the counseling program helpful in avoiding more serious disciplinary problems.

During the year, the Commission published a brochure, prepared by nonlawyers from the Commission and Inquiry Committee, which informs Marylanders about the disciplinary system and its purposes. The brochure will have wide distribution. In very clear terms, it tells when and how to file a complaint against an attorney. These members are also preparing an article for publication in the *Maryland Bar Journal* and a manual for new Inquiry Committee members.

The Commission and bar counsel regularly communicate with Maryland lawyers and the public in a variety of ways. They publish articles on disciplinary matters in the *Maryland Bar Journal*, instruct continuing legal education seminars, address public school and bar association meetings, and appear before court-related agencies. Efforts are continually made to inform attorneys and clients of how disciplinary infractions arise. Increasing awareness may reduce the number of unintended infractions of disciplinary rules.

Through the Administrative Office of the Courts and the Court of Appeals, the Commission was provided new larger offices. The Commission also installed a toll free telephone number for incoming calls from anywhere in Maryland for the convenience of complainants and the volunteers who serve in the system.

Although the Commission's expenses exceeded income this year, and the Commission will again operate at a deficit in fiscal 1984, no increase in the amount of the assessment has been necessary. The Commission expects, however, that an increase in the assessment, which is now \$44, may be needed in fiscal 1985.

Clients' Security Trust Fund

A statute enacted in 1965 empowers the Court of Appeals to provide by rule for the operation of the Clients' Security Trust Fund. It requires an annual assessment from lawyers 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. It reimburses clients for losses to the extent authorized by these rules and deemed proper and reasonable by the trustees. This includes losses caused by misappropriation of funds by members of the Maryland bar 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 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 lay trustee is appointed by the Court of Appeals from the State at large. Trustees serve on a staggered seven-year basis.

The Clients' Security Trust Fund began its seventeenth year on July 1, 1982, with a fund balance of \$912,464.42, as compared to a fund balance of \$843,579.69 for July 1, 1981. The Fund ended its seventeenth year on June 30, 1983, with a fund balance of \$1,042,684.63. This figure was \$912,464.42 on June 30, 1982. Interest income for the fiscal year ending June 30, 1983, was \$123,815.38 and \$114,871.00 was collected from assessments. There were 13,206 lawyers subject to the annual assessment.

During fiscal 1983, the Trustees approved and paid thirteen claims which amounted to \$45,549.85. There are twelve pending active claims with a current liability exposure of approximately \$157,487.00.

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 under 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 212 judges of the Court of Appeals, the Court of Special Appeals, the circuit courts for the counties and 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

The Executive Committee consists of 17 judges elected by their peers from all court levels in the State. The Chief Judge of the Court of Appeals serves as an ex-officio nonvoting member. It elects its own chairperson and vice-chairperson. 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 of 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. These recommendations are transmitted through the Chief Judge and the Court of Appeals, and are forwarded to the Governor or General Assembly, or both, with any comments or additional recommendations deemed

appropriate by the Chief Judge or the Court.

During fiscal 1983, the Executive Committee elected the Honorable Kenneth A. Wilcox, District Administrative Judge of District Three of the District Court, as its chairperson and the Honorable Edward O. Weant, Jr., Associate Judge of the Court of Special Appeals, as its vice-chairperson. In July, 1983, the Honorable Guy J. Cicone, Associate Judge of the Circuit Court for Howard County, was elected vice-chairperson upon the resignation of Judge Weant from the Committee.

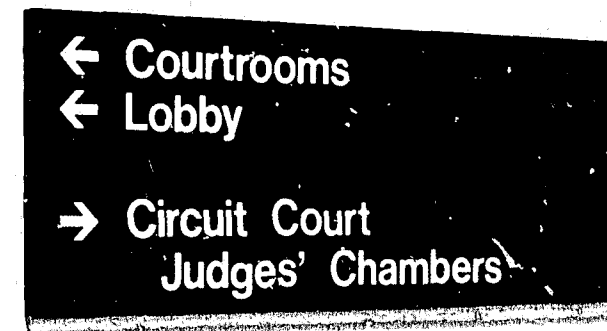
The Executive Committee met almost monthly and planned the 1983 Maryland Judicial Conference and reviewed the work of the various Conference committees. The Executive Committee worked as a legislative committee referring many matters to the General Assembly for action.

Meeting of the Maryland Judicial Conference

The 1983 meeting of the Maryland Judicial Conference was held on May 19-21, 1983, in Montgomery County at the Bethesda Marriott Hotel. At the business meeting of the Conference, the Honorable Richard P. Gilbert, Chief Judge of the Court of Special Appeals, was elected Conference vice-chairman.

A report requiring action was presented by the Committee on Sentencing and Corrections. After a presentation by the Honorable Marshall A. Levin, chairman of the committee, the Conference voted to extend sentencing guidelines to all circuit courts.

A full day of the Conference was devoted to proposed rules changes recommended by the Standing Committee on Rules of Practice and Procedure. This is part of the reorganization and revision of the



Maryland Rules. Presentations and discussions were led by the Honorable John F. McAuliffe, chairman of the Rules Committee, Albert D. Brault, Esq., Paul V. Niemeyer, Esq., and Linda M. Richards, Esq.

Judges also participated in analyses of recent Maryland appellate decisions. They selected small group sessions on eight different cases including: capital punishment, *Tichnell v. State*; physical appearance and self-incrimination, *Andrews v. State*; civil contempt for nonsupport, *Elzey v. Elzey*; marital property, *Harper v. Harper*; disorderly conduct and resisting arrest, *Diehl v. State*; notice after repossession, *Maryland National Bank v. Wathen*; double jeopardy, *West v. State*; and impeachment of a witness, *Reese v. State*.

Conference of Circuit Judges

The Conference of Circuit Judges, established under the authority of Maryland Rule 1207, makes recommendations on the administration of the circuit courts. Members include the eight Circuit Administrative Judges and one judge elected from each of the eight circuits for a two-year term. The chairman also is elected by the Conference for a two-year period. This selection of members by the elective process has resulted in a more representative body of the circuit court bench. In fiscal 1983, the Conference met five times to address various concerns of the circuit court judges. The following highlights some of the more important matters considered by the Conference of Circuit Judges.

The Conference:

1. Urges coordinated supportive effort to remove circuit court judges from the competitive election process.

One of the major recommendations of the Report of the Commission to Study the Judicial Branch of Government is to remove circuit court judges from the competitive election process. Though not a new issue for the circuit court bench, the Conference

again discussed the matter and unanimously adopted a resolution urging that a coordinated effort be undertaken to gain support for this idea. To this end, the Conference recommended that such effort be coordinated by the Maryland Judicial Conference's Committee on Public Awareness.

2. Endorses the development of a uniform commitment form.

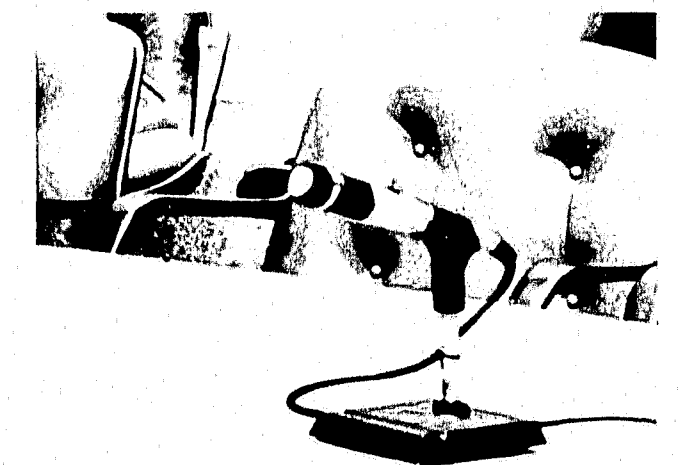
The Department of Public Safety and Correctional Services requested the Conference to support development of a uniform commitment form for all agencies. This would eliminate the many different types of commitment forms now in use at the circuit court level. The Conference endorsed the development of such a form in principle and urged the formation of a committee to devise a document. The committee has been formed and consists of representatives from different segments of the criminal justice system including the circuit courts and the District Court and is chaired by a representative of the Department of Public Safety and Correctional Services.

