



# Annual Report of the Maryland Judiciary

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1977-1978

Report prepared by:  
Deborah Unitus Berezna  
Robert C. Franke

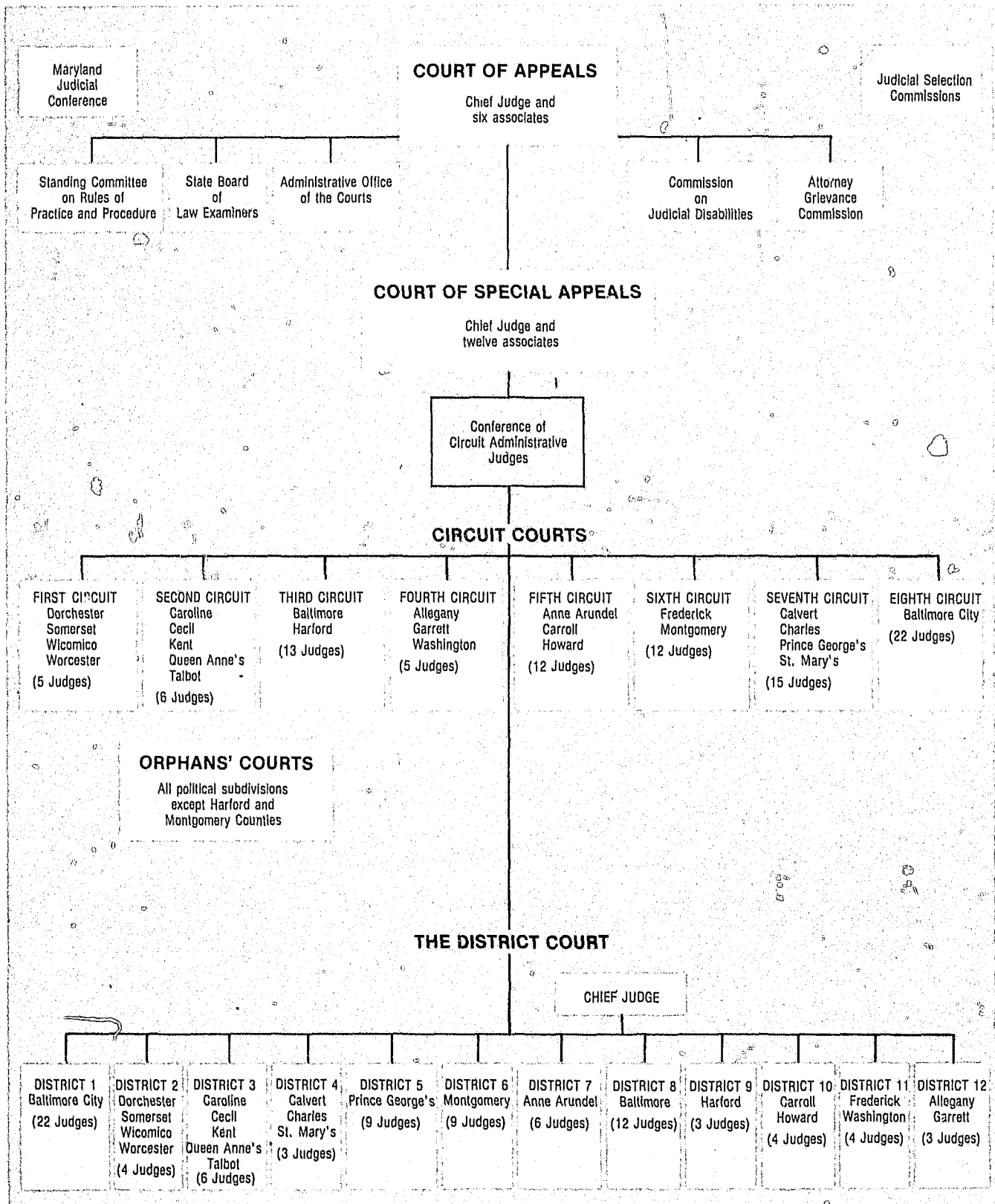
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## Contents

Preface .....	iii	Clients Security Trust Fund .....	18
Introduction .....	iv	Judicial Conferences .....	19
Judicial Revenues and Expenditures .....	1	The Maryland Judicial Conference .....	19
The Maryland Courts .....	3	Conference of Circuit Administrative Judges ..	20
The Court of Appeals .....	3	Appointment and Discipline of Judges .....	22
The Court of Special Appeals .....	3	General Criteria .....	22
The Circuit Courts .....	4	Judicial Nominating Commissions .....	22
The District Court .....	7	The Commission on Judicial Disabilities .....	24
Judicial Administration .....	9	New Programs and Developments .....	25
Administrative Office of the Courts .....	9	Court Planning .....	25
Circuit Court Administration .....	11	Continuing Judicial Education .....	25
District Court Administration .....	12	Other Developments .....	25
Assignment of Judges .....	14	Mini Report on the State of the Maryland Judiciary .....	27
Court Related Units .....	16	1978 Legislation Affecting the Courts .....	32
Board of Law Examiners .....	16	Judicial Maps and Members of the Judiciary ...	34
Rules Committee .....	17		
Attorney Grievance Commission .....	17		

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# THE MARYLAND JUDICIAL SYSTEM



## Preface

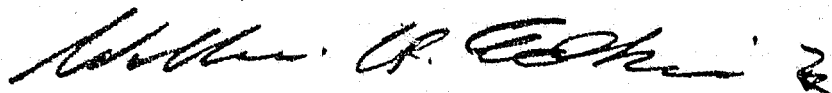
This is the second *Annual Report of the Maryland Judiciary*. It includes the twenty-third annual report of the Administrative Office of the Courts, as required by Section 13-101 (d) (9) of the Courts Article. The Report covers Fiscal 1978 (the year beginning July 1, 1977, and ending June 30, 1978).

As was the case in Fiscal 1977, the Report is in two volumes. Volume 1 is designed for the general reader; it treats the funding, functions, workload, and programs of the court system in an overview fashion, highlighted by graphs and charts. We hope that this Volume will be widely circulated not only to those in government, but also to those interested citizens of the State.

Volume 2 is a statistical abstract where the analyst or student will find data supporting the material contained in Volume 1 as well as considerable other information pertaining to the court system. These data are perhaps of more interest to those who administer the court system or wish to examine its functioning in depth. It will be circulated within the Judiciary and made available to others who request it.

In the case of both volumes, comments about the 1977 Report have been carefully considered and a number of changes have been instituted designed to make both volumes more readable and to expand the accessibility and usefulness of the information contained in them.

We hope that these materials will contribute to enhanced general understanding of the operations and role of the Judicial Department of Maryland.

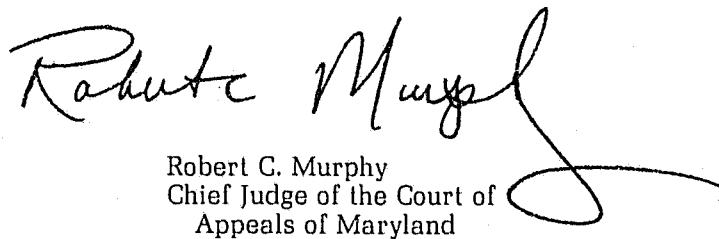


William H. Adkins, II  
State Court Administrator

## Introduction

This *Annual Report of the Maryland Judiciary* outlines the functions and responsibilities of the major units within the Judicial Department of Maryland. It also summarizes the activities of that Department for the period July 1, 1977-June 30, 1978. It is a pleasure to present it to the citizens of our State.

The work of the third branch of our government is of interest to officials in the executive and legislative departments. Most of all, however, it is of concern to every citizen of Maryland, because it touches the lives of so many of them in so many important ways. I look upon these two volumes as the report from the judiciary to the public, and hope that these documents will be widely distributed so that our fellow citizens may gain a better understanding of the work of the judiciary, as well as its structure, needs, and goals.



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



## Judicial Revenues and Expenditures

A mixture of State and local appropriations in excess of \$46,000,000 annually supports the operation of the Judicial Branch of government in Maryland. The Judicial Branch is a four-tier structure consisting of the Court of Appeals; the Court of Special Appeals; the Circuit Courts for the Counties and the six courts comprising the Supreme Bench of Baltimore City; and the District Court of Maryland. Related agencies and units consist of the offices of the clerks of the circuit courts, offices of the clerks of the Court of Appeals and Court of Special Appeals, the Administrative Office of the Courts, State Board of Law Examiners, Court of Appeals Standing Committee on Rules of Practice and Procedure, Commission on Judicial Disabilities, the Clients' Security Trust Fund, and the Attorney Grievance Commission. There are 196 judicial positions and approximately 2,500 non-judicial positions in the judicial system.

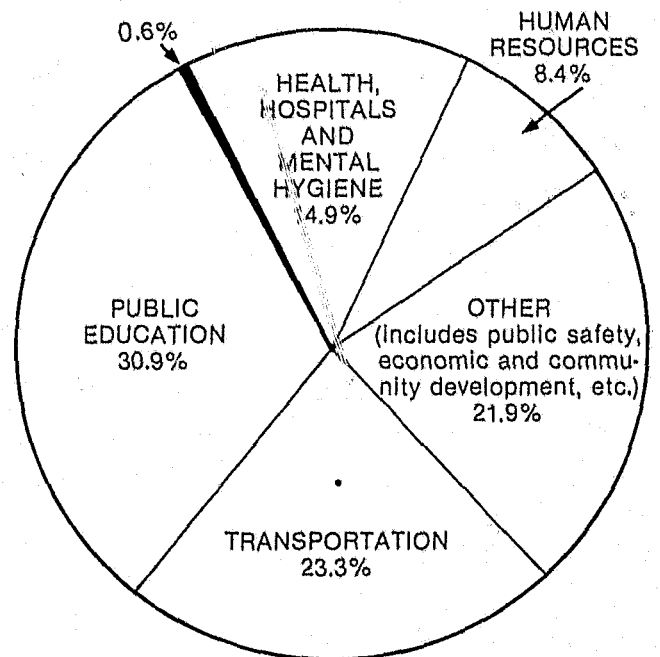
Operating on a program budget concept, the State-funded portion of the judicial budget involved a total appropriation of \$22,845,351 in Fiscal Year 1978. Two programs concern, respectively, the operation of the Court of Appeals and the Court of Special Appeals. Another program primarily provides funds to pay the salaries and official travel costs of the circuit court judges. By far the largest program in the State-funded judicial budget is that of the District Court with an appropriation of \$15,653,020 for Fiscal Year 1978. Another program provides funds for the activities of the Maryland Judicial Conference. This includes funding for continuing judicial education programs and conference committee activities. The sixth program provides funds to operate the Administrative Office of the Courts, the activities of which are described elsewhere in this report. Also included within this program are funds to operate the Clerk's Office of the Juvenile Court in Baltimore City and funds to operate the Automated Criminal Case Scheduling System in the Supreme Bench of Baltimore City. Another program in the State-funded judicial budget provides funds to staff the operation of the State Board of Law Examiners, the Court of Appeals Standing Committee on Rules, the State Reporter and the Commission on Judicial Disabilities. Funds to support the operation of the Attorney Grievance Commission and the Clients' Security Trust Fund come from assessments against lawyers entitled to practice law in Maryland. These funds are not included in the State-funded judicial budget.

Funds to operate the offices of the clerks of the circuit courts of the counties and the courts of the Supreme Bench of Baltimore City are paid from the filing fees, court costs, and commissions received by

these offices, with any deficiency paid by the State from a fund maintained by the Comptroller of the State Treasury. In Fiscal Year 1978, expenses to operate these offices approximated \$12,200,000 while collected court-related revenues amounted to \$12,000,000 in the same period.

With the exception of circuit court judges' salaries and fringe benefits, salaries and expenses of personnel in the offices of the elected clerks, and the few other expenses paid through the Administrative Office to operate the circuit courts and the courts of the Supreme Bench of Baltimore City, the costs of the circuit/Supreme Bench courts are borne by the counties and Baltimore City. Fiscal Year 1978 appropriations by the political subdivisions for court purposes approximated \$12,000,000. Income received by operation of these courts (excluding fines and forfeitures) approximated \$800,000 in the same period. In addition, clerks' offices of the circuit courts of the counties and the courts of the Supreme Bench of Baltimore City collected approximately \$600,000 in fines, forfeitures, appearance fees, and some court costs which were remitted to the political subdivisions.

As can be seen from the illustration of the State "budget dollar", a State-funded judicial budget consumes only a tiny fraction of the total State budget,



State funded portion of Judicial expenditures (shown as solid area) as a percentage of total state expenditures in 1978

approximating six-tenths of one percent. The budget for the entire State of Maryland for Fiscal Year 1978 was approximately four billion dollars, of which twenty-three million was earmarked to fund the State portion of the Judicial Branch. In this connection, it should be noted that revenue produced by the District Court and other State-funded court agencies exceeded expenditures for the State-funded portion of the Judicial Branch.

The figures in the table reflect the growth of the State-funded portion of the Judicial Budget for the last three years, averaging approximately seven percent each year. Revenues are also reflected to show how they have kept pace with expenditures.

The average growth of seven percent over a three year period is due to many factors including but not limited to, normal increases in operating expenses, in-

cremental pay increases, cost of living adjustments, additional personnel and legislation creating additional judgeships. However, it should be noted that this average growth rate has been less than the average rate of inflation for the same period of time. Significant changes occurred in the circuit court program by reason of creation of additional judgeships; in the District Court program to meet additional personnel needs and provide funds for across-the-board pay increases; in the Administrative Office's program, from the transfer of positions in the Juvenile Services Administration to this program pursuant to legislation enacted in 1976; and in the court-related agencies program due to the transfer of funds for the activities of the staff to the Rules Committee and the State Board of Law Examiners from the Administrative Office's program.

#### BUDGET APPROPRIATIONS

Program	Fiscal Year '76	Fiscal Year '77	Fiscal Year '78
Court of Appeals	\$ 679,369	\$ 680,158	\$ 723,049
Court of Special Appeals	1,033,637	1,117,586	1,251,657
Circuit Courts & Supreme Bench	3,167,573	3,396,049	3,728,106
District Court	13,952,236	14,614,705	15,653,020
Maryland Judicial Conference	30,400	29,225	36,750
Administrative Office of the Courts	820,697	1,290,640	1,633,831
Court Related Agencies	127,530	126,237	376,217
Maryland State Law Library	—	—	—
<b>TOTAL</b>	<b>19,811,442</b>	<b>21,254,600</b>	<b>23,402,630</b>

#### REVENUES

	Actual Fiscal Year '76	Actual Fiscal Year '77	Actual Fiscal Year '78
Court of Appeals	\$ 14,876	23,051	24,115
Court of Special Appeals	19,052	29,375	31,725
State Board of Law Examiners	107,555	117,600	113,555
District Court	20,391,499	22,462,374*	23,917,344*

\*In Fiscal Year 1977 the District Court expended \$930,748 and in Fiscal Year 1978, \$1,108,164 in payments to various sheriffs for serving process. This sum was unappropriated and charged directly against revenues.



Courts of Appeal Building

## The Maryland Courts

### The Court of Appeals

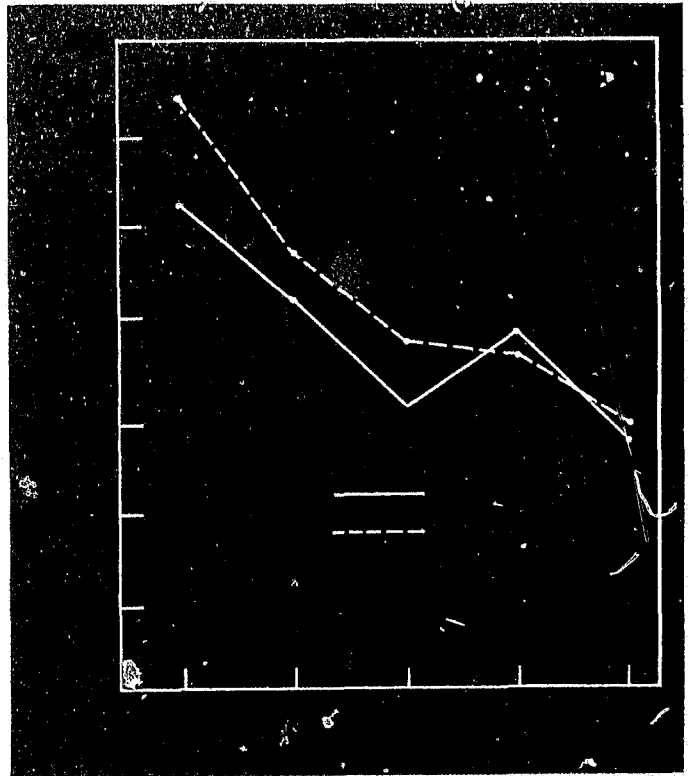
The Court of Appeals of Maryland is the highest tribunal in the State of Maryland and was created by the Constitution of 1776. In the early years of its existence, the Court met at various locations within the State, but since 1851 has sat only in Annapolis.

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, are elected to ten year terms of office. By a constitutional amendment (Chapter 551, Acts of 1975) ratified in 1976, judges of the Court of Appeals 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. 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 as to allow it to devote its efforts to the most important and far-reaching decisions. At present the Court may review a case decided by the Court of Special Appeals or may bring up for review cases filed in that court before they are decided there. The Court of Appeals may also review certain decisions rendered at the circuit court level if those courts have acted in an appellate capacity with respect to an appeal from the District Court. The Court is empowered to adopt rules of judicial administration, practice and procedure, which have the force of law. It also admits persons to the practice of law, reviews recommendations of the State Board of Law Examiners and conducts disciplinary proceedings involving members of the bar.

During the fiscal year, July 1, 1977, through June 30, 1978, the Court of Appeals had 187 appeals on its regular dockets for consideration. Thirteen of those appeals were carried over from the 1976 Term docket and 174 were filed on the 1977 Term docket. By the close of the fiscal year, the Court had disposed of 159 of those appeals, actually deciding 142, with 17 being dismissed or disposed of in another manner. The remaining 28 appeals were heard by the Court during the fiscal year, but were not disposed of due to the constraints of time. A total of 130 majority opinions were filed by the Court during the year, 114 of which were reported. Members of the Court also filed 13 dissenting and 3 concurring opinions. After docket-

ing, appeals averaged 2.7 months until argument and 1.7 months until decision, slight increases over 1976-77 when 2.6 months and 1.7 months were recorded. Petitions for the issuance of Writs of Certiorari considered by the Court numbered 491, with 92 of those being granted. In addition to its regular duties, the Court also admitted 681 persons to the practice of law, conducted 12 hearings in disciplinary proceedings involving members of the bar, and held several hearings involving issues of the moral character of applicants for admission to the bar. The Court also expended considerable time and effort in the exercise of its rule-making functions throughout the year, and in supervision of the budget and other activities of the Attorney Grievance Commission.



