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JUDICIAL ADMINISTRATION IN MARYLAND — THE ADMINISTRATIVE OFFICE OF THE COURTS†

By ROBERT G. DIXON, JR.

PRESENT AND POTENTIAL ROLE OF ADMINISTRATIVE OFFICE

Certain aspects of the Maryland Administrative Office have been dealt with in preceding sections. It is appropriate now to note the relation of the Office to the administrative powers and problems of the judicial system as a whole, to review accomplishments of the Office to date, and to indicate possible lines of future development.

1. Relation to Administrative Powers and Problems at Circuit Level

As the foregoing review of existing administrative powers and practices in the Maryland judiciary has indicated, the present scene is marked by a lack of integration. There is a lack of clear lines of authority and responsibility in the fields of personnel and finance. There is disuniformity in many basic practices in the fields of finance, personnel, records. More importantly, there has been a basic lack of information regarding the work load of the courts, the administrative methods, the comparative performance of clerks and of judges, the distribution of judicial business, physical facilities, and similar matters.

The Administrative Office, and the Chief Judge himself, are not responsible for the system of locally elected clerks. But the Administrative Office can make one of its most

† The Second of two instalments, the first of which appeared in Issue No. 2, p. 95, supra.
helpful contributions through use of the power of fact gathering and recommendation. The periodic reporting and careful analysis of judicial statistics, which is just beginning, is one element. Equally important are field studies of administrative methods and judicial practices. The survey of the clerks' offices and courts made by Professor Invernizzi in the year preceding the creation of the Administrative Office is illustrative of the utility of this method. Matters covered, as indicated in the report to the Judicial Conference included kind, number, and content of dockets, methods of filing, court attendants, local rules of court, use of pre-trial procedure, staffing of clerks' offices, court house facilities, financing of clerks' offices and courts, use of jurors' manuals, Circuit Court libraries, handling of juvenile causes, use of juries, processing of fiduciary reports, assignment of cases for trial, keeping of land records, practice of charging advance costs. Out of such investigations can come informal suggestions for improvement, and for more complicated matters, manuals of administrative procedure.

One example of a concrete problem turned up by the survey was the matter of the Circuit Court libraries. The clerks' offices have a special function in regard to these libraries in the counties. Half of all fines collected and recognizances forfeited are paid to the clerks for a special library account from which books are purchased under the direction of the judges. Some counties augment the funds if the fines do not total a specified minimum. The degree of supervision of the library by the judges, the clerk, the county, and the Bar Association varies considerably from county to county. It may be a matter ripe for centralized administrative direction.

187 Tenth Annual Conference of the Judicial Council (sic) of Maryland, op. cit., supra, n. 67.
188 Md. Code (1951 and 1955 Supp.) Art. 38, §5(a)-(d), Queen Anne's, Anne Arundel and Talbot counties are exempt from this section. Also, for Baltimore City there is a different provision, where one half of certain fines and recognizances up to a maximum of $20,000 go to the Library Company of the Baltimore Bar.
189 Ibid. Prince George's county imposes a ceiling of $2,000. Code of P. L. L. of Prince George's County (1963), §287.
One mechanism that already exists to aid the Director in developing recommendations from the basic data, and in implementing them, is the Judicial Conference. Another, it seems, should be an annual conference of the clerks themselves. It is significant that in an era addicted to the development of professional standards for specific types of governmental functions through the formation of associations, e.g., the annual police, fire, and assessors' institutes on the main campus of the University of Maryland, the Maryland court clerks have not been brought together regularly.

The Director of the Administrative Office called a conference of Maryland court clerks for May 18, 1956, to discuss matters dealing with his function, particularly the statistical reporting forms. Such a clerks' conference on an annual basis would be a logical next step in the process of systematizing the Maryland court system begun by the Bond Amendments. The conference would foster creative thought on common problems and promote a spirit of cooperation and joint responsibility between the Administrative Office and the clerks in the field of judicial administration.

Another important step would be to develop a custom of regular meetings during the year of the Chief Judge of the Court of Appeals and the Chief Judges of the circuits, the latter being the senior judges in length of service in each circuit. The circuit title of "Chief Judge" has been purely honorific since the Bond Amendments in 1944 relieved these judges of their function of sitting on the Court of Appeals. As part of the present movement to improve judicial administration in Maryland it might be well to consider investing the chief judges in the circuits with some administrative authority and responsibility. In this connection it may be noted that there was a special conference of circuit Chief Judges, May 14, 1956, initiated by the State Roads Commission and called through the Administrative Office. The purpose was to consider the steps, if any, to be taken under a law enacted by the General Assembly in 1956 which imposes on the circuit judges the

duty of appointing Boards of Property Review in condemnation proceedings.\textsuperscript{141}

2. Judicial Statistics — Introduction

The judicial statistics compiled by the Administrative Office and presented to the annual Judicial Conference in January, 1956, are a landmark in the history of judicial administration in Maryland.\textsuperscript{142} A few \textit{ad hoc}, partial compilations had been made previously\textsuperscript{143} but the presentation of the Administrative Office is the first general compilation and marks the beginning of what is planned as a regular reporting system.

The Director's compilation is in two parts. The first part consists of five year summaries derived principally from the reporting system instituted by Chief Judge Marbury before the creation of the Administrative Office and never previously analyzed and published. In this part are (1) a five year summary, September 1, 1950, through August 31, 1955, of law, equity, and criminal cases filed and terminated in the eight judicial circuits; (2) a similar five year summary for juvenile cases; (3) a table of the special assignments of judges, 1950-1955.

The second part is based on the new reporting system inaugurated by the Director on September 1, 1955. The plan is to gather data for the period September 1 through August 31 and to present an annual report and compilation to the Judicial Conference each January. The statistics based on the new reporting system which were presented to the Judicial Conference in January, 1956, are therefore preliminary,\textsuperscript{143a} because they cover only the first three

\textsuperscript{141} Art. 89B, §9H, as added by Md. Laws 1956, Ch. 59. See n. 1, \textit{supra}, for a comment concerning the constitutionality of this statute.


\textsuperscript{143} Maryland Judicial Council and Johns Hopkins Institute of Law, \textit{op. cit., supra}, n. 21; Brune and Strahorn, \textit{The Court of Appeals of Maryland — A Five-Year Case Study}, 4 Md. L. Rev. 343 (1940); Burke Commission, Report (1953).