3. Forms a joint judiciary-clerk committee.

During the past several years, the Conference has considered many matters regarding the interpretation and application of rules and procedures which affect the operation of the circuit court clerks' offices. The Conference invited a representative from the Maryland Court Clerks' Association to participate at Conference meetings. However, the Conference believes there is still a need for expanded dialogue and unanimously voted to establish a standing committee of Conference members and clerks to address matters of mutual concern.

4. Establishes a committee to study court reporting technologies.

Responding to legislative concern about the increase



in expenditures in the cost of transcripts produced for appeal at the circuit court level, the Conference Chairman appointed a subcommittee to study the problem. This study will include technologies presently used in transcript production such as electronic recording. A report will be made to Chief Judge Murphy during the next fiscal year in time for the 1984 legislative session.

5. Coordinates legislative activity.

During the 1983 legislative session, the Conference expressed its support for and opposition to various legislative proposals. One legislative proposal that was enacted during the 1983 session had its genesis with the Conference. It supported an amendment to the "escape" statute, Article 27, § 139. The subject covered by the Maryland Legislature is reported as Chapter 155 in that section of this report on "1983 Legislation Affecting the Courts."

The Conference also supported various Maryland Judicial Conference proposals. However, it opposed legislation that would require, rather than make optional as under the present laws, the use of motor vehicle driver's licenses in addition to lists of registered voters in the juror selection process. The Conference also opposed legislation that would have given priority to the scheduling of certain adoption proceedings involved with the termination of parental rights. Both of these bills failed.

The Conference also referred to the Executive Committee of the Maryland Judicial Conference various legislative proposals for introduction in the 1984 legislative session dealing with consent in foreign adoptions, limiting the number of parcels that may be included in a bill of complaint in foreclosure of equity redemption cases, and amending Article 27, § 11E on sentencing in cases of assaults by inmates in correctional institutions.

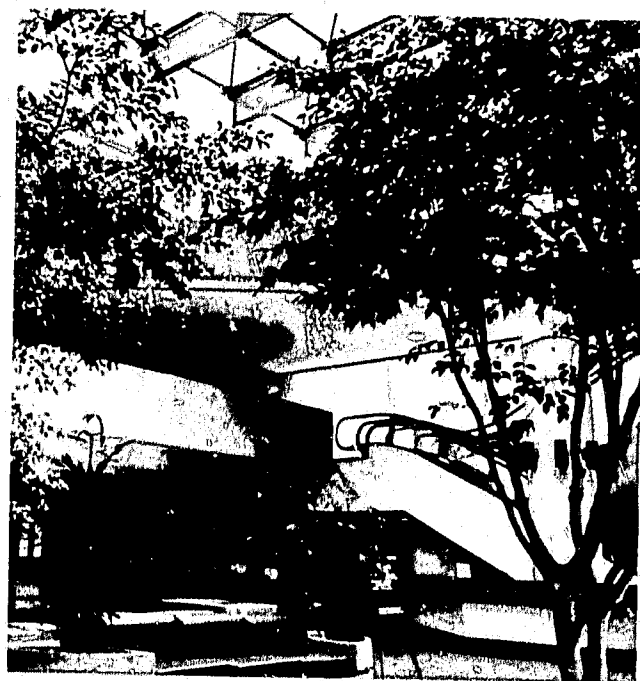
6. Urges rules changes.

The Conference referred to the Standing Committee on Rules of Practice and Procedure of the Court of Appeals various proposals to amend certain Maryland rules. The first dealt with the applicability of Rule 1299 to a court reporter's notes, specifically with respect to storage and disposition. The second matter concerned the interpretation and application of Rule 596 h 1 (Master-Exceptions—Time for Filing) and Rule 107 b (Service of Process Outside the State—Time for Pleading After Service) as it relates to the

time period within which an exception to a Master's report must be filed. Both are presently pending before the Rules Committee.

7. Meets with agency officials.

The Conference met with the Commissioner of the Division of Correction of the Department of Public Safety and Correctional Services, who outlined the complex problems with which the Department is faced, particularly in the area of overcrowding. The Department continues to be faced with a dilemma. It is unable to enhance program efforts in the areas of rehabilitation and, at the same time, accommodate the large number of individuals in facilities already inadequate to house them. Also, the Conference met with personnel from the Maryland Division of Parole and Probation who likewise presented their problems in handling increased caseloads with inadequate staff to perform and sustain services. Finally, the Conference met with officials of the Department of Human Resources on the subject of the Federal Adoption and the Child Welfare Act and the manner in which the judiciary can lend its support to implementation in Maryland.



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; residency 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 the minimum age of 30. In addition, a judicial appointee must be selected from 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 powers 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.

In 1970, these efforts bore fruit when former Governor Marvin Mandel, by Executive Order, established a statewide 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 trial court vacancies. 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 June 8, 1979, and amended 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 a 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 places announcements in *The Daily Record*. Notice of the vacancy is also sent to the Maryland State Bar Association and local bar association.

The Commission then 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 the 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 13 members are present. An applicant may be included on the list if he or she obtains seven or more votes. The list is then forwarded to the Governor who is bound by the Executive Order to make his appointment from the Commission list.

During fiscal 1983, 17 vacancies occurred, five of which were not filled until fiscal 1984. This compares to 25 vacancies in fiscal 1982, two of which were not filled until fiscal 1983. The Appellate Judicial Nominating Commission met three times during fiscal 1983. The Third and Eighth Judicial Nominating Commissions met four and five times, respectively. Two meetings were held by the Trial Court Commissions for the First, Sixth and Seventh Circuits.

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 noted that under the Executive Order, a pooling system is used. Under this pooling system, persons nominated as fully qualified for appointment to a particular court level are automatically submitted again to the Governor, along with any additional nominees, for new vacancies on that particular court that occur within 12

Judicial Nominating Commission Statistics
Judicial Vacancies and Nominees from Fiscal 1977 to Fiscal 1983

		Court of Appeals	Court of Special Appeals	Circuit Courts/ Supreme Bench	District Court	TOTAL
FY 1977	Vacancies	0	0	6	15	21 ^a
	Applicants	0	0	36	94	130
	Nominees	0	0	15	32	47
FY 1978	Vacancies	1	3	17	9	30 ^b
	Applicants	13	25	130	150	318
	Nominees	5	12	47	40	104
FY 1979	Vacancies	1	1	7	11	20 ^c
	Applicants	4	25	38	67	134
	Nominees	4	6	18	31	59
FY 1980	Vacancies	1	0	13	11	25 ^d
	Applicants	5	0	87	135	227
	Nominees	3	0	27	28	58
FY 1981	Vacancies	0	0	3	10	13 ^e
	Applicants	0	0	30 ^f	69 ^f	99 ^f
	Nominees	0	0	6 ^f	24 ^f	30 ^f
FY 1982	Vacancies	1	1	12	11	25 ^g
	Applicants	5	7	96 ^f	142 ^f	250 ^f
	Nominees	4	4	26 ^f	30 ^f	64 ^f
FY 1983	Vacancies	0	4	8	5	17 ^h
	Applicants	0	32	74 ^f	70 ^f	176 ^f
	Nominees	0	16	17 ^f	22 ^f	55 ^f

^a In Fiscal 1977, three new vacancies occurred but were not filled until FY 78. Four additional vacancies that occurred in FY 78 were filled.