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

### The Court of Special Appeals

The Court of Special Appeals is Maryland's intermediate appellate court and was created in 1966 as the result of an increasing overwhelming caseload in

the Court of Appeals which had caused that court to develop a substantial backlog.

The Court of Special Appeals sits in Annapolis and, although it was originally composed of five judges, now consists of 13 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 is designated by the Governor.

The Court of Special Appeals, except as otherwise provided by law, has exclusive initial appellate jurisdiction over any reviewable judgment, decree, order or other action of a circuit court and generally hears cases appealed as of right from the circuit

courts. Judges of the Court are empowered to sit in panels of three. A hearing or rehearing before the Court en banc may be ordered in any case by a majority of the incumbent judges of the Court. The Court also considers applications for leave to appeal in such areas as post conviction, habeas corpus matters involving denial of or excessive bail, and inmate grievances.

During the fiscal year July 1, 1977, through June 30, 1978, the Court of Special Appeals had 1,565 regular appeals before it for consideration. The vast majority of those, 1,412, were filed on the 1977 Term docket while 153 were filed on the 1976 Term docket and heard during fiscal 1976-77 but not disposed of during that year due to the constraints of time. By the close of the 1977-78 year, the Court had disposed of 1,453 appeals, leaving but 112 to be concluded. The latter number had virtually all been argued before the Court but were not concluded by opinion due to time limitations. Of the 1,453 dispositions, the Court actually considered 1,010, with the balance being either transferred to the Court of Appeals for consideration there (83), dismissed prior to argument (357), or stayed (3). After docketing, the average appeal was argued in 4.9 months and decided in less than one month (0.7). The latter figure was a particularly outstanding achievement and reflected improvement over even the previous year's excellent time of 1.1 months.

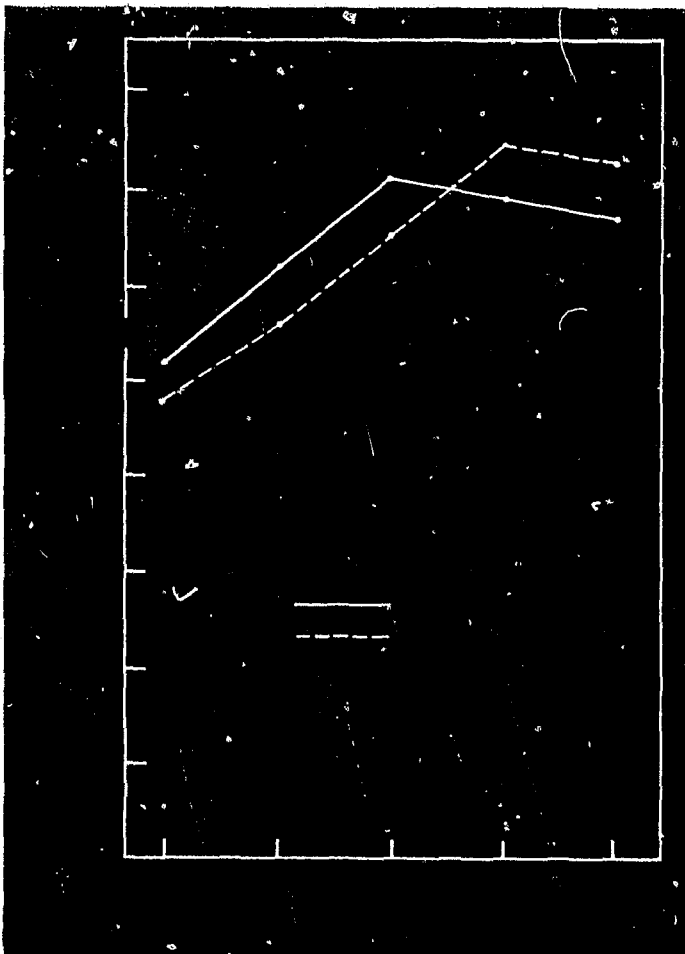
During 1977-78 the Court filed a total of 999 opinions in the disposition of its caseload, 209 of which were reported. It also disposed of 253 applications for leave to appeal, 21 of which it granted.

### The Circuit Courts

The circuit courts are the highest common-law and equity courts of record exercising original jurisdiction within the state. Each has full common-law and equity powers and jurisdiction in all civil and criminal cases within its county, and all the additional powers and jurisdiction conferred by the Constitution and by law, except where by law jurisdiction has been limited or conferred exclusively upon another tribunal. (§1-501, Courts Article)

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 may 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. Judges of that circuit are appointed to the Supreme Bench of Baltimore City. The Supreme Bench is composed of six courts; separately, each of



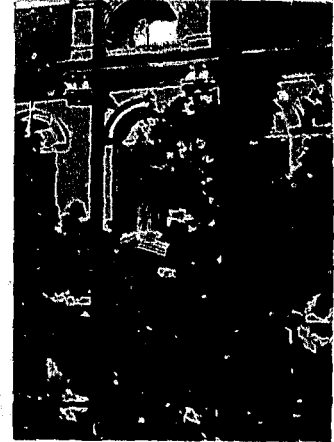
**Court of Special Appeals — Appeals  
actually filed and terminated within fiscal year**



A.

The Maryland Judicial System includes eight judicial circuits which are composed of twenty-three county circuit courts and the Supreme Bench of Baltimore City. Buildings that house some of these courts are shown here, identified as follows:

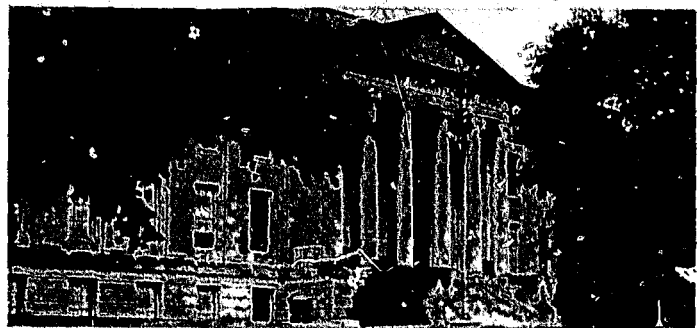
- A. Baltimore City Supreme Bench
- B. Montgomery County
- C. Washington County
- D. Prince George's County
- E. Anne Arundel County
- F. Cecil County
- G. Baltimore County
- H. Charles County



C.



D.



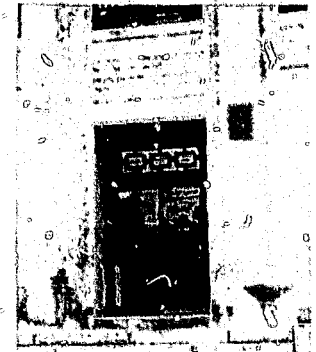
B.



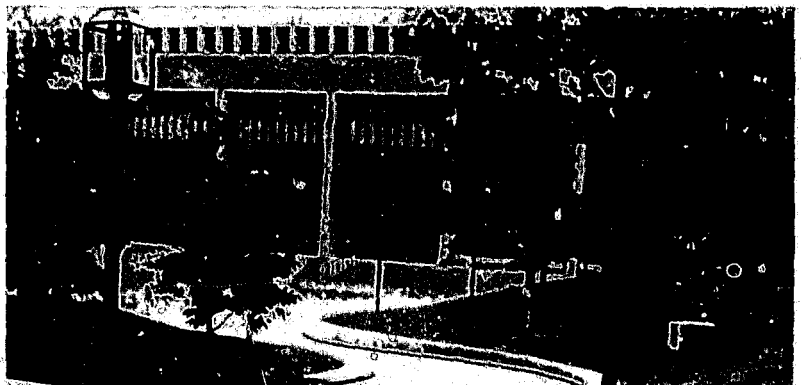
E.



H.



F.



G.

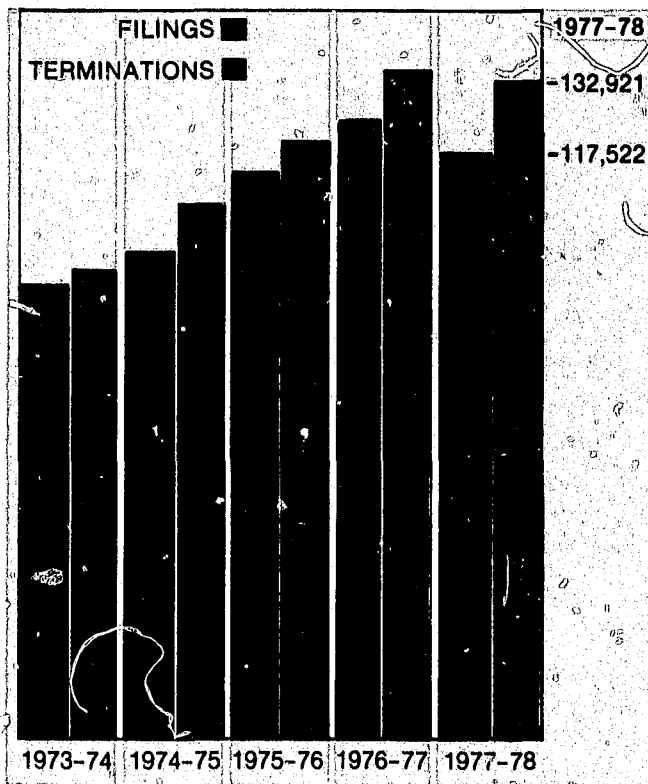
Photographs by: Frank V. Broccoli/11a

the courts exercises varying degrees of overlapping or separate jurisdiction in relation to the others. Collectively, however, these courts act as one county circuit court.

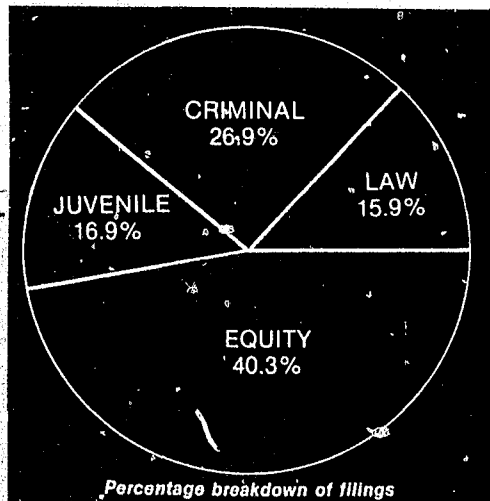
Presently, there are 90 circuit court judges (22 of them on the Supreme Bench), with at least one judge for each county. Unlike the other three levels of courts in Maryland, there is no chief judge for the circuit courts; instead, eight circuit administrative judges appointed by the Chief Judge of the Court of Appeals perform administrative duties in each of their respective circuits, with the aid of county administrative judges.

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

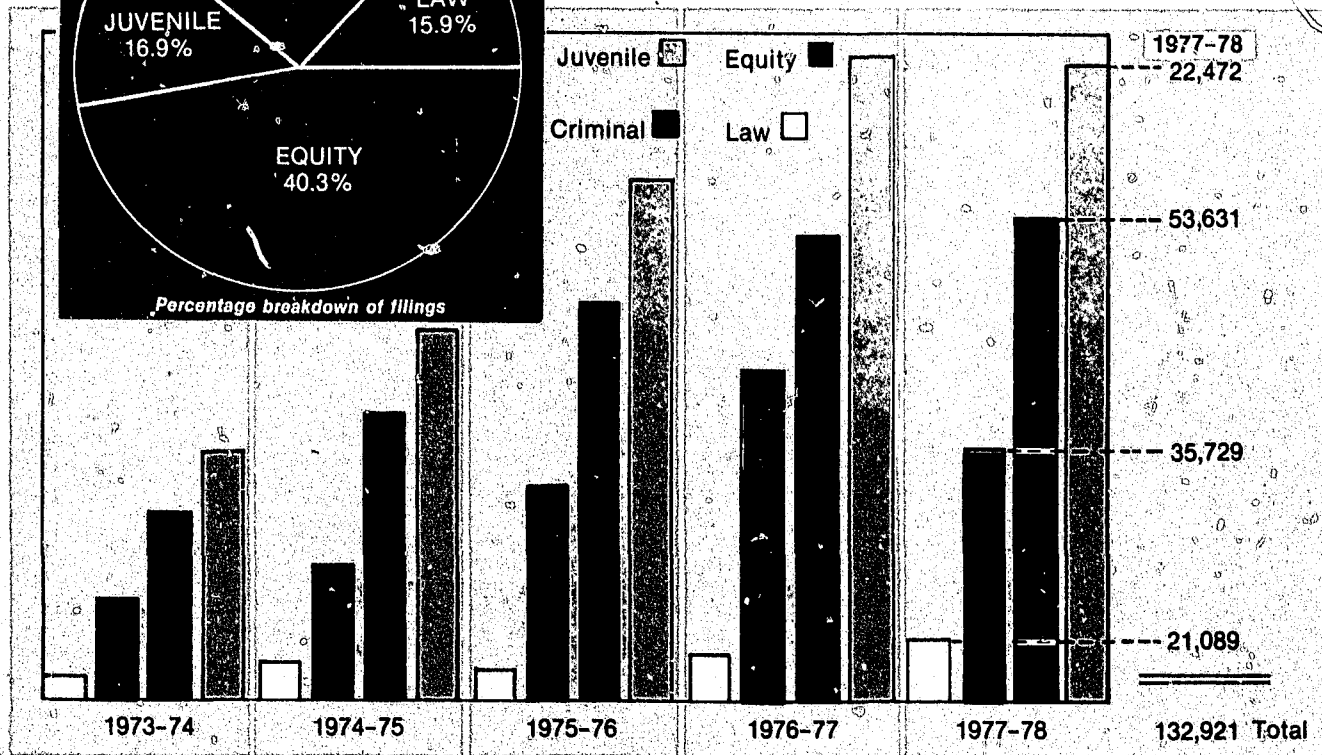
Total law, equity, juvenile and criminal case filings numbered 132,921 for fiscal year 1977-78. Not included are juvenile causes heard at the District Court level in Montgomery County where that court



Circuit Court — Filings and terminations by fiscal year



Percentage breakdown of filings



Circuit Court — Filings by fiscal year. Juvenile causes heard at the District Court Level in Montgomery County are not included.

exercises jurisdiction in juvenile matters. Total filings decreased by .08 percent over those recorded for 1976-77. Equity matters accounted for 40.3 percent of total filings, followed by criminal proceedings with 26.9 percent, juvenile causes with 16.9 percent and law actions with 15.9 percent. Equity and law filings increased by 15.0 and 8.9 percent respectively, over the previous year. Criminal filings decreased by 17.2 percent while juvenile causes dropped by 5.7 percent in fiscal 1977-78. Although there may be overall trends, these do not apply in every county due to fluctuations in circuit caseloads.

Terminations numbered 117,522, a drop of 6.0 percent over the 125,073 tallied in 1976-77. In all categories the number of filings exceeded the number of terminations.

The ratio of cases appealed to the circuit courts from the District Court continues to be very small, only 0.5 percent for the last three years.

The circuit courts conducted 2,393 law trials, 8,789 criminal trials and held hearings in 14,730 equity matters during fiscal 1977-78. Corresponding figures for 1976-77 were 2,539, 9,981 and 14,408. Jury trials were held in 1,071 law cases and 1,526 criminal proceedings in 1977-78 compared to 985 law cases and 2,076 criminal proceedings last year. Baltimore City accounted for 660 law trials and 3,418 criminal trials in 1977-78 and 446 and 4,417 respectively, in 1976-77.

## The District Court

The District Court of Maryland was created as the result of the ratification in 1970 of a constitutional amendment of 1969. Initial implementing legislation for the Court was contained in Chapter 528 of the Laws of 1970 and was supplemented by Chapter 423 of the Laws of 1971.

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 election. The first Chief Judge of the Court was designated by the Governor, but all subsequent Chief Judges are subject to appointment by the Chief Judge of the Court of Appeals. The District Court is divided into 12 geographical districts, each containing one or more political sub-divisions, with at least one judge in each sub-division. Presently, there are 86 judges on the Court, including the Chief Judge. The Chief Judge is the administrative head of the Court and appoints adminis-

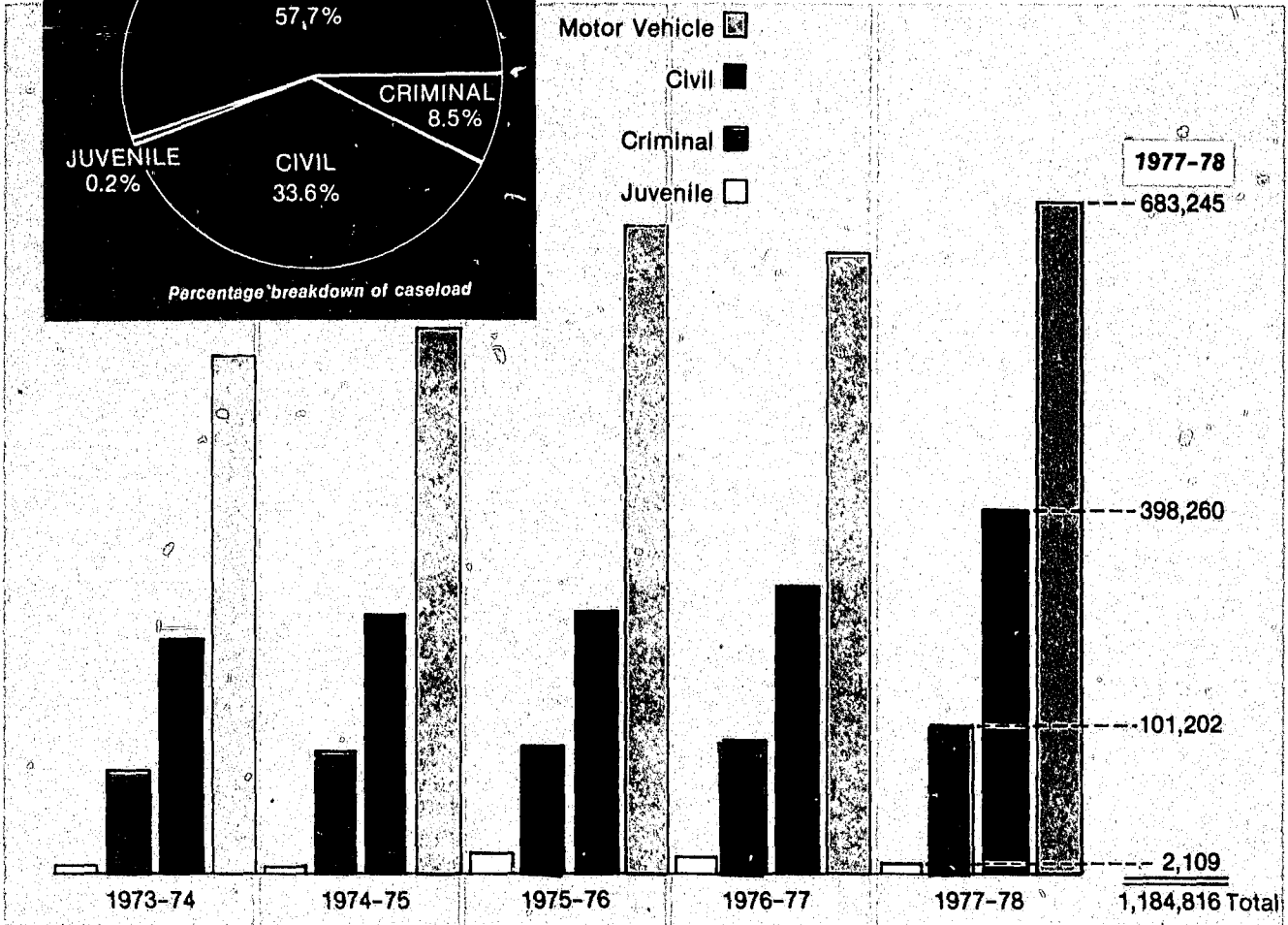
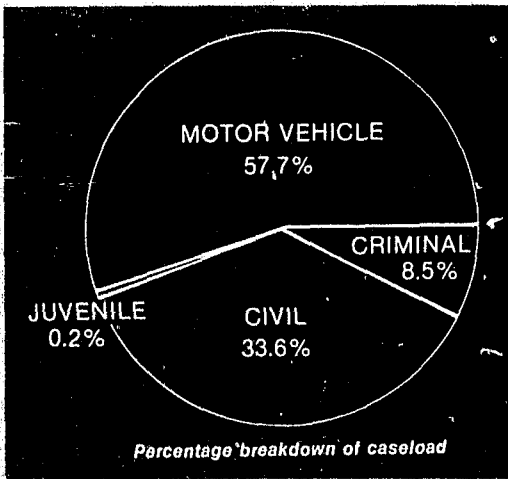
trative judges for each of the twelve districts, subject to the approval of the Chief Judge of the Court of Appeals. A Chief Clerk of the Court is appointed by the Chief Judge. Administrative Clerks for each district are also appointed as are commissioners who perform such duties as issuing arrest warrants and setting bail or collateral.