\textsuperscript{143a} In submitting his compilation, the Director sounded the following note of caution, which likewise applies to the "three month" tables reproduced in this article:

"The statistical tables presented here were prepared specifically for the Eleventh Annual Judicial Conference to be held in Baltimore, Mary-
months of the "reporting year". The tabulations in the second part of the report include (1) a summary of the activity of the Court of Appeals in the first part of the October Term, 1955 (to December 31, 1955); (2) law, criminal and equity cases filed in the eight judicial circuits, September 1, 1955, through November 30, 1955, and terminations within this period of cases filed within this period, excluding terminations of previously filed cases in order to start with a "clean slate"; (3) percentage distribution tables giving substantive breakdowns for kind of case in this same period, e.g., motor tort, divorce, assault; (4) summary of law, criminal, and equity trials held in this same period, broken down by jury and non-jury, and by individual judge, and also giving time averages from date case filed to date of trial; (5) juvenile cases pending at beginning of this period and filed during this period, and breakdown on manner of disposition for cases concluded.

Judicial statistics are not being collected from the special and minor courts, viz., the Orphans' Courts, People's Courts, and the Trial Magistrates.

Reporting forms now in use include the following: (1) quarterly report from the Court of Appeals showing nature of cases and the dates for the various stages of processing; (2) monthly report of law, equity, juvenile, and criminal cases filed, terminated, and pending; (3) monthly report of trials, recorded by case with indication of date of trial and judge before whom tried; (4) quarterly report from judges showing cases heard, written and oral opinions, and cases in which decision has been reserved.

3. Judicial Statistics — Circuit Level

Indications of Backlog. The five year summaries in the Preliminary Compilation of filings and terminations in the eight circuits are of special interest because they contain

land, on January 19 and 20, 1956. However, inasmuch as we were limited to data for this three-month-period (this office did not begin full operation until September 1st), we realize that these statistics cannot possibly show a true picture of the work of the courts of this State and we do not present them with that intention. Their purpose is simply to demonstrate the type of information which we are receiving at this time and which may be used in our future annual reports to the Chief Judge of the Court of Appeals of Maryland."
the best available information on the questions of case backlog, and on annual rate of terminations. Figure Two (p. 214) is a special computation derived from the Preliminary Compilation designed to show, by counties and by circuits, the net additions to backlog in the five year period, the net additions to backlog added in the most recent year, and the total number of cases terminated in the most recent year. The last named figure may be viewed as some indication of the annual "termination capacity" of each county and each circuit. There is no information on the amount of backlog at the beginning of this five-year period.

It may be noted that in most of the circuits the number of cases terminated in the most recent year is substantially smaller than the net amount of backlog added in the five-year period, in some instances the figure being only half the size of the backlog. In other words, in some circuits the backlog appears to be almost twice as large as the annual "termination capacity". This would seem to mean that in such a circuit it would take almost two years of work to get rid of the five-year backlog even if there were a complete moratorium on adding new cases. In the Third and Seventh Circuits the backlog appears to be three or four times as large as the annual "termination capacity".

Several cautions should be observed before reaching conclusions such as those suggested above. First, the basic data reported may be quite inaccurate. Second, if accurate so far as the docket entries are concerned, the figures still may be misleading as an indication of the true amount of backlog. Many of the docketed cases may be ones which are actually "dead", but which for one reason or another have not been removed from the dockets. A strong indication that such must be the case derives from the fact that in Baltimore City (Eighth Circuit) which shows up fairly well in Figure Two (p. 214) the average time lapse between filing and trial for law cases, jury and non-jury, is

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144 Burke Commission, Report 81, 85 (1953).
145 In considering the figures for the Eighth Circuit it must be borne in mind that the cases in the three law courts, Superior, Common Pleas, and City, are now being pooled for purposes of trial under the new Assignment Office. See text discussion, supra, circa, n. 127, et seq.
17 months, while in the Seventh Circuit which shows up poorly in Figure Two the average time lapse between filing and trial is only 8.2 months. (Figure Three, p. 215, for time averages for all circuits.) A still further caution needed is that these average time lapse figures are themselves based only on a three month period.

Before relying on the above backlog and "termination capacity" figures, a check would have to be made to ascertain how much of the backlog is deadwood. This can be done feasibly only by instituting a call of the docket. Meanwhile, the average time lapse figures for trials may be the best indication of actual congestion in litigation. Reliance on these figures leads to the hypothesis that in some circuits fewer than half of the docketed cases represent controversies which the parties intend to litigate.¹⁴⁶

Current Data. The new data in the second part of the compilation on cases filed, terminated, and pending in the circuits covers too short a period, September 1, 1955, through November 30, 1955, to be of great significance, but may indicate some trends. Taking the data at face value (Figure Four, p. 216), it is apparent that in most of the circuits fewer than half of the total cases and appeals filed within this period were disposed of within this period. (Note: Termination data do not include termination of cases and appeals filed prior to September 1, 1955.) This indication of a tremendous buildup of backlog within a three month period must be discounted, however, by certain considerations. First, at the end of the summer lull, new case filings tend to be high and dispositions low, a relationship which tends to be modified or reversed in other parts of the year. Second, the confinement of the termination figures to cases filed within this period distorts the picture because terminations often lag more than three months behind the filing date.

There is no tabulation showing number of terminations since September 1, 1955, of cases filed previous to this date.

¹⁴⁶ In his report to the Judicial Conference on his survey of the Circuit courts, Prof. Invernizzi stated that parties could get a trial in two to four months if they really wanted it. Tenth Annual Conference of the Judicial Council (sic) of Maryland, supra, n. 67, at 52, et seq.
The reason is the desire to make a fresh start under the new reporting forms which were put into use on this date. Therefore, it will not be known with certainty for some time what progress if any the circuits are making in reducing the big backlog of cases whose existence is indicated by the five-year summaries (Figure Two, p. 214).

However, the time averages computed from the monthly report of trials will throw light on the disposition of pre-September 1, 1955, cases. The trial reports inaugurated by the Administrative Office are all-inclusive, covering trials in cases filed before September 1, 1955, as well as cases filed after that date. From the monthly report of trials, each case being reported individually, the Office computes the average time interval in months between date of filing of the case and date of trial (Figure Three, p. 215). It is evident, especially in the Eighth Circuit (Baltimore City) that much of the trial work is on old cases. From the monthly report of trials it would be possible to tabulate the actual number of terminations of pre-September 1, 1956, cases. It may be advisable to make such a tabulation at periodic intervals in this interim period between the old and the new reporting systems.