^b In Fiscal 1978, all vacancies that occurred during the year were filled. Three additional vacancies that occurred in FY 77 were filled.

^c In Fiscal 1979, two additional vacancies occurred during the fiscal year, but were not filled until FY 80.

^d 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.

^e In Fiscal 1981, three vacancies were filled that had occurred in Fiscal 1980.

^f Because of the pooling arrangements available under the Executive Order during the past three 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.

^g 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.

^h Five vacancies that occurred in FY 83 were not filled until FY 84.

months of the date of initial nomination. The table does not reflect these pooling arrangements. It shows new applicants and new nominees only.

Of the four vacancies on the Court of Special Appeals, one was filled from the private bar, one from state government, and two were appointed from the circuit court bench. Five of the eight circuit court vacancies were filled in fiscal 1983; three were appointed from the District Court and two from the private bar.

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 from the circuit courts of the counties and 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 Senate reconfirmation every ten years. A judge who is not reconfirmed by the Senate is removed from office. In addition, there are from six to 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, § 2 of the Constitution, adopted in 1974, may provide another method to remove 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. The Court of Appeals may order a more severe discipline of the judge than that which the Commission recommends. 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 30 formal complaints—of which four were initiated by the Commission itself, four by practicing attorneys and the remainder by members of the public. Some complaints were directed against more than one judge and sometimes a single judge was the subject of more than a single complaint. In all, 11 judges sitting at the District Court level and 21 circuit court judges were the subjects of complaints.

Litigation over some domestic matter precipitated nine complaints, criminal cases accounted for

ten, and the remainder resulted from some civil litigation or the alleged improper demeanor of some jurist.

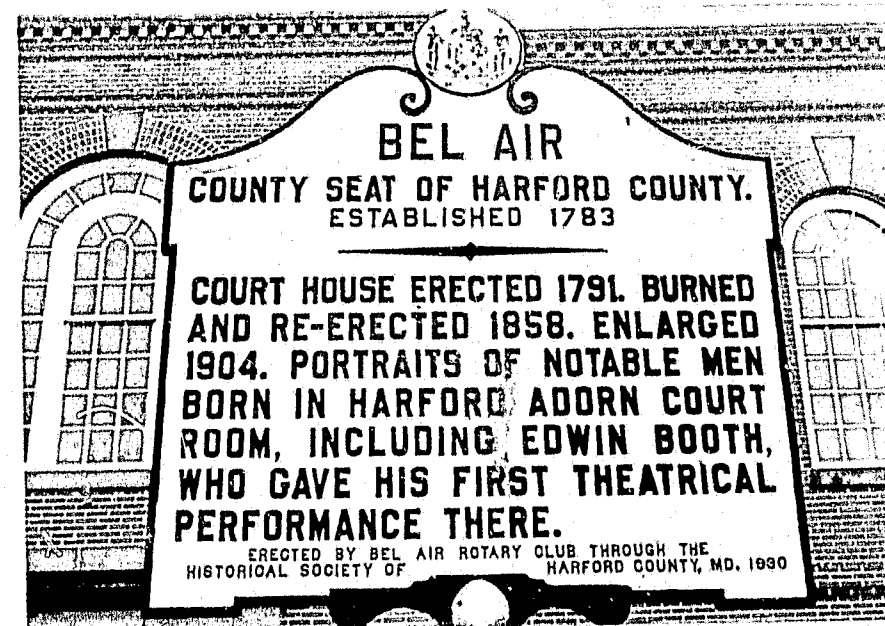
The Commission deals with formal complaints in a variety of ways. Tapes or transcripts of judicial hearings are often obtained. When pertinent, attorneys and other disinterested parties who participated in the hearings are interviewed. Sometimes, as part of its preliminary investigation, the Commission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

During the past year, judges were requested to appear before the Commission 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 private reprimand. Several more serious complaints have been held over in order that plenary hearings may be conducted.

Finally, pursuant to 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.



1983 Legislation Affecting the Courts

A significant amount of legislation affecting the courts was considered in the 1983 session of the General Assembly. Space limitations preclude review of all these bills in this report. This summary is intended to highlight a few of the more important items. A more detailed summary of 1983 legislation is available through the Administrative Office of the Courts.

1. COURT ORGANIZATION AND STRUCTURE

Additional Judgeship. (Ch. 141) The legislature created an additional District Court judgeship for Montgomery County. This raises the total number of state court judgeships to 212 effective July 1, 1983.

Court of Special Appeals Panels. (Ch. 6) Proposed by the Judicial Conference this emergency legislation was enacted to redefine a panel quorum to be one less than the number of judges designated to sit on a panel (usually three); and permits one less than the number of judges on a hearing panel to decide a case, as long as the majority of the panel concurred in the decision.

2. COURT ADMINISTRATION

Special Admission to the Bar. HB 602 (Ch. 614) Proposed by the Rules Committee, this legislation permits special admission to out-of-state attorneys in cases pending before administrative agencies or commissions of the State or any of its political subdivisions; and allows an attorney to be specially admitted to appear in the courts on behalf of the corporation(s) for which the attorney is house counsel.

Public Records. (Ch. 269) Recommended by the Judicial Conference, this legislation amends the Public Information Article by including the exception that copies of judgments may not be provided until the time for appeal has expired or, where an appeal has been noted, until such time as the appeal has been adjudicated or dismissed.

3. CIVIL LAW AND PROCEDURE

Statutory Separation. HB 1381 (Ch. 491) Reduced the time period of separation without cohabitation and without interruption from three to two years, and repealed certain grounds for divorce.

Bankruptcy Exemptions. (Ch. 175) Reduces the amount of exemptions in real or personal property from execution on a judgment for individual debtors domiciled in Maryland from \$4,500 to \$2,500; and further, removes as a condition on this exemption that the debtor show by a preponderance of the

evidence that he has attempted to negotiate a repayment schedule with the creditors.

District Court Constables. (Ch. 224) Empowers a constable to service a writ of execution directing the seizure and sale of a defendant's personal or real property, and distribute the proceeds pursuant to rules adopted by the Court of Appeals.

Exemptions to an Execution on a Judgment. SB 796 (Ch. 554) Amends the present automatic exemption of \$3,000 in property to require the debtor to elect to exempt cash or selected items of property with a cumulative value of not more than \$3,000. It further instructs the sheriff to appraise the property at the time of levy. This is subject to review by the court on motion of the debtor. The Court of Appeals is directed to develop procedures prescribed by court rules to implement the provisions of this Act.

Attachment Before Judgment. (Ch. 225) Proposed by the Judicial Conference and the Rules Committee, this legislation provides that a court may issue an attachment upon application of the plaintiff against any property or credits of the debtor at the commencement of an action or while the action is pending; and further provides for the issuing of attachments to nonresident debtors.

4. JUVENILE AND FAMILY LAW

Task Force on Child Abuse and Neglect. This Senate Joint Resolution calls for the creation of a fourteen member task force with judicial representation to study all aspects of child abuse and neglect in Maryland.

Property Disposition in Annulment and Divorce. (Ch. 159) Allows military pensions to be considered in the same manner as any other pension or retirement benefit when disposing of property in annulment and divorce.

5. CRIMINAL LAW AND PROCEDURE

Application for Leave to Appeal. SB 540 (Ch. 295) Proposed by the Fisher Commission, this legislation adds to the list of cases that would be reviewed by leave to appeal to include an appeal from a final judgment entered following a guilty plea.

Controlled Hazardous Substances. (Ch. 115) Authorizes a judge to issue an administrative search warrant upon application for the purpose of conducting an inspection by the Department of Health and Mental Hygiene to determine compliance with the hazardous substances laws.