The District Court has jurisdiction in both the criminal (including motor vehicle cases) and civil areas. It has virtually no 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 from \$2,501 to not exceeding \$5,000; and concurrent jurisdiction in misdemeanors and certain enumerated felonies if the penalty is three years or more. Since there are no juries provided in the District Court, a person entitled to and electing a jury must proceed to the circuit court.

During fiscal year 1977-78, the District Court processed 683,245 motor vehicle, 101,202 criminal and 398,260 civil cases for a total of 1,182,707 cases. Not included in the last figure are 2,109 juvenile filings in the Montgomery County District Court. Motor vehicle and civil cases increased by 2.0 and 7.0 percent respectively. Due to fluctuations the overall trends do not apply to every county. Motor vehicle cases disposed of by trial numbered 247,113 (36.2 percent of motor vehicle cases) with Baltimore County accounting for the largest number, 62,476 followed by Baltimore City with 57,964.

The apparently drastic drop in criminal filings for 1977-78 is at least partly due to the method of counting. Formerly criminal filings were tabulated by offenses whereas this year they are tabulated by defendant.

Landlord and tenant disputes accounted for 283,011 cases or 71.0 percent of the civil workload which was nearly the same percentage for the past two years. There were 163,435 civil cases filed in Baltimore City of which 129,177 (79.0 percent) were landlord and tenant matters. This was also the same percentage as last year's figures. Prince George's County docketed more civil cases than any other county, 98,335, followed by Baltimore County with 52,931. Statewide, 39,060 civil matters were contested with 13,665 of these occurring in Baltimore City (35.0 percent), 10,143 in Prince George's County (26.0 percent) and 6,194 in Baltimore County (15.9 percent).



*District Court — Caseload by fiscal year. Juvenile causes processed at the District Court level in Montgomery County are included.*



*District Court  
Anne Arundel County*



# Judicial Administration

## Administrative Office of the Courts

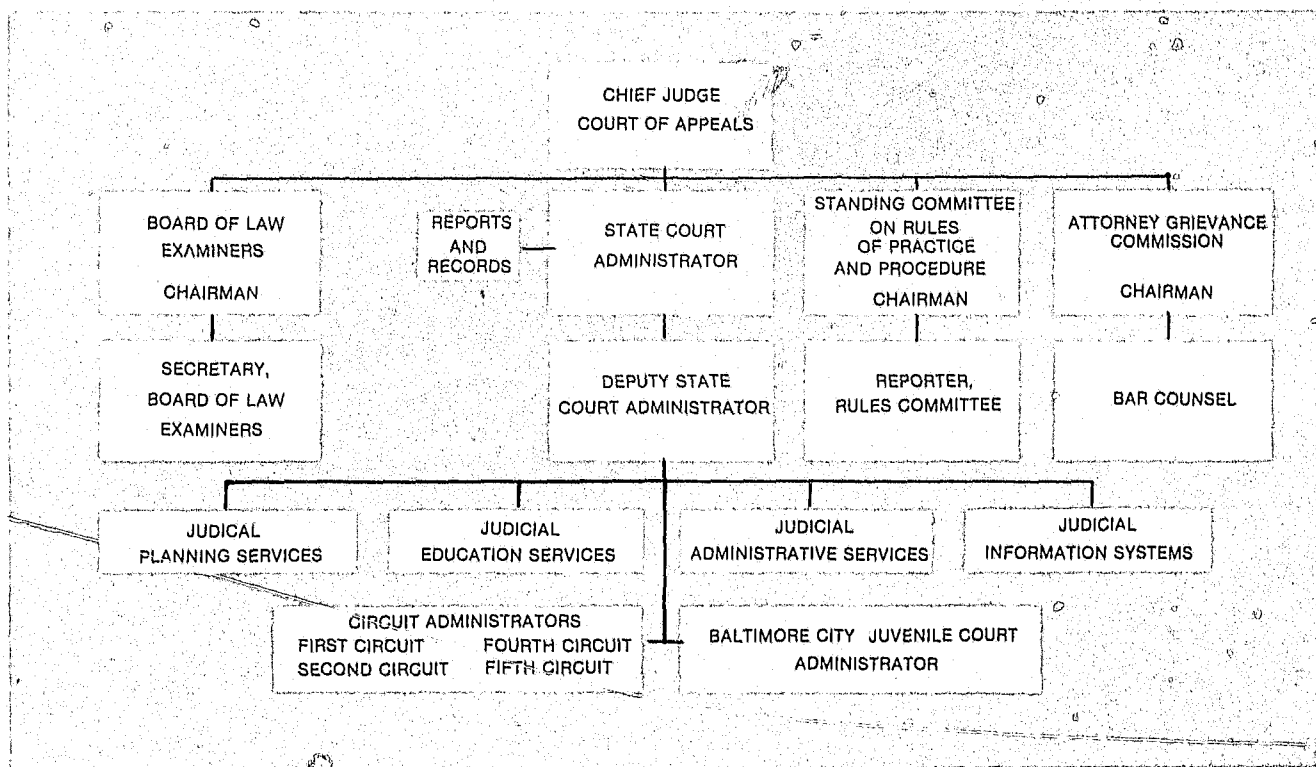
Established by the General Assembly in 1955, the Administrative Office of the Courts is headed by the State Court Administrator, who is appointed by and serves at the pleasure of the Chief Judge of the Court of Appeals, as provided by §13-101 of the Courts Article.

Under Article IV, §18A of the Maryland Constitution, the Chief Judge of the Court of Appeals is "the administrative head of the judicial system of the State." The basic function of the Administrative Office is to provide the Chief Judge with advice, information, facilities, and staff to assist him in carrying out his administrative responsibility, and to implement court administration policies established by the Chief Judge, the Court of Appeals, and the General Assembly.

As a general matter, the State Court Administrator, "under the supervision and direction of the Chief Judge of the Court of Appeals" is required to:

1. Gather statistical and other data regarding the business of the courts and keep the Chief Judge informed as to the transaction of that business.
2. Make recommendations to the Chief Judge regarding the need for assignment of judges among the several courts of the State, and assist the Chief Judge in making these assignments.
3. Prepare and submit the State Judiciary budget and supervise its administration.
4. Submit to the Chief Judge recommendations for improvements of the judicial system.

The State Court Administrator is also authorized to promulgate court costs schedules for the appellate courts, the circuit courts for the counties, and the courts of the Supreme Bench of Baltimore City, subject to the approval of the Board of Public Works. In addition, he serves as Executive Secretary of the Maryland Judicial Conference, Secretary of the Judicial Ethics Committee, and Secretary of each of the nine Judicial Nominating Commissions. He is a repre-



Administrative Organizational Chart

sentative of the Judiciary on the Governor's Commission on Law Enforcement and the Administration of Justice.

Many of the major activities of the Administrative Office and its several units are discussed in some detail in subsequent portions of this Report. Nevertheless, it may be appropriate to touch on a few of them here.

During Fiscal 1978, the Administrative Office continued efforts to develop its planning capability. The office is still much concerned with increasing planning input from the field. As part of this effort, the Director of Judicial Planning Services and members of his staff are traveling throughout the State to discuss with trial court judges and administrators the planning process and local perceptions of their needs.

A major part of the judicial plan has to do with identifying needs for additional judgeships. The office recognizes that refinement of these procedures is required, and is now working on an approach to a weighted caseload system. Activity looking towards improved legislative liaison in the matter of new judgeships is also underway.

In the field of Information Systems, major achievements included the completion of the Anne Arundel County criminal case processing system and of a case processing system for the Juvenile Court in Baltimore City. Both of these are fully operational and are working well. In addition, the pilot project for the Automated Traffic Adjudication System has been operating in Montgomery County during the latter part of Fiscal 1978 and is proving eminently effective. Subject to funding requirements, plans are underway to expand this system to other areas of the State.

The implementation of the Criminal Justice Information System has proved difficult, imposing burdens not only on the Judicial Information Systems Unit of the Administrative Office but also on trial court personnel. Some aspects of this system have also had adverse effects on our statistics-gathering activities. However, thanks to outstanding cooperation by the clerks of court and with the assistance of a seminar held in June, 1978, these obstacles are being overcome.

In the area of statistics, a task force is now making an in-depth study of reporting requirements of those in the field, keeping in mind a study prepared by the Fourth Circuit Administrator for the Institute for Court Management. The accuracy of statistics is about to be addressed by an audit staff now being assembled, and funded by a grant from the Law Enforcement Assistance Administration through the Governor's Commission on Law Enforcement and the Administration of Justice.

Judicial education continues as a major activity, combining orientation for new trial court judges, in-state education for judges at all court levels, and out-of-state training for a few judges, mainly at the National Judicial College in Nevada. The Education and

Training Committee of the Judicial Conference is giving special attention to the improvement of new judge orientation.

With the addition of an assistant director in the Judicial Education Services Unit, orientation training for new Administrative Office employees has been implemented. Similar training has been organized for new employees of the circuit court clerks' offices and new employees of the District Court. Activity is underway to expand training efforts for non-judicial personnel, both through in-state activity and through the use of facilities such as the Institute for Court Management. Two members of the Administrative Office staff and a Circuit Administrator attended residential ICM sessions in Fiscal 1978.

The Administrative Office of the Courts has tried to give assistance to the trial courts in areas in addition to those involving training or statistics. Early in Fiscal 1978, the State Court Clerks' Association published a comprehensive *Clerks' Manual*, prepared with the assistance of the National Center for State Courts and the Administrative Office staff. This is now in the process of updating.

Also early in the fiscal year, an administrative intern completed a series of studies on jury management practices in a number of the counties of the State. This, together with an ICM related study prepared by the Second Circuit Administrator, formed part of the basis for Chapter 544, Acts of 1978. This Act clarifies several provisions of Maryland's Jury Selection Act of 1969 and provides additional options for local jury administrators in the interest of effectiveness and cost savings. Concern for jury management is increasing in many counties, motivated by several factors, including cost to the political subdivision and impact of jury service on the individual juror. Several counties have reduced the period of jury service and Montgomery County is in the process of launching an experiment with the one day/one trial system used with such success in Detroit and several other jurisdictions. In the Supreme Bench of Baltimore City, an outstanding program of juror and potential juror orientation has been conducted.

Along somewhat similar lines, the Administrative Office, with the aid of a federal grant, is preparing a set of juror orientation slides for use in a number of the counties. These are modeled on the pioneering efforts made in Prince George's County, but tailored in many respects to the counties in which the slides will be used. These should prove to be a valuable juror orientation tool. This task is being overseen by the Juror Orientation Committee of the Judicial Conference.

Pre-trial delay in the processing of cases is of continuing concern in every court system, and involves civil as well as criminal matters. The National Center for State Courts is conducting a major study on this topic. To gather information to illuminate the situation in Maryland, an administrative intern studied

caseload processing systems in some of our major jurisdictions. These reports will shortly be made available to the counties involved.

The 1978 General Assembly, by the enactment of Chapter 128, Acts of 1978, transferred the State Library to the Judicial Branch of government and renamed it the State Law Library. The Administrative Office is affording this new unit of the judiciary for statistical and administrative support, although the Library itself will continue to operate under the direction of the State Librarian and the general supervision of the Library Committee appointed by the Court of Appeals.

A major concern for court administrators in Maryland has been the lack of a personnel system for the Judicial Branch. The Administrative Office has also been involved in efforts to address this problem. Throughout much of Fiscal 1978, a consultant obtained through an LEAA grant has studied personnel arrangements within the courts and early in Fiscal 1979, the report of this consultant should be available for further study and possible implementation.

One final note involving work of the Administrative Office has to do with this *Annual Report*. For some years, extensive efforts have been made to make the Report both more timely and more interesting. Substantial advances in this direction were made in the 1976-77 Report and additional progress has been made in the current Report. For example, this year's document will be the first one in many years (perhaps in the history of the Administrative Office) fully available for distribution within less than six months from the close of the reporting year.

### Circuit Court Administration

In another section of this report, we pointed out that there is a circuit court for each county of the State. These courts are grouped into eight geographical circuits. Seven of the circuits contain two or more counties; the eighth consists of Baltimore City. A Circuit Administrative Judge appointed by the Chief Judge of the Court of Appeals performs administrative duties in each of these circuits, assisted by county administrative judges.

In the First, Second, Fourth, and Fifth Judicial Circuits, the Circuit Administrative Judge is also assisted by a State-funded Circuit Administrator. There are locally funded Circuit Administrators in the Seventh and Eighth Circuits and County Administrators are provided for in Baltimore and Montgomery Counties. Because there is no Chief Judge to exercise supervisory responsibility for administration and each circuit court is funded and administered locally at the political subdivision level, administration at the circuit court level poses some problems. However, a Conference of Circuit Administrative Judges meets regularly to address administrative problems concerning the operations of the circuit courts and to

make recommendations for improvements.

During Fiscal 1978, a number of accomplishments and some frustrations occurred with respect to the administration of justice.

Efforts to improve jury management were undertaken in most of the circuits. In Somerset and Wicomico counties, of the First Circuit, and in Cecil County, of the Second Circuit, the maximum length of time a juror actually has to serve was reduced by one half. In addition, a procedure in Cecil County was revised so that only those jurors needed for the first day of a term of court are called to duty on that day. Others are called later, as needed. As a result, the county anticipates a savings of \$4,000 to \$4,500 annually in juror costs. Also, Cecil County undertook steps to produce a juror orientation slide presentation with the assistance of the Administrative Office of the Courts, similar to the one used in Prince George's County on which we reported in the last Annual Report.

In the Fifth Judicial Circuit, the Circuit Court for Howard County adopted a petit juror "call in" system whereby individual jurors call in after normal working hours and hear a recorded message to find out if their services will be required for the next day. This change, together with last year's change to reduce the period of service from six to three months has contributed to increased satisfaction on the part of Howard County jurors. Anne Arundel County has implemented a juror orientation slide presentation like that used in Cecil County.

In the Seventh Judicial Circuit, the Circuit Court for Prince George's County reduced the time of actual service for petit jurors by the adoption of a "call in" system.

In Montgomery County, in the Sixth Circuit, where the "call in" system has been in effect for some time, action is being taken to implement in the near future the "one day/one trial" concept now used in Detroit, Michigan and elsewhere.

Efforts were undertaken in the Supreme Bench to improve juror orientation procedure, and to operate an outstanding program of jury and court related education of high school students.

Efforts to improve existing space use and to upgrade court facilities met with varying degrees of success in Fiscal 1978. In Worcester County, the clerk of the circuit court is microfilming case files. After completion of the filming, original court records will either be sent to the Hall of Records or destroyed with court authorization. In Prince George's County, renovation and remodeling has been undertaken to create additional courtrooms to house two additional judges authorized by the legislature. Underway in the Talbot County Courthouse in the Second Circuit is a renovation program to house court facilities, the State's Attorney's Office, and the law library. Though still frustrated by severely overcrowded conditions in the Anne Arundel County Courthouse, the Circuit Court

for Anne Arundel County has requested and received funds to conduct a study of the feasibility of a construction and renovation program to provide additional space at the present site in Annapolis.

In the last Annual Report we reported that the Supreme Bench of Baltimore City was successful in securing the Old Federal Post Office and Courthouse Building to renovate and transfer its civil courts to this facility. During the last fiscal year renovation was completed and the transfer took place giving considerable additional space to house the civil courts and personnel in supportive offices. Renovation of the old Baltimore Courthouse, in which the criminal courts of Baltimore City and other court-related offices are presently housed, is still underway.

Efforts to improve the processing of cases through the circuit courts continued during the last fiscal year. In our last report, we reported that in Dorchester and Wicomico Counties the assignment of criminal cases was removed from control of the State's Attorney and placed under control of the court. Each county has had approximately one year under the new system and Dorchester County has been able to reduce its pending criminal caseload by a small percentage. In Wicomico County the pending criminal caseload has been reduced by more than 200 percent.

In our last report, we stated that as of July 1, 1976, the legislature had transferred the personnel of the Juvenile Court Clerk's Office in Baltimore City to the Administrative Office, leaving the day to day administration of the office to the judge presiding in that court and to nonjudicial personnel staffing it. The judges, masters and support personnel assigned to this court continued to focus on ways to improve case processing. In fact, some masters assigned to Juvenile Court were able to provide assistance by hearing of domestic equity cases that have clogged the dockets in the equity courts of the Supreme Bench of Baltimore City. The Juvenile Court will continue to offer such assistance as long as the caseload remains manageable and there is need for assistance in the domestic equity area.