The substantive breakdowns of cases filed, which are now part of the reporting system, may be instructive as to trends in litigation despite the short period used. Law cases are broken down under seven categories (Figure Five, p. 217). As might be expected, "motor torts" outnumber "other torts" by amounts ranging from about three to one up to almost ten to one, except in the Fifth Circuit where "other tort" represents 11.3 per cent of the cases and "motor torts" only 8.8 per cent. The figures for law cases other than these two tort categories range widely. For example, in the Fourth Circuit "other contract" is reported as only 2 per cent of the total cases, whereas in the Seventh Circuit the figure is 12.3 per cent and in no other circuit is the figure less than 21 per cent.

Criminal cases are broken down under seventeen categories (Figure Six, p. 218). The leading crimes in the state
totals are forgery-false pretenses, assault and assault robbery, and burglary.

The data being reported monthly by the clerks and quarterly by the judges to the Administrative Office on trials, in addition to showing time averages (Figure Three, p. 215), indicates the trial work of each judge. These figures show extreme variations in the number and kinds of trials held by each judge. In view of the short period covered and the lack of additional information, it has been deemed inadvisable to arrange the data in the Preliminary Compilation into a summary table on judges' workload. Relevant qualifying factors not shown — and some are impossible to be shown — in the Preliminary Compilation include: (1) absence from bench, and reasons for absence; (2) qualitative differences of the cases inside the major break-down categories of law-jury, law non-jury, etc.; (3) amount of non-trial work by the judges, e.g., hearing of motions, handling of juvenile cases in those circuits where such cases are handled at the circuit level rather than at the trial magistrate level, special service such as that of the Assignment Judge in the Eighth Circuit (Baltimore City). For all of these reasons the data on trial work of the judges, needs to be handled with great caution as an index of real workload.

4. Judicial Statistics — Court of Appeals

From the colonial period down to the 1870's the Court of Appeals had a serious problem of a large carry-over of business from term to term, but popular criticism, some new provisions in the Constitution of 1867, and a willing spirit on the part of the judges solved the problem.\textsuperscript{[147]} Now, instead of a carry-over problem, the Maryland Court of Appeals is proud of its tradition of keeping current with its docket. The constitutional provisions state that the Court of Appeals shall sit "not less than ten months in each year, if the business before it shall so require";\textsuperscript{[148]} that "all cases shall stand for hearing at the first term after the trans-

\textsuperscript{[147]} Bond Commission, Interim Report 5 (1942).
mission of the record”,¹⁴⁹ and that “in every case an opinion, in writing, shall be filed within three months after the argument, or submission of the cause”.¹⁵⁰ The last-named provision was held to be directory and not mandatory in McCall's Ferry Co. v. Price,¹⁵¹ and the first two provisions would appear to fall in the same category. The delay at issue in the Price case was due to illness of one of the judges and in denying motion for re-argument on ground of violation of the constitution the Court said:

"Courts should not allow trivial causes to interfere with a compliance with a constitutional or statutory direction, but there may be, as there was in this case, perfectly valid reasons for not technically complying with such requirements as this."¹⁵²

In this field practice is more important than legal theory. Testimony to the tradition of keeping current is found in Doctor Reiblich's, A Study of Judicial Administration in Maryland:

"In accord with the constitutional provision . . . it has become a tradition of the Court of Appeals that it never adjourns with an untried case on its docket unless the case goes over at the request of counsel for illness or some other like cause. That means that all cases are heard at the term to which they are docketed, and the opinion is in nearly all cases filed within two months after hearing."¹⁵³

At present, under Rule 26, the Court holds one term annually, beginning on the first Monday in October in each year and continuing until the beginning of the next term. Under Rule 10, Sec. 6, upon receipt of the record, the clerk is to "enter the case upon his docket as of the term during which it is received, but all records received on or after April first in any year shall be entered by the clerk as of the term commencing on the first Monday in October in such year". Court of Appeals, Rules and Regulations Respecting Appeals, Rule 26 (Md. Code (1951), p. 4827); Rule 10, §6, (Md. Code Supp. (1955), p. 709).
¹⁵⁰ Md. Const., §15, ibid.
¹⁵¹ 108 Md. 96, 69 A. 832 (1908).
¹⁵² Ibid, 113. Also see Johns v. Johns, 20 Md. 58, 61 (1863), concerning the requirement of written opinions.
¹⁵³ REIBLICH, A STUDY OF JUDICIAL ADMINISTRATION IN MARYLAND (1929) 89. Also see I POE, PLEADING AND PRACTICE (5th ed., 1925), 7, Sec. 12: "... in Maryland the docket is regularly disposed of every term; and it seldom happens that, except by the consent of the parties, an appeal is kept pending as long even as a year. Indeed, when parties are diligent in securing the prompt transmission of the record, it is a common occurrence for cases to be heard in our Court of Appeals within thirty days after the decision of the court below."
In the report of the Bond Commission in 1942 there is similar testimony:

"... now all cases on the docket of each term of court are heard and decided before the adjournment of the term."

The Court of Appeals is still maintaining its tradition of speedy dispatch of its function. In the partial report for the October Term, 1955 (reported period covering only first three months, October 1, 1955, through December 31, 1955) the figures show that 160 cases had been docketed of which 60 had been disposed of by December 31. The average time intervals for the appealed cases decided were as follows: (1) from date suit filed in initial court to decision in Court of Appeals, 21.1 months; (2) from date of judgment in lower court to decision in Court of Appeals, 8.0 months; (3) from date case docketed in Court of Appeals to date of decision, 5.0 months; (4) from date of argument in Court of Appeals to decision, 1.0 month.

The appeals are markedly concentrated by source. Baltimore City (72) and the three most populous counties in direct order of population, Baltimore (22), Prince George's (21) and Montgomery (11) accounted for 126 of the 160 appeals docketed as of December 31. In terms of an appellate circuit distribution, the Fourth Appellate Judicial Circuit (Baltimore City) with two judges on the Court had 72 appeals; the Second Appellate Judicial Circuit (including both the first and second most populous counties, Baltimore and Prince George's) with one judge on the Court had 52 appeals; the Third Appellate Judicial Circuit (including the third most populous county, Montgomery) with one judge on the Court had 22 appeals; the First Appellate Judicial Circuit (Eastern Shore) with one judge on the Court had only 10 appeals. From five counties there were no appeals (unless among four unidentified appeals dismissed and records returned prior to Administrative Office

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155 Preliminary Compilation — 1956, 15-16. These figures, and those which follow, do not include habeas corpus cases. See habeas corpus discussion, infra, n. 159.
Of the 40 cases decided as of December 31, 1955, four subject-matter categories accounted for 21 of the cases, viz., negligence, 8; contract, 7; criminal, 4; workmen's compensation, 4. Other subject-matter categories were: condemnation, 1; declaratory judgment, 2; foreclosure, 2; injunction, 3; divorce and alimony, 2; mechanics lien, 2; municipal law, 1; public officer, 1; taxation, 1; zoning, 1.

