Judicial Administration in Maryland - the Administrative Office of the Courts

Robert G. Dixon Jr.

Follow this and additional works at: https://digitalcommons.law.umaryland.edu/mlr

Part of the Judges Commons

Recommended Citation
Robert G. Dixon Jr., Judicial Administration in Maryland - the Administrative Office of the Courts, 16 Md. L. Rev. 95 (1956)
Available at: https://digitalcommons.law.umaryland.edu/mlr/vol16/iss2/3
JUDICIAL ADMINISTRATION IN MARYLAND —
THE ADMINISTRATIVE OFFICE
OF THE COURTS†

By ROBERT G. DIXON, JR.*

In Anglo-American society few institutions have enjoyed the prestige and respect, sometimes amounting almost to veneration, traditionally accorded to the judiciary. A frequent by-product of this prestige is the attempt of legislatures and chief executives to involve the judiciary in the performance of a variety of non-judicial tasks where the matter at hand is delicate, or unpleasant, or seems to require special insulation from "politics". Common examples are licensing functions, special investigations, special executive assignments, and grant of immunity under compulsory testimony acts.¹

† The author wishes to express appreciation to the Director of the Administrative Office, Professor Frederick W. Invernizzi, for responding to the author's many inquiries in the course of this study. Of course, the evaluations, conclusions, and recommendations are those of the author.

* Associate Professor of Government and Politics, University of Maryland; A.B., Syracuse University, 1943; Ph.D., Syracuse University, 1947; LL.B., George Washington University, 1956; Ford Foundation Faculty Fellow, Stanford University Law School, 1951-1952. This study was prepared in connection with a seminar, Research in Public Law, George Washington University, 1956.


In Maryland it has been common for judges or ex-judges to serve on general study commissions as well as commissions dealing specifically with the judiciary, e.g., Commission on Administrative Organization of the State, First Interim Report (1951); Commission on Prison Control, Probation, and Parole, Report (1948); Commission on Laws of Minors, Report (1924); Commission on Higher Education, Report (1931).

There is precedent in Maryland for voiding statutes on the ground of imposing a non-judicial function on the courts. See Prince George's Co. v. Mitchell, 97 Md. 330, 55 A. 673 (1903) — statute placing court house which housed county commissioners and other county offices, under custody of the crier, an official appointed by the Circuit Court; and Cromwell v. Jackson, 188 Md. 5, 32 A. 2d 79 (1947) — liquor license law conferring discretionary power on the courts to issue licenses upon a determination that the applicant is a "fit person" and will conduct business in a "proper place".

Quaere as to the effect of these cases on Senate Bill 110, Md. Laws 1956, Ch. 59, Secs. 9H, 9I, amending Art. 89B, Md. Code (1951). This statute relates to the method of acquisition and valuation of land by the State
In sharp contrast to this veneration of the judiciary in the abstract has been the public’s exasperation over technicalities in the law and its enforcement, and the prolonged delays which have seemed to be an innate characteristic of litigation in many jurisdictions. There are many causes for inefficient operation and delay. Some relate to substantive subtleties and complicated procedures in the law itself; others relate to faulty organization of courts and to faulty administrative techniques. Whatever the cause, improvements in this traditionally conservative area are numbered in terms of centuries, rather than decades. Perhaps the most significant contribution of the nineteenth century to a rationalization of the processes of state court operation was the substitution of a relatively simple system of code pleading for the complexities of common law pleading. Without abolishing the distinction between law and equity, Maryland has eliminated many of the strict technicalities of

---

Roads Commission for highway purposes. Section 9H imposes a duty on the judges of the respective Circuits in the counties and the Supreme Bench of Baltimore City to appoint for each county and for Baltimore City a Board of Property Review of three members, which “shall be under the jurisdiction of the said Courts and shall be considered as officers of said Courts”.

The quotation books contribute their share of pithy comment:

- Burke — “Alas, the incertitude of the law!” (Douglas, 40,000 Quotations (1917) 1072);
- Milton — “Litigious terms, fat contentions, and flowing fees.” (Roberts, Hoyt’s Quotations (1927) 432);
- Juvenal — “... a thousand causes of disgust, a thousand delays to be endured.” (Benham, Putnam’s Quotations (1928) 673a);
- Outlandish Proverbs — “Lawsuits consume time, and money, and rest, and friends.” (Benham, 779b);
- Bishop Burnet — “The law of England is the greatest grievance of the nation, very expensive and dilatory.” (Roberts, 430).

In Shakespeare, Hamlet’s soliloquy numbers “the law’s delay” among life’s burdens. But in Henry the Sixth, in more vigorous vein, we find the solution: “The first thing we do, let’s kill all the lawyers.”

Writers on reform of court administration are wont to pay their respects to the conservative spirit of bench and bar. For example: “Maryland is a conservative state, and we of the legal profession are certainly not the most liberal element of the population.” — Walsh, The Movement to Reorganize the Court of Appeals of Maryland, 6 Md. L. Rev. 119, 141 (1942); and “The bench and bar of New Jersey have traditionally been conservative and still are.” — Vanderbilt, The Challenge of Law Reform (1955) 88. This is the “bow to the altar” in judicial reform.

The simplified Federal Rules of Civil Procedure (1938) and Federal Rules of Criminal Procedure (1946) are an outgrowth of the code movement. However, a code system does not necessarily usher in a millennium, particularly if the rule-making power is vested in the legislature and not the courts. For a critical comment see Clark and Wright, The Judicial Council and the Rule-Making Power: A Dissent and A Protest, 1 Syracuse L. Rev. 346 (1950).
common law pleading, and has simplified and liberalized its procedures.\textsuperscript{5}

In the twentieth century perhaps the most significant contribution to judicial reform will prove to be the developing movement to vest in a chief judge administrative authority and responsibility for the state's judicial system, advised by a judicial conference and assisted by an administrative office. Maryland has joined this movement, and as seen by at least one commentator, is marching in the front ranks.\textsuperscript{6} By constitutional amendment in 1944 the Chief Judge of the Maryland Court of Appeals was designated administrative head of the state judicial system.\textsuperscript{7} In 1946, he began the practice of calling an annual Judicial Conference composed of the judges of all the major courts.\textsuperscript{8} And in 1955, the legislature adopted,\textsuperscript{9} without substantial change, the model act for an administrative office of courts which had been approved by the Conference of Commissioners on Uniform State Laws and endorsed by the American Bar Association's section on Judicial Administration.\textsuperscript{10}

A Director of Maryland's new Administrative Office of Courts was appointed the same year and began functioning September 1, 1955. The purpose of this paper is to analyze

---


\textsuperscript{6} Elliott, Judicial Administration, 31 N. Y. Univ. L. Rev. 162, 175 (1956), 1955 Annual Survey of American Law. See also Institute of Judicial Administration, Court Administration, (mimeo, 1955).

\textsuperscript{7} Md. Const. of 1867, Art. IV, §18A, added 1944. The Maryland Constitution of 1867 is still in force, as amended.

\textsuperscript{8} The origins of the Conference are summarized in a letter of Jan. 12, 1948, from the late Judge Robert France of the Supreme Bench of Baltimore City to Miss Helen Newman, Librarian, United States Supreme Court. Files, Administrative Office of Maryland Courts.


this development against the background of Maryland’s existing judicial organization and operation.

**Historical Antecedents of Administrative Office Movement**

**Judicial Councils.** At the state level the administrative office movement has roots in the “judicial council” movement which arose in the early decades of this century. Creation of the judicial councils was a response to a feeling on the part of laymen as well as judges and members of the bar that the courts were not keeping pace with the modern world either in terms of procedures or work output. In a broad sense it can be said that the judicial council movement was the counterpart, for the judiciary, of the general wave of reform which swept across American government a few decades ago. Familiar watchwords were direct democracy, the short ballot and administrative integration, strengthening the chief executive, city manager, executive budget, direct primary. Big government was emerging and the strains and stresses called for new patterns of operation. In the field of law proper, administrative law and the independent regulatory commissions became a focal point for a conflict of interests and values which still goes on.

---

11 As used in this paper the term “administrative office movement” refers to the tripartite development involving a chief judge with administrative powers, an administrative office as a staff aid to him, and a judicial conference as an advisory and implementing body. An administrative office unrelated to at least one of the other two organs would be abortive.


14 DICKINSON, *Administrative Justice and the Supremacy of the Law* (1927); FREUND, *Administrative Powers over Persons and Property* (1928); Attorney General’s Committee on Administrative Procedure, Report (1941); WARREN, (ed.), *The Federal Administrative Procedure Act and the Administrative Agencies* (1947); President’s Conference on Administrative Procedure, Report (1953); Commission on Organization of the
There were two primary characteristics of most judicial councils. First, their function was confined to making studies and recommendations concerning judicial organization, judicial statistics, and the administration of justice in general. Second, their membership transcended the judiciary and included members of the bar and sometimes laymen, law teachers, and members of other departments of government. These characteristics continue to the present day as the earmarks of the judicial council movement. Generically, judicial councils are bodies outside the judicial system, divorced from the main stream of judicial administration, and possessed of neither authority nor responsibility. Their function is inspirational, not governmental. The American Bar Association specifically approves this role for the judicial councils, recommending that the membership be broadened to include representatives of the bar, legislature, law schools and laymen in those jurisdictions where that is not now the case, and that the councils, which usually have lacked a permanent, full-time staff, be better financed.