One of the steps taken by that court was to establish an arraignment part for delinquent cases, with one master assigned five days per week. This action has been successful in reducing the number of cases set for adjudicatory hearing. Another step was taken with regard to nondelinquent matters by which one master was assigned to hear preliminary matters in all cases except those deemed emergency ones. This effort has successfully reduced the need for adjudicatory hearings in many matters so that only the most serious appear on the hearing docket. Continued cooperation from the Juvenile Services Administration, Department of Social Services, Department of Education, Legal Aid Bureau, City Solicitor's Office, University of Baltimore, and University of Maryland contribute to this program.

The automated case processing system designed for the Juvenile Court by the Administrative Office's Judicial Information Systems unit became fully operational in the latter part of Fiscal 1978. While the "debugging" process normal with any automated system has created some problems, the diligent efforts of many will no doubt overcome the problems that create down time and poor response time. We expect these problems to be corrected in the near future.

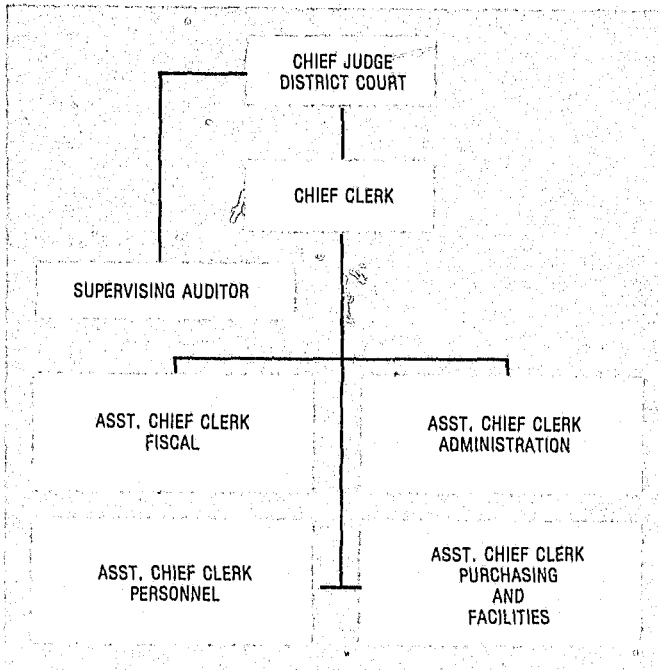
Faced with a mounting backlog of cases in the criminal court of the Supreme Bench of Baltimore City, more than 50 percent of which consist of prayers for jury trial and requests for trials de novo transmitted from the District Court, a crash program was instituted in May, 1978, and is continuing into Fiscal 1979, with the joint cooperation of judges, prosecutors, defense counsel, assignment personnel, police, and others. Over a period of four months it reduced the backlog from approximately 7,000 to 6,000 pending cases.

### District Court Administration

Fortunately, the fiscal year just concluded saw a leveling off in the enormous caseload of the District Court. Prior to the 1977-78 fiscal year the Court had experienced an increase in its caseload of almost 10% in each year of its existence, increasing the number of filings from 750,000 in the first year of operation to 1,200,000 in our sixth year. Last year, however, although there was an increase, it amounted to nearly 3% — a welcome reduction in growth in a Court which has constantly been plagued with crowded courtrooms and clerical understaffing.

Although the increase in cases filed was minimal, there was a substantial increase in the number of cases actually tried in the Court's 77 courtrooms situated throughout the state. This increase appears to have been caused by revisions to the Court's schedule of preset fines in motor vehicle cases, which revisions brought about an increase of \$5.00 to \$15.00 for most violations of the state's Transportation Act. The schedule was revised by the Chief Judge, on the recommendation of a committee of District Court judges and the Administrative Judges of the Court, in an effort to promote public safety by penalizing more severely those citizens who jeopardize the lives and property of others by violating the motor vehicle laws.

Although enormous strides have been made since the Court's inception in removing our operations from many of the shoddy, undersized, and unsuitable premises in which we were required to conduct court in 1971, more real progress in this regard was made last year than in any other year. The Court's efforts to find suitable housing have been enhanced by the addition to the Central office staff of an Assistant Chief Clerk whose primary duties are to identify desirable Court locations throughout the state, and to serve as



**District Court Headquarters Staff  
Organization Chart**

liaison between the Court and the Department of State Planning and the Department of General Services, whose responsibility it is to construct Court facilities. The addition of this specialist should serve to minimize the construction delays which have been experienced to date, by permitting the Court itself to do much of the preliminary work for which it was theretofore dependent upon the executive branch agencies.

In the First District, which consists of Baltimore City alone, the eight criminal courts are now housed in police department buildings, and the traffic courts are located in one facility in downtown Baltimore that is undersized for its purposes and devoid of reasonably priced parking for the tens of thousands of citizens who visit the Court each year. Appraisals are now being obtained on possible building sites in the Northwest section of the City on which the Court hopes to construct the first of three multi-courtroom buildings, so that eventually all criminal and motor vehicle cases in that municipality will be tried in modern, sufficiently spacious buildings situated in the communities where the citizens reside. These facilities will be located on major transit or subway lines and will have a sufficiency of parking space for the citizens visiting the Court.

In the Second District, which consists of the four counties on the lower Eastern Shore, Court officers are seeking a new temporary facility in Salisbury, in Wicomico County, so that that court may be removed

from its crowded quarters in the County Courthouse. Exploratory talks are also being held with County administrators in Somerset County in the hope that some joint state/county action can be taken to provide the District Court with its own courtroom in that County, where at the present time the Circuit and District Courts alternate in their use of a single courtroom in the County Courthouse.

After several years of indecision the state has acquired a site for a District Court/Multi-Service building in Centreville in District Three, and construction should begin this year on a much needed court facility in that community. In Cecil County land has been acquired in Elkton for another District Court/Multi-Service Center, and it is anticipated that the construction contract for that building will soon be awarded. Construction is underway of a much more spacious facility in Easton in a building immediately adjacent to the County Courthouse and occupancy of that space is scheduled for early 1979.

In District Four, which consists of the southern Maryland counties of Calvert, Charles and St. Mary's, the Court is adequately housed in attractive and suitable quarters in Prince Frederick and La Plata, but occupies a courtroom in the basement of the County Courthouse in Leonardtown. Through the cooperation of St. Mary's County authorities, negotiations are underway to relocate that court to more suitable and larger facilities on the first floor of that building.

In Prince George's County, which is the Fifth District, the Court recently moved into a thoroughly modernized clerical office in Upper Marlboro, but we continue to operate in less than desirable facilities in the County Courthouse in Marlboro, the County Office Building in Hyattsville, and the Lucente Building in Oxon Hill. High priority is being given to the construction of the District Court building in Marlboro, and it is probable that a site will be selected adjacent to the County Courthouse, which will be part of a governmental mall in that county seat.

In the Sixth District, Montgomery County, the Court is scheduled to lease from the County the existing County Courthouse when the new Circuit Court building is completed. Since completion of that construction is several years away, an additional courtroom was added last year at the Court's present facility in Shady Grove near Rockville, easing some of the space problems in that County. Ultimately, it is expected that new facilities for the District Court will be constructed in Bethesda and Silver Spring, replacing quarters now used by the Court in county police buildings.

The District Court in Annapolis, the Seventh District, now occupies the only building yet constructed by the state for District Court use. The attractive four-story building, which is part of the Natural Resources complex, is also used by the Court's Central Office staff, and temporarily some portions of the building are occupied by the Department of Pa-

role and Probation and the Natural Resource Police Department. At its most recent session the General Assembly appropriated funds for acquisition of land and design for a District Court/Multi-Service building in the Glen Burnie area, and when that project is completed in several years, the Court in Anne Arundel should have facilities adequate for its use well into the next century.

In Baltimore County, which is the Eighth District of the Court, the long struggle to remove the Court from substandard, undersized buildings of questionable safety was successfully concluded when the Essex court moved into spacious and attractive quarters in the former Glenn L. Martin complex. The new facility now provides the citizens of that County with five well-dispersed court buildings, each containing at least two courtrooms. This design serves to minimize the time that citizens are required to spend in court, as judges on the completion of their own docket are able to lend assistance to a neighboring judge whose courtroom remains crowded. Although none of the Court's present facilities in Baltimore County are owned by the state, the Court has acquired land in Essex and in Arbutus for construction of state-owned permanent quarters in those sections of the County, and appraisals are being obtained for the acquisition of a third site in the Pikesville/Reisterstown area.

The 1978 General Assembly also authorized the purchase of land in Bel Air in Harford County, which is the Ninth District, for the construction of a District Court facility and negotiations are underway for the purchase of a site for that building. A multi-courtroom facility in Bel Air together with the recently renovated facility in Aberdeen should provide for our citizens' needs in that County for the foreseeable future.

In Ellicott City, Howard County, in District Ten, the Court has leased space in the County Courthouse for a second courtroom and adequate clerical space to alleviate the overcrowding in what has been one of the most unsuitable facilities in use by any Maryland court. This additional space should enable the Court to function properly until construction is completed of a District Court/Multi-Service building in Ellicott City on a site convenient to the County Courthouse and governmental complex. In Carroll County, which is also in the Tenth District, excavation has begun for a Courthouse annex which will provide two District courtrooms and a Circuit courtroom, with adequate clerical space for all of the County's courts. This state/county project should be completed in the latter part of 1979, enabling the Court to abandon its present quarters in the County Detention Center and providing perfectly adequate facilities for the conduct of the County's judicial business.

In Frederick County, in the Eleventh District, construction should begin in the current fiscal year on another state/county joint project, bringing relief not

only to the District Court which operates in bifurcated facilities in the city of Frederick, but also providing badly needed additional space for the Circuit Court.

In Garrett County, in District Twelve, where the Court's facilities vied with those in Queen Anne's, Cecil and Howard Counties for ranking as the most deplorable facilities for any Maryland court, success was achieved this year in our efforts to lease modern, attractive and suitable quarters, sufficient to meet all of our space problems in that County until the state at some future date constructs a District Court/Multi-Service building in Oakland. Efforts are also underway to increase the amount of space utilized by the Court in the County Office Building in Cumberland, in Allegeny County.

### Assignment of Judges

For the twelve month period ending June 30, 1978, efforts to maximize the use of available judicial manpower by temporary assignment of judges to courts throughout the State continued at a high level. The authority to make such assignments to any court is granted to the Chief Judge of the Court of Appeals of Maryland, by Article IV, Section 18 A of the Maryland Constitution.

These efforts were enhanced significantly in this same period as a result of legislation enacted by the 1977 General Assembly, effective July 1, 1977, by which the Chief Judge and the Court of Appeals can recall former judges to provide temporary judicial assistance. While the implementing legislation establishes a number of limitations on the extent to which recall can be effectively used, the availability of authority is most helpful.

Many of the assignments of active duty judges were pursuant to a plan approved by the Conference of Circuit Administrative Judges and adopted by the Chief Judge, effective January 1976. A yearly schedule of assignments alerts the Circuit Administrative Judge far in advance as to the period for which his circuit may be called upon to provide assistance to another circuit court. With the assistance of full justification (extended illness, long unfilled vacancies, etc.) from the requesting circuit, the Chief Judge exercised this authority pursuant to the plan by executing 32 designations of circuit court judges for a total of 147 judge days, more than equivalent to one-half of a judge year.

Pursuant to the authority to recall former judges, the Chief Judge, with approval of a majority of the judges of the Court of Appeals, designated 10 different former judges to serve for various periods of time. Six of these judges were retired circuit court judges, three retired District Court judges, and one a retired judge of the Court of Special Appeals. Most of the judges served at the circuit court level; three served in the District Court. The total number of days served

was approximately 125, the equivalent of over one-half a judge year for a total cost of under \$20,000. This amount is less than one-half of the annual compensation of a Maryland circuit court judge. Monetary savings to the State are realized because the State does not have to pay the employer's share of Social Security or any contribution to the retirement system on account of these services.

Perhaps the greatest benefit from the ability to recall former judges is derived from the fact that it permits covering vacancies, illnesses, and emergency situations without calling upon regular full-time judges, with consequent disruption of their schedules and delay of disposition of cases in their courts.

Efforts to increase effective use of available judicial manpower among the counties within the eight circuits remained extensive, pursuant to the authority of a Circuit Administrative Judge to shift judges around within his circuit without formal approval by the Chief Judge of the Court of Appeals. This occurs in situations of extended illnesses, vacations, and disqualification of a judge to preside over a particular case. Exchanges of judges between circuits occurred a number of times during the course of the year where for one reason or another, cases were shifted

from one jurisdiction to another.

Extended illnesses, long-unfilled vacancies, and the need to address a backlog of cases were experienced by the District Court. Efforts to address these problems were made by the Chief Judge of the District Court who within that court made 385 assignments for a total of 664 judge days. In addition, the Chief Judge of the Court of Appeals designated District Court judges to sit at the circuit level for 250 judge days, 183 of which were in the Criminal Court of the Supreme Bench of Baltimore City.

The Chief Judge of the Court of Appeals likewise exercised his authority at the appellate court level where it was necessary to designate appellate judges to specific cases. Five of the judges of the Court of Special Appeals were designated to sit in these cases. To provide additional assistance to the circuit and District Courts, the Chief Judge exercised his authority by designating two judges of the Court of Appeals to sit for varying periods of time in the circuit and District Courts. Similarly, five judges of the Court of Special Appeals were designated to sit in the circuit and District Courts to meet requests for assistance that could not otherwise be met by temporary judicial assignment of active or former judges.

## Court Related Units

### Board of Law Examiners

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

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

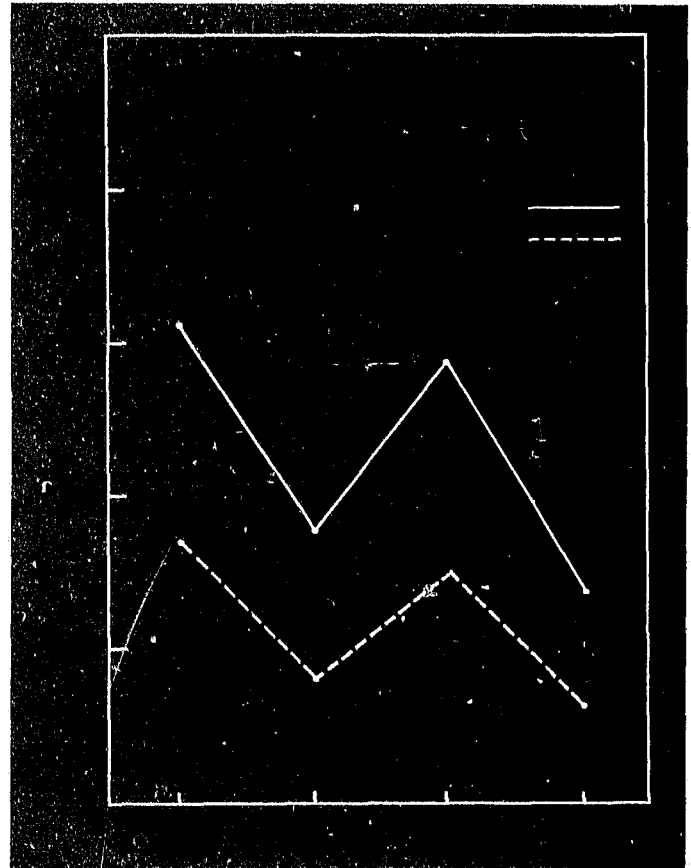
Commencing with the Summer 1972 Examination, pursuant to Rules adopted by the Court of Appeals, the Board adopted, and has used as part of the overall examination, the Multistate Bar Examination. This is the nationally recognized law examination consisting of multiple-choice type questions and answers, prepared and graded under the direction of the National Conference of Bar Examiners. The MBE test now occupies the second day of the examination with the first day devoted to the traditional essay examination, prepared and graded by the Board.

The MBE test has been adopted and is now used in forty-three jurisdictions. It is a six hour test which had originally covered five subjects: Contracts, Criminal Law, Evidence, Real Property, and Torts. Another subject, Constitutional Law, was added commencing with the February 1976 Examination, with the time remaining the same.

Pursuant to the Rules Governing Admission to the Bar, the subjects covered by the Board's test (essay examination) shall be within, but need not include, all of the following subject areas: Agency, Business Associations, Commercial Transactions, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Maryland Civil Procedure, Property, and Torts. Single questions may encompass more than one subject area and subjects are not specifically labeled on the examination paper.

The results of examinations given during Fiscal Year 1978 were as follows: A total of 743 candidates sat for the July 1977 examination with 430 of those (57.9 percent) obtaining a passing grade while 402 sat for the February 1978 examination with 194 being successful (48.3 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 have been



*Number of candidates and number of successful candidates.*

engaged in the practice of law in another jurisdiction or jurisdictions where they were members of the bar for a period of five years within the immediate past seven years.

A significant revision to Rule 14 was made in February, 1976. Previously, applicants who met all essential requirements under the Rule were admitted without examination, or on motion. By Order of the Court of Appeals of February 5, 1976, it adopted a revised Rule 14 which provided that out-of-state lawyer applicants for admission, in addition to other requirements, must take and pass an attorney examination. It was further provided that the examination be 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. The



first administration of this out-of-state attorney examination was on the last Tuesday in July, 1976. It has been administered on the first day of the regular bar examination since that time.

At the Attorney Examination administered in July 1977, 29 new applicants took the examination for the first time along with three applicants who had failed a prior examination making a total of 32 applicants. Of that total, 25 passed and four failed who were taking the examination for the first time. The three applicants who had previously failed the examination passed. A total of 28 passed the examination which represents a passing rate of 87.5 percent.

In February 1978, 27 new applicants took the Attorney Examination along with four applicants who had failed a prior examination for a total of 31 out-of-state attorneys taking this examination. Of that total, 26 passed and four failed who were taking the examination for the first time and one failed for the second time; this represents a passing rate of 83.9 percent.

A change occurred in the composition of the Board of Law Examiners at the close of Calendar Year 1977 and with the commencement of 1978. House Bill No. 1536, introduced at the 1977 Session of the Maryland General Assembly, provided for certain revisions and amendments to Article 10, Section 2 of the Annotated Code of Maryland (1976 Replacement Volume and 1977 Supplement) which changed the membership of the Board of Law Examiners from three members to seven members. This Bill was enacted into law as Chapter 273 of the Laws of 1977, and took effect on January 1, 1978.

### Rules Committee

The Standing Committee on Rules of Practice and Procedure, usually called the Rules Committee, was originally appointed by an Order of the Court of Appeals dated January 22, 1946, to succeed an ad hoc Committee on Rules of Practice and Procedure appointed by an Order of the Court dated March 5, 1940. Its members consist of "... lawyers, judges, and other persons competent in judicial practice, procedure or administration." (Courts Article, Section 13-301). The Rules Committee meets regularly to recommend changes in or additions to the rules of the Court of Appeals governing the practice and procedure of law and judicial administration. Its members serve without compensation.

Major activities of the Rules Committee during the year under review concerned rules relating to the professional responsibility, discipline and competency of attorneys.