By February 27, 1956, when, in response to request from the Chairman of the House Judiciary Committee, the Director sent a special communication on the work of the Court of Appeals,\(^\text{156}\) the number of appeals docketed had risen from 160 to 198, but the rate of dispositions had also risen so that the number of cases not yet heard had fallen from 100 to 61. The communication also stated that opinions had been filed in all cases heard prior to January 1, 1956, and that opinions had been written though not filed in all cases heard in January, 1956.

The communication was evoked by a suggested constitutional amendment to change the size of the Court of Appeals from five to seven by adding an extra judge in Baltimore City and an extra judge in the present Second Appellate Judicial Circuit by splitting that circuit.\(^\text{157}\) The Director questioned the need for the suggested increase in Court of Appeals membership on the grounds that the Court as presently constituted kept current in its work and that an increase in size would increase the time needed for consultation.\(^\text{158}\) The figures reported indicated that the number of opinions (excluding habeas corpus) delivered by the Court of Appeals in recent years were: October Term, 1954, 161 of which 153 were majority; 1953, 162 of which 157 were majority; 1952, 163 of which 155 were majority; 1951, 191 of which 183 were majority; 1950, 173 of which 159 were majority.

\(^\text{156}\) Letter from Frederick W. Invernizzi, Director, to the Honorable Lloyd Simpkins, Chairman of the Judiciary Committee of the House of Delegates, Feb. 27, 1955, Files of Administrative Office.
\(^\text{157}\) Senate Bill No. 80, introduced Feb. 8, 1956.
\(^\text{158}\) Director's letter, supra, n. 156. The measure was not passed.
None of the above figures in regard to the Court of Appeals include habeas corpus matters, of which the Court annually receives an appreciable number. Under Maryland habeas corpus practice a petitioner who is denied the writ by one judge at the Circuit level may go down the list and file successive petitions with all the other Circuit level judges in the state. After any denial petitioner may elect to apply to the Court of Appeals for leave to appeal. If petitioner is discharged, the state may apply for leave to appeal. The constitutional requirement of written opinions by the Court of Appeals in all cases is deemed to apply to habeas corpus proceedings. Accordingly, a short opinion is written for each case, either at the time the application for leave to prosecute an appeal is denied, or at the time the appeal is disposed of if leave to appeal is granted. For the first three months of the October Term, 1955 (through December 31, 1955), there were 23 applications for leave to appeal in habeas corpus cases of which 2 were granted, 8 denied with opinions, and 14 pending.

5. Judicial Statistics — Juvenile

The Circuit Courts in general have juvenile jurisdiction with the following exceptions. In the Fourth Circuit the Circuit Court for Garrett county and the Trial Magistrates have concurrent juvenile jurisdiction; the Circuit Courts for Allegany and Washington counties do not have juvenile jurisdiction but their reports under the old reporting system prior to September 1, 1956, showed appeals from Trial Magistrates in juvenile causes. In the Sixth Circuit, the Circuit Court for Montgomery County does not have juvenile jurisdiction and their reports prior to September 1, 1956, showed no appeals from the Trial Magistrates (now

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replaced by a People's Court). In the Seventh Circuit, the Circuit Court for Prince George's County does not have juvenile jurisdiction but does report what are apparently appeals from the Trial Magistrates in juvenile causes. In the Eighth Circuit, Baltimore City, there is a Division for Juvenile Causes attached to the "Circuit Court of Baltimore City", which is one of the two special equity courts and not a court of general jurisdiction like the Circuit Courts for the counties.

Juvenile data is given separately in the Preliminary Compilation. Five-year circuit totals, 1950-1955, for juvenile cases filed, bearing in mind the above qualifications, are as follows: First Circuit, 561; Second Circuit, 1,692; Third Circuit, 5,049; Fourth Circuit, 85; Fifth Circuit, 3,314; Sixth Circuit, 149; Seventh Circuit, 521; Eighth Circuit, 20,685. Thus it can be seen that in some circuits the juvenile work is voluminous. Because of the division of jurisdiction between the Circuit Courts and the Trial Magistrates the Administrative Office's reporting system, which does not go below the Circuit level, does not give an indication of the total number of juvenile cases in the state.

In the current figures given in the second part of the Preliminary Compilation, based on the reporting system since September 1, 1956, all the county circuits are lumped together as one group with Baltimore City as the other group. For Baltimore City the total number of cases pending August 31, 1955, and filed through November 30, 1955, was 1,752; total number of cases concluded was 1,119. For the seven county circuits the total filed and pending was 683; concluded, 550.

There are no breakdowns as to the nature of the case, other than the three major headings of (1) delinquency — which accounted for 63.9 per cent of juvenile cases for the state as a whole; (2) dependent and neglected children — 28.5 per cent; and (3) adult matters — 7.6 per cent. Disposi-

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162 Ibid., at 40. Detailed information on juvenile and youth cases in Baltimore City is available in the annual reports of the Division of Juvenile Causes and the Youth Court. Annual reports are also prepared by the Probation Department of the Circuit Court in some counties.
tions were broken down under ten headings, the last three of which apply only to proceedings against adults. The headings are as follows, with the figures for the “delinquency” cases in Baltimore City being given for illustration: (1) probation, 211 cases; (2) charge not sustained — not guilty, 200; (3) charge sustained — dismissed with warning, 191; (4) institutional commitment, 139; (5) commitment to public or private agency, 53; (6) jurisdiction waived, 4; (7) other conclusions, 0; (8) fined, 0; (9) sentence suspended, 0; (10) sentenced, 0.

7. Judicial Statistics — Quarterly Reports from Judges

A vital aspect of the new statistical system for administrative purposes, although not included in the Preliminary Compilation, is the system of quarterly reports by the individual judges on number of cases, motions, and citations heard alone and heard with other judges. The reports distinguish jury and non-jury cases and are broken down under the major headings of law, criminal, equity, and juvenile. A particularly important part of this quarterly report is the requirement to report undecided cases, motions, and demurrers in which more than 31 days have elapsed since hearing, and also those in which more than 60 days have elapsed. For undecided matters more than 60 days old, the judge is to give the title of the case, date of trial or hearing, and reason for delay.\(^{163}\) The aim of the Administrative Office is to tabulate the reports and send the consolidated tabulation to all judges within one month after the end of each quarter.

This system relies more on the internal control of professional standards than on external control by directives from the Chief Judge. Of course, personal inquiry by the Chief Judge is not precluded.