The Maryland Judicial Council, authorized in 1924, was fairly typical. It was to consist of nine unsalaried members, of whom three were to be lawyers and the remainder judges. All were to be appointed by the Governor with specified geographic distribution. It was given power to issue subpoenas and hold hearings, and its function was designated as follows:

"The Council shall make a report to each Session of the General Assembly of Maryland, of the work of the various branches of the Judicial System, with its recommendations for modification of existing conditions. It
may also from time to time submit such suggestions as it may deem advisable, for the consideration of the Judges of the various Courts, with relation to rules, and practice and procedure."

Being unsalaried and not provided with any staff it might be expected that the Council would have had a weak and abortive existence, and it did.20 The only record of activity by the Council is a series of studies in 1930 and 1931 made under the joint auspices of the Council and the Institute of Law of Johns Hopkins University.21 As indicated in the "Statement of Immediate Program",22 the plan was for the Institute to assist the Maryland Council and also the Ohio Judicial Council in setting up a system for continuous reporting of judicial statistics after which the Institute would withdraw. The laudable list of objectives included the following:

"To build permanently by working in the direction of aiding the Judicial Council in developing a system of judicial records and statistics which will in the future automatically provide information as to the functioning of the judicial system of the state, information which at the present time can be secured only with great difficulty, if at all, and then only in incomplete form and by the expenditure of large amounts of time and labor."23

The report noted that at that time no state had a statewide system of judicial records and statistics.24 Annual reports by clerks normally have not been required.

20 Ibid, §84.
21 Reiblich, op. cit., supra, n. 5, 145, writing in 1928, indicated that the Council was too young to be judged, although presumably it had been in existence for several years.
22 Maryland Judicial Council and Johns Hopkins University Institute of Law. Study of the Judicial System of Maryland. Bull. 1-6, 1930-1933. The Bulletins are: (1) Statement of Immediate Program; (2) Study of the Judicial System in Maryland; (3) Trial Court Criminal Statistics, 1930; (4) Divorce Law in Maryland; (5) Judicial Criminal Statistics in Maryland, 1931; (6) Unlocking the Treasuries of the Trial Courts, 1933. The last named is presumably part of the series, although the copy available to the writer (Bar Library, Baltimore) is not officially designated as No. 6, and lacks the customary title page.
24 Ibid, at 3.
The statistical forms bound in with the Council-Institute study indicate that a very detailed reporting system was contemplated, a separate form to be made out for each case. The common law and appellate form had approximately 64 spaces, although multiple choices under some headings made the form look more forbidding than it actually was. The gathering of the judicial statistics had the specific purpose of providing data for the use of scholars and legislators, as well as to aid the business management of the courts. This breadth was desirable, but a less ambitious undertaking might have enlisted broader support and had a better chance of surviving. All the data reported in the six bulletins which comprised the study were gathered by special field workers and there is no indication that a regular reporting system by the clerks was initiated at this time. Nor is there any indication that the Maryland Judicial Council functioned after this period, despite the fact that the authorizing statute is still extant and that the Council has the duty of filing an annual report with the General Assembly.

Judicial Conferences. While the Judicial Council idea as a solution to the administrative ills of the judicial system was withering in Maryland, and having a fitful life in many other jurisdictions, a different solution to the problem was proving successful in the federal courts. In 1922 Congress, ignoring the cries of outraged provincialism, created the Judicial Conference of Senior Circuit Judges under the chairmanship of the Chief Justice of the United States.
It had power not only to survey and recommend concerning judicial business in general, but also to prepare plans for temporary assignments of judges from one district to another. Other administrative powers were added subsequently, now including the power to approve the budgets for the federal constitutional courts other than the Supreme Court and for most of the legislative courts. In 1939 the process of developing internal authority and responsibility for administrative efficiency in the federal system was further implemented with the creation of the Administrative Office of United States Courts. It was designed primarily to serve as a staff agency to the Conference, now re-named Judicial Conference of the United States. The studies and administrative activities of the federal Administrative Office are a landmark in their field. The federal Judicial Conference was supplemented in 1939 by judicial conferences of circuit and district judges in the circuits which meet annually, and by what are misnamed “circuit judicial councils”. The latter are in essence executive committees of the circuit judges with the administrative function of supervising the work of the district courts. As a result of these developments the administrative organization of the federal judiciary has been greatly improved, the most serious defect at present being the lack of an effective executive head. The Chief Justice is chairman of the Conference but not “administrative head” of the judicial system.

Although referred to sometimes as a judicial council, the federal Judicial Conference was not a council in the generic sense of the term. It did not have bar or lay representation, it existed inside the judicial system, and it had
an increasing amount of administrative power and responsibility. The federal Judicial Conference was and is something functionally different from a judicial council, and that is the key to its success. Functionally it is an integral part of the judiciary department, indeed, its central and responsible organ for administrative matters. It is not only appropriate but a logical necessity that its regular membership be composed only of judges. The Conference exists in recognition of the principle that while efficiency and dispatch in the conduct of judicial business may be inspired from without, it can be effected only from within. As phrased by Chief Justice Vinson:

"... two things are vital to the most effective administration of a court system: First, a permanent business organization under the direction of the judiciary, which can gather information and supervise the administrative details of the judicial system; and, second, a forum in which judges can meet to discuss and formulate plans for solving the administrative problems with which they are faced."

The need to focus responsibility within the judiciary department for effective judicial administration has been recognized at the state level too, albeit somewhat belatedly. In the past twenty years, and especially in the past five years, there has been a flourish of activity. The development at the state level has not centered on making a judicial conference the backbone for the internal government of the judiciary. Instead, the focus of attention has been on creation of "administrative chief judges" and equipping them
with administrative offices. Perhaps for this reason more fears have been aroused than necessary, and progress has been more slow than it might have been.

The lack of attention to judicial conferences at the state level has been due no doubt to the pre-existence of the judicial council movement and to a general confusion both in statutes and in the literature of the field as to the distinction between judicial councils and judicial conferences and their respective purposes. Bodies that are in fact conferences may be called councils, and vice versa. In the enormously helpful survey volume, Minimum Standards of Judicial Administration, the statement is made that "these agencies (councils and conferences) may supplement each other or perform interchangeably the same functions". The American Bar Association's Section on Judicial Administration did not consider judicial conferences in its 1938 report but in the Section's 1952 Handbook on the Improvement of the Administration of Justice the recommendations concerning judicial conferences serve to perpetuate the conceptual uncertainty in this field:

"In states where judicial councils already exist, the judicial conference should be designed primarily to assist the judicial councils in formulating and activating programs for improvement of the state's judicial system.

"Membership of judicial conferences should not be limited solely to members of the state judiciary, but provisions should be made for the attendance and participation of representative lawyers and laymen, as well as representatives of the federal judiciary in the state."

Likewise, in the survey treatments of the administration of justice the judicial conferences are linked to the discussion of judicial councils and divorced from the discussion of administrative offices and administrative judges. A

\[^{36}\] Vanderbilt, Minimum Standards, 68.
\[^{37}\] Ibid, 505-516.
more logical arrangement, which would do much to clarify patterns of thought in this field, would be to place judicial conferences, administrative judges, and administrative offices under one heading such as "Organization and Management" and to place judicial councils and the special provisions sometimes found for bar participation under a separate heading such as "Consultative and Advisory Bodies".

As a result of the blighted or uncertain development of state judicial conferences, the movement to create administrative offices with a permanent, full-time staff, which is a sīna qua non for progress in this field, normally has been linked at the state level to administrative judges. In actual operation a judicial conference may play a role, but it enters as an afterthought and as a junior partner in the enterprise.

Administrative Offices. In 1938 the American Bar Association recognized the need for an administrative chief judge, with authority to appoint a director and staff subject to his continual supervision.

"To have effective judicial machinery within the state, it is not sufficient that each judge shall discharge his functions efficiently in the trial of a case. Some judge or judges within the judicial system in the state must be charged with the responsibility of the efficiency of the system in the state as a whole."

The jumping-off date for the state administrative office movement is 1948 when the Conference of Commissioners

---

40 Model Act to Provide for an Administrator for the State Courts, in A. B. A. HANDBOOK, 31-33; Institute of Judicial Administration, Court Administration (mimeo, 1955).
41 In New Jersey, which has perhaps the most fully developed administrative office of courts of any of the states, the two so-called "judicial conferences" for major and minor judges are actually large, conglomerate bodies. In the New Jersey Judicial Conference of major judges, the judges appear to be outnumbered by almost two to one. It "is composed of the 124 judges of the appellate and trial courts of record, the Attorney General, the 21 county prosecutors, the board of bar examiners, the presiding officers and the majority and minority leaders of both houses of the Legislature, representatives of the municipal court magistrates associations in each of the 21 counties, the deans of the local law schools, officers and trustees of the State Bar Associations, a total of 81 delegates from the county bar associations and 10 distinguished laymen appointed by the Chief Justice". N. J. Administrative Office, "The Rule-Making Process in New Jersey under the Constitution of 1947", 6-7. (typescript, 1954).
42 VANDERBILT, MINIMUM STANDARDS 515.
on Uniform State Laws approved a Model Act to provide for an administrator for the state courts, with the concurrence of the A. B. A.'s Section on Judicial Administration. While a few jurisdictions have administrative offices which antedate or were concurrent with the approval of the Model Act, most of the development has come in the past five years. The Institute of Judicial Administration, New York University, has issued a pamphlet giving brief sketches on the eighteen jurisdictions (including the United States and Puerto Rico) which have something approaching an "administrative office". Ohio and the District of Columbia were omitted because the developments were so recent, but if they are included the total is twenty. Analysis of sketches reveals that only a few of the jurisdictions have a fully organized and effectively operating office, based on adequate constitutional provisions. Of the total of twenty jurisdictions which have authorized some activities of the "administrative office" type, the provisions in only five antedate 1951. The Maryland statute was enacted in 1955. So far as the states and territories are concerned, the administrative office movement is still in its infancy.