In November, 1977, by its 61st report to the Court of Appeals, the Rules Committee transmitted its recommendations for the revision of Disciplinary Rule 2-102 relating to Lawyer Advertising. Following hearings before the Court of Appeals, in which the public participated, the Court adopted its own sub-

stantially more liberal version. Maryland is the first state to permit lawyers to advertise their services on radio and television, as well as in the printed media.

Other important rules changes in this area include a number of amendments of the BV Rules (Attorney Discipline) and promulgation of Rule 20 of the Rules Governing Admission to the Bar, with respect to the *pro hac vice* admission of out-of-state attorneys.

In June 1978, the Rules Committee completed drafting of Subtitle BX Rules which if approved by the Court will establish a Counseling Commission on Attorneys' Professional Performance. Designed to assist lawyers who need to improve their professional performance, the Counseling Commission should serve as an important adjunct in improving the skills of Maryland lawyers generally, and increasing public confidence in all attorneys.

Other significant rules changes recommended by the Committee were as follows: New Rule 761 (Objections to Ruling or Order) fills a gap in the Criminal Rules promulgated effective July 1, 1977, several of which were also amended to reflect experience in use or "housekeeping" changes. New Rule 1095 (Inmate Grievances—Application for Leave to Appeal) was necessitated by legislation enacted during the 1977 session. Amendment of Rule 1215 (Clerks' Offices—Hours) was designed to achieve statewide uniformity, and the amendment of Rule 1218 (Court Information Systems) was designed to facilitate implementation of the Criminal Justice Record Information System.

Work on the circuit rules rescission project, the Probate Rules, and the reorganization of the Maryland Rules continues, with preliminary reports expected during the Fall of 1978.

### Attorney Grievance Commission

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

By the same Rule of Court, the Court of Appeals also established a Disciplinary Fund to cover expenses of the Commission and provided for an Inquiry Committee and a Review Board to act upon disci-

iplinary cases. The Fund is composed of annual assessments upon members of the bar as a condition precedent to the practice of law.

As expertise has been acquired, more effective screening of correspondence has resulted in a reduction of docketed complaints, though total correspondence has remained relatively stable. This has enabled the disciplinary system to operate more efficiently by devoting more time and thoroughness to complex matters, thus serving the interests of the public and the bar more effectively. Most important, more uniformity has been achieved in handling complaints through the application of consistent policies by the Bar Counsel's office, Inquiry Panels and the statewide Review Board. Additional measures are now under consideration to establish and maintain reasonable time limitations, within which each step in the disciplinary process must occur, in order to reduce to a minimum the time between initial receipt and final disposition of a complaint.

During fiscal year 1977-78, the Attorney Grievance Commission received 891 new matters to be considered, screening of which resulted in 432 docketed complaints. In addition, one matter from the previous year was divided into two complaints. Within the same period it disposed of 479 complaints, with 26 of those resulting in disciplinary action being taken against 24 attorneys. Of the latter number, four were disbarred, while an additional four received suspension and 13 received reprimands. (Disciplinary action against three attorneys was dismissed by the Court of Appeals.) In the second year of its operation (1976-77) the Commission had disposed of 546 complaints, 38 of which resulted in disciplinary action against 27 attorneys, including eight disbarments, four suspensions and 13 reprimands.

**Summary of Disciplinary Action**

	1976-77	1977-78
Complaints Concluded	546	479
Disciplinary Action Taken:		
Disbarment	3	2
Disbarment by Consent	5	2
Suspension	4	4
Public Reprimand	1	1
Private Reprimand	12	12
Placed on Inactive Status	2	0
Dismissed by Court	0	3

**Clients' Security Trust Fund**

The Clients' Security Trust Fund was established by an act of the Maryland Legislature in 1965 (Acts of 1965, ch. 779; Code, Article 10, Sec. 43). The statute empowers the Court of Appeals to provide by rule for the operation of the Fund and to require from each lawyer an annual assessment as a condition precedent to the practice of law in the State of Maryland. Rules of the Court of Appeals that are now in effect are codified as Rule 1228, Maryland Rules of Procedure, Volume 9B, 1971 Replacement Volume, page

929 et seq.

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

Trustees are appointed by the Court of Appeals from the members of the Maryland Bar. One trustee is appointed from each of the first 5 Appellate Judicial Circuits and two from the Sixth Appellate Judicial Circuit. Trustees serve on a staggered seven year basis. As each term expires a new appointment shall be a seven year term.

During Fiscal Year 1977-78 the Trustees met four times and considered 28 claims against the Fund, of which nine were approved totalling \$15,946.25. Eight claims were denied and a balance were either being investigated or deferred pending action by the claimants.

The Trustees collected \$126,134.01 for the Fund Account as follows:

Assessments	\$81,882.02
Interest	41,788.76
Restitution	2,463.23

The Fund expenditures totalled \$47,992.62 as follows:

Claims Paid	\$10,163.25
Investigative Expenses	8,000.00
Legal Expenses —	
Folly Farms, Inc. suit	2,514.15
Contribution toward publication of Maryland Lawyers' Manual	5,000.00
Billing and Collection Expenses	7,407.18
Secretarial and other Administrative Expenses	13,769.66
Trustee Meeting Expense	513.38
Audit Expense	625.00

The Fund balance at the end of the fiscal year was \$604,537.96.

On June 5, 1978 the Court of Appeals of Maryland in an opinion in *Folly Farms One, Inc., et al, vs. The Trustees of the Clients' Security Trust Fund of the Bar of Maryland*, sustained an exception to the denial of claims by the Trustees and adopted the New Jersey rule as the standard for determining attorney/client relationships as follows:

"But for the fact that the dishonest attorney enjoyed an attorney/client relationship with the claimant at the time of or prior to the loss could such a loss have occurred."

This being a broader standard than had been applied by the Trustees, it will undoubtedly result in an expansion of the number of claims paid in the future.

The number of practicing lawyers in the Fund list increased from 9,716 at the end of the previous year to 10,270 as of June 30, 1978.

## Judicial Conferences

### The Maryland Judicial Conference

Originally formed in 1945 by the Honorable Ogle Marbury, then Chief Judge of the Court of Appeals, the Maryland Judicial Conference presently exists by virtue of the provisions of Maryland Rule 1226, which directs 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 and the judicial system in Maryland."

The Conference consists of all the judges of the Court of Appeals, the Court of Special Appeals, the circuit courts of the counties, the Supreme Bench of Baltimore City, and the District Court of Maryland. The Chief Judge of the Court of Appeals is its Chairman; the State Court Administrator is its Executive Secretary. The Conference meets annually in plenary session. Between sessions, its work is conducted by an Executive Committee, consisting of judges elected by Conference members, and by approximately a dozen other committees appointed by the Chief Judge in his capacity as Conference Chairman.

The activities of the Conference fall into two general categories. One is that described in the preceding quotation from Maryland Rule 1228; considering measures to improve the general administration of justice in the State. The second, which has become more prominent in recent years, involves continuing judicial education for the judges of the State.

During Fiscal 1978, the Conference held its plenary session from January 12 through January 14 at the Downtown Hilton Hotel in Baltimore. Reviving a custom that had been allowed to lapse for several years, this meeting was held jointly with the Winter Meeting of the Maryland State Bar Association. At the meeting, Conference members and lawyers spent a day and a half hearing lectures and participating in panel discussions on "The Rule Against Hearsay and its Exceptions," "The Performing Art of Trial Advocacy: Opening Statements and Closing Arguments," and "The Law of Contempt." Instructors included Dean Joseph E. McLaughlin of Fordham University Law School, Judge Charles E. Moylan, Jr. of the Maryland Court of Special Appeals, and Judges Robert L. Karwacki of the Supreme Bench of Baltimore City, Charles E. Orth, Jr., of the Court of Appeals, Perry G. Bowen, Jr., of the Circuit Court for Calvert County, Marshall A. Levin of the Supreme Bench

of Baltimore City, and Robert M. Bell of the District Court of Maryland.

The judges also participated in the business meeting of the Maryland State Bar Association and in the Conference's own business meeting, at which reports of a number of the Conference's committees were presented.

In addition to the educational aspects of the plenary meeting, the Conference's Committee on Education and Training organized, and with the help of the Administrative Office of the Courts staff and a number of judges and others, conducted a series of three educational sessions at the University of Maryland College Park campus. One of these sessions was attended by each member of the Conference, unless excused for illness or other good cause. In addition, a series of three three-day sessions were held for the purpose of orientation of newly-appointed trial court judges.

A noteworthy feature of the College Park educational sessions was the devotion of a portion of them to consideration of matters specifically pertaining to the improvement of judicial administration in Maryland. Planned through action of both the Executive Committee and the Education Committee, the discussion centered on various aspects of relationships between the circuit courts and District Court.

During the fiscal year, a number of the Conference's committees participated in activities relating to the improvement of the administration of justice.

The Bench/Bar Committee continued to serve as a forum for the exchange of ideas and information between lawyers and judges, and for promoting cooperation between bench and bar in improvement of the court system.

Recommendations of the Committee on Corrections, duly adopted by the Conference, produced an Administrative Order requiring each trial court judge to furnish a brief statement of the reasons for imposition of sentence in every case of a sentence to imprisonment for a term of three years or more. This procedure is intended to be of particular help to the penal system and the Parole Commission.

The Committee on Criminal Law worked with legislators in a number of areas, the most notable of which was improvement and clarification of law in the area of theft offenses. These efforts resulted in the enactment of Chapter 849, Acts of 1978.

The Committee on Juvenile and Family Law and Procedure helped secure the enactment of extensive clarifying revisions in the law pertaining to juvenile causes and continue to work for legislation to phase-

out the use of masters in juvenile cases and to decriminalize non-support.

The Juror Orientation Committee, with the assistance of a grant from the Governor's Commission on Law Enforcement and the Administration of Justice, instituted a project to prepare a set of juror orientation slides for use throughout the State, but tailored to each county.

The Legislative Committee sponsored some 30 legislative proposals during the 1978 General Assembly, in many cases drafting the bills and presenting testimony before the appropriate legislative committees. A number of these legislative matters are discussed in the section of this Report entitled "1978 Legislation Affecting the Courts."

The Conference continues to improve and expand its judicial educational activities. Also, the current Executive Committee, under the chairmanship of the Honorable Solomon Liss of the Court of Special Appeals, is increasing the efforts begun by its predecessor committee to encourage more extensive discussion of fundamental judicial improvement topics by the Conference.

The 1979 meeting of the Conference will take place at the Baltimore Hilton Inn in Pikesville on April 26, 27 and 28.

### **Conference of Circuit Administrative Judges**

The Conference of Circuit Administrative Judges is established under the authority of Maryland Rule 1207. Its membership consists of the Circuit Administrative Judges of the eight judicial circuits. It met five times from September, 1977, through May, 1978.

The Chief Judge of the Court of Appeals, the Chief Judge of the Court of Special Appeals, the Chief Judge of the District Court, and two Administrative Judges of that Court, also participated in Conference discussions. The following summarizes some of the important matters considered and acted upon.

#### **Exercise of Visitorial Powers by Judges**

After careful study of the Committee on Visitorial Powers, appointed in Fiscal 1977, the Conference discussed the issues at length and approved the promulgation of an amendment to Maryland Rule 1215 (Clerks' Offices—Hours), establishing uniform hours throughout the State during which the clerks' offices shall be open, Monday through Friday, of each week. The Conference also supported the adoption of an Administrative Order by the Chief Judge of the Court of Appeals which directed that "administrative judges or other judges exercising authority under Article IV, §§10, 26 or 37 of the Constitution of this State use as guidelines appropriate portions of the *Procedural Manual for Court Clerks* and the *Clerks' Code of Ethics* in regulating the clerk's office or offices subject to

his control." The Court promulgated an amendment to the Rule, effective July 1, 1978, and the Chief Judge issued the Administrative Order, effective simultaneously. These steps brought to a successful conclusion the considerable effort ~~spent~~ by members of the Conference, the Committee on Visitorial Powers and the Maryland Court Clerk's Association to seek ways to implement certain provisions of Article IV, Sections 10, 26, and 37 of the Maryland Constitution.

#### **Court Ordered Mental Examinations**

The Conference again focused on the problem which the Department of Health and Mental Hygiene faces in attempting to conduct and submit timely reports on mental examinations ordered by the courts of this State under Article 59 of the Annotated Code. Serious fiscal and logistical problems remain. These were addressed in meetings with representatives of the Department at which the Conference urged that additional Departmental resources be made available. However, as in the past, no firm assurances were given that improvements will be forthcoming.

#### **Implementation of the Community Corrections Law**

The Conference met with officials of the Maryland Division of Corrections concerning the Division's efforts to implement Maryland's Community Corrections Law enacted in 1976. Proposed procedures were discussed by the Conference that had been approved in principle by the Judicial Conference's Committee on Corrections. Discussion focused on procedures dealing with initial placement of an individual within a community correction rehabilitation program following recommendation by a judge. The Conference expressed concern about delay in implementation of the law because of apparent inability to move expeditiously to establish adequate facilities to accommodate inmates eligible for admission into the program. The Conference sees a need for effort for facility planning, site selection and construction, and urged continued movement in this direction.

#### **Establishing Priority in Scheduling Hearings on Mechanics' Liens**

The need to develop a state-wide procedure to establish priorities in scheduling hearings on establishing mechanics' liens was discussed by the Conference. As a result, the Conference recommended the adoption of a state-wide procedure whereby any hearing that may be required should be set within 30 days from the date of filing of a show cause order. Conference action does not preclude a circuit court from setting an earlier date.

#### **Amendment to the Temporary Judicial Assignment Plan**

In November, 1975, the Conference recommended the adoption of a Temporary Judicial Assignment Plan

that would provide short term judicial assistance to the circuit courts. This Plan was adopted by Administrative Order of the Chief Judge of the Court of Appeals, effective January 1, 1976. In the past two and one-half years, the Plan has been working well, enabling circuits to plan well into the future if they might be called upon to provide assistance throughout the State. In Fiscal 1978, the Conference recommended that the Plan be amended to require no less than two weeks advance notice to the Chief Judge or to the Administrative Office that assistance is needed. The Chief Judge accepted this recommendation to become effective in September, 1978.

**Public Defender Representation of Defendants  
Charged with Violations of Probation**

The Conference expressed concern that the Public

Defender was not representing all defendants throughout the State charged with violations of probation. After considering the problem the Conference adopted a resolution requesting that the Public Defender furnish counsel in all cases in which a defendant is charged with a violation of probation if the Public Defender could have represented the defendant in the first instance. Steps concerning the manner in which the Conference's action will be implemented are continuing at the time this report is written.

There were other matters discussed by the Conference during this period covering many different aspects of the administration of justice in the courts of Maryland, but as we have stated in past reports, this report can only summarize some of the highlights considered and/or acted upon.

# Appointment and Discipline of Judges

## General Criteria

To be eligible for a judgeship, the constitution provides that a person must be: a citizen of Maryland, a resident of the State of Maryland for at least five years, a resident of the particular circuit or district from which he is elected or appointed for at least six months, a qualified voter, qualified to practice law in Maryland, and at least thirty years old. He must also be selected from among those lawyers "who are most distinguished for integrity, wisdom, and sound legal knowledge." Mandatory retirement age for all judges is seventy.

There are four methods which may be employed to remove a judge from office. According to Article IV, Section 4 of the Maryland Constitution, he may be removed by:

1. The Governor, "on conviction in a court of law for incompetency, wilful neglect of duty, misbehavior in office, or any other crime, or upon impeachment."
2. The General Assembly, with the concurrence of 2/3 of each house, provided that the judge received notices of the charges and had an opportunity to defend himself.
3. The Court of Appeals, upon recommendation of the Commission on Judicial Disabilities.
4. Also, Article XV, Section 3 of the Constitution, as adopted in 1974, seems to provide a fourth method as to elected judges. It provides for automatic suspension of an "elected official of the State" who is convicted or enters a nolo plea for a crime which is a felony. If the conviction becomes final, the officer is automatically removed from office.

Only the third method has actually been used within recent memory.

## Judicial Nominating Commissions

Under the Maryland Constitution, at the initial occurrence of a judicial vacancy or upon the creation of a new judgeship, the Governor normally is entitled to appoint a person to fill the office.

Before 1971, Maryland governors exercised this power seeking only such advice as they might wish to obtain from bar associations, legislators, lawyers, or others. But 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 some years pressed for adoption of one or another variation of what has come to be known as "merit selection" procedures.

These efforts bore fruit in 1970, when former Governor Mandel promulgated two executive orders, one establishing a single State-wide judicial nominating commission to propose persons for appointment to the appellate courts, and the other establishing eight regional nominating commissions, each to propose names of persons for appointment to the trial courts within its geographical jurisdiction. These nine commissions began operations in 1971 and since their implementation, the Governor has filled all judicial positions subject to his appointing authority from lists of nominees submitted by a nominating commission.

Prior to March 1, 1975, each commission operated rather independently, with little or no central record keeping and no central staff. However, by another executive order dated December 18, 1974, Governor Mandel consolidated all provisions pertaining to nominating commissions and designated the State Court Administrator as ex officio Secretary of all the commissions. Since the implementation of this order in March 1975, records pertaining to the commissions have been kept in the Administrative Office of the Courts and data pertaining to their operations have been collected. In addition, the State Court Administrator has offered staff and logistical support to the several commissions.

As presently structured, 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 lawyer or lay person, also appointed by the Governor.

When a judicial vacancy occurs or is about to occur, the State Court Administrator notifies the appropriate commission and through announcements in the press and to interested bar associations, seeks applications which are distributed to the commission members as filed.

After the filing deadline for the vacancy has occurred, the commission meets, considers the applications and other relevant information, such as recommendations from bar associations or individual citizens, and frequently interviews the candidates. Interviewing, an important step in the nominating process, was initiated by some commissions in 1977. It is not mandatory, but is now used by the trial courts commissions in the First, Fourth, Sixth, Seventh, and Eighth Circuits, and by the Appellate Commission.

The list of fully qualified applicants that is submitted to the Governor by each commission is prepared by secret written ballot; no applicant may be included on the list unless he has the affirmative vote of not less than seven members of the commission. As

indicated, under the 1974 executive order, the Governor may not appoint a judge except from a commission list.

During Fiscal 1978, the nine commissions had a busy year. All commissions met at least once during the fiscal year, except for the First Circuit Commission. A total of 36 meetings were held — double the number conducted during Fiscal 1977. The Seventh Circuit took the record for the greatest number of meetings, with a total of nine.

During the fiscal year, a total of 32 judicial vacancies both occurred and were filled — a substantial increase from the numbers reported for Fiscal 1976 and Fiscal 1977. Although six of these involved judges whose elected or appointed terms were expiring (five of whom were reappointed), the number of vacancies occurring from other causes is still substantial. While this vacancy rate is probably greater than normal, it can be assumed that the vacancy rate will climb in the future as the number of judgeships increases.