The quarterly reports from the judges may be checked against the monthly reports of the clerks for mutual verification insofar as the reports cover the same data. They also

indicate need for assignments of judges and availability for assignments, discussed below.

8. Assistance to Chief Judge in Assignment of Judges

The constitutional and statutory provisions for the assignment power of the Chief Judge have been analyzed above. Until 1954 the assignment power was exercised most sparingly. Chief Judge Marbury reported in 1951 that assignments of judges up to the Court of Appeals had occurred three times as of that date, and mentioned two instances of assignments for special duty at the Circuit level.

The Preliminary Compilation tabulates the assignments for the five-year period, 1950-1955, as follows: 1950 — 1; 1952 — 2; 1953 — 1; 1954 — 17; 1955 — 21. The sharp rise in 1954 coincided with the developments which led up to the creation of the Administrative Office. Disregarding the duration of assignments and looking only at the number of assignments in the five year period, 1950-1955, the Preliminary Compilation shows that Baltimore City was the recipient of 17 assignments. The Third Circuit, which includes Baltimore County, received 13 and the Court of Appeals received seven. These three accounted for 37 of the 42 assignments reported. The inter-circuit assignments were for varying periods. Each of the assignments to the Court of Appeals was for one case only, except for one assignment in 1951 which was for three cases.

The initiative for making assignments may come from the Chief Judge of a circuit who may request assignment to his circuit of a particular judge. If no judge is requested by name, the Director then may have the function of checking availability. However initiated, assignments are implemented by written order signed by the Chief Judge, or, in his absence, by the senior judge present on the Court of Appeals.

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164 See text, supra, circa, n. 133, et seq.
166 Preliminary Compilation — 1956, 14.
Criteria used in making selections may be both objective and subjective. Objectively, the data in the judges' quarterly reports and the clerks' monthly report of trials would serve to indicate availability. For assignments to the Court of Appeals, ability in opinion writing would appear to be an important consideration. A further consideration could be geographic distance but this factor is minimized fortunately by provision of special funds for travel and lodging in the budget for the Court of Appeals.

Assignment up to the Court of Appeals is an honor and receptivity to such an assignment is accordingly high. To date there has been general cooperation in inter-circuit assignments.

Inside the Eighth Circuit (Baltimore City), where most of the trial work in the state is concentrated, the Supreme Bench has power to assign its members among the six major courts as needed, but in practice it has followed a rotation system. However, so far as the three “law” courts are concerned, the problem of matching up cases with available judges is being approached from the other end through the new office of Assignment Commissioner discussed above. The judges remain stationary but the cases are shifted among the courts. The Director of the Administrative Office has no special function in regard to rotation of judges among the courts in Baltimore, or the system for assignment of cases, but it may be expected that his statistical studies and recommendations will be of great assistance to the Supreme Bench in discharging its responsibilities in this field.

Inside the county circuits the Chief Judge in each circuit, who is the senior judge in length of service, has not been deemed to have any authority or responsibility for administrative matters in his circuit. As discussed above, as part of the present movement to improve judicial administration in Maryland, it might be well to consider investing

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168 See discussion in text, supra, circa, n. 127, et seq.

the chief judges in the circuits with some administrative authority. Were this done one of the functions which might be assumed by the circuit chief judges would be the function of operating a flexible system of assigning the judges to the various counties inside the circuit as needed. In discharging this function the chief judges would be assisted by the monthly and quarterly statistics collected by the Administrative Office. Indeed, without such a system, full use would not be made of the statistics while they were still “live”.

9. Assistance to Chief Judge and Legislature Regarding Need for Additional Judges

By amendment to Article IV, Section 21 of the Constitution in 1954 the General Assembly acquired discretionary power to increase or decrease the number of judges in any circuit or county by ordinary law. Some have feared that this amendment may open the door to a needless ballooning of the size of the judiciary through a series of agreements among county delegations, each seeking an additional circuit judge or two for its county. Such a result may not eventuate if due heed is paid to the statistics compiled by the Administrative Office. As a concomitant to its increased power over the size of the judiciary at the Circuit level, the legislature will have available to it reliable and detailed data on volume and trends in litigation. The legislature has had similar power for Baltimore City for many years under Article IV, Section 39 of the Constitution and it has worked satisfactorily.

10. Scope of Budgeting and Financial Authority

Prior to the creation of the Administrative Office, budget and finance matters for the judiciary were scattered through the state and local governmental system and to a large extent this situation continues. The Administrative

170 The existence of this power was previously in doubt. Burke Commission, Report 108-115 (1963), opinion of Hall Hammond, Attorney General, cited therein.
Office Act does contemplate an active role for the Director in this field. He is to:

"Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the Judicial system and make recommendations in respect thereto;

"Draw all requisitions for the payment out of state moneys appropriated for the maintenance and operation of the Judicial system;

"Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the Judicial system and offices connected therewith . . ."\textsuperscript{171}

The Administrative Office now has assumed the task of preparing the state "Judiciary Budget", formerly prepared by the Comptroller. This budget is more noteworthy for what it omits regarding judicial matters than what it includes. It consists of three programs: (1) Adjudication and Retirement; (2) Maryland Judicial Conference; (3) Administrative Office of the Courts.\textsuperscript{172}

The principal item in the Adjudication and Retirement program is the provision of salaries at the Circuit level, pensions, and widows' pensions for the entire judiciary. Prior to the salary increase voted in the 1956 General Assembly, the state provided salaries of $13,000 each for the Circuit judges and Baltimore City, subject to local supplementation in Baltimore City and some counties.\textsuperscript{173} As a result of the 1956 law,\textsuperscript{174} the minimum at the Circuit level will be $15,000. Baltimore City supplements this to bring the Chief Judge of the Supreme Bench to $20,000 and the Associate Judges to $19,500.\textsuperscript{175} The 1956 law brings the

\textsuperscript{172} Maryland State Budget — Fiscal 1957, submitted to General Assembly, February, 1956.
\textsuperscript{173} See ns. 98-100, supra, and text discussion.
\textsuperscript{175} The financing of the judges in Baltimore is peculiar, and to one who merely looks at the Maryland Code, deceptive. The new law of 1956 specifies a salary of $11,500 for the members of the Supreme Bench. Baltimore City adds $8,500 for the Chief Judge and $8,000 for the Associate Judges. Baltimore City Ordinances and Resolutions 1952-1953, No. 526, pp. 668-669. However, $3,500 of this is reimbursed by the state. See history of this formula.
Chief Judge of the Court of Appeals to $22,000 and the Associate Judges to $20,000.