An obvious cause for the flourish of activity in creating administrative offices is the problem of docket congestion, especially in metropolitan areas. Another cause, undoubtedly, is the indication of good results found in the annual reports of the federal and New Jersey administrative offices.

"A. B. A. HANDBOOK 27-33.
"Institute of Judicial Administration, Court Administration (mimeo, 1955). This study lists four jurisdictions as having administrative offices in 1948 or earlier: Connecticut, 1937 (partial); United States, 1939; Missouri, 1943; New Jersey, 1948. States and territories which have acted subsequently are: 1949 — Idaho; 1951 — Connecticut (strengthened); North Carolina, Wisconsin; 1952 — Puerto Rico, Rhode Island, Virginia; 1953 — Colorado, Michigan (outgrowth of judicial council), Oregon; 1954 — Kentucky, Louisiana; 1955 — Iowa, Maryland, New York. See Temporary Commission on the Courts (New York), Report (1955).
"Institute of Judicial Administration, Calendar Status Study — 1953 (1953); Same — 1954 (1954).
"Administrative Director of the New Jersey Courts, Annual Reports, (1948-1949), 14, 98; (1953-1954) a(1)-a(11) which outlines the organization of the Administrative Office of Courts and enumerates its functions. See also, Karcher, New Jersey Streamlines Her Courts, A Revival of "Jersey Justice", 40 A. B. A. Jour. 759 (1954); Director of the Administrative Office of the United States Courts, Annual Reports — (1945) 14, 36; (1946)
The characteristics of the state administrative office of courts are clearly set forth in the Model Act. The Act presupposes, but does not necessarily require, that ultimate authority and responsibility for the administration of the state judicial establishment has been vested in an administrative chief judge or in the court of last resort, which in turn presupposes a more or less unified state judicial system. Without such arrangements the administrative office would still serve a useful purpose, but could hardly achieve its maximum potentialities. The Act makes the "Administrator for the Courts" appointive by and responsible to the supervision and direction of the court of last resort. Under this supervision his functions may be summarized as follows:\(^4\)

1. To gather statistical data about the business of the courts in general, including docket congestion and reasons for excessive delay in deciding of particular cases;

2. To study and make recommendations concerning:
   (a) Administrative methods in offices of clerks, probation officers and sheriffs,
   (b) Assignment of judges,
   (c) Improvement of judicial system in general;

3. Prepare budgets and serve as disbursing officer;

4. Serve as secretary of judicial council or conference.

It is interesting to note in the light of the above discussion of judicial conferences that the Model Act contains an optional clause authorizing the court of last resort to call an annual judicial conference of judges of courts of record, but provides that the "conference" shall also include invited members of the bar.

\(^4\)The full text of the Model Act is in A. B. A. HANDBOOK 31-33.
The historical roots of the Administrative Office of Maryland Courts created by statute in 1955 date back ultimately to the short-lived Maryland Judicial Council previously discussed, and more proximately to the battle over reform of the Court of Appeals fifteen years ago which eventuated in a series of amendments to the Maryland Constitution in 1944. The big issues in this reform movement, which is well discussed in the reports of the Bond Commission and in a series of articles in the *Maryland Law Review* and *The Daily Record*, were to give Baltimore City more equitable representation on the Court of Appeals, to confine the Court to appellate work, and to reduce the size of the Court. Prior to 1944 the Court numbered eight members, consisting of the chief judges of the Circuit Courts of each of the seven circuits into which the twenty-three counties were grouped for *nisi prius* work (trial purposes) plus one judge specially elected to the Court from Baltimore City. Only the latter judge functioned solely in an appellate capacity; the seven chief judges of the circuits continued their *nisi prius* duties in addition to their work on the Court of Appeals. The Governor had power with the consent of the Senate to designate one of the judges as the Chief Judge of the Court of Appeals but no special .

---

*Commission on the Judiciary Article, Interim Report (1942); Report (1942). Hereinafter referred to as Bond Commission.*

*Bond, An Introductory Description of the Court of Appeals of Maryland, 4 Md. L. Rev. 333 (1940); Brune and Strahorn, The Court of Appeals of Maryland — A Five Year Case Study, 4 Md. L. Rev. 343 (1940); Walsh, The Movement to Reorganize the Court of Appeals of Maryland, 6 Md. L. Rev. 119 (1942); Buck, Proposals to Change the Maryland Appellate Court System, 6 Md. L. Rev. 148 (1942); Soper, Reorganization of the Court of Appeals of Maryland, 8 Md. L. Rev. 91 (1944).*


*As a result of this arrangement which put time pressure on the judges’ appellate work, and a constitutional quorum requirement of only four judges (Const., Art. IV, §15), the Court did not function well as a collective instrument. “One-Judge” appellate opinions, if not decisions, were common. Marbury, The Maryland Method, 24 State Gov’t. (1951), 226-227.*
duties or powers went with this title.\textsuperscript{52} There was no stated term for the service as Chief Judge. In practice, when a Chief Judge was designated he retained that title as long as he remained on the bench.\textsuperscript{53}

The 1944 Amendments. As a result of the changes adopted in 1944\textsuperscript{54} the present five-man Court of Appeals eventuated, confined to appellate work and consisting of two judges from Baltimore City (Fourth Appellate Judicial Circuit) and one each from three special election districts (appellate judicial circuits) into which the counties were grouped (Figure One, p. 137). The Governor received the power, without need for the consent of the Senate, to designate one of the judges as the Chief Judge of the Court of Appeals.\textsuperscript{55} As before, the person designated as Chief Judge apparently was to continue to serve in that capacity as long as he remained on the bench.

Also added to the Constitution in 1944, and perhaps somewhat obscured by the major issues of court structure and of county versus city representation, was a most important amendment, Article IV, Section 18A, designating the Chief Judge as the “administrative head of the judicial system of the state”. He was given two specific powers: (1) to require reports on judicial business from each of the judges of the Circuit Courts for the counties and the Supreme Bench of Baltimore City; (2) to assign judges to or from the Court of Appeals, the Circuit Courts in the counties, or the Supreme Bench of Baltimore. It may be noted that although the Chief Judge’s status as “administrative head” embraces the “judicial system of the state”, the two specific powers elaborated in Section 18A do not embrace the special and minor courts below the circuit level.

Maryland Judicial Conference. No provision was made for assistance to the Chief Judge in discharging his new administrative role, but several improvements in judicial

\textsuperscript{52} Md. Const., Art. IV, §14, as amended, 1944.
\textsuperscript{53} NILES, MARYLAND CONSTITUTIONAL LAW (1915), 253.
\textsuperscript{54} Supra, n. 52.
\textsuperscript{55} Ibid.
administration were stimulated. An annual statistical reporting system was set up but for lack of staff the reports received from the clerks and judges were not analyzed and published regularly. Some assignments were made by the Chief Judge. In 1945, the Chief Judge called a conference of the judges of all the major courts in the state — Court of Appeals, Supreme Bench of Baltimore, Circuit Courts for the counties — in conjunction with the midwinter meeting of the state bar association, and the conference has been called annually ever since. This meeting of the state's judges, although generically a conference, sometimes is called a "judicial council". The membership of the Conference is confined to judges and it normally conducts its deliberations in executive session. However, it frequently invites non-members active in the field of judicial administration, including representatives of state agencies, to address the Conference or participate in panel discussions.

The Conference has no legal status in statute or rule of court, but it has been recognized in the form of a small

56 Commission to Study the Judiciary of Maryland (Burke Commission), Report (1953), 88. Hereafter referred to as Burke Commission.

57 The Burke Commission made some use of these reports and published a partial summary and analysis for the year 1950-1951. Ibid, 86.

58 Letter, Jan. 12, 1948, from the late Judge Robert France of the Supreme Bench of Baltimore City, then secretary of the Maryland Judicial Conference, to Miss Helen Newman, Librarian, United States Supreme Court. The suggestion for an annual meeting of the judges to discuss problems was made by officers of the Md. State Bar Association. Judge Ogle Marbury, Chief Judge of the Court of Appeals, approved the idea, and the Bar offered to provide a meeting place and dinner for the judges. The time selected was the day prior to the mid-winter meeting of the Md. State Bar Association, and the first conference met accordingly on January 30, 1946. At the second conference, January 31, 1947, a resolution was passed that there be a permanent Judicial Conference to meet annually at a time and place selected by the Chief Judge. The Conference was to elect one judge as secretary each year, and to elect an executive committee called a "judicial council" and composed of the Chief Judge as presiding officer, one member from each of the First, Second, and Third Appellate Judicial Circuits and two from Baltimore City. See also 51 Maryland Bar Transactions 6 (1946).

59 It calls itself the "Judicial Council of Maryland" in its printed programs for its annual meetings and is thus referred to in the press. Baltimore Daily Record, Jan. 19, 1956, 4. The participants, however, think of it as a Judicial Conference and it is referred to by that name in the State Judiciary Budget. When the General Assembly repeals, as it should, the Judicial Council statute, which has not been used for about twenty years, it would be appropriate to stabilize the name of the new organ as the "Maryland Judicial Conference", either directly or by recognizing the constitutional authority of the Chief Judge to convene such a body.
annual appropriation as a separate program in the Judiciary Budget. Although it can pass resolutions, it would seem to have no power to bind the Chief Judge in view of the unequivocal constitutional language making him "administrative head of the judicial system of the state".