Escape. (Ch. 155) Proposed by the Judicial Conference, this legislation makes the sentence for escape consecutive to any sentence which was being served at the time of the escape, or any sentence which had been imposed but was not yet being served at the time of sentencing.

Appeal from District Court Convictions. HB 1118 (Ch. 294) Provides that the circuit court may upon conviction in a trial de novo appeal impose a more severe sentence than that imposed in the District Court.

Destruction of Arrest Warrants. HB 1422 (Ch. 494) Proposed by the Judicial Conference, this legislation permits the Chief Judge of the District Court to destroy arrest warrants under special criteria.

District Court Jurisdiction. (Ch. 203) Removes the District Court's jurisdiction over an offense otherwise within its exclusive jurisdiction where the defendant is charged in the circuit court with another offense arising from the same circumstances; and gives the circuit court exclusive original jurisdiction over such offenses.

6. MOTOR VEHICLE LAWS

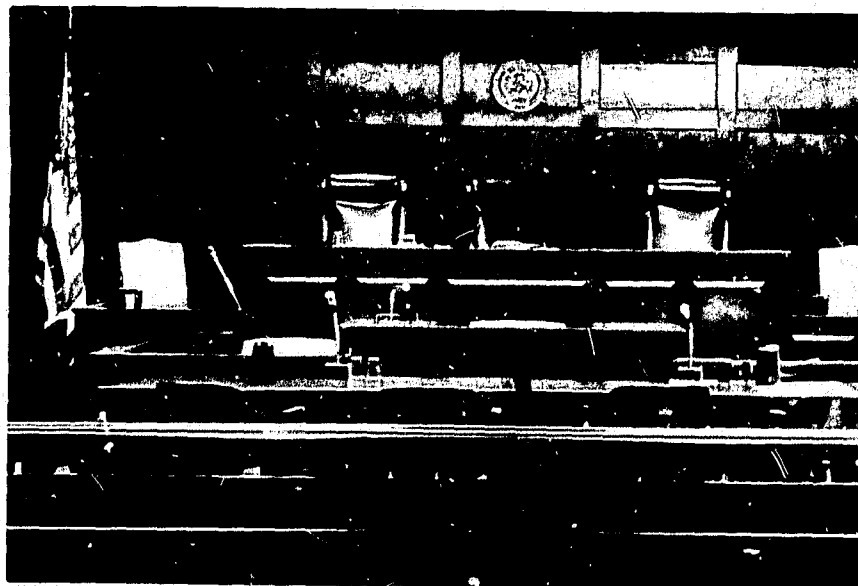
Chemical Tests for Alcohol or Drugs. SB 513 (Ch. 289) Establishes the breath test as the primary determinant test.

Refusal to Take Chemical Test. SB 514 (Ch. 290) Provides for a second or subsequent offense penalty by suspending a driver's license for not less than 120 days nor more than one year for refusing to take a chemical test for alcohol.

Probation Before Judgment. SB 515 (Ch. 291) Prescribes that a second or subsequent violation of the "driving while intoxicated" or "under the influence" law within a five year period prohibits the staying of a judgment and placing a person on probation.

Points Assessment. SB 516 (Ch. 292) Increases the points from six to eight against a driver's license for a conviction of driving under the influence.

Arrest. SB 644 (Ch. 353) Provides an exception to the requirement that a person be taken before a District Court commissioner upon refusing to acknowledge receipt of a traffic citation; and permits the officer to release the individual upon a written promise to appear for trial.



State of the Judiciary Message to a Joint Session of the General Assembly of Maryland

Chief Judge Robert C. Murphy
January 26, 1983

The acme of judicial distinction, according to the great Chief Justice John Marshall, is "the ability to look a lawyer straight in the eyes for two hours and not to hear a damned word he says." The acme of legislative distinction, on the other hand, is the ability to listen with rapt attention to all that I tell you and to cast your votes accordingly. Like Walter Mitty of literary fame, I, too, have my fantasies—a dream that someday all I ask of you will be summarily granted, no questions asked, and that in this grand gesture of trust and confidence Senator Lapides will be out front on a white horse leading the charge on the judiciary's behalf.

In a more serious vein, I assure you that the judges of Maryland well recognize that this distinguished body is representative of the popular will of the people of Maryland and that consequently we must fully justify our needs to you. It is an exercise which we welcome, for with it comes the opportunity to advise you of our hopes, our aspirations, of our most pressing concerns, and at the same time to seek your assistance in the realization of our goals and in the resolution of the numerous complex problems with which we are presently plagued. All our citizens, of course, not just legislators, judges and lawyers, have a vital stake in the judicial branch of government, for in our tripartite system, it is the fundamental mission of the judiciary—its core purpose—to secure the right of every citizen to fair and equal justice under the law—a profound principle upon which our republic was founded and under which it has flourished so successfully for so many years. Indeed, if we have a national religion, it is founded upon that noble belief.

Our State enjoys a long history of adherence to the doctrine of separation of governmental powers—that each of the three great branches of government is supreme in its field, none being subordinate to the others (although at this time of year the legislature seems more equal than the other branches). There is also a long history of great cooperation and shared concern among the three branches of government, which has played a major role in Maryland's reputation for sound, prudent and effective government. In keeping with these traditions, *you responded favorably to a suggestion which I made during my last State of the Judiciary message in January of 1981 that you create, by joint resolution, a Commission comprised of individuals*

truly knowledgeable in the ways and workings of our judicial system to study various aspects of the operations of the judicial branch of government and to determine what, if any, modifications were needed to make the system function more efficiently. Consistent with the terms of Joint Resolution No. 25 of that year, a sixteen-member Commission was established comprised of six outstanding legislators, including the Chairmen of the Senate Judicial Proceedings and House Judiciary Committees, three of Maryland's most eminent judges, a number of distinguished citizens, community leaders and members of the Maryland Bar. Designated as Chairman of the Commission was a lawyer of most uncommon ability—Charles O. Fisher, Sr. of Westminster—a former President of the Maryland State Bar Association and a man whose qualities of patience and courtesy added immeasurably to the effective manner in which the Commission undertook its work.

In your mandate to the Commission, you directed that it study, among other matters, whether the State's trial courts of general jurisdiction, that is, the circuit courts of the counties and of Baltimore City, should be consolidated into a single unified circuit court of Maryland, funded entirely by the State, rather than by each political subdivision, as existing law now requires; whether jurisdiction in civil, criminal and juvenile cases should be reallocated in any manner among the circuit courts and the District Court of Maryland; whether six-person juries, rather than the traditional number of twelve, should be utilized in civil cases in the circuit courts of the State and in the District Court; whether nonincarcerable motor vehicle offenses should be decriminalized, and adjudicated, not by judges, but by nonjudicial hearing officers either in the judicial or executive branches of government. You also particularly directed that the Commission focus its attention on the de novo appeal process, which has been of such great concern to Maryland judges; and whether the structure of our appellate courts was sound, or whether jurisdiction between the two appellate courts should be reallocated.

Faithful to its mission, the Commission conducted twenty public meetings throughout the State over a fifteen-month period, hearing from a total of sixty-nine witnesses. *In its report, a copy of which each of you now has, the Commission made a number of*

important recommendations and has proposed the enactment of legislation and the passage of constitutional amendments in accordance with its conclusions. While members of the judiciary will appear before the appropriate committees of each House to present the judiciary's position, I think it desirable to briefly focus the attention of the entire membership of the General Assembly on several of the Commission's recommendations so that you may begin your deliberations with an increased knowledge of the importance of these measures in the administration of our justice system in Maryland.