As noted in last year's Report, problems of occasional small turnout by commission members and more than occasional dearth of highly-qualified applicants continue to vex the commissions. And during Fiscal 1978, Acting Governor Lee also became concerned with what to him appeared to be a tendency to submit an undesirably small number of names for judicial vacancies.

The last-mentioned problem was addressed by Governor Lee in an executive order of October 4, 1977, in which he placed a somewhat raised floor under the minimum number of names submissible by several categories of commission. It is encouraging to note that the other problems, as well as a number of additional matters pertaining to commission operations, were considered by the December 1976 Maryland Conference on Judicial Nominating Commissions. In November 1977, the State Court Administrator transmitted to the Acting Governor and the Chief Judge of the Court of Appeals the recommendations of the 1976 Conference along with some additional proposals of his own. All those recommendations have since been under active study by the Acting Governor and the Chief Judge.

Another problem mentioned in the Fiscal 1977 Report was undue delay from the date of submission of names to the Governor until the announcement of the appointment by the Governor. This is a problem over which the commissions themselves have no control, but it is gratifying to note that Acting Governor Lee has been able to reduce this time lag substantially. With respect to the appointments he made in Fiscal 1978, the average time between submission of the list of nominees to him and announcement of the appointment was only 18.5 days.

**NOMINATING COMMISSION STATISTICS**

**Judicial Vacancies Occurred and Filled in Recent Fiscal Years**

	FY 1976			FY 1977			FY 1978		
	Vacancies	Number Applicants	Number Nominees	Vacancies	Number Applicants	Number Nominees	Vacancies	Number Applicants	Number Nominees
Court of Appeals	1	10	5	0	0	0	1	13	5
Court of Special Appeals	0	0	0	0	0	0	3	25	15
Circuit Courts/ Supreme Bench	12	80	37	5	31	12	18	131	49
District Court	7	74	23	13	93	31	10	159	42
<b>TOTAL</b>	<b>20</b>	<b>164</b>	<b>65</b>	<b>18</b>	<b>124</b>	<b>43</b>	<b>32</b>	<b>328</b>	<b>111</b>

\*In Fiscal 1976, 4 additional vacancies occurred but were not filled during the fiscal year. Three additional vacancies that occurred in a prior fiscal year were filled.

\*\*In Fiscal 1977, three additional vacancies occurred but were not filled until FY 1978. Three additional vacancies that occurred in FY 1976 were filled.

\*\*\*In Fiscal 1978, all vacancies that occurred during the year were filled. Three additional vacancies that occurred in FY 1977 were filled.

### **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 the Commission recommended. In addition, the Commission has the power in limited situations to issue a private reprimand.

The Commission on Judicial Disabilities opened 30 investigative files during the 1978 fiscal year. This represents a decrease from the 58 files opened in the

previous year. In addition, the Commission continues to receive numerous telephone calls and letters seeking advice as to how to make a complaint and making inquiries about the judiciary in general. No separate tabulation has been made of telephone inquiries or general letters. All letter writers and those telephone callers who desire it are sent a statement of the Commission's purpose and jurisdiction, and instructions on how to file a complaint.

As has been the experience in the past, most complaints received were dismissed after a minimum of investigation because it was clear that there was no judicial misconduct or wrongdoing. The most prevalent complaint continues to be simply dissatisfaction with the outcome of litigation usually arising out of either domestic relations cases or minor criminal cases where a complainant has sworn out a warrant on a neighbor, and the judge has found the neighbor not guilty.

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 15 years, and one lay person representing the general public.



## New Programs and Developments

### Court Planning

Through the Administrative Office of the Courts, an effort has been undertaken to help find solutions to problems in the court system and to relate those needs to programs through which adequate resources can be identified. Known as the judicial planning system, this effort to date has been able to identify various programs needed at the State level for court system improvements. Included in the draft planning document are standards and goals, to be used to guide the overall management direction of the courts; trend analysis and forecasting, necessary for budget considerations and manpower allocation purposes; and short term objectives and priorities that can be used for establishing desirable year-end results or targets. Next year, it is expected that services will be available to assist local trial courts in the development of individual management plans for system improvement at the operational levels. The Administrative Office is increasing its efforts to involve trial court judges, administrators, and clerks in the planning process.

In addition to these activities, the planning unit in the Administrative Office is responsible for the general supervision of grants funded by the Governor's Commission on Law Enforcement and the Administration of Justice. For a listing of these and other special projects now underway, please consult the subheading entitled Other Developments.

### Continuing Judicial Education

A series of four educational seminars on topics such as administration, ethics, jury trials, search and seizure, evidence and sentencing were conducted in September, October, November and December of 1977. The attendees, 12 in number, were those judges who had been appointed since September 1976.

For the fourth year in succession members of the judiciary, from all levels, attended one of three educational seminars held in January, February and March of 1978. In keeping with the plan adopted by the Judicial Conference in April, 1976, the Committee on Judicial Education and Training designed these seminars which provided insight into the fields of forensic pathology and forensic psychiatry.

A program of the Executive Committee of the Judicial Conference was added to the annual seminar this year in the form of discussions on sentencing, administrative relationships between the District Court and the Circuit Courts and the processing of appeals from the District Court. As a result of this program, a new

Judicial Conference Committee to study sentencing concepts was created. This committee will report the results of their study and their recommendations to the Judicial Conference.

One circuit court judge attended the 1978 basic four-week session of the National Judicial College in Reno, Nevada, bringing to fifty-three the total number of graduates from Maryland, forty-one of whom are presently serving on the bench. By the end of calendar year 1978, six judges of the District Court will have attended various seminars of the National Judicial College and one will have attended the American Academy of Judicial Education in Coral Gables, Florida.

On December 9 and 10, 1977, all District Court judges attended the annual District Court Judicial Education Conference. The agenda of the meeting included a demonstration of the new model breathalyzer by the Maryland State Police, service of process in civil cases, juvenile causes, alcoholism, and disparity in sentencing. The Commissioner Education Committee of the District Court also has scheduled seminars for all commissioners in the fall of 1978 to include the topics of false pretense, recent legislation, and domestic disputes, with the latter giving particular emphasis to the battered spouse.

Much progress is being made in addressing the training requirements of court support personnel throughout the Maryland judicial system. Fiscal 1978 has witnessed the development and implementation of two successful training programs. The orientation programs of the circuit court clerks' office and the District Court have successfully introduced to both environments a formal system of training for the support community.

Future efforts will be directed toward firmly establishing periodic and on-going training for court support personnel. Within the clerks offices of the Circuit Courts the establishment of a formal in-service training process will be attempted. In 1979 this effort will hopefully produce a functionally oriented program of instruction for a large segment of clerk personnel.

Within the District Court in 1979, an attempt will be made to design and implement a supervisory program. This program will meet the training needs of all first line supervisors in the court.

### Other Developments

#### Court Statistics Project

In conjunction with a special task force on statistical reports, this project is studying ways of improving the

methods of reporting information at the circuit court level. Adequacy of the data being submitted and reliability will be the two main objectives of the project director who will report directly to the State Court Administrator as to possible solutions to data collection problems.

#### **Petit Juror Orientation Project**

Building on the creativity of the court administrator in the Seventh Circuit in designing an excellent orientation film for jurors, this project is engaged in preparing similar presentations for jurisdictions throughout the State so that petit jurors can be better informed about their roles in the adjudicatory process.

#### **Training of Court Related Personnel**

In the past, the primary emphasis in the education field has involved judicial education. In Fiscal 1978, through the services of the Assistant Director for Training and Education, and in cooperation with all clerks offices in Maryland, a comprehensive training curriculum will be developed for line personnel in these offices. To date, orientation programs have been developed for circuit court clerks and the staff of the Administrative Office of the Courts. Similar efforts are now being completed for the District Court for personnel within that system.

#### **Study and Development of Judicial Branch Personnel**

This project, although not completed by the end of Fiscal 1978, has studied the existing personnel structure for the judicial branch at the State and local levels. Recommendations will shortly be forwarded to the Chief Judge for his consideration. Included in the analysis will be a review of problems confronting the appellate, circuit, and District Courts in the area of personnel policies, salary scales, and job classifications, which vary greatly among various court operations.

#### **Information Systems Projects**

The Information Systems Unit of the Administrative Office is responsible for collecting management information on all of the case filing and disposition activity of the trial courts in Maryland. In addition to this primary function, several other projects have developed in recent years to enhance the overall processing of cases through the courts. These include:

- (a) Juvenile Court Automated Administrative Sup-

port System — A project designed to implement a data support system to aid in the managerial function and control of cases going through the Baltimore City Juvenile Courts;

- (b) Anne Arundel County Judicial Information System — A project examining the feasibility of a metropolitan county case scheduling system for use in jurisdictions surrounding the City of Baltimore;
- (c) District Court Criminal Disposition Reporting System — A project aimed at facilitating the transfer of certain specific aspects of criminal case histories to the State's central repository in the Department of Public Safety and Correctional Services; and
- (d) Maryland Traffic Adjudication System — Originally designed as a pilot program in Montgomery County, this project provides the District Court of Maryland with a traffic citation system enabling the Court to more efficiently schedule resources to meet the needs of the public. Present plans are to expand this effort to most of the State.

#### **Court Management Interns**

During various times throughout the year, a select group of graduate students are chosen to perform assignments related to judicial administration. Over the past year, these students have been able to complete the following set of tasks and studies under the supervision of the Administrative Office of the Courts:

- (a) A study of case scheduling practices and management techniques used at the general jurisdiction level for six counties and Baltimore City;
- (b) Monitoring of monthly statistical reports prepared by the Administrative Office of the Courts;
- (c) Development of forecasting techniques used for projecting caseload needs in circuit court planning efforts;
- (d) Study of jury selection processes and management practices in major metropolitan areas throughout the State;
- (e) Drafting proposed legislation, monitoring activities on bills that may affect the courts, and preparing synopses of appellate decisions; and
- (f) Completing other assignments, such as a study of the possible effects of a transfer of juvenile causes to the District Court.

## Mini-Report on the State of the Maryland Judiciary Delivered to the Maryland State Bar Association Convention in Ocean City on Saturday, June 10, 1978

Robert C. Murphy  
Chief Judge  
Court of Appeals of Maryland

This is the second time that I have been privileged to address this distinguished assembly by way of a Mini-Report on the State of the Maryland Judiciary — an abbreviated version, if you will, of judicial-branch operations, concerns and aspirations, both present and prospective.

In my initial report to you in June of 1976, I spoke of the complex logistics underlying the functioning of our judicial system, of the ever-spiraling caseload with which our courts constantly grapple, and of the extreme difficulties involved in firmly scheduling cases for trial. I spoke of the badly fragmented and antiquated organizational structure of our trial courts of general jurisdiction — the hub or nerve center of our judicial system — namely, the circuit courts of the counties and the six courts comprising the Supreme Bench of Baltimore City. I spoke of the uneven, the uncertain, the frequently inadequate funding by the local political subdivisions of the needs of these all-important trial courts, the efficient functioning of which is so very vital to every Maryland lawyer and citizen. And I spoke of the pressing need totally to free the operation of these trial courts, and their essential supporting arms, from all remaining political associations; to remove forever the still lingering aura of the "Last Hurrah," that continues to haunt the corridors of the circuit courthouses of this State. I also spoke of the seemingly near total preoccupation of our court system with the disposition of criminal cases, to the extreme detriment of the even-handed and certain scheduling of civil trials. I spoke of the failure of the General Assembly, of our state and local governments, and of the organized Bar, adequately to come to grips with problems which chronically plague our criminal justice system; of the need to put an end to the waste of judicial resources, and more importantly, to the gross inconvenience and undue expense suffered by the public resulting from our laws which enable those charged with crime to postpone cases time and time again, and thereby to cripple the orderly and efficient operation of our courts — a prime factor underlying citizen aversion to involvement in court proceedings. My remarks were not entirely negative, however, for I recognized the many contributions of the General Assembly, the Governor, and of the members of this Association, in supporting some of the many needs of the judiciary. Indeed, at that time I sought the support of this Association for the passage of proposed constitutional amendments then pending before the voters, to permit the use of

former judges on a temporary basis to meet critical judicial manpower needs, and for the nonpartisan retention election of appellate judges based solely on the judge's performance in office. You gave that support, not just in spirit, but in aggressive grass roots activity, culminating in broad media support and the ultimate approval by our people of these significant judicial reforms.

Permit me to speak to you today in the same straightforward manner, eschewing a tedious statistical portrait of current judicial branch operations in favor of a more general commentary, focusing briefly on a potpourri of critical concerns that cry out for attention, bearing in mind, of course, that the problems of which I have just spoken have not been solved, or even slightly dented.

That public confidence in our legal system and in the judiciary has eroded to an appreciable degree should come as no surprise to anyone in this room. One reason for it in my opinion is that the consumers of our justice system — those who become implicated in its processes — find it seriously wanting — shot through with shortcomings — not the least of which are the seemingly interminable delays associated with judicial proceedings, both civil and criminal. Whether they be litigants, witnesses, victims of crime, or other segments of our society who must turn to the courts for the resolution of disputes, these consumers of our justice system demand from us, and are entitled to, a high level of performance. We, in turn, must adopt a consumer perspective to better understand their concerns; we must perceive the practical significance of our institutions, laws and public transactions in terms of their impact upon the lives and experiences of our citizens and be responsive to their needs. It hardly needs saying, but we must recognize that our legal system does not exist for the convenience of judges or for the economic benefit of lawyers, but solely for the promotion of justice for all people in our State. Most of the lawyers with whom I come into contact — and that is a large number — epitomize honor, integrity, and stability; the interests of their clients, and of our profession, being first and foremost among their concerns. It is, therefore, hard for me to understand why recent public surveys should a marked lessening of public esteem for lawyers.

It is equally hard for me to accept the fact that the public is dissatisfied with the operation of State courts, and that the image of the State judiciary is

poor. But, quite plainly, this is the message to be gleaned from a recent highly professional comprehensive survey of public attitudes towards State courts and justice conducted for the National Center of State Courts. That survey, national in scope with a broad sampling group representative of all socio-economic groups, including lawyers, business and community leaders, revealed that only 23% of the public was enamored with the performance of State courts. It showed that while our people are unable to distinguish one State court from another, and tend to view them collectively as one big "blob", they have high expectations of judicial performance and demand better access to and management of our judicial system. The survey revealed a large, indeed a near colossal, ignorance among our citizens with respect to the responsibilities and limitations imposed upon judges, and with the role of the courts in our society. For example, the public looks upon judges as gatekeepers of the prison system and holds them responsible for protecting society from criminals, so much so that 43% of the public believes it is the direct responsibility of the courts to reduce violent crime. The public holds judges and courts to blame, among other things, for trial delays, for dismissals of cases by prosecutors, for granting an accused's constitutional right to bail, for releasing incarcerated offenders on parole. The public seems not to understand that courts do not control police agencies, prosecutors, public defenders, parole, probation and correctional officers; that judges are not empowered to cause prisons to be built and cannot jail offenders where no facilities exist. Traditional judicial reticence notwithstanding, what is needed is an end to the mystique which surrounds judges and courts; what is needed is a massive reform of attitudes within the judiciary itself toward educating and informing the public about our judicial system and its limitations. To this end, the Maryland Judicial Conference has created a Public Awareness Committee to consider ways and means to provide the public with greater insight into our operations than it now possesses and to speak out in the public interest where that course of action is plainly justified.

Partly as a result of this now well-perceived public ignorance of the State judiciary, and the low public visibility of our State courts, a fresh look is being given to allowing television in our trial and appellate courtrooms. Many think that American justice at its most inspiring can be introduced into American homes without disparaging the judicial process and without compromising principles of due process, by permitting comprehensive reporting of judicial proceedings through public television coverage. According to the national survey of which I just spoke, 57% of the public favors the controlled television of selected court proceedings. That television can educate, teach and enlighten; that it can show the public how the judicial process works, how judges and law-

yers function in court, can hardly be doubted. Courts in fourteen states have already adopted rules with various restrictions permitting television broadcasting of judicial proceedings, at least on an experimental basis. The National Conference of Chief Justices, as well as the American Bar Association, is taking a new look at television in the courtrooms and their reports are being eagerly awaited.

The great judicial reforms achieved in our time have been spearheaded by the organized Bar and in particular by this Association. To name but a few, there was the creation of the Clients' Security Trust Fund, of the Court of Special Appeals, the District Court of Maryland, the Attorney Grievance Commission and the Office of Bar Counsel. These accomplishments, however, are past history and of late this Association has not taken as aggressive a role as I think it should in advancing the cause of further badly needed reforms. For example, the potent force of this Association is sorely needed if we are to unify our trial courts of general jurisdiction and require that they be funded and administered by the State, and not by the local political subdivisions. If, on a more limited basis, the six courts comprising the Supreme Bench of Baltimore are to be consolidated into one circuit court, under one Clerk of Court, rather than the present six, this Association must step out front and lead the way in support of our efforts to achieve this long overdue restructuring of the largest trial court in Maryland.

If we are to eliminate circuit court judges from the stresses and strains of partisan political elections, and put them on an equal footing with all other Maryland judges, as is so very vital if we are to continue to attract and retain capable judges, then this Association must vigorously support that objective by the grass roots type of activity necessary to overcome the opposition of those political leaders to whose advantage it is to retain a measure of influence over the judicial process. I do not, of course, disparage the political calling; the partisan elective process is an honorable and necessary one, but, it is appropriate only in the Executive and Legislative branches of our government, not in the Judiciary. Judicial selection should not be a part of the partisan political process. A judge's duties do not consist of shaping governmental actions or philosophies and he has no voter constituency. The observation has been made with much force that a judge with political obligations cannot be as independent and devoted to his judicial office as one who is free of such impediments. The danger is not that politicians are turned into judges because quite frankly some politicians have become very good judges; the danger rather is that every elected judge must, for a brief period at least, become a politician and necessarily risk compromising his future judicial independence.