The Judicial Conference, despite its informal legal status, is in its own right an important organ for the improvement of judicial administration in Maryland. Former Chief Judge Ogle Marbury has testified to its contribution to the cause of uniformity in the solution of common problems arising in the several circuits. The mere fact that there is an annual closed-door hair-down session of the state's judges is an aid in orienting the judges to think of themselves as an integrated "judicial system". "System" connotes orderliness, internal consistency and uniformity, and efficiency. The annual conference can provide the sympathetic attitudes and psychological underpinning which are needed if the administrative efforts of the Chief Judge are to have successful implementation and fruition. Among discussion topics of an administrative nature found in recent annual programs of the Judicial Conference of Maryland are: procedure used in numbering cases on dockets, desirability of a general revision of local rules of court looking toward uniformity, substitution of "per curiam" opinions in some cases in the Court of Appeals for presently required written opinions in all cases, pre-sentence investigation, procedure in transferring a cause from law to equity and vice versa, and assignment of cases for trial including the problem of reluctant counsel.

The enactment of the Administrative Office bill in 1955 was thus preceded by a decade of judicial conditioning, and it is at least open to speculation whether the judges' reception of the Office and its data-gathering activities would have been as smooth without this conditioning.

The Administrative Office Act. Several developments in 1953 and 1954 contributed to securing the adoption of the

---


Taken from the programs for the ninth and eleventh annual conferences, 1954 and 1956.

The full text of the Act is set forth as an Appendix to this article.
Administrative Office Act. The Burke Commission in 1953, which turned in one of the finest reports in the long history of judicial commissions in Maryland, placed the administrative office question first in its list of items for further study. The State Bar Association devoted part of its midwinter meeting, 1955, to the topic. The Commission on Judicial Administration, successor to the Burke Commission, reiterated the need for an office of Administrator of Courts and a bill was prepared under its direction. And of special significance is the fact that in 1954 Chief Judge Frederick W. Brune appointed Professor Frederick W. Invernizzi of the University of Maryland Law School to serve as a special part-time assistant to make a study of the operation of the State judicial system and its administrative needs. A lengthy report of the survey, including proposed new statistical reporting forms, was made to the Judicial Conference in January, 1955, preceding enactment of the Administrative Office Act in April, 1955. The survey included studies of administrative offices in other jurisdictions, and a study of the Circuit Courts and clerks offices in each Maryland county and in Baltimore City.

The inception of an Administrative Office of Courts in Maryland, while not exactly a grass roots movement, was essentially a product of the judicial department itself. It thus stands in sharp contrast to the experience in New Jersey where the administrative office was imposed on the judiciary from without as a result of the drastic constitutional revision in 1947 and has had a development from the top down under the aegis of a dynamic and nationally renowned leader of judicial reform, Chief Justice Arthur T. Vanderbilt. Whereas a detailed survey of the clerks' offices preceded the establishment of the Office in Mary-

---

63 Burke Commission Report (1953), 19. Melvin J. Sykes of the Baltimore City Bar, was the Reporter, and is now a member of the Court of Appeals Standing Committee on Rules of Practice and Procedure.
64 59 Maryland Bar Transactions (1955), 154, 169.
65 Maryland House of Delegates, Journal of Proceedings, Jan. 21, 1955, 134-135. This commission was known also as the Miles Commission.
land, the New Jersey Office did not undertake such a study until 1954.67

The Administrative Office Act adopted in Maryland is a slightly modified version of the Model Act of 1948,68 and like the Model Act is phrased sufficiently broadly to allow considerable flexibility in development. The Office is headed by a Director appointed by and responsible to the Chief Judge, rather than to the Court of Appeals collectively as would be the case under the Model Act. So far as the statute is concerned, the Court of Appeals is to exercise no control over the Director. The Act does not limit the jurisdiction of the Administrative Office to the courts at the Circuit level and above. Rather, like Article IV, Section 18A, of the Constitution which makes the Chief Judge the "administrative head of the judicial system of the state", the Act uses general language such as "any court", and "judicial system and the offices connected therewith".

The first duty of the Director specified in the Model Act is missing from the Maryland Act, viz., to "examine the administrative methods and systems employed in the offices of the clerks of the courts . . . and make recommendations for their improvement".69 This omission possibly may be explained by the tradition of local autonomy in the clerks' offices under elective clerks, discussed more fully below. However, language of the Act if construed with reasonable liberality should aid the Director in developing an advisory and cooperative relationship with the clerks in the field of administrative methods. The Director's general powers are "to submit to the Chief Judge recommendations of policies for the improvement of the judicial system", and to "perform such other duties as may be assigned to him by the Chief Judge". Also, the administrative methods in the clerks' offices naturally would be related to the Director's statistical function.

68 See, supra, n. 47. The New Jersey statute is similar. N. J. S. 2A: 12-1 to 12-5 (1952).
69 Model Act, ibid, sec. 3(a).
The other duties of the Director as specified in the Model Act, with one minor exception, are incorporated verbatim in the Maryland Act. Of particular importance are the broad powers to gather all types of statistical data, to recommend assignment of judges, to study the financing of the entire judicial system, and to prepare budget estimates for the state's share of the cost of the judicial system.

A duty to publish an annual report, on which the Model Act is silent, is specifically spelled out in the Maryland Act. However, the clause in the Maryland Act requiring judges, clerks, and other officials to comply with all of the Director's requests for data is qualified, whereas the Model Act clause is unequivocal. The Maryland Act makes explicit a qualification, that would be implicit anyway, viz., that the obligation is only to comply with such requests for data "as may be approved by the Chief Judge of the Court of Appeals".

Apart from the question of administrative methods in the clerks' offices, the only other duty which the Model Act imposes on the Director which is omitted in the Maryland Act is the duty to serve as the secretary of the Judicial Conference and perform such duties as the Conference may assign. However, at the eleventh annual Judicial Conference in January, 1956, the Director of the Administrative Office was elected secretary. Presumably the Conference would have no power to assign duties to the Director, other than routine matters affecting the Conference, because in his relation to the court system the Director is primarily the agent of the Chief Judge. And yet it would be logical to assume that an expression of opinion on an administrative matter by the Conference would carry great weight with the Chief Judge and at times he might actively solicit suggestions from the Conference.

Organization of the Office. In June, 1955, Professor Frederick W. Invernizzi, who had previously served as special assistant to the Chief Judge to plan the Administrative Office, was appointed Director. Quarters were obtained

---

10 Inclusion of this clause would have given the Maryland Judicial Conference the legal basis which it now lacks.
in the Court House in Baltimore City across the corridor from the chambers of the present Chief Judge\textsuperscript{71} and formal operation of the office began in September, 1955.\textsuperscript{72} The office staff consists only of the Director and two stenographers, one serving as secretary and the other handling the extensive accounting and statistical function.

One aspect of the organization of the office is that the Director has continued to serve as the Reporter for the Court of Appeals Standing Committee on Rules, and does rule-making work at present in his capacity as Reporter rather than in his capacity as Director.\textsuperscript{73}

Because the Maryland Administrative Office is in its infancy, it would be pointless to make detailed comparisons between its organization and the organization of older administrative offices in other jurisdictions such as New Jersey and the United States, even discounting the factor of difference of population and degree of integration. A review of the data compiled by the Institute of Judicial Administration in 1955 does reveal that the annual salary of the Director compares favorably with that in other jurisdictions.\textsuperscript{74} Likewise, the Maryland statute, being based on the Model Act and supported by a constitutional provision vesting administrative authority in the Chief Judge, provides a far stronger legal foundation and a broader range of powers for the Office than is found in many other jurisdictions.\textsuperscript{75} The professional staff consists of only one man,
the Director himself. This staff may need to be increased in the light of the work load which may be expected to develop under the broad definition of duties.

**Distribution of Administrative Powers in the Maryland Judiciary**

The role and potentialities of an administrative office cannot be appreciated by studying it in isolation. Efficient administration of justice must be a product of the judicial system as a whole. An administrative office can assist, but cannot by itself make up for deficiencies elsewhere in the system. Recognition of this principle is seen in the publications of the American Bar Association, the Institute of Judicial Administration, the American Judicature Society, and others where an administrative office is normally portrayed as part of a "package deal" which should include for full effectiveness such elements as a unified court system, clear lines of administrative responsibility and authority within the court system, reasonably stable tenure and independence for judges, live statistics on manner and speed of judicial operation.

It is appropriate therefore to place the Maryland Administrative Office within the Maryland setting by noting (1) the procedures for selecting judges and clerks and the lines of authority between them, (2) the administrative powers of judges and clerks at the Circuit level, and (3) the administrative powers of the Court of Appeals and the Chief Judge.

---


*This study is confined to the major courts: the Court of Appeals, the Circuit Courts of the counties, and the Supreme Bench and its six courts in Baltimore City. These are the courts with which the Chief Judge and the Administrative Office are chiefly concerned at present. The Court of Appeals is exclusively an appellate court. The others are the major trial courts. There is no intermediate appellate court in Maryland.*

*At the Circuit level one judge is a quorum. Therefore, the so-called Circuit Courts for the counties tend to operate like separate county courts. A judge of a given circuit sits primarily in the county of his residence as the "Circuit Court" for that county. This "county court" aspect of the Circuit system is reinforced (1) by having a separate, locally elected clerk in each county and (2) by specifying that in the Third through the Seventh Circuits "there shall never be less than one judge for each county", to be elected on a county basis rather than on a circuit-wide basis. Md. Const., Art. IV, §21, as amended in 1944 and in 1954.*
1. **Selection of Judges, Clerks, and Their Interrelationship.**

An efficient, non-partisan and reasonably stable judiciary has an obvious relation to sound administration of justice. It likewise has a relation to the role of an administrative office. Willingness of judges to cooperate with the administrative office in the development and implementation of sound administrative techniques is more apt to arise from the spirit of professionalization that develops in a stable judiciary than it is in a short-term, politically-attuned judiciary. On this score the Maryland judiciary ranks high, with its somewhat complicated but effective system of judicial selection.