The permissive power of local supplementation of judges' salaries is questionable in principle. All of the Circuit judges, including the Supreme Bench, are state constitutional officers of equal degree and with the same powers and duties. They meet together on an equal plane as the Maryland Judicial Conference. More importantly, the theory on which the assignment power of the Chief Judge rests is that the judges of the state are a pool of talent, selected locally but available for service outside the locality as needed. Salary disparities might operate to defer the free use of the inter-circuit assignment power. If a judge is assigned into a busy jurisdiction with a case overload, where because of the volume of the work and the wealth of the area the resident judges have received salary supplementation, the imported judge might well wonder why he should not receive salary supplementation too.

Minor, and illogical items, in the Adjudication and Retirement program of the Judiciary Budget are: (1) salaries of the six chief deputy clerks of the six courts under the Supreme Bench in Baltimore, (2) salary of the Trust Clerk under the Supreme Bench. The elected clerks of the six courts under the Supreme Bench are under the modified fee and deficiency appropriation system described above, and they appoint the chief deputy clerks. The Trust Clerk is appointed directly by the Supreme Bench.

The Maryland Judicial Conference received an appropriation of $500 in the 1956 budget. In the budget for 1957 (July 1, 1956 — June 30, 1957), which is the first Judiciary Budget prepared by the Administrative Office, the request was for $1,000 for reimbursement of judges for travel and

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There are some minor exceptions, e.g., juvenile jurisdiction is at the Trial Magistrate level, rather than the Circuit level in some counties. See text, supra, n. 160.

$700 for contractual services such as hotel space, reporting and transcription of the proceedings.\textsuperscript{178}

Requests for the Administrative Office of Courts itself for 1957, other than for salaries were: postage and telegraph, $300; travel, $500; contractual services, $1,000; supplies, $250.\textsuperscript{179} The salary item of $14,650 covered the Director, one stenographer-secretary, and one stenographer-accounting. The Director's salary is $12,000 with $3,750 of this carried in the budget of the Court of Appeals, where he is listed as Reporter to the Standing Committee on Rules, rather than in the budget for the Administrative Office.\textsuperscript{180}

Matters relating to the major courts\textsuperscript{181} which are outside the Judiciary Budget and therefore beyond the control of the Administrative Office include the following: (1) budget for the Court of Appeals, submitted by the Chief Judge; and (2) the following items at the Circuit Court-Supreme Bench level: (a) deficiency supplementation for clerks' offices; (b) court room attendants and equipment; (c) secretarial assistance to judges and judges' supplies.

The deficiency supplementation, which arises from the modified fee system for supporting the clerks and their offices and which is supervised by the Comptroller, as explained above,\textsuperscript{182} will be in the budget for the Board of Public Works beginning in fiscal 1957 rather than in the Judiciary Budget.\textsuperscript{183} This results from the retention by the Comptroller, through the Board of Public Works, of those budgetary items previously in the Judiciary Budget which did not fall under the Director's contemplated powers when

\textsuperscript{178}Maryland State Budget — Fiscal 1957, submitted to General Assembly, February, 1956, pp. 28-29. The entire Judiciary Budget was approved as submitted. Md. Laws 1956, Ch. 42.

\textsuperscript{179}Ibid, 29-30, and separate pamphlet on "Personnel Detail", p. 7.

\textsuperscript{180}Ibid, 25-26, and separate pamphlet on "Personnel Detail", p. 7.

\textsuperscript{181}The petty courts are financed locally except for the Traffic Court of Baltimore City. Ibid, 31-32, and separate pamphlet on "Personnel Detail", p. 7.

\textsuperscript{182}See text, supra, circa, n. 102, et seq.

\textsuperscript{183}Maryland State Budget — Fiscal 1957, submitted to General Assembly, February, 1956, pp. 52-53. The Board of Public Works is composed of the Governor, Comptroller of the Treasury, and State Treasurer, and with the assistance of two employees administers several other financial aid programs, e.g., aid to Baltimore Association of Commerce, Maryland State Firemen's Association, Federation of Tax Administrators, The Star Spangled Banner Flaghouse Association, Peninsula Horticultural Society, the Cardinal Gibbons Institute.
the Administrative Office was created. As previously indicated, it would be administratively desirable to have all such matters related to the management of the judicial system subject to the Director's control. The deficiency appropriation for the clerks relates both to salary and job standards in these offices, which are administrative matters properly within the purview of the Chief Judge and as to which the Administrative Office can play a helpful and creative role. The relation of the Administrative Office to the clerks' offices, including their financing and staffing standards, is a vital matter which needs to be carefully thought through.

The Court of Appeals' budget logically should fall within the Judiciary Budget in view of the status of the Director as the assistant to the Chief Judge for administrative matters. The local financing of the court houses is a deep-rooted tradition. Without upsetting this tradition, there is no reason why the Judiciary Budget could not include items designed to provide adequate, standardized services for matters which fall outside the purview of the clerks' office and which are now neglected or handled in piecemeal fashion. Such matters include court room attendants, court room supplies, reporting services, supplies for judges, secretarial assistance for judges, research assistance for judges, travel costs within circuits where excessive, and others.

Budgeting, which in the broad sense includes or at least provides data for scrutiny of work program and administrative methods, is one of the keys to sound administration. Properly used it can be one of the most important tools of the Administrative Office.

11. Relation of Director to Rule-Making

Note on Rule-Making Authority of Court of Appeals. The Court of Appeals has acquired, by constitutional and statutory grant, substantial authority to make rules of practice and procedure. The 1867 Constitution gave it authority to make rules for appeals and for equity practice. Statutes have conferred on the Court general authority to make civil

rules and even to unite law and equity. The broadest statement of rule-making power is found in Article IV, Section 18A, added in 1944, where it is provided that:

"The Court of Appeals from time to time shall make rules and regulations to regulate and revise the practice and procedure in that Court and in the other courts of this State, which shall have the force of law until rescinded, changed or modified by the Court of Appeals or otherwise by law."

All of the definitions of the rule-making power, including that in Section 18A, have provided that the rules shall remain in force until modified by the Court of Appeals or by the General Assembly. Thus a see-saw is possible in the rules field, with neither the Court of Appeals nor the General Assembly having the last word.

An early case, Meloy v. Squires, held that a Court rule regarding time for transmitting transcripts in appeals modified a prior statute. On the basis of this case, Judge Alfred S. Niles expressed the view that the Court of Appeals was supreme:

"It would therefore, seem that the court was practically supreme in matters of practice before it and in equity, since whatever might be done by the legislature in these matters could at once be reversed by a rule of the Court."