The prime mission of any court system is to resolve disputes as justly, effectively, and inexpensively

as possible. While the Judicial Department bears the responsibility for planning and carrying out its own operations, it is subject to Legislative and Executive Branch domination in a number of important ways, budgetary, for example, and equally important is its required adherence to laws which significantly circumscribe the judiciary's ability to more expeditiously operate the court system. By way of illustration, street crime is a major concern of almost all citizens, and courts and judges bear the brunt of the public's dissatisfaction with society's response to this seemingly insoluble problem. The courts, together with other components of the criminal justice system, are significantly deterred in effectively disposing of the massive criminal caseload by needless and archaic laws which actually facilitate, rather than prevent, system paralysis. The result of this folly is all too often the defeat of the public right to justice. Moreover, the enactment of new laws imposing added burdens upon an already thoroughly overburdened system, without making provision for necessary professional personnel and facilities, simply exacerbates the crisis in our criminal courts. A case in point is the General Assembly's enactment this year of H.B. 1476; that law amended the Post Conviction Procedure Act to provide that evidence in criminal cases, newly discovered at any time, would constitute a cognizable ground for post conviction relief. The bill was plainly a piece of special interest legislation designed to afford a new trial to one convicted offender whose alleged newly discovered evidence was uncovered some five years after his criminal conviction became final. Not only would the passage of this legislation seriously undermine the finality of every criminal conviction in this State, but, more importantly, it would subject our already terribly clogged trial calendars to countless additional evidentiary hearings. To his very great credit, Governor Lee vetoed this bill. The judges and lawyers of Maryland must join together in a common effort to convince our delegates and senators of the need for circumspection in such matters, and I will propose to your President that a strong legislative liaison program be fostered between this Association and the Judicial conference, to monitor the impact of proposed legislation on the court system and on the ability of lawyers to get their cases tried on a timely basis. In view of the expected abolition of diversity jurisdiction in the federal courts, and with the diversion of these cases to the state courts, the problem becomes even more critical.

There is no subject of greater importance today than the present and future operation of our juvenile justice system. In the eleven years since the Supreme Court decided *Gault*, juvenile justice has undergone many radical and dramatic changes, and it continues to be a field of great expansion, great transition and fluidity. In recent years, we have witnessed juvenile crime escalate from traditional vandalism and petty thievery to crimes of great violence — crimes that in-

timidate, that terrorize, and indeed paralyze entire neighborhoods — even entire cities. By some accounts over half of the serious crimes committed in this nation are committed by juveniles. A recent article characterized the juvenile justice system in this country as a sieve through which most of these children come and go with neither punishment nor rehabilitation. The opinion is expressed by some that juvenile courts were not conceived for the brutal acts we are witnessing today but rather were created to take account of the truant, the runaway, the petty thief, the Huck Finn type of mischievous child. The continuing acceptance by the public of the juvenile justice system, as we now know it, lies in some doubt.

For many years, juvenile justice in this State has been largely dispensed through operation of the juvenile master system. While these masters have served us well, the time is at hand when we must phase out their use and staff the juvenile courts with our most knowledgeable and resourceful judges, exercising a full range of judicial powers. The Maryland Judicial Conference has proposed legislation to accomplish this end; it entails the addition on a phased-in basis of a number of new circuit court judges to meet the crisis. The legislature has not been responsive to our request. Again, your support is urgently needed!

As much as the judiciary needs the support and assistance of this Association, we need that of the Governor in other critical areas of our concern — particularly so in connection with judicial appointments. That there has not been a large outpouring of lawyers applying to judicial nominating commissions for judgeships is only partly due to inadequate judicial pay levels and the elective process associated with circuit court judgeships. Over and above these reasons, many lawyers, who are inclined to judicial office, and who would make excellent judges, believe that the Governor looks upon judgeships as just another patronage appointment. While I do not share the concern of these lawyers that political considerations may be a decisive factor in the Governor's appointment of judges, I think it is of the utmost importance that he publicly dispel this notion at every opportunity, for the lawyers of Maryland need reassurance that it is his unvarying policy to fill every judicial vacancy with the most qualified applicant.

Our judicial nominating commissions have, in the main, performed well. They have eliminated from consideration most of the applicants who are totally unqualified for judicial office, and on occasion, thankfully rare, have eliminated some applicants who, in my opinion, were fully qualified. One badly needed amendment to the Governor's Executive Order creating these commissions, and one that I have urged him to make, would continue for a specified period the eligibility for appointment of any applicant once approved by a commission unless the commission removes the applicant for cause.

The matter of lawyer advertising I know to be of very great concern to you. That Maryland's liberal rules governing this important subject rankle deeply with many Maryland lawyers is well known. Bear in mind, however, that if in practice these rules prove antithetical to the public interest, rather than in furtherance of it, the Court of Appeals, upon such a showing, would undoubtedly respond to a demonstrated need for change.

Next, attorney disciplinary proceedings. The process is slow and tedious; it needs streamlining to cut the excess delay between complaint and investigation and the ultimate disposition of the case. To help assure that the machinery works expeditiously, the Court has just approved the addition of another full-time lawyer in the Office of Bar Counsel, making four in all. Effective July 1 of this year, the Court will likely amend the BV Rules to provide that one circuit court judge, rather than a three-judge panel, as is now called for by the rules, hear charges authorized to be filed against a lawyer by Bar Counsel; the single judge will file findings of fact with the Court of Appeals, but will not make a recommendation as to the sanction to be imposed. The rule will likely make provision for a three-judge panel upon petition in appropriate cases, such as, for example, where the charge involves allegations of incompetency or gross neglect in the handling of client affairs. It is important that this Association consider other means to speed up the attorney disciplinary process, including revisions to existing inquiry panel procedures. I will ask your President, on the Court's behalf, to consult with the membership, and with the Attorney Grievance Commission, and propose such reforms to facilitate the process as may be deemed needed.

From time to time, this Association has discussed the need to develop a program to defend judges against unjust criticism. A recent instance which cries out for a response from the lawyers of this Association involves one of the most respected trial judges in this State — David Ross of the Supreme Bench of Baltimore City. Acting with the utmost responsibility accepted a plea agreement which the State and defense had entered into after extensive negotiations had been conducted between them. The case involved, as many of you know, had received considerable publicity over an extended period of time prior to the plea agreement between the State and the defense, so much so that some began to think of it as the crime of the century, which plainly it was not. That the penalty imposed, in view of the wide publicity which the case had engendered in the public press, displeased some of our citizens who misunderstood the real facts of the case hardly justifies the treatment afforded to this dedicated judge.

Let me conclude on this note. Despite our problems, the Judicial Department is a stable, going concern. It has a complement of 196 authorized judge-

ships and operates with a judicial budget slightly more than one half of one percent of the total State budget of four billion dollars — not as much as we would like, but considering other demands on the State Treasury, almost adequate to meet our minimal needs. We are blessed with an exceptionally strong and well-staffed administrative office, directed by William H. Adkins, II, who contributes so greatly to the success of our system. And we are fortunate indeed in the high calibre and dedication of our judges and non-judicial personnel. Equally deserving of praise is the Clients' Security Trust Fund, the best run, most solid system in this country; the Attorney Grievance Commission and its operating arm, the Office of Bar Counsel, which in but a short time has earned the respect of all practitioners; the Rules Committee of the Court of Appeals, a legal brain trust no where surpassed; the Character Committees, which give so freely of their time in a most sensitive capacity; the super-sensitive Commission on Judicial Disabilities; the Board of Law Examiners, now enlarged to seven members, whose integrity and reliability is its trademark. In this latter connection, your President, Vince Gingerich, deserves much of the praise for the Board's singular reputation; both as a member and as Chairman, his contributions will long endure.

The appellate courts are reasonably current in their work. Appeals docketed in the Court of Special Appeals are heard within an average of 4.6 months and disposed of by opinion within 1.1 months thereafter. The initial docket of that Court numbered 339 appeals in 1967; its 1977 docket numbered more than four times that amount, namely, 1412 direct appeals, representing an average caseload of 108 appeals for each of its 13 judges, not to mention an additional 258 Post Conviction Applications. Now that the jurisdiction of the Court of Special Appeals has expanded fully, its caseload has begun to stabilize. Its 1977 docket represented an increase of only 2% over 1976. For the first time in its history, the Court's civil docket exceeded its criminal calendar — 51% of the appeals being civil cases. The Court of Special Appeals is indeed a remarkable Court, led by a truly remarkable leader — Chief Judge Richard P. Gilbert. While that Court is indeed a very special one, its name is truly a misnomer, misleading to the public and lawyers alike. It should be known, not as the Court of Special Appeals for it hears all appeals, but as "The Appellate Court," as was proposed in the ill-fated Constitution of 1968 — a change that now can be made by a simple statute.

The Court of Appeals heard cases within 2.6 months of docketing and decided them in an additional 1.6 months — a total of only 4.2 months. This year, 174 cases appeared on the Court's regular docket and it considered and disposed of 478 certiorari petitions, not to mention its disposition of a host of other matters ranging from the magnificent to the mundane.

In the circuit courts, between 1972 and 1977, case filings increased by 40% — to almost 136,000 cases. During this time, circuit court judgeships increased only 7.5%. Because of an increase in jury trials, and the length and complexity of litigation, terminations have not kept pace with filings. This has resulted in the steady increase of the pending caseload from 149,318 cases on July 1, 1977, to 156,300 pending as of December 31, 1977, an increase of nearly 5%.

The caseload of the District Court has increased some 54% from the first year of its operation in 1971

to the whopping total of 1,200,051 cases in the 1976-77 fiscal year. Judgeships in that court increased during this period by only 5%. The dedication of the judges of that court — spurred on by the dynamic leadership of its Chief Judge, Robert F. Sweeney — is deserving of the very highest commendation.

This, then, is my Mini-Report on the State of the Maryland Judiciary. While at best it merely scratches the surface, I am indebted to you for sharing my concern for the fair and efficient administration of justice in our State.

## 1978 Legislation Affecting the Courts

At each session of the General Assembly, a large amount of legislation is considered that affects the courts in one fashion or another. Space limitations make it impossible to discuss all of these legislative matters in this *Report*. We list below a few of the more important items. A more detailed Summary of 1978 Legislation is available through the Administrative Office of the Courts. Measures affecting only a single jurisdiction have generally been omitted.

An asterisk (\*) denotes a bill proposed or supported by the Maryland Judicial Conference, one of its committees, or some other unit within the judicial branch of government.

### A. Bills Enacted.

#### 1. Court Organization and Structure.

\*Chapter 128 (HB 464) transfers the State Library to the judicial branch of government and redesignates the Library as the State Law Library.

\*Chapter 637 (HB 962) provides for a third District Court judge in Harford County.

Chapter 710 (HB 1508) provides for a second District Court judge in Carroll County.

\*Chapter 748 (HB 1747) provides for a ninth District Court judge in Montgomery County.

#### 2. Court Administration.

Chapter 231 (SB 441) adds §7-208 to the Courts Article authorizing circuit court clerks to impose a \$10 charge for a bad check used to pay court costs or fines. Chapter 191, Acts of 1977, contained similar provisions for the District Court.

A group of bills make changes in juror compensation. Compensation was increased from \$10 to \$15 in Allegany County (Ch. 656), Calvert County (Ch. 663), Caroline County (Ch. 660), Kent County (Ch. 654), and Somerset County (Ch. 663). In Cecil County, the daily allowance was increased from \$7.50 to \$15 (Ch. 662).

The bills relating to Allegany, Caroline, Cecil, and Kent Counties also now designate the juror allowance as "expense money." Similar nomenclature changes were made in Carroll County (Ch. 659), Dorchester County (Ch. 467), Frederick County (Ch. 658), Wicomico County (Ch. 655), and Worcester County (Ch. 661) without changing the monetary level of the allowance.

\*Chapter 554 (SB 1079) makes available to the counties several options with respect to jury procedures. These include a single step initial jury selection process (as opposed to a two-step process); provision for sending jury summonses by first class mail instead of registered mail; potential modification of the juror qualification form; and the possibility of en-

tering into an agreement with the Administrative Office of the Courts with respect to use of a centrally operated automated initial juror selection system.

#### 3. Civil Law and Procedure.

Chapter 95 (HB 158) provides that neither the Secretary of Health and Mental Hygiene nor the Board of Review of that Department has jurisdiction to review any disciplinary action against a health care professional under the jurisdiction of a Health Profession Licensing Board or the Commission on Medical Discipline. Under this Act, an appeal from action of the disciplinary agency will lie directly to a circuit court. This Act in effect overrides the Court of Appeals decision in *Bendler v. Commission on Medical Discipline*, 280 Md. 326 (1977).

\*Chapter 452 (SB 302) provides for continuing attachments on wages. The Act does not become effective until July 1, 1979.

Chapter 735 (HB 1735) permits the legislative body of a municipal corporation to provide that violation of certain municipal ordinances may be considered municipal infractions. A municipal infraction is a civil rather than a criminal offense.

Chapter 838 (SB 942) is the Environmental Standing Act which considerably expands conventional notices of standing to sue in certain environment-related actions. The Act makes other changes as well.

Chapter 884 (HB 605) makes a number of changes in the Administrative Procedure Act, including some that bear upon standards of judicial review of administrative action.

#### 4. Juvenile and Family Law and Procedure.

Chapter 476 (SB 553) adds §6-103.1 to the Courts Article to provide a long-arm statute in civil proceedings arising out of the marital relationship or involving a demand for child support, spousal support, or counsel fees.

Chapter 680 (HB 1315) makes provision for assessment of court costs against a respondent or his parents, guardian, or custodian in certain delinquency cases.

Chapter 794 (SB 604) makes major changes in the law pertaining to disposition of property in divorce or annulment cases. The Act is complex and should be consulted for details. It takes effect on January 1, 1979 and applies only to cases filed after that date.

\*Chapter 814 (SB 551) makes a number of substantive changes in the law pertaining to juvenile matters. The Act should be consulted for details.

Chapter 885 (HB 607) shifts the responsibility from making domestic support collections from the Department of Parole and Probation to the Depart-



ment of Human Resources. This change in general will affect 16 counties and Baltimore City, but there is a local option provision permitting a county to use a different collection procedure.

### 5. Criminal Law and Procedure.

Chapter 3 (SB 374) enacts a new capital punishment law for Maryland. The Act takes effect July 1, 1978, and applies only to offenses committed on or after that date.

Chapter 21 (HB 747) and Chapter 270 (SB 973) amend the obscenity and censorship laws to correct the constitutional problem perceived by the Court of Appeals in *Wheeler v. State*, 281 Md. 593 (1977). This decision struck down these laws on the grounds of denial of equal protection, because they exempted from the penalties of the law employees of theatre operators, whereas employees of sellers of allegedly obscene books were not exempted.

Chapter 435 (SB 173) creates a new crime of child abduction by adding §2A to Article 27. This Act is aimed at the problem of a relative (such as a spouse) removing a child from the lawful custody of some other person.

Chapters 447 (SB 256), 448 (SB 257), and 449 (SB 258) all make changes in the law pertaining to extortion, in an effort to simplify prosecution for offenses in this category.

Chapter 454 (SB 318) attempts to address the difficult matter of conviction of manslaughter by automobile when the driver has been intoxicated by creating a new offense known as homicide by motor vehicle while intoxicated.

Chapter 481 (SB 643) overrides the Court of Appeals decision in *State v. Williams*, 278 Md. 180 (1976) by providing that a certified psychologist who is qualified as an expert witness "to testify on ultimate issues, including insanity, competency to stand trial, and matters within the scope of that psychologist's special knowledge" may so testify. *Williams* had held that a psychologist should not testify as to the ultimate issue of defective delinquency.

Chapter 626 (HB 796) amends Article 27, §642 to provide that upon revocation of probation, a defendant may be sentenced "to serve the period of imprisonment prescribed in the original sentence or any portion thereof or if no sentence was imposed, any sentence provided for by law for the crime for which that person was originally convicted." This will permit a court to impose a sentence less than the original sentence following a finding of violation of probation.

\*Chapter 849 (SB 1153) makes major changes in the law of theft. The Act should be carefully consulted for details. It becomes effective July 1, 1979.

Chapter 921 (HB 1170) extends the criminal prohibition against willful non-support to all spouses. The prior law was held unconstitutional because it applied to criminal sanction only to men with respect to non-support of wives; *Coleman v. State*, 37 Md. App. 322 (1977).

Chapter 963 (HB 2029) supersedes portions of Maryland Rule 735 by providing that in a criminal case a defendant may pray a jury trial but waive it, without court permission, up to 72 hours prior to the time of trial.

\*Chapter 964 (HB 2031) provides that a person who consents to probation before judgment under Article 27, §292 or §641 waives his right to appeal in the event that there is a subsequent entry of a judgment of guilt by the court.

### 6. Code Revision and General Matters.

Chapter 22 (SB 222) enacts a revised Education Article.

Chapter 210 (SB 204) spells out election procedures for appellate judges who now run in non-competitive elections.

Chapter 793 (SB 594) enacts provisions dealing with defense of State officers or employees (including judges) when sued in their official capacities. The Act also spells out procedures for settling or otherwise paying judgments entered against such officials or employees.

### B. Bills Failed

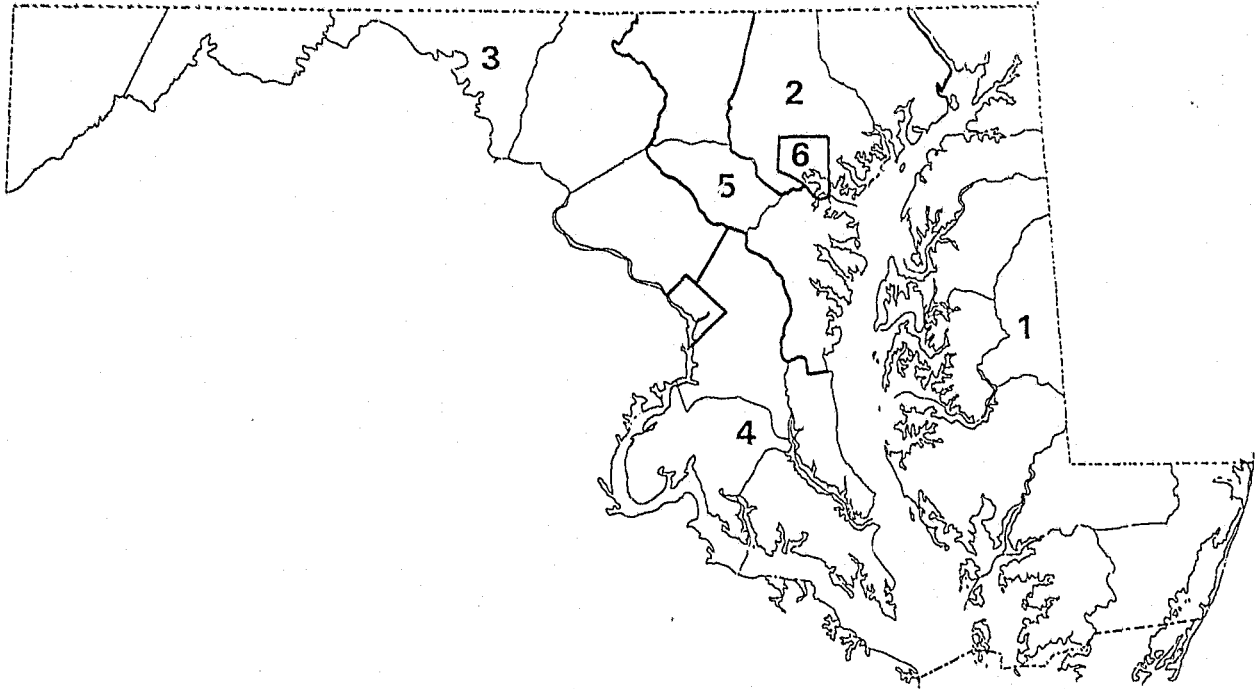
While legislation to provide additional District Court judges was successful, bills to authorize additional circuit court judges in Anne Arundel County, Baltimore County, Charles County, Montgomery County, Prince George's County, and the Supreme Bench of Baltimore City (SB's 763 and 1048, and HB's 690, 1041, and 1750) were unsuccessful.