**Sitting Judge Tradition.** The fifteen-year term for Maryland judges is one of the longest in the nation. In addition, political considerations in the election and reelection process are held to a minimum, particularly in Baltimore City where the *Sunpapers* are a potent force. Primary cause of the minimization of politics is what is popularly called the "sitting judge" principle derived from Article IV, Section 5 of the Constitution and augmented by popular and bar support. The Maryland system is not a "sitting

---

77 Md. Const., Art. IV, §3; Vanderbilt, Minimum Standards 17-21. The fifteen year term applies both to the Court of Appeals and to the Circuit level courts.

78 Frank R. Kent has summarized the *Sunpapers' position regarding the judiciary, begun in the New Judge Fight in Baltimore in 1882 and still maintained:

"Whatever else politicians do, they must keep their predatory paws off the bench. A non-political judiciary that will interpret fairly the law and administer justice without political taint or touch is more vital to the community than anything else. A good judge is entitled to re-election regardless of his party affiliation; a poor judicial candidate, pushed by the politicians, should never be supported for party reasons."

Johnson, Kent, Mencken, Owens, The Sunpapers of Baltimore (1937), 144-145. It might be observed also, that in the current political campaign, the Baltimore News-Post has joined the Sun in urging support for the sitting judges. Baltimore News-Post, April 17, 1956.

79 By-Laws of the Baltimore City Bar Association provide for a procedure whereby qualified members of the bar are recommended to the Governor for appointment. The *Sunpapers* have encouraged this practice and given it publicity:

"There is, of course, no law making it mandatory for bar associations to make choices and to give their support in Judgeship elections. But they serve a high public service when they do so." Baltimore Sun, Jan. 21, 1956, p. 8.

The legality of this Bar activity was considered in Smith v. Higinbothom, 187 Md. 115, 48 A. 2d 754 (1946). Vacancies occurring prior to the election
judge” policy in the natural sense of that term, i.e., a tradition of successive reelections to full terms resulting in virtual life tenure with politics entering in only at the time of the initial selection. Rather, the essence of the Maryland system is that it is an appointment-election system, with a minimum one-year period of service as an appointee preceding election, and with custom favoring the appointee rather than the challenger at the time of the election. This results from the fact that vacancies in judgeships for any cause, including expiration of a full fifteen year term, are initially filled by gubernatorial appointment.80 Then at the first congressional election “after one year after the occurrence of the vacancy” there is an election to a full fifteen year term. At this time the gubernatorial appointee, with at least one year’s service as a “sitting judge” in back of him could be a candidate, assuming he desired to run and succeeded in gaining nomination in the primary, although he might be opposed by any other candidate nominated by primary process. Of course, in some instances the candidate would be a judge who had already served a full fifteen-year elective term and who had been reappointed. Cross-filing in primaries is permitted, of November, 1946, on the Supreme Bench of Baltimore had enabled Governor Herbert R. O'Conor to appoint six Democrats. They were endorsed for election to full terms by the Baltimore Bar Association. Four opposing Republican candidates brought suit for a declaratory decree that the Bar activity was ultra vires, and in violation of Maryland's Corrupt Practices Act. The Court held that the activity was clearly authorized by the Bar Association’s Charter. In regard to the Corrupt Practices Act the Court said:

"... a bar association or other non-profit corporation may lawfully collect funds from voluntary contributors to defray the expense of publication and distribution of campaign literature in support of candidates or measures to be voted on at a public election." 129.

80 A temporary exception to the rule of gubernatorial appointment preceding election was made in 1954 when the General Assembly, in proposing a constitutional amendment to create additional judgeships at the circuit level, provided that the initial selection in three counties, Anne Arundel, Baltimore and St. Mary's, should be by election and not by appointment. Md. Const., Art. IV, §21, as amended, 1954.

81 A series of resignations or deaths by appointees can operate to postpone an election beyond the congressional election “after one year after the occurrence of the vacancy”. That is, a person appointed to fill a vacancy occurring in December, 1945, would not stand for election until November, 1948. If he resigned in March, 1948, the appointee to succeed him would not stand for election until November, 1950. This process, with an election being continuously postponed, could go on indefinitely. Such a situation was the issue in Hillman v. Boone, 190 Md. 606, 59 A. 2d 506 (1948).
and the ballot in general elections is non-partisan. As Judge Markell said in Hillman v. Boone, since the Bond Amendments of 1944 "... the electorate at every election are given, approximately, at least one year and less than three of experience with an appointed sitting judge...". In Baltimore City, at least, the appointed sitting judge seeking election to a full term, including a judge from Baltimore on the Court of Appeals, assuming that he has proven satisfactory, will normally receive the support both of the Baltimore Sunpapers and the City Bar Association.

The result of this system is to give Maryland many of the benefits commonly attributed to an appointive system for the selection of judges, particularly judicial stability and recognition of merit.

Clerkships. The selection and tenure of court clerks is another story. At the circuit level (Figure One, p. 137) there is not a unified clerkship for the whole circuit. Rather, there is a separate clerk's office for each county in a circuit, serving the Circuit Court for that county. The so-called "Circuit Courts" function as county courts in their respective circuits. In the Eighth Circuit, Baltimore City, there is a separate clerk's office for each of the six major courts under the Supreme Bench. The latter, not being a conventional court, does not have a separately elected clerk's office but the Clerk of the Superior Court is directed by the Constitution to discharge the duties of clerk to the Supreme Bench.

The hierarchy principle, which in the literature of public administration is one of the touchstones of administrative

---


Supra, n. 81, 610.

In addition, he may receive the indorsement of the Monumental City Bar Association, the Women's Bar Association of Baltimore City, and the Federal Bar Association; See Baltimore Daily Record, April 9, 1956, April 10, 1956. See also n. 78 showing support from News-Post in the current campaign.

The "sitting judge" tradition was not strong enough to support three appointed sitting judges seeking nomination to a full term in the Baltimore City primaries, held on May 7th, 1956. All filed in both primaries. One was defeated; a second was defeated in his own party's primary but won nomination in the opposite primary; a third was nominated in both primaries. See newspaper accounts, circa, May 8th, 1956.
efficiency, would seem to require that the clerks, as the "bureaucrats" of the judicial system, be beholden to the judges, who in turn are linked for administrative matters to the Chief Judge as "administrative head". The opposite is the case. The clerk of the Court of Appeals, it is true, was made appointive by the Court, through constitutional amendment in 1940, to hold office "at the pleasure" of the Court. But the clerks at the Circuit level are elected by the people of their respective counties for a four year term.

The judges must accept whatever arises out of the election process. Further, the clerks are protected against the judge's disciplinary or removal power by a provision making their removal conditional upon the forbidding process of "conviction in a Court of Law" for "wilful neglect of duty or other misdemeanor in office". Similar language in the Constitution of 1851 regarding the clerks in Baltimore City was strictly construed in Dowling v. Smith. Chief Judge Le Grand in 1856 stressed that mere negligence was not sufficient but that the neglect must be "wilful"; and Judge Mason in the same case asserted that the clause contemplated a trial in a criminal court, not merely a show cause proceeding.

In the face of this elective autonomy, the constitutional and statutory provisions for judicial supervision over the clerks have little meaning. The Constitution specifies that the "office and business" of the clerks shall be subject to the "visitorial power" of the judges, who shall have authority to make "rules and regulations" regarding the duties of the clerks' offices "which shall have the force of law until

---

86 President's Committee on Administrative Management (Brownlow Commission), Report, with Studies of Administrative Management in the Federal Government (1937); Commission on Organization of the Executive Branch of the Government (Hoover Commission), Reports, and Task Force Reports (1949).
87 Md. Const., Art. IV, §17, as amended, 1940.
88 Md. Const., Art. IV, §25, as modified by Art. XVII, Sec. 1, in 1922. For a description of the Circuit Courts which these clerks serve, see note 76, supra.
90 9 Md. 242 (1856).
91 Ibid, 270. The problem arose when the clerk of Superior Court in Baltimore City failed to file a bond within the time required by statute and the Superior Court accordingly declared the office vacant in a show cause proceeding and appointed a successor.
repealed or modified by the General Assembly". In Peter v. Prettyman, when a clerk sought to receive compensation for a duty imposed upon him by order of court which deviated somewhat from the statutory scheme, this constitutional provision received a narrow interpretation. The precise issue was money, and strictly viewed the decision only says that the court cannot fix a system of compensation for clerks different from that authorized by the legislature. However, the decision is embedded in dicta which, so far as this section of the Constitution is concerned, denies the judges any creative power to foster efficient administration of justice. As summarized by Judge Alfred S. Niles in 1915:

“So the power given to the judges 'to make from time to time such rules and regulations as may be necessary and proper for the government of said clerk,' is a power simply to prescribe the method according to which the clerks are to perform the duties committed to them by the legislature.”

Under a provision of the Maryland Code the judges of the law and equity courts have a duty at every term to inspect the records and papers to ascertain that the clerk has performed his duties as required by law. There is silence as to the powers of the judge if dissatisfied except that he does have power to require that dilapidated records be transcribed.