After grappling at length with the issue, the Commission determined that despite the fact that Maryland's appellate courts and its district court are funded entirely by the State and centrally administered, the all-important circuit courts should continue to be funded by the local political subdivisions, and not by the State. The circuit courts, the Commission concluded, are well operated and there was no valid reason to alter the status quo, although it did recommend that the State make an annual grant of funds to each political subdivision to cover the ever-escalating costs of the expense of jurors—an amount calculated this year at approximately three million dollars. While I have for a number of years urged that the circuit courts, being state courts, should be funded entirely by the State, as are all other state courts, the Commission's position dovetails with that taken by the great majority of circuit court judges, by the Conference of Circuit Judges, and by the popularly elected Executive Committee of the Maryland Judicial Conference. Because the Commission was one of uncommon expertise, I accede to its view, albeit remaining unconvinced of its wisdom.

Another area of deep concern which the Commission studied implicated the operation of Maryland's highest court, the Court of Appeals, and its intermediate appellate court, known since its inception as the Court of Special Appeals. The Commission concluded that the present structure and jurisdictional allocations between the two courts were basically sound and it expressed its opposition to the making of any fundamental change in either court. The Commission rejected suggestions that the two appellate courts be merged into one and, in the course of its deliberations, also rejected the further suggestion that the Court of Special Appeals, (which by existing law sits only in Annapolis) be divided into a number of regional courts, or that it be divided into two components along subject matter lines, namely, separate courts dealing with criminal and civil appeals. The Commission concluded that there was a need, which the Court of Appeals well filled, for a permanent collegial court of last resort to concentrate on institutional decisions of great complexity and major significance as well as to continue to perform the procedural rule-making function and super-

intend the operation of the lower state courts and the Judiciary's adjunct agencies. **The Commission expressed great admiration for the work done by the Court of Special Appeals. While it noted that that court's caseload has increased significantly year by year, and that the need for additional judges was imminent, it nevertheless suggested that other avenues of assistance for that beleaguered court be first explored.** It recommended expanded use of that court's central professional career staff of attorneys and, most importantly, it recommended the immediate addition of twelve law clerks to assist the judges in both appellate courts in researching the many complex issues which come before them for decision. In this regard, I point out that Maryland is well behind our sister states in providing law clerk assistance to appellate judges. For example, in the Supreme Court of Pennsylvania, each judge is authorized five law clerks, while the majority of our appellate judges have but one. I, therefore, cannot stress too greatly the urgency and importance of this recommendation and earnestly solicit your approval of this proposed budget action.

In an effort to reduce the ever-burgeoning caseload of the Court of Special Appeals, without compromising the need for public justice, the Commission has recommended that the General Assembly not permit an appeal as of right to that court in any case in which a guilty plea has been entered. **The Commission recommends, and the Maryland Judicial Conference is in full concurrence, that the process be changed to authorize only discretionary review by the Court of Special Appeals under an application for leave to appeal procedure—similar to that presently utilized in post conviction petition cases.** This procedure, if approved, would reduce the annual caseload of the intermediate appellate court by an estimated six percent.

Because the Court of Special Appeals is now a full intermediate appellate court serving, in effect, as the court of last resort in most appeals, the Commission has concluded that the word "Special," in the Court's official title is a total misnomer, misleading to the public and not reflective of the court's important role in the judicial system. The Commission has, therefore, adopted a recommendation first made in the Constitutional Convention of 1967, and later by the 1974 Commission on Judicial Reform, that the name of the Court of Special Appeals be changed to the more befitting title: "The Appellate Court of Maryland." To more appropriately depict to the public the position of the Court of Appeals in the State's judicial constellation, as well as its function vis-a-vis the Court of Special Appeals, while at the same time preserving a great historical tradition, the Commission has recommended that the name of the Court of Appeals be changed to "The Supreme Court of Appeals of Maryland." These name change proposals have the full endorsement of the Executive

Committee of the Maryland Judicial Conference, as well as the enthusiastic approval of most appellate judges.

Another issue which occupied much of the time and attention of the Commission was the continuing problem of caseload increases and trial delay in the circuit courts of the State. Notwithstanding the creation of twenty-five additional circuit court judgeships in the past ten years, the Commission noted, by way of example, that the average time between filing a case to its actual trial date in a law action in 1972 was 13.8 months and that in 1982, ten years later, that time had increased to fifteen months. The reason for this increase is easily discernible—in 1972, 71,000 cases were filed in the circuit courts, whereas by 1982, that number had doubled to 142,000 cases. The Commission concluded that the mere addition of judges would not redress the problem because the caseload always increases in greater proportion than the number of authorized judges. **To reduce the circuit court caseload to an appreciable degree, the Commission recommended the transfer of juvenile jurisdiction from the circuit courts to the District Court, the abolition of the redundant de novo appeal process in criminal cases originating in the District Court, and the elimination of appellate jurisdiction now vested in the circuit courts over District Court judgments in nonjailable motor vehicle offenses.**

Supportive of its recommendations, the Commission has noted that while the present caseload of the District Court is massive—amounting to 1.2 million cases a year—it is handled with remarkable efficiency, with but few complaints of undue delay. The recommendation that juvenile jurisdiction be transferred to the District Court is not, the Commission has emphasized, solely a device to relieve congestion in the circuit courts. On the contrary, the Commission has noted that the effective disposition of juvenile matters depends on the interest, the concern, the expertise of the presiding judge, and that such judges abound in the District Court, as well as in the circuit courts. Under existing law in Montgomery County, and by special assignment in three other counties, District Court judges now handle all juvenile matters in their respective subdivisions, with uniformly good results. I share the Commission's view that it is not the court level at which such causes are heard that is the important factor, but rather the quality, the learning, the dedication, the compassion and understanding of the judge selected to try those cases. Should you deem it wise to transfer jurisdiction in these very important cases to the District Court, I am confident that there will be no diminution in the quality of justice. Moreover, the District Court is now housed, thanks to you ladies and gentlemen of the General Assembly, in totally new court structures in almost every part of Maryland. Indeed, in this fiscal year alone, nine new

District Court—Multi-Service buildings will open, and land has been purchased, and appropriations made, for the construction of two badly needed buildings in Baltimore City and Prince George's County. I think the time is near, if you approve, when the District Court could totally relieve the circuit courts of the heavy burdens of juvenile justice.

Hand in glove with this suggestion is the Commission's further recommendation that the use of masters in juvenile cases be discontinued. This recommendation has been made by virtually every responsible public and private entity in the juvenile justice field for more than a decade and its merit no longer requires extensive discussion. The change should be made, not because juvenile masters have not served with dedication and skill—for indeed they have—but rather because use of juvenile masters in place of judges is symbolic of second class justice in a field of law which demands the application of the best brand of judicial expertise that our society can possibly muster.

It follows, of course, that if District Court judges are to assume jurisdiction over the many thousands of juvenile cases in this State, it will be necessary either to augment their number or relieve that court of part of its present jurisdiction. The Commission has recommended that this transition be achieved by having all nonjailable motor vehicle offenses, which are now tried in the District Court, made civil infractions only and adjudicated in an executive branch agency—most likely the Motor Vehicle Administration—by a newly-to-be-created cadre of nonjudicial hearing officers. The Executive Committee of the Maryland Judicial Conference, while agreeing with the Commission that the trial of these nonjailable minor traffic offenses should be removed from District Court jurisdiction, believe, as I do, that the ends of public safety, the essentials of due process and the integrity of the adjudicative process can best be maintained if those cases are tried on District Court premises by legally trained quasi-judicial hearing officers operating within the framework of the judicial system itself.

In addition to the philosophical arguments that I believe support this position, there are important fiscal and pragmatic aspects that should be considered. For example, there are eighty-two District Court rooms now in use throughout the State which can be scheduled for use in the trial of these nonjailable offenses—a utilization which can be so structured as not to interfere with the trial of the District Court's regular assignment. Throughout the District Court system almost 100 experienced clerks and accountants are already in place; they possess expertise in processing and docketing such cases, and are proficient in the operation of the judiciary's traffic adjudication computer network, which is the backbone of the automated traffic system now in use in 80% of the State. Duplication of such personnel,

facilities and equipment by an executive branch agency would, I think, be a wasteful and unnecessary expenditure.