The same was true of a bill to provide a judicial compensation commission (HB 1083) and proposals to improve judicial pension benefits (SB 607 and SB 1151). And as in 1977, bills to permit an increased sentence after a de novo appeal (SB 449), abolish the de novo appeal, eliminate or modify the common-law right to a jury trial at the circuit court level (SB 443, SB 641, HB 880), decriminalize non-support (SB 640, SB 743), phase out juvenile masters and add circuit court judges (SB 662 and HB 1180), and permit State appeals from certain suppression orders (SB 160, HB 249) were again unsuccessful.

### C. General Comments.

This brief summary makes it apparent that although a number of bills important to the functioning of the judicial system were enacted, problems related to judicial manpower, judicial compensation and pensions, and important criminal procedural matters such as those relating to jury trials, are not easy to pass. The same is true as to bills dealing with major court structural changes. Although 13 out of 30 legislative proposals suggested or actively supported by the Maryland Judicial Conference were successful (a success rate far above the general enactment rate for bills at the 1978 session), a great deal clearly still remains on the legislative agenda.

## Judicial Maps and Members of the Judiciary



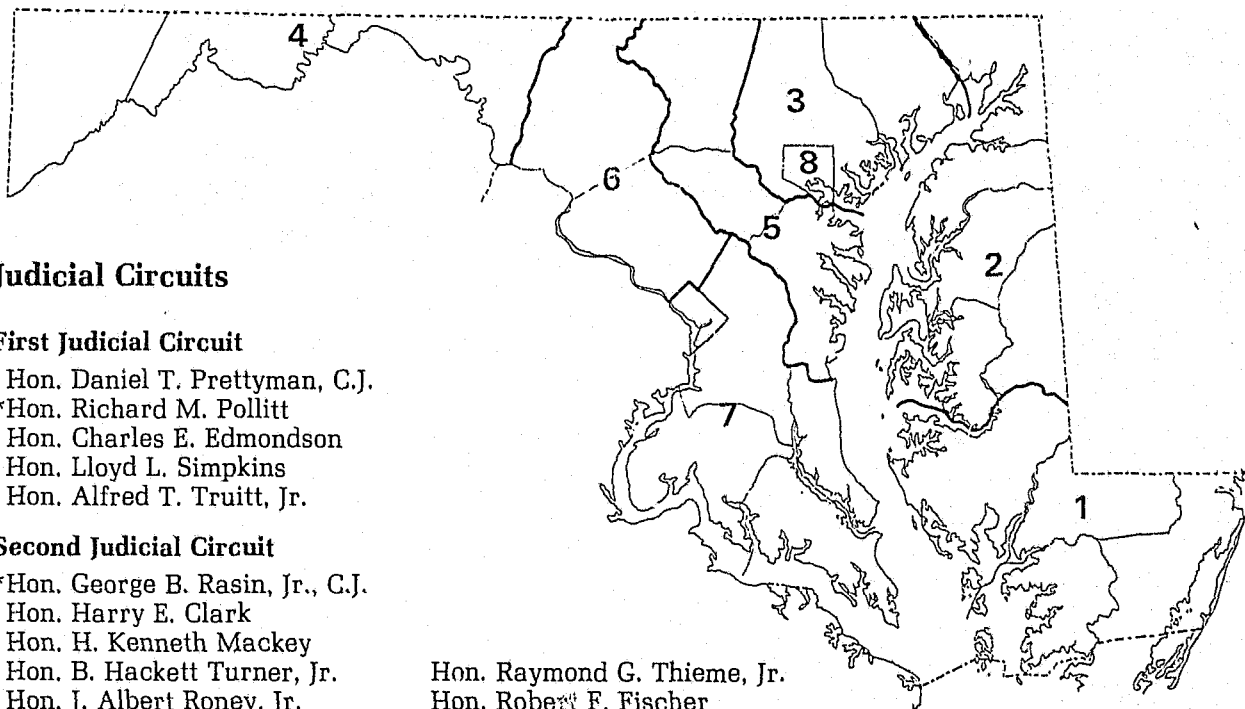
### Appellate Judicial Circuits

#### Court of Appeals

Hon. Robert C. Murphy, C.J. (2)  
Hon. Marvin H. Smith (1)  
Hon. J. Dudley Digges (4)  
Hon. John C. Eldridge (5)  
Hon. Charles E. Orth, Jr. (6)  
Hon. Harry A. Cole (6)  
Vacancy (3)

#### Court of Special Appeals

Hon. Richard P. Gilbert, C.J. (6)  
Hon. James C. Morton, Jr. (5)  
Hon. Charles Awdry Thompson (1)  
Hon. Charles E. Moylan, Jr. (At Large)  
Hon. Rita C. Davidson (At Large)  
Hon. John P. Moore (3)  
Hon. Thomas Hunter Lowe (At Large)  
Hon. Ridgely P. Melvin, Jr. (At Large)  
Hon. David T. Mason (At Large)  
Hon. Solomon Liss (6)  
Hon. Alan M. Wilner (At Large)  
Hon. James F. Couch, Jr. (4)  
Hon. H. Kemp MacDaniel (2)



**Judicial Circuits**

**First Judicial Circuit**

- Hon. Daniel T. Prettyman, C.J.
- \*Hon. Richard M. Pollitt
- Hon. Charles E. Edmondson
- Hon. Lloyd L. Simpkins
- Hon. Alfred T. Truitt, Jr.

**Second Judicial Circuit**

- \*Hon. George B. Rasin, Jr., C.J.
- Hon. Harry E. Clark
- Hon. H. Kenneth Mackey
- Hon. B. Hackett Turner, Jr.
- Hon. J. Albert Roney, Jr.
- Hon. K. Thomas Everngam

**Third Judicial Circuit**

- Hon. John E. Raine, Jr., C.J.
- Hon. John N. Maguire
- Hon. Walter R. Haile
- Hon. Albert P. Close
- \*Hon. Frank E. Cicone
- Hon. Edward D. Higinbotham
- Hon. Marvin J. Land
- Hon. Edward A. DeWaters Jr.
- Hon. William R. Buchanan
- Hon. Brodnax Cameron, Jr.
- Hon. Paul E. Alpert
- Hon. Cullen H. Hormes
- Hon. Austin W. Brizendine, Sr.

**Fourth Judicial Circuit**

- \*Hon. Irvine H. Rutledge, C.J.
- Hon. Harold E. Naughton
- Hon. James S. Getty
- Hon. Frederick A. Thayer, III
- Hon. John P. Corderman

**Fifth Judicial Circuit**

- Hon. James Macgill, C.J.
- Hon. Edward O. Weant, Jr.
- \*Hon. E. Mackall Childs
- Hon. James L. Wray
- Hon. Morris Turk
- Hon. Nathaniel W. Hopper
- 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.

**Sixth Judicial Circuit**

- Hon. Robert E. Clapp, Jr., C.J.
- \*Hon. Joseph M. Mathias
- Hon. Plummer M. Shearin
- Hon. Samuel W. Barrick
- Hon. H. Ralph Miller
- Hon. David L. Cahoon
- Hon. John F. McAuliffe
- Hon. Philip M. Fairbanks
- Hon. John J. Mitchell
- Hon. Richard B. Latham
- Hon. Stanley B. Frosh
- Hon. William M. Cave

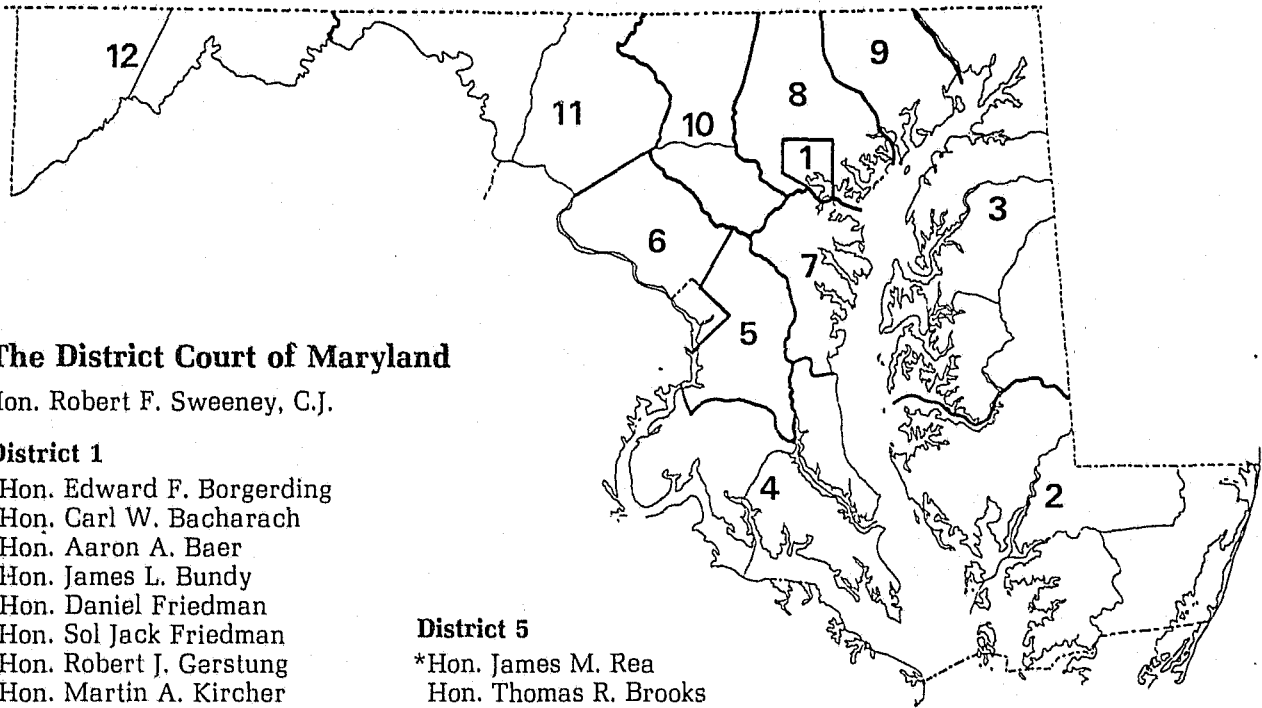
**Seventh Judicial Circuit**

- \*Hon. Ernest A. Loveless, Jr., C.J.
- Hon. Perry G. Bowen, Jr.
- Hon. Samuel W. H. Meloy
- 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

**Eighth Judicial Circuit**

- Hon. Anselm Sodaro, C.J.
- Hon. Shirley B. Jones
- Hon. J. Harold Grady
- Hon. Albert L. Sklar
- Hon. James A. Perrott
- Hon. Robert I.H. Hammerman
- Hon. David Ross
- Hon. Paul A. Dorf
- Hon. Joseph C. Howard
- Hon. Basil A. Thomas
- Hon. Robert B. Watts
- Hon. James W. Murphy
- Hon. Marshall A. Levin
- \*Hon. Robert L. Karwacki
- Hon. John R. Hargrove
- Hon. Mary Arabian
- Hon. Martin B. Greenfeld
- Hon. Milton B. Allen
- Hon. Joseph H.H. Kaplan
- Hon. Edgar P. Silver
- Hon. Solomon Baylor
- Hon. Elsbeth Levy Bothe

\*Circuit Administrative Judge



## The District Court of Maryland

Hon. Robert F. Sweeney, C.J.

### District 1

\*Hon. Edward F. Borgerding  
 Hon. Carl W. Bacharach  
 Hon. Aaron A. Baer  
 Hon. James L. Bundy  
 Hon. Daniel Friedman  
 Hon. Sol Jack Friedman  
 Hon. Robert J. Gerstung  
 Hon. Martin A. Kircher  
 Hon. I. Sewell Lamdin  
 Hon. Harold Lewis  
 Hon. Vern J. Munger, Jr.  
 Hon. William H. Murphy, Sr.  
 Hon. Alan M. Resnick  
 Hon. Jerome Robinson  
 Hon. Henry W. Stichel, Jr.  
 Hon. James J. Welsh, Jr.  
 Hon. Robert M. Bell  
 Hon. Joseph A. Ciotola  
 Hon. Hilary D. Caplan  
 Hon. Allen B. Spector  
 Hon. Blanche G. Wahl  
 Hon. Richard O. Motsay

### District 2

\*Hon. Edward O. Thomas  
 Hon. Robert W. Dallas  
 Hon. William B. Yates, II  
 Hon. Robert D. Horsey

### District 3

\*Hon. Clayton C. Carter  
 Hon. Kenneth A. Wilcox  
 Hon. Walter E. Buck, Jr.  
 Hon. William Dunbar Gould  
 Hon. John C. North, II  
 Hon. L. Edgar Brown

### District 4

\*Hon. David A. Harkness  
 Hon. William O.E. Sterling  
 Hon. Richard John Clark

### District 5

\*Hon. James M. Rea  
 Hon. Thomas R. Brooks  
 Hon. Sylvania W. Woods  
 Hon. Irving H. Fisher  
 Hon. Graydon McKee, III  
 Hon. Francis A. Borelli  
 Hon. Bond L. Holford  
 Hon. Louis J. Ditrani  
 Hon. Bess B. Lavine

### District 6

\*Hon. Calvin R. Sanders  
 Hon. L. Leonard Ruben  
 Hon. Douglas H. Moore, Jr.  
 Hon. John C. Tracey  
 Hon. Charles W. Woodward, Jr.  
 Hon. Stanley Klavan  
 Hon. Martin S. Becker  
 Hon. Rosalyn B. Bell  
 Hon. James S. McAuliffe, Jr.

### District 7

\*Hon. Thomas J. Curley  
 Hon. Robert S. Heise  
 Hon. Vernon L. Neilson  
 Hon. George M. Taylor  
 Hon. Martin A. Wolff  
 Hon. Robert N. Lucke, Sr.

### District 8

\*Hon. William T. Evans  
 Hon. J. William Hinkel  
 Hon. Edward D. Hardesty  
 Hon. James E. Kardash  
 Hon. Werner G. Schoeler

Hon. Fred E. Waldrop  
 Hon. David N. Bates  
 Hon. Gerard W. Wittstadt  
 Hon. John P. Rellas  
 Hon. James S. Sfekas  
 Hon. John F. Fader, II  
 Hon. William S. Baldwin

### District 9

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

### District 10

\*Hon. J. Thomas Nissel  
 Hon. Raymond J. Kane, Jr.  
 Hon. Donald M. Smith  
 Hon. Luke K. Burns, Jr.

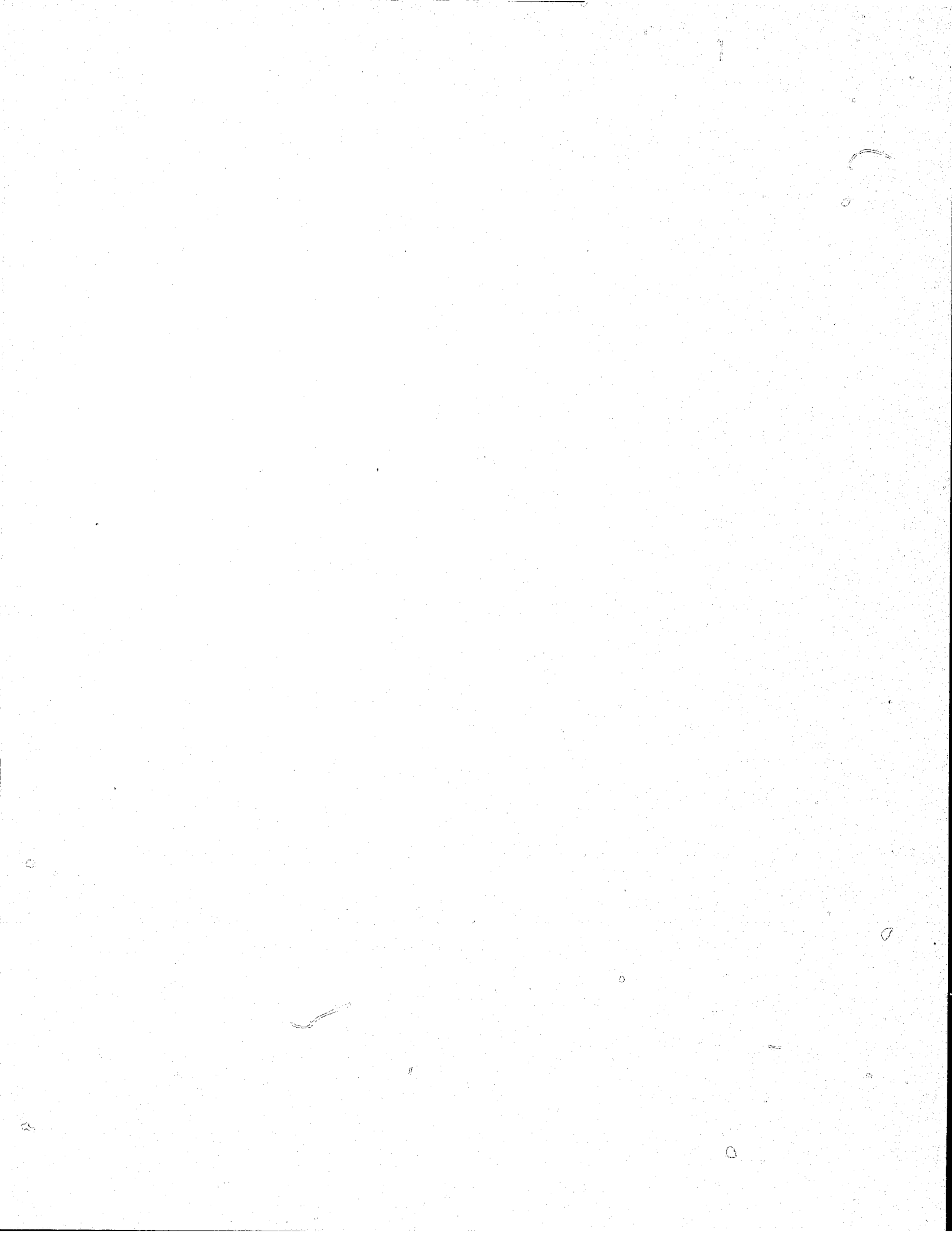
### District 11

\*Hon. Frederick C. Wright, III  
 Hon. J. Louis Boublitz  
 Hon. Stanley Y. Bennett  
 Hon. William W. Wenner

### District 12

\*Hon. Lewis R. Jones  
 Hon. Miller Bowen  
 Hon. Milton Gerson

\* District Administrative Judge



**END**