Recently the autonomous nature of the clerks' offices was highlighted by the dispute between the Supreme Bench of Baltimore and the clerk of the Criminal Court. In the words of the Burke Commission:

“In 1949, the problem became acute once more because of the conflict between Wilford L. Carter, Clerk of the Criminal Court, and the judges of the Supreme Bench, who regarded his conduct of his office as un-

---

91 Md. Const., Art. IV, §10.
92 62 Md. 566 (1884).
93 Niles, Maryland Constitutional Law (1915), 249. At the time of publication, Judge Niles was on the faculty of the University of Maryland School of Law, and had formerly been judge of the Supreme Bench of Baltimore City.
satisfactory and who unsuccessfully requested his resignation. The bench, unable to control or replace Mr. Carter, recommended to the Legislative Council on June 22, 1949, that the Bond Commission Plan for Consolidation of Courts, with two changes, be submitted to the voters.95

The recommendation was to create a central clerkship appointive by the Supreme Bench of Baltimore City from the present incumbents. The Legislative Council took no action.

The obvious solution, as phrased almost thirty years ago by Dr. G. Kenneth Reiblich, now professor at the University of Maryland Law School, is to have each clerk appointed by the judge of the court he serves, "thereby centralizing complete responsibility in the head of the court".96 No reasons support the continuance of the elective tradition for the clerks, particularly in the light of the "administrative judge" and "administrative office" movement, except the forces of local political arrangements and popular inertia. It would make as much sense to elect the governor's secretary.

However, these forces may be sufficient to maintain the clerks' offices as autonomous principalities for an indefinite period to come. Hence, effective relationships between the Administrative Office and the clerks may rest largely upon the good will and voluntary cooperation of the latter, which fortunately does appear to be present.


Four primary administrative functions in the clerks' offices in the counties and Baltimore City are those dealing with financial matters including equipment, personnel matters, record-keeping, and calendar control. The tradition of local autonomy in the clerks' offices has resulted in disuniformities.

95 Burke Commission, Report (1953), 76-78.
96 Reiblich, A Study in Judicial Administration in Maryland (1929), 59. Also see Bond Commission, Report (1942), 6-7.
Financial Matters. The salaries of the judges are borne substantially by the state and carried in the Judiciary Budget with power given to some counties and Baltimore City to augment the salaries. Under this arrangement there may be disuniformity in the total salary received, but there is a state-guaranteed minimum of $15,000 for the judges at the Circuit level.

Until the creation of the Administrative Office no state agency existed to assist the legislature in keeping judicial salaries under review and keeping them in line with developments in the state and in other jurisdictions. If desired, the Administrative Office could be called on for such assistance.

State support for the Circuit Courts and Supreme Bench of Baltimore, with one exception noted below, stops with provision of salaries and pensions for retired judges and widows of deceased judges. The counties bear the costs of maintaining court houses, and of providing bailiffs, court stenographers or reporters, and secretarial assistance for the judges. These employees normally are not part of

---

97 The Constitution, Art. IV, §24, specifies salaries of $3,500 for the Circuit Chief Judges (who were also members of the Court of Appeals prior to 1944) and $2,800 for the Associate Circuit Judges. But as Judge Niles has said, despite the constitutional specification it has been the unquestioned practice to allow these to be increased by the legislature. Maryland Constitutional Law, supra, n. 93, 262.

98 E.g., Code of Pub. Loc. Laws of Baltimore County (Everstine, 1955), §22; Md. Code Supp. (1955), Art. 26, §48A, regarding the three counties in the Fourth Judicial Circuit—Washington, Allegany and Garrett; Md. Laws 1953, Ch. 391, regarding the two counties in the Sixth Judicial Circuit, Montgomery and Frederick. The provision dealing with the Fourth Judicial Circuit was added to the Annotated Code of Maryland, where it is thus readily available, and the other provisions were added to the separate county sections of the Public Local Laws of Maryland. One of Maryland’s needs is a central uniform system for codifying and reporting its public law.


100 The former minimum of $13,000 was raised to $15,000 by the General Assembly in 1956, Md. Laws 1956, Ch. 61, amending Md. Code Supp. (1955), Art. 26, §48. See further discussion of judges’ salaries, infra, n. 172, et seq.

101 Study commissions on the judiciary did deal with this topic (Burke Commission Report (1953), 3-5, 42-48), and the bar had a natural vocational interest in the matter.


103 E.g., Montgomery County Code (1955), §8-3 regarding county council levy for attendance of jurors, state’s witnesses, criers, bailiffs, §8-15 regarding judicial robes, §8-20 regarding court reporters; Code of Public Local
the clerks' offices. The resultant disuniformity, especially in the field of secretarial assistance, was observed in Professor Invernizzi's survey report to the Judicial Conference in 1955.\textsuperscript{104}

The clerks' offices, which are the major administrative units in the judicial system, receive their principal financial support neither from the state nor from the county governments. The clerks' offices, including salaries of the clerks themselves and their staffs, are financed primarily by commissions and fees charged for services and retained by the clerks under supervision of the State Comptroller. The volume of revenue from a particular commission or fee varies among the counties, but one of the principal commissions is the one on business licenses and one of the principal fees is the one on transactions affecting real property.\textsuperscript{105} Like all fee officers the clerks are required to keep records which are subject to inspection by the State Comptroller and State Auditor, and to transmit surpluses annually to the state treasury.\textsuperscript{106} Deficits are made up by a state deficiency appropriation.\textsuperscript{107} County governments normally give no financial support other than provision of quarters for the

\begin{footnotesize}
\begin{enumerate}
\item Law of Prince George's County (Everstine, 1953), fn. 261, regarding bond issue for county court house.
\item Tenth Annual Conference of the Judicial Council \textit{(sic)} of Maryland, \textit{op. cit., supra}, n. 67, 20-32, \textit{et seq}. In Baltimore City each judge has two full-time bailiffs paid by the city and one is usually a qualified secretary. In four counties, Anne Arundel, Baltimore, Carroll, Prince George's, judges had a full-time secretary paid by the county, except for one judge who partially paid for a secretary out of his own pocket. In three counties the court stenographers, when not occupied in the court room, serve as full-time secretary to the judge or judges. In the remaining 16 counties the resident circuit judge did not have a full-time secretarial assistant, and in some not even part-time. As for court stenographers, outside Baltimore City only seven counties have full-time court stenographers—Anne Arundel, Frederick, Harford, Howard, Montgomery, Washington. Some counties rely on commercial reporting services or have one stenographer for all counties in a circuit.
\item Md. Const., Art. XV, \S 1; Md. Code (1951), Art. 19, \S\S 14, 30-34.
\end{enumerate}
\end{footnotesize}
clerks' offices in the court house including utility services. An exception to these generalizations is that the state pays the salaries of the six chief deputy clerks for the six major courts of Baltimore City, plus the Trust Clerk of the Supreme Bench of Baltimore City.\(^{108}\)

The result of this financial arrangement is to place the State Comptroller in an important if not dominant position in regard to the clerks' offices.\(^{109}\) His approval is needed for addition of new personnel and for promotions or salary adjustments for existing personnel. Generally, the judges have acquiesced in the arrangements worked out between the clerks and the Comptroller. The matter is one for negotiation, rather than for uniform settlement under objective standards. In this connection it is interesting to note that there is no uniform correlation among the clerks' offices between the amount annually spent on staff salaries and the amount annually spent on office expenses. Office expenses may range from a sum almost equal to the sum spent on salaries down to a sum only one-fourth or one-fifth as large.\(^{110}\)

The foregoing should not be taken as implying that the Comptroller is committed to retention and expansion of control over the Circuit Courts and Supreme Bench. His present role is a direct outgrowth of constitutional provision. Indeed, had he chosen to exercise more vigorously his indirect authority over court administration, unfortunate though such action might have been from the standpoint of the separation of powers principle, the result probably would have been a more uniform system of court administration than now exists.

---


\(^{109}\) The system of fee financing with surpluses going to the state and deficits being made up by the state, as described in the preceding paragraph, also applies to the Orphans' Courts, whose clerks are called Registers of Wills. The Orphans' Courts have been excluded from this study because at present the Administrative Office of Courts does not deal with them. However, many of the comments made herein concerning the financial and personnel practices in the clerks' offices of the Circuit Courts would apply also to the Registers of Wills and Orphans' Courts.

\(^{110}\) Comptroller of the Treasury, Annual Report — Fiscal 1955, Exhibit E.
Needless to say, annual budgets or reports to the public of annual operations at the Circuit level are virtually nonexistent.  

**Personnel Matters.** Under the Constitution and statutes the elected clerk of the Circuit Court in each county, and of each of the six courts of the Supreme Bench in Baltimore City has full control over his office staff, subject to the approval of the judges as to appointments, and to the approval of the Comptroller as to salaries. The appointees are removable by the judges for "incompetency, or neglect of duty". The judges have constitutional power to determine the number of assistants the clerk may appoint. But there are indications that the vesting of financial powers in the Comptroller as discussed above, which puts the clerks in the position of having to justify their requests for new salaries or salary changes, operates to place the Comptroller in a dominant if not controlling position as to the number, as well as to the salary, of personnel. For example, Chief Judge Samuel K. Dennis of the Supreme Bench, writing in opposition to consolidation of Baltimore courts and appointment of clerks during the debate over the Bond Amendments, claimed:

"There is no surplus manpower employed. The Comptroller has the duty of regulating that; and the clerks manifest little inclination to put on superfluous men."