Similarly, Dr. G. Kenneth Reiblich, speaking of this situation, concluded:

"This means, of course, that the laws passed by the Legislature must be satisfactory in the eyes of the court or it can modify them to give the desired results."

These expressions ignore the possibility that the legislature, in turn, may reverse a rule of court. Recent cases indicate that in this field the later in date, whether it be rule

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185 Md. Code (1951), Art. 26, §35. However, the Trial Magistrates are apparently not within the rule-making jurisdiction of the Court of Appeals. See discussion, n. 136, supra.
186 42 Md. 378, 381 (1875).
187 NILES, MARYLAND CONSTITUTIONAL LAW (1915) 258.
188 REIBLICH, A STUDY OF JUDICIAL ADMINISTRATION IN MARYLAND (1929) 89.
or statute, governs. Further, modifications by implication are not favored so that even where there is a subsequent rule, it may be interpreted to leave a statute in force.\footnote{Grant v. Curtin, 194 Md. 363, 71 A. 2d 304 (1950); Robertson v. Dorsey, 195 Md. 271, 73 A. 2d 503 (1950); State Roads Commission v. Lassiter, 196 Md. 552, 77 A. 2d 16 (1950); Herzinger v. City of Baltimore, 203 Md. 49, 98 A. 2d 87 (1953).}

Administrative Director and Rule-Making. The Administrative Office includes the rule-making function through the retention by its Director of his previous function as Reporter for the Rules Committee of the Court of Appeals.\footnote{In New Jersey the constitution (1947), Art. VI, §2, Par. 3, specifies that: "The Supreme Court shall make rules governing the administration of all courts in the State and, subject to law, the practice and procedure in all such courts." (Emphasis added.) The language emphasized is similar to the language in the Maryland Constitution. In Winberry v. Salisbury, 5 N. J. 240, 74 A. 2d 406 (1950), cert. den. 340 U. S. 877 (1950), this section of the New Jersey constitution was held to vest plenary rule-making authority in the Supreme Court, not subject to overriding legislation. For opposing views on this decision, see Kaplan and Greene, The Legislature’s Relation to Judicial Rule-making: An Appraisal of Winberry v. Salisbury, 65 Harv. L. Rev. 234 (1951), and Pound, Procedure Under Rules of Court in New Jersey, 66 Harv. L. Rev. 23 (1952).}

A statutory provision authorizes the Court of Appeals, in discharge of its rule-making responsibility, to appoint a standing committee of the Bar, and to appoint assistants who may receive expenses and compensation.\footnote{Supra, infra, n. 73.} This Committee, since its inception in 1946, has included substantial representation from the Bench along with leading members of the Bar. The present Director of the Administrative Office was Reporter to the Court of Appeals Standing Committee on Rules of Practice and Procedure before the creation of the Administrative Office. Because of his experience in that capacity and also in recognition that the duties of the Administrative Office would develop gradually, he was asked to retain the Reporter function.

Because the Standing Committee is undertaking a general codification of Maryland procedure, the work of the Director in his capacity as Reporter has been extensive. When the codification project is completed the Standing Committee’s function will be reduced to consideration of amendments from time to time and the burden on the Reporter will lessen.

\footnote{Md. Code (1951), Art. 26, §38.}
The present situation is the outgrowth of historical circumstance. However, there is no reason why the rules function should not be a permanent function of the Administrative Office. The Act is silent on rules work, but the Director is to "perform such other duties as may be assigned to him by the chief judge".\footnote{Administrative Office Act, Md. Code Supp. (1955), Art. 26, §6C(1).} Bearing in mind the close relation of the Administrative Office to the Chief Judge, to the judges generally, and to the Judicial Conference, it would be logical to treat rule-making as a normal function of the Administrative Office. By this suggestion is meant that the Administrative Office would provide staff assistance to the Court of Appeals and its Standing Committee in the rule-making field, would serve as a source of information on the rules, would serve as a liaison unit between the Court of Appeals, the Standing Committee, the Judicial Conference, the Bar, and the legislature, and would itself observe and study the operation of the rules and receive suggestions for change. The Administrative Office in New Jersey, in its brief summary of rule-making in that state, indicates that it performs such a function:

"Mention should also be made of the part played by the Administrative Office of Courts in the rule-making process. As previously mentioned, the Administrative Director serves as secretary of the two judicial conferences and assists their various committees (which include rule-making). The Administrative Office also serves however, as a clearing house for suggestion and complaints pertaining to the rules of court and the operation of the courts generally. It serves as a convenient place to which judges and lawyers may direct their inquiries as to how various rules are being interpreted in other counties and courts and frequently results in greater uniformity than might otherwise be expected. Finally, the Administrative Office assists the Supreme Court directly by the drafting and editing (of) new rules or amendments and handles all the arrangements for the printing and distribution of the rules both in tentative draft and final form."\footnote{New Jersey Administrative Office of Courts, "The Rule-Making Process in New Jersey under the Constitution of 1947", (typescript, 1954) 10-11.}
If the Maryland Administrative Office is to develop in this direction an increase in staff may be needed. One man, assisted only by two stenographers, cannot satisfactorily perform all of the administrative work of the Office and at the same time be the key staff aide in a major codification and revision of the rules. At the present time, the Court of Appeals budget makes provision for appropriations to its Standing Committee sufficient to pay several part-time assistants who work regularly on the codification project.

Administrative Rules. To date, there has been no suggestion of such a rule-making function for the Administrative Office in relation to its administrative work. As yet, there have not been developed "administrative rules" in such fields as assignment of judges, statistical reporting, record-keeping procedures, the Judicial Conference, and so on, although the reporting forms are accompanied by instructions for their use. It would seem that under his authority as "administrative head" the Chief Judge would possess such "administrative" rule-making power, either alone or in conjunction with such bodies as the Court of Appeals or Judicial Conference. New Jersey has developed such rules.194

RECOMMENDATIONS AND CONCLUSIONS

Supported by a strong constitutional provision concerning the administrative authority of the Chief Judge and blessed with a strong statute, the Administrative Office of Maryland courts has laid the groundwork for enduring progress in administration of justice in this state in the short span of months since its official creation. The system

194 The New Jersey constitutional provision is as follows: "The Supreme Court shall make rules governing the administration of all courts in the State. . . ." Art. VI, §2, Par. 3. Under this authority the New Jersey Supreme Court has adopted rules governing the administration of each of the courts of the state. A few examples of the subjects covered by the rules are: assignment judges in each county (1:29-1); the jury questionnaire (1:29-2); dismissal of inactive cases (1:30-3); power of Chief Justice to prescribe books and records to be kept by clerks of county courts and surrogates (5:5-3); powers of Administrative Director of Courts (scattered); etc., Supreme Court of New Jersey, Rules Governing the New Jersey Courts (1953).
of statistical reporting, and the statistics already released, are a noteworthy achievement.