Another Commission recommendation—that appeals from the District Court to the circuit court be conducted on the record, rather than de novo—has the support of virtually every one of Maryland's 211 judges. We are most hopeful that, finally, this will be the year that will witness the demise of this fruitless, time-consuming and wasteful procedure. Should you decline to so act, however, I urge that you consider amending the present statute which prohibits the imposition of a greater penalty following a second conviction at a de novo hearing. To refresh your recollection, under existing law, a circuit court judge, upon a de novo hearing, can impose a sentence no greater than the sentence imposed in the district court. Thus, the convicted defendant has everything to gain by demanding a second full-blown trial in the circuit court, and absolutely nothing to lose. Since there is no constitutional impediment to your doing so, this body may authorize the imposition of a greater sentence after conviction at a de novo trial in appropriate cases. This proposed change in the law would preserve the existing right to trial de novo but would undoubtedly reduce the number of such trials because a defendant who has no real case to present, but seeks only delay in the criminal process, including the retention of his driving license following a drunken driving conviction, might be deterred from seeking a de novo appeal in view of the possibility of an increased penalty.

Another Commission recommendation, which the Judicial Conference earnestly supports, is the use of six-person juries in civil cases in the circuit courts of the State. To take this important step is not to impair the integrity of the jury function, but rather to enhance its effectiveness at considerably less cost to the public and, at the same time, to reduce the inconvenience and financial sacrifice made by those called for jury duty.

One final word about the Commission's recommendations and I will move on to other matters. Cases coming before the circuit courts of our State are the most complex, the most serious in our trial court system, and it is absolutely essential that judges possessed of the highest possible qualifications serve on these courts. **To achieve this vital end, the Commission has recommended that the Constitution of Maryland be amended to eliminate the present requirement that circuit court judges, within two years following appointment by the Governor, stand for popular election against all comers in a partisan political contest. The Commission's recommendation echoes that made for well over thirty years by countless study groups and judicial reform organizations. In place of that procedure, it is urged that circuit court judges stand for election before the people of Maryland, not in a competitive**

political contest, but solely on the basis of their judicial record, the voters having the choice either to retain the judge in office, or to reject the judge and thus terminate his or her judicial service. This is no Johnny-come-lately proposal, but one which I have advocated in every State of the Judiciary message delivered to this body since 1972. Well before me, the Maryland Judicial Conference, consisting of all the judges of the State, has urged adoption of this vital reform and its support has even heightened over the past ten years.

It is not the easiest assignment to persuade you, as popularly elected public officials, that the contested election process which you undergo is not appropriate for circuit court judges. However, the parallel between the function of a circuit court judge and those of other elected public officials who have constituencies to serve is illusory at best. The judge's oath of office requires faithful allegiance, not to the popular will of the people—for judges have no constituents—but rather to the laws and constitution of Maryland and of the United States. Indeed, over the past fourteen years you recognized the distinction by proposing amendments to the Maryland Constitution, which our citizens ratified, freeing judges in the District Court, the Court of Special Appeals and the Court of Appeals from involvement in the political elective process. It remains, therefore, an imponderable anomaly just why circuit court judges are treated differently than all other judges. Because they are, many of the best lawyers that the system needs so desperately refuse to seek appointment to the circuit court, when the risk of defeat at the polls is so great, the election expense so high, and the effect upon their legal careers so devastating should they not be elected.

This is not just another problem peculiar to Baltimore City. In the last election, there were contested elections for circuit court judgeships in five political subdivisions and a number of sitting judges will be required to run for election in 1984, 1986, and beyond ad infinitum. I believe, as I know Governor Hughes believes, and as his judicial appointments so clearly indicate, that the judiciary is strengthened by the addition of able lawyer minority members, that is by women and by black judges. I am fearful that unless the present system is changed in accordance with the Commission's recommendations, we will lose some of our very best judges, women and black judges among them. Please understand me, I do not deprecate the election process; it has produced some circuit court judges of outstanding ability. The point I make is that the considerations which I have just outlined are far weightier and mandate that our citizens be permitted to vote to adopt the Commission's recommended action.

While on the subject of judgeships, I have this year certified a need for only three additional judges—one in the Circuit Court for Baltimore City,

where the onslaught of a new wave of serious felony crimes requires that we open yet another criminal court. A circuit court judge is also sought for Frederick County, which has not had an additional judgeship in over twenty years, despite a 45% population increase during that period; and we ask for an additional judge in the Montgomery County District Court where filings have increased by 60% over the past five years. I am persuaded that the need for these judges now exists, even if the jurisdictional reallocations recommended by the Commission are implemented by July 1, 1984, the date suggested by the Commission.

Another matter of great concern is the deadly toll enacted each year in human life and suffering by the drunken driver. While the public outcry against highway butchery, coupled with the firm action taken by Governor Hughes, has done much to reduce the death rate, we can never be satisfied as long as one innocent citizen has his life wiped out by the drunken driver. The judiciary projects that 30,000 arrests will be made this year for intoxicated or impaired driving, an increase of almost 20,000 cases over 1972, 7000 more than last year. These cases are among the most complex and time consuming which come before District Court judges for trial, and the huge increase in volume badly strains the resources of the judicial branch. Nevertheless, through the intensive efforts of District Court judges and the cooperation of Maryland prosecutors and police agencies, these cases are being set for trial forty-five days after arrest in approximately half the State and within ninety days in all other counties, except Montgomery and Howard, thus insuring that justice for the guilty is both swift and sure.

Turning finally to the general subject of crime which occupies so much of your time and attention, which so terrorizes our citizens, clogs our courts and prisons, and runs our treasuries dry, the judges of Maryland fully recognize, as you do, the dire need for prompt apprehension of criminals, for expeditious trial, and swift imposition of certain punishment upon the guilty. There is a hard core of repeat felony offenders within Maryland, so prone to violence and so incapable of rehabilitation, as to demand their secure incarceration for the maximum period permissible under State law. These offenders, in the main are adult criminals and juveniles between the ages of 16 and 24, and they perpetrate violent offenses, again and again, far out of proportion to their relatively small number. Last year, the Governor's Criminal Justice Coordinating Council declared war on these violent career criminals; it created a Task Force charged with the responsibility of developing and implementing, through steering councils in each participating political subdivision, programs designed to promptly identify and apprehend all such offenders, to expedite their criminal trials, and to see the guilty safely impris-

oned for extended periods, beyond the reach of early parole. **Judges, of course, must maintain their impartiality and objectivity in the trial of every case, including those involving violent career criminals. We will, however, consistent with all constitutional safeguards, cooperate fully with other components of the criminal justice system in affording priority status to the trial of these cases.**

In violent felony offenses, Maryland prosecutors are, less and less, engaging in plea negotiations with the defendant. As a result, and because early parole release for such offenders is no longer a viable consideration, these serious cases are actually being tried, placing a greater than usual burden on the staff of the Public Defender's office, which represents approximately 85% of all criminal defendants in this State. Absent the availability of a Public Defender, a criminal case cannot proceed in Maryland, thus inhibiting the timely movement of serious cases through our criminal courts. It is important that this body recognize that too severe budget constraints upon the Public Defender's office necessarily results in trial delay, snarled court dockets, and added public expense caused by extended pre-trial incarceration.