On the other hand the Comptroller has not assumed the power, and perhaps under the separation of powers principle should not have assumed the power, of developing uniform standards of position-classification and uniform pay scales for the clerks' deputies and assistants. A study of the records in the Comptroller's office indicates that there

---

111 Exceptions include the annual reports of the Division of Juvenile Causes of the Circuit Court, Baltimore City, the Youth Court of Baltimore City (a special branch of the Criminal Court), and the State's Attorney's Office, Baltimore City.  
is no uniformity either as to titles or salaries for the clerks' staffs. The salaries of the clerks themselves are fixed by a still different agency, the Board of Public Works, and may range from $4,500 to $9,000 on the basis of relative volume of business and receipts. The clerks are to devote full time to their duties. This requirement, coupled with the low salaries at the bottom of the range, would seem to be more effective in putting a ceiling on available talent than in producing economy and efficiency. The chief deputy clerks in Baltimore City are paid at a uniform rate fixed by the legislature.

The reporting by the clerks required by the Comptroller, which includes data as to personnel and salaries, is geared of course to the financial interest. The reports are most inadequate as a guide to such simple questions as the number of full-time jobs in each clerk's office in the state because the clerks simply lump together in one list the full-time, part-time, temporary, resigned, replacement, and contractual employees. Translating this data into a job breakdown would be a laborious task. Even if done, the results would have little meaning because of the lack of uniformity in the nature of the work denoted by a given position title. It can be stated that the range in staff size of clerks runs from three or four, including the clerk himself, in the small counties such as Caroline, Kent, Queen Anne's, up to more than 100 in the Superior Court of Baltimore City. Prince George's county reported 38 full-time and 9 part-time employees, and Montgomery county reported 33 full-time and 8 part-time employees.

Under such a system it is to be expected that there would be competition between the clerks' offices in regard both to size of staff and salary raises. Personnel power is distributed among the judges, clerks, Comptroller, Board of Public Works and legislature. The casual standards employed and resultant disuniformities would seem to invite invidious comparisons.

116 Ibid., §25.
117 Annual reports from clerks' offices to State Comptroller for fiscal year ending June 30, 1955, Comptroller's Office, Annapolis.
Record-keeping. Maryland law alternates between spelling out record-keeping duties of the clerks in detail, and delegating substantial discretion. For example, clerks are authorized, subject to the approval of the judges of the Circuit Court for their county, to change the indexing system of records of their offices and to adopt "some modern and accurate system."118 And they may contract for the installation of a modern system. Such discretion is far better of course than rigid legislative specification which soon would become obsolete, but in the absence of central direction this delegation of discretion can lead to a different system in each Circuit, and possibly in each county. On the other hand the specification of the filing system for the clerk in Prince George's County includes the mandate to use "metallic files".119

In any event, whether the legal provisions be good, bad, or ignored, the practical development in this field has been in the direction of disuniformity. In his 1954120 survey, Professor Invernizzi found that approximately seventy-five per cent of the counties used loose leaf binders, with locks, for docket entries, which is good because it permits removing a page for work without tying up the whole docket. There was, however, great variation in the kinds and number of dockets kept. The varieties found included separate dockets for law, equity, habeas corpus, condemnation, partition, and criminal cases, and there were various combinations of these. One county had a separate criminal docket, but had both the criminal and civil appeals from the magistrate courts in the law docket. Most counties were found to use a permanent numbering system for cases docketed. But at least one county renumbered the cases when those undisposed of were copied into the new docket for the next term of court. The number of cases on the docket was found to be an uncertain indication of actual pending work load.

120 Tenth Annual Conference of the Judicial Council (sic) of Maryland, op. cit., supra, n. 67, at 47, et seq.
because of the large amount of deadwood, especially in the divorce field, i.e., cases filed but never brought to trial nor otherwise concluded.

In some counties deeds and mortgages were kept in one binder; in others in separate binders. Flat filing of documents rather than the traditional folding in thirds or quarters, which has the great advantage of making photographic or photostatic reproduction easier, was in use for some or all cases in Baltimore City and approximately half of the counties. Microfilming of old records to reduce the problem of storage space and to better preserve the records is being undertaken by the Hall of Records for those clerks who are willing to release their old records. The Hall of Records keeps the records and returns to the clerk either microfilm, where the clerk's office has a microfilm reading machine, or a full size reproduction of the old record. Filing and follow-up of reports of trustees and other fiduciaries was a matter of great disuniformity, with only a minority of counties having an effective system for checkup and verification.

Records analysis, as distinguished from mere compilation of records, was nonexistent apart from the brief annual reports of case load instituted under the Bond Amendments of 1944, as augmented for Baltimore by directive of the Chief Judge of the Supreme Bench. Until the creation of the Administrative Office in 1955, these reports were filed and tabulated but not published. The unified and much more detailed reporting system instituted by the new Administrative Office is treated below. Some of the old records were summarized in the preliminary compilation of the Administrative Office in January, 1956.

Calendar Control and Assignments. Closely related to the function of record-keeping is the problem of calendar control and assignment of cases for trial. The key to avoidance of docket congestion is to develop procedures which, within specified time intervals, will either force cases to trial or force them off the dockets.

121 The Burke Commission did include some statistics, based at least in part on this reporting system. Report (1953), 80-81, 86, 103-107.
122 Discussed, infra, circa, n. 143(a).
Among the causes for buildup of docket load found by Professor Invernizzi in his 1954 survey were (1) the "two non ests" statute and (2) time lag between date of filing and date of trial because of continuances and postponements by lawyers.\textsuperscript{123} The two non ests statute provides that after service of process has been twice returned with the defendant not served "the same shall be permitted to lie dormant, returnable only on the written order of the plaintiff . . . to such future return day as the said plaintiff . . . may elect . . .".\textsuperscript{124} Under this statute a filed case may lie dormant on the docket indefinitely. Time lag due to continuances and postponements was felt to occur because lawyers often want settlement, not a trial; but each side hesitates to make the first move for fear it will be interpreted as a sign of weakness. In the counties, Professor Invernizzi's survey indicated that a trial could be obtained within two or four months if the parties actively sought it.

Docket congestion in the three law courts of Baltimore City, which have overlapping jurisdiction but separate clerks' offices,\textsuperscript{125} finally led to the creation for them of an office of Assignment Commissioner in 1955 under the joint auspices of the Supreme Bench and the Bar of Baltimore. These three courts, and the other three major trial courts in Baltimore, are manned by the judges of the Supreme Bench on annual assignment according to a rotation system prescribed by court rule.\textsuperscript{126}

\textsuperscript{123} Tenth Annual Conference of the Judicial Council (\textit{sic}) of Maryland, \textit{op. cit.}, supra, n. 67, at 53, \textit{et seq.}
\textsuperscript{124} Md. Code (1951), Art. 75, §155.
\textsuperscript{125} Superior Court, City Court, Court of Common Pleas. See Fig. One.
\textsuperscript{126} Rules of the Supreme Bench of Baltimore City (1947), Rule 31. This rule has been modified and will become Rule 41 in the new edition now in preparation. The Juvenile Division of the Circuit Court is not subject to the usual rotation, it being handled by a semi-permanent assignment. The remaining twelve of the thirteen members of the Supreme Bench are to rotate annually through the following order: (1) Superior Court, Part 1 (jury); (2) Criminal Court, Part 2; (3) Superior Court, Part 3 (non-jury); (4) Superior Court, Part 2 (jury); (5) Judge-at-large, No. 2 (takes cases from any clerk's office); (6) Criminal Court, Part 3 (Youth Court); (7) Baltimore City Court (jury); (8) Circuit Court No. 2 — Domestic Relations Division (including domestic relations matters in the other Circuit Court and in the Criminal Court, thus centralizing this category of litigation); (9) Judge-at-large, No. 1 (takes cases from any clerk's office); (10) Criminal Court, Part 1; (11) Court of Common Pleas (jury); (12) Circuit Court No. 1. In addition, each judge at all times is assigned to assist every other judge in his special assignment.
It is significant that neither of the above two causes for delay, the two non ests statute and the desire for delay on the part of lawyers, is obviated by the Assignment Commissioner's Office because its expediting function comes into play only when one of the parties has filed a notice that the case is "at issue" and requests that it be placed on the trial docket. Thus a case potentially "at issue" because the pleadings have reached a question of fact will not come within the purview of the Assignment Commissioner if no notice is filed.

The structure and operation of the Baltimore Assignment Office is patterned after similar offices in some other large cities, particularly Philadelphia, and is the culmination of a development beginning in 1947. Prior to 1947 each of the three law courts operated wholly independently in assigning cases for trial on their three separate trial dockets. In 1947 the office of "composite assignment clerk", attached to the City Court, was created by the Supreme Bench. The separate trial dockets were maintained and the new clerk's limited function was to receive requests for assignment for trial from the three law clerks, contact counsel, and certify back to the clerks those cases ready for trial. There was no transfer of the case; trial was held in the court which the plaintiff had selected by his initial filing.

Under the present system which went into effect in 1955 the separate trial dockets in the three law courts were abolished and the post of Assignment Commissioner was created with the function of maintaining and administering a consolidated law docket. When a case is at issue either party may request that the case go on the consolidated docket. In the transition period cases already docketed on the old separate trial dockets are copied into the consolidated docket on a pro-rata basis, intermixed with new cases.

The separate law courts with their individual judges are maintained, but cases are assigned from the consoli-

127 For a full account see the report of the Committee of the Supreme Bench which led to the creation of the Assignment Office. *Baltimore Daily Record*, December 27, 1954.
dated docket for trial in whatever court is available at the moment, without regard to the court in which the case was initially filed. Effort is made to call enough cases for trial each day to keep the judges of each of the three courts busy at all times. On this basis counsel may not know until the day preceding trial, and perhaps not until the last minute, which judge will hear the case.

The system is under the supervision of an Assignment Judge, who is the final authority on continuances and postponements, which are normally made to a specific future date, rather than on an indefinite basis.