There are many possible "next steps" for the Administrative Office. A tentative list, tinged perhaps with a little idealism, would include the following:

1. The author reiterates the oft-made plea to abolish the elective system for clerks at the circuit level and to make the clerks appointive by the bench. In Baltimore City this change would involve also integration of the six trial courts under a central clerkship.

2. Even without an appointive system for the clerks, the Director of the Administrative Office can play an important role in improving administration in the clerks' office. It is recommended that under the aegis of the Administrative Office steps be taken:

   (a) to develop a rational position-classification system for the employees in the clerks' offices with the aid of — but not subject to the control of — the Commissioner of State Employment and Registration. This would include development of uniform pay scales.

   (b) to modify the financial system in the clerks' offices so that all fees and commissions are paid into the state treasury. Then provisions could be made for the clerks' offices to operate on money received from the state treasury under budgets approved by the Director. The Director could call on the Bureau of the Budget for technical assistance.

   (c) to require that the Comptroller deal not directly with the clerks but through the Director, except for the receipt of reports.

   (d) to regularize the record-keeping processes and equipment.

   (e) to instigate procedures to get rid of the "deadwood" on the dockets, presence of which is indicated by the statistics summarized above.

   (f) to centralize and make uniform the administration of the Circuit Court libraries. There should be liaison with the State Librarian and perhaps centralized purchasing.
2. An annual clerks’ conference with the participation of the Director could do much to develop professional standards in this field, especially if the clerks had tenure. It would be a vehicle for exchange of ideas among the clerks on common problems, and for promoting the necessary cooperative relationship between the clerks’ offices and the Director which has already developed to an encouraging degree.

3. Regular meetings during the year of the circuit chief judges and the Chief Judge of the Court of Appeals would provide better communication between the Chief Judge and the circuits and could be viewed as an extension of the Judicial Conference idea. If held quarterly these meetings could include a discussion of the quarterly reports from judges compiled by the Administrative Office. Eventually some provision for delegation of administrative authority by the Chief Judge to the circuit chief judges might be appropriate.

4. Financing of the Circuit Courts, as distinguished from the clerks’ offices, is haphazard. It may be well to consider centralizing under the Director and placing in the Judiciary Budget such matters as judges’ secretarial assistance and supplies.

5. The jurisdiction of the Director should be expanded downward to include the minor and special courts. This jurisdiction should include administrative methods, financing problems, and statistics, in so far as statistics can be gathered from courts which are not courts of record.

6. The function of reporter to the Court of Appeals Standing Committee on Rules, which is now located in the Administrative Office, should be retained and regularized.

7. Gradually, a broader view of the statistical function in order to include more “social” data would be desirable. The judiciary must give primary attention to their own administrative problems, but they are also a part of the

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185 Judge Morgan C. Harris, of the Circuit Court of Allegany County, recently said in a speech to the Trial Magistrates’ Association: “The Circuit Courts of the state are under the supervision of a Court Administrator. I believe it would be helpful if the Trial Magistrates Court were either under the supervision of an administrator or a chief magistrate.” Baltimore Daily Record, Nov. 7, 1955, p. 2.
state government. Data not now reported include character of dispositions in criminal cases, and detailed breakdowns on nature of offenses by juveniles.

8. Finally, the need for more staff is implicit in the above suggestions. The Director needs at least one professional assistant.

A few years ago, Judge Ogle Marbury, then Chief Judge of the Court of Appeals, wrote on “The Maryland Method — How Maryland by a program of gradual reform has improved her judicial procedures to meet the conditions of modern litigation”. The twelve years which have elapsed since the Bond Amendments made the Chief Judge the “administrative head of the judicial system” have witnessed the development of a Judicial Conference, an Administrative Office of Courts, a system for assignment of judges, a system of judicial statistics covering all major courts, a de facto consolidation of the three “law” courts in Baltimore City. At the level of petty courts a few years earlier, Trial Magistrates replaced Justices of the Peace. Now there are indications that the steady pressure for professionalization may make the Trial Magistrates in turn yield to People’s Courts.

It may be impossible to single out any one of these developments as being of central importance, but if one were to try, a strong case could be made for the Administrative Office of Courts. Effective administration of justice must rest on a solid base of fact concerning the whole court system, continually illumined by a creative, suggestive intelligence. It is the role of the Administrative Office to provide this base of fact and this creative intelligence.

### Figure 2

**Terminations and Additions to Backlog in the Eight Judicial Circuits of Maryland, 1950-1955**

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<td>St. Mary's</td>
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</table>

* The First Circuit did not report for 1954-1955. Data for this year were derived by extrapolation (based upon arithmetic mean of period 1950-54), and reflected in the figures shown here. Variance was relatively small.

† Calvert County did not report for 1954-1955. Figures shown here reflect extrapolation.

‡ Criminal Court, Baltimore, did not report for 1950-51. The figure shown here reflects extrapolation. Also the Criminal Court figures do not include Domestic Relations Informations.

Source: Computed from data presented in Judicial Statistics, a Preliminary Compilation by the Administrative Office of Maryland Courts, Jan., 1956.
FIGURE 3

AVERAGE TIME LAPSE, DATE CASE FILED TO DATE OF TRIAL, FOR TRIALS HELD IN THE EIGHT JUDICIAL CIRCUITS OF MARYLAND, SEPTEMBER 1, 1955 — NOVEMBER 30, 1955

<table>
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<th>Non-Jury (Months)</th>
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Source: Compiled from data presented in Judicial Statistics, a Preliminary Compilation by the Administrative Office of Maryland Courts, Jan., 1956.
### Figure 4
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* Termination figures are restricted to cases filed on or after September 1, 1955, and do not include terminations of cases filed before that date.

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<th>Sixth</th>
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### FIGURE 6

**Percentage Distribution Table for Criminal Cases Filed in the Eight Judicial Circuits of Maryland, September 1, 1955 — November 30, 1955**

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<th>Fourth</th>
<th>Fifth</th>
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<th>Seventh</th>
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<th>State Total</th>
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<td>Per Cent</td>
<td>No.</td>
<td>Per Cent</td>
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**Source:** Compiled from data presented in *Judicial Statistics, A Preliminary Compilation by the Administrative Office of Maryland Courts, January, 1956.*