Of course, the public is fed up with crime and rightly so. Unfortunately, some believe that Maryland judges are unduly lenient in sentencing criminals, notwithstanding the fact that in our correctional institutions today more than 11,000 criminals are serving sentences imposed upon them, in each instance by a Maryland judge. Judges well understand that our prisons do not rehabilitate the violent career criminal, and that, as to them, there are no alternatives other than sentencing to extended periods of secure incarceration. On the other hand, Maryland judges do consider safe and reasonable alternatives to imprisonment in cases involving first-time offenders who do not appear to represent a continuing danger to the community; as to such individuals, judges permit many of them to maintain their freedom under probationary conditions, in order to support their families, and to satisfy their obligation to society through restitution procedures. Some of the wisest and the most courageous sentences imposed by judges—though they be controversial and subject to public criticism—occur in cases where a judge has determined, all things considered, that the greater public interest is served by keeping a defendant out of prison, rather than putting him in. Undeniably, there are cases where there is little doubt that a judge was too lenient, but mistakes are occasionally made. **To keep the aberrational sentences to an absolute minimum, the judiciary has established sentencing guidelines criteria, which it is now in the process of finalizing, after consultation with all segments of the criminal justice community.** These guidelines, you will recall, are designed not only at ending disparities in sentencing

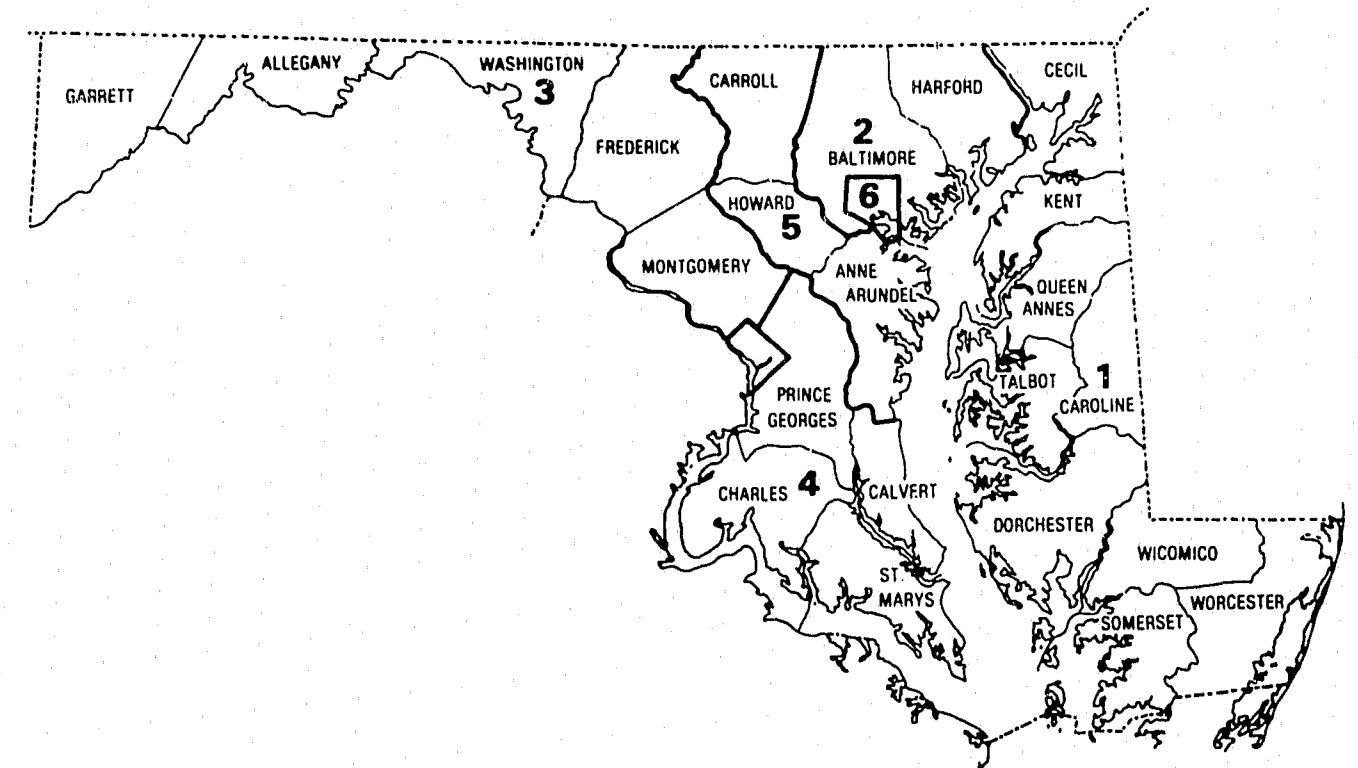
among like criminal offenders for like criminal offenses, but also to assist the sentencing judge in determining the proper sentence to be imposed. The judges of Maryland are gratified that their sentencing guidelines project has received such universal acclaim in the media. We are hopeful that the General Assembly again this year will continue its support of this most important project and signal your approval of our intention to expand it statewide.

Time and again the courts are publicly condemned for reversing criminal convictions on what some claim are mere legal technicalities, although, in reality, the reversal is based upon a violation of the State or Federal Constitutions, with the grant of a new trial being the only possible redress. ***One error-creating mechanism of particular concern to all judges, appellate and trial judges alike, is found in that provision of the Maryland Constitution which declares that juries are the judge of the law, as well as the fact.*** Maryland is now the only jurisdiction in the country which retains this archaic provision in

its law—a provision which has its genesis in the historic distrust of the King, hardly a valid reason today. ***The Conference of Circuit Judges and the Executive Committee of the Maryland Judicial Conference urge this body to study the provision, looking to its repeal, so as to bring Maryland law into conformity with the law in the rest of our sister states.***

Mr. President and Mr. Speaker, I thank you for the courtesy of your invitation and for your kind indulgence in listening to this report. I hold my office as head of the Judicial Branch of Government with great pride, because of my trust and confidence in the judges and nonjudicial personnel who serve the public within this branch of government. It is with equal pride, as a citizen of Maryland, that I view the operations of the legislative branch of our government, pride based on a long-standing and close-working relationship with you. I look forward to a continuation of that relationship in the years ahead in the promotion of public safety, peace and order in our society.

Judicial Maps and Members of the Judiciary as of September 6, 1983



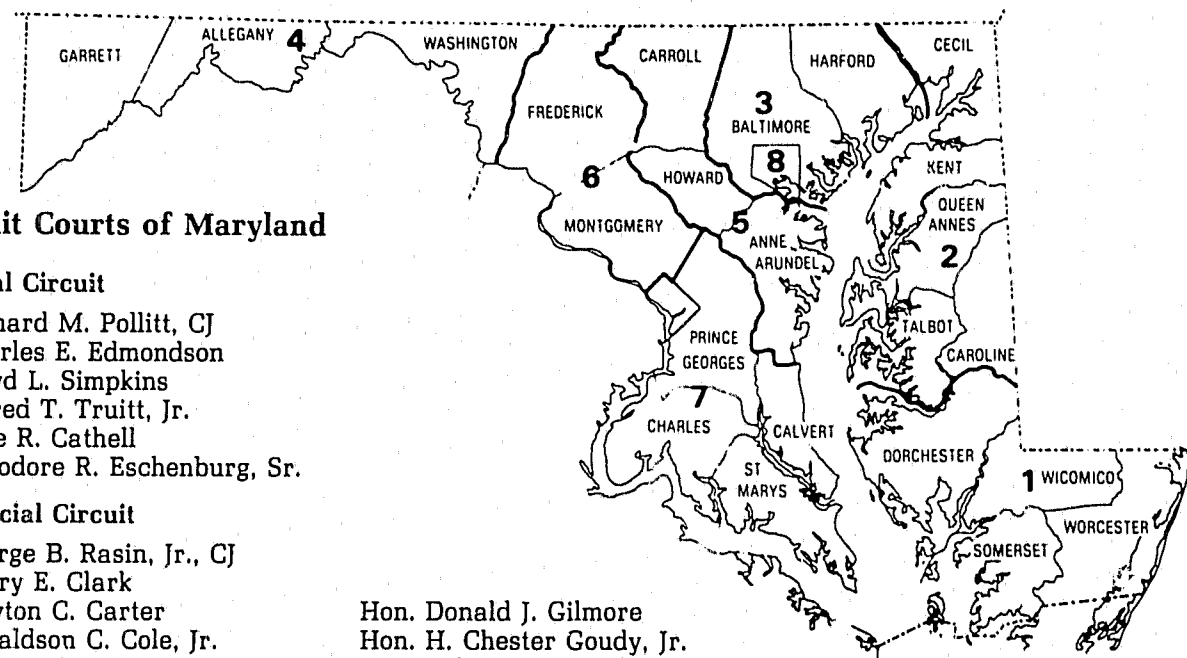
Appellate Judicial Circuits

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. Charles E. Moylan, Jr. (At large)
Hon. Thomas Hunter Lowe (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)
Hon. Paul E. Alpert (2)
Hon. Theodore G. Bloom (5)
Hon. James S. Getty (3)
Vacancy (At large)



The Circuit Courts of Maryland

First Judicial Circuit

* Hon. Richard M. Pollitt, CJ
 Hon. Charles E. Edmondson
 Hon. Lloyd L. Simpkins
 Hon. Alfred T. Truitt, Jr.
 Hon. Dale R. Cathell
 Hon. Theodore R. Eschenburg, Sr.

Second Judicial Circuit

* Hon. George B. Rasin, Jr., CJ
 Hon. Harry E. Clark
 Hon. Clayton C. Carter
 Hon. Donaldson C. Cole, Jr.
 Hon. J. Owen Wise
 Vacancy

Third Judicial Circuit

Hon. John E. Raine, Jr., CJ
 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
 Hon. Cypert O. Whitfill
 Hon. A. Owen Hennegan
 Hon. Leonard S. Jacobson

Fourth Judicial Circuit

Hon. Frederick A. Thayer, III, CJ
 Hon. John P. Corderman
 * Hon. Frederick C. Wright, III
 Hon. J. Frederick Sharer
 Hon. Daniel W. Moylan
 Hon. Gary G. Leasure

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. Eugene M. Lerner
 Hon. Martin A. Wolff
 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. 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
 Hon. L. Leonard Ruben

Seventh Judicial Circuit

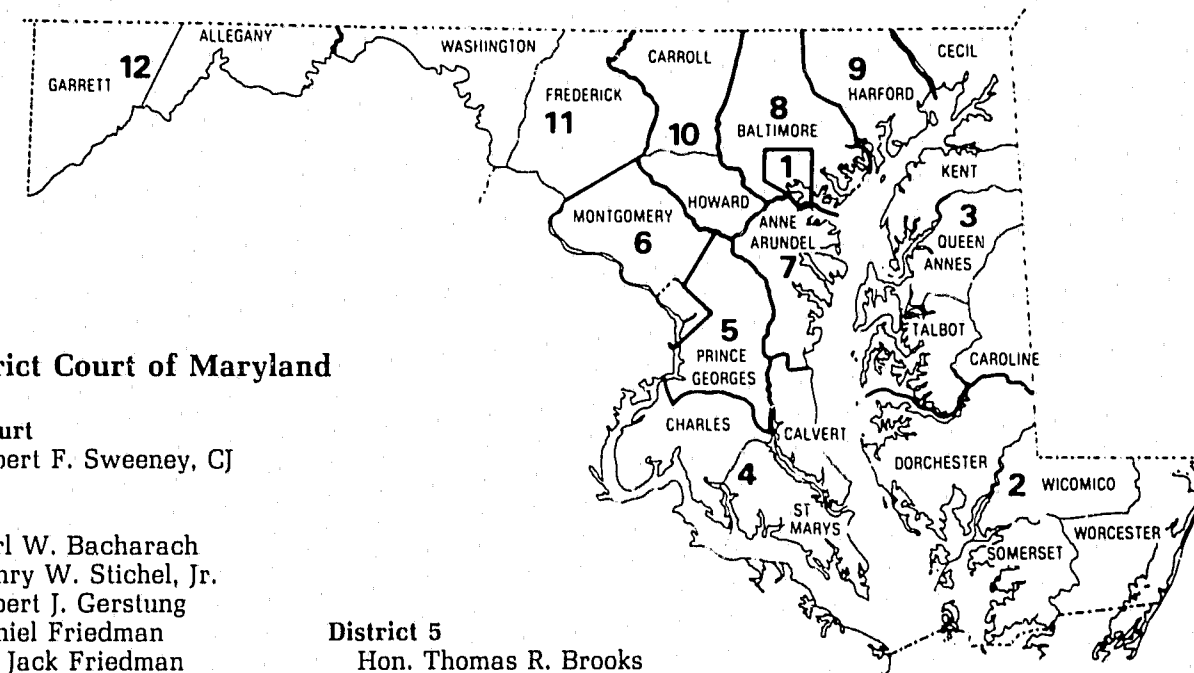
* Hon. Ernest A. Loveless, Jr., CJ
 Hon. Perry G. Bowen, Jr.
 Hon. William H. McCullough
 Hon. James H. Taylor
 Hon. Joseph A. Mattingly
 Hon. Jacob S. Levin
 Hon. George W. Bowling
 Hon. Albert T. Blackwell, Jr.
 Hon. Robert J. Woods
 Hon. Howard S. Chasanow
 Hon. Vincent J. Femia

Hon. Robert H. Mason
 Hon. Audrey E. Melbourne
 Hon. David Gray Ross
 Hon. James M. Rea
 Hon. Richard J. Clark
 Hon. Arthur M. Ahalt
 Hon. G. R. Hovey Johnson

Eighth Judicial Circuit

Hon. J. Harold Grady, CJ
 Hon. Robert I. H. Hammerman
 Hon. David Ross
 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. Joseph I. Pines
 Hon. John Carroll Byrnes
 Hon. Thomas H. Ward
 Hon. Kenneth Lavon Johnson
 Hon. Edward J. Angeletti
 Hon. Arrie W. Davis
 Hon. Thomas E. Noel

*Circuit Administrative Judge



The District Court of Maryland

District Court

Hon. Robert F. Sweeney, CJ

District 1

Hon. Carl W. Bacharach
 Hon. Henry W. Stichel, Jr.
 Hon. Robert J. Gerstung
 Hon. Daniel Friedman
 Hon. Sol Jack Friedman
 Hon. Martin A. Kircher
 Hon. James L. Bundy
 Hon. Alan M. Resnick
 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. Mabel Houze Hubbard
 Hon. Alan B. Lipson
 Hon. George J. Helinski
 Hon. Mary Ellen T. Rinehardt
 Hon. Charlotte M. Cooksey
 Hon. Paul A. Smith
 Hon. H. Gary Bass
 Vacancy

District 2

* Hon. William B. Yates, II
 Hon. Robert D. Horsey
 Hon. D. William Simpson
 Hon. Thomas C. Groton, III

District 3

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

District 4

Hon. Larry D. Lamson
 * Hon. Robert C. Nalley
 Hon. Charles Clarke Raley

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. 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
 Hon. Edwin Collier
 Hon. Paul H. Weinstein

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

Hon. Gerard W. Wittstadt
 Hon. John P. Rellas
 Hon. William S. Baldwin
 * Hon. John H. Garmer
 Hon. A. Gordon Boone, Jr.
 Hon. Patricia S. Graham

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 Stöpler
 Hon. Darrow Glaser
 Hon. James F. Strine

District 12

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

*District Administrative Judge

END