The Central Assignment Bureau has been in operation too short a time to yield reliable figures on its effectiveness in reducing the case load in the three law courts, but observers feel that the process of litigation has been speeded up appreciably. The first annual report of the Administrative Office may provide statistics bearing upon this point. Implicit in this system is the loss by counsel of opportunity to “jockey” to get a case before a preferred judge, an objection which can hardly be supported in principle but one which is felt keenly by some attorneys. Attorneys have regretted also the loss of freedom for postponements. A plea for a more flexible approach to postponements was first in a list of nine recommendations for modification of the central assignment system made by a City Bar Association Committee to the judges composing the Assignment Committee of the Supreme Bench. The Bar Committee desired the Assignment Commissioner to be vested with complete authority to postpone cases when desired by both sides. The response of the judges was that the Assignment Judge would give effect to such desire “if there is any plausible reason at all for it”, but that if one party objects there can be postponement only for a “reason which the rules of the Bench recognizes as sufficient for the purpose”.

Another recommendation, which was put into effect, was to assign cases to specific court rooms on the afternoon

---

128 Because the Superior Court is in three parts, and because there are two judges-at-large, it appears that a total of seven judges are potentially available to hear law cases. See rotation order, n. 126, supra.

before trial, rather than on the morning of trial day. Effect of this recommendation will be to reduce somewhat the congestion which resulted from the new system and which detracted from the desired dignity of the judicial process. Other recommendations were to pin point more exactly the hour of trial in cases involving medical witnesses, particularly surgeons (granted); to install an intercommunication system between the court rooms and the Central Assignment Bureau (money to be sought); to adjourn the trial courts at 3:30 p.m. (accepted in principle); to enlarge the facilities of the Central Assignment Bureau so that lawyers can transact their business in a room separate from the witnesses (accepted in principle and space to be sought); to devise a plan to clear dockets of cases more than two years' old (all such cases to be assigned to particular days and postponements to be granted only in exceptional circumstances); to have all law motions heard by a single judge (denied because too great a burden, except for matters growing out of new rules of practice and procedure which are to be heard by the Chief Judge of the Supreme Bench); to take stronger action against non-appearing witnesses, including physicians (to be attempted).

Data compiled by the Administrative Office of the Courts indicates that in Baltimore City from September 1, 1955, through November 30, 1955, the time average from date case filed to date case tried for all law cases (jury and non-jury combined) is 17 months, and for law-jury cases is 23 months. These averages indicate that installation of the Assignment Bureau was an over-due innovation. In the county circuits time averages are less. However, the time averages so far computed are by circuits, not by counties, thus making comparisons between clerks' offices and between counties impossible. The survey by Professor Invernizzi prior to his becoming the Director of the Administrative Office indicated that there are assignment clerks in two of the counties, Montgomery and Baltimore.


The Court of Appeals Establishment. The Court of Appeals is the only court in Maryland which is wholly financed by the state. It is the only major court which does not have to get approval of the Comptroller regarding salaries in the clerk's office and purchases of equipment. With the adoption of the constitutional amendment in 1940 making the clerk appointive rather than elective the Court of Appeals became the only major court in which the staff is administratively integrated under the control of the judges. By statute the Court has power to appoint other employees deemed necessary who shall receive "such compensation as shall be provided in the State Budget". The Court has a permanent, full-time staff of eighteen, including the judges' law clerks and secretaries, the state reporters, and excluding the Standing Committee on Rules.

The Chief Judge. The powers of the Chief Judge since 1944 rest on three clauses in Article IV, Section 18A of the Constitution, one of general content and two with specific content. He is the "administrative head of the judicial system of the state". Secondly, he has power to "require, from each of the judges of the Circuit Courts for the several counties and of the Supreme Bench of Baltimore City, reports as to the judicial work and business of each of the judges and their respective courts". This specification of the power to require reports from certain courts raises a question as to whether the Chief Judge has power to compel reports from the minor and special courts, viz., Orphans' Courts, Peoples' Courts, Trial Magistrates. His general power as "administrative head" might be interpreted to bring all the courts of the state within his purview. At

---

131 Md. Const., Art. IV, §17. The clerk holds his office "at the pleasure of said Court of Appeals". The change has been advocated by the Committee on the Structure of the Maryland State Government. It said: "The duties of this official are purely ministerial; he exercises no broad discretion requiring popular election; he is a servant of the court." Report 30 (1938). The same logic should apply to the clerks at the Circuit level, too.


present, the reporting requirement is confined to the major courts specified in the Constitution.

Thirdly, he has a power to assign judges which is described in Section 18A. He may bring a judge from the Circuit level up to the Court of Appeals to sit "in lieu of a judge of that court" in any case or for a specified period "in case of a vacancy or of illness, disqualification or other absence of one or more judges of the Court of Appeals". The judge brought up to the Court of Appeals is clearly to be a temporary replacement. There is no power to increase the size of the Court temporarily to expedite the handling of an overload of cases. The assignment clause goes on to say that the Chief Judge also may assign a judge of the Court of Appeals down to the Circuit level, and may make inter-Circuit assignments, for any case or for a specified period. This second provision does not include the limiting clause about vacancy, illness, disqualification, or absence. Hence, assignments of judges to sit at the Circuit level can be made for the purpose of expediting the handling of a crowded docket, even where there is no vacancy, illness, or absence.

In this connection it may be noted that in another Amendment added in 1944 the General Assembly was given power to provide by "general law for the assignment by the Court of Appeals" of judges between circuits, including Baltimore City, "for the purpose of relieving accumulation of business or because of the indisposition or disqualification of any judge". The Administrative Office Act implements both this section and Section 18A as follows:

"The Director shall, under the supervision and direction of the Chief Judge . . . (b) Make recommendations to the Chief Judge relating to the assignment of judges where courts are in need of assistance and carry out the directions of the Chief Judge as to the assignments of judges to places where the courts are in need of assistance."

134 Md. Const., Art. IV, §13A.

After the three powers of the Chief Judge are spelled out, Section 18A goes on to specify that the "powers of the Chief Judge under the foregoing provisions of this section shall be subject to such rules and regulations, if any, as the Court of Appeals may make". To date the Court of Appeals has not made rules and regulations in the administrative field.

Reverting to the question of the administrative powers of the Chief Judge over the minor courts, the Administrative Office Act is phrased sufficiently broadly to support an inference that the powers of the Chief Judge and the Director may extend to any courts in the state. The qualifying language of Section 18A in the Constitution which might appear to limit certain powers to the circuit level is missing in the Act. Instead the Act\(^6\) uses such general language as "any court" and "judicial system". Also, the Director, under the direction of the Chief Judge, is to study the "state and local" financing of the "judicial system and the offices connected therewith". Requests for information are to be complied with by the "judges, clerks of court, and all other officers, state and local".

\(^6\) See full text of Administrative Office Act in Appendix to this article.

In a memorandum prepared for the Court of Appeals Standing Committee on Rules of Practice and Procedure by Professor Invernizzi as Reporter for the Rules Committee, he concluded that the rule-making power of the Court of Appeals under Art. IV, §18A, of the Constitution did not extend to Trial Magistrates. Memorandum dated Nov. 5, 1953, Files, Administrative Office of Courts. Under §18A the rule-making power of the Court of Appeals applies to itself and to "the other courts of this State"; but neither the Constitution nor statutes designate the Justices of the Peace and their successors, the Trial Magistrates, as courts. Md. Const., Art. IV, §§1, 42-43; Md. Code (1951) and Supp. (1955), Art. 52, §§92-116. Also the office of Justice of the Peace has been held on several occasions not to be a court. Rehm v. Coal Co., 169 Md. 365, 181 A. 724 (1935); Co. Commrs. Charles Co. v. Wilmer, 131 Md. 175, 101 A. 686 (1917); Weikel v. Cate, 58 Md. 105 (1882). The new People's Courts, however, apparently are "courts" to which the rule-making power could extend. Lambros v. Brown, 184 Md. 350, 41 A. 2d 78 (1945).

This constitutional language which appears to exempt the Trial Magistrates from the rule-making power of the Court of Appeals would not necessarily apply to the administrative powers of the Chief Judge under Art. IV, Sec. 18A, of the Constitution and the Administrative Office Act, because in both the general phrase "judicial system" is used.

(To be concluded in the next issue.)
### COURTS OF MARYLAND

#### Court of Appeals

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Pop. 210,623</td>
<td>Pop. 766,281</td>
<td>Pop. 416,389</td>
<td>Pop. 949,708</td>
</tr>
</tbody>
</table>

#### Superior Court

<table>
<thead>
<tr>
<th>Pt. 1</th>
<th>Pt. 2</th>
<th>Pt. 3</th>
</tr>
</thead>
</table>

#### Criminal Court

<table>
<thead>
<tr>
<th>Pt. 1</th>
<th>Pt. 2</th>
<th>Pt. 3</th>
</tr>
</thead>
</table>

#### Circuit Court

- Div'n. for
- Youth Ct.
- Juvenile Causes
- All cases in equity.

#### Judges-at-large

| I | II |

#### Special and Petty Courts

- Orphan's Courts
- Trial Magistrates
- People's Courts

---

**Notes:**
- Number of judges in each circuit, including judges to be added by election in November, 1956.
- Adapted from chart of Enoch Pratt Free Library, Baltimore, Maryland, 1952 edition by Professor G. Kenneth Reihle, University of Maryland. Population statistics are from U. S. Bureau of the Census, County and City Data Book (1953), p. 218.

*Fig. 1*
6A. There is hereby created an administrative office of the courts, which shall be headed by a director who shall be appointed by the chief judge of the Court of Appeals of Maryland and shall hold office during the pleasure of the chief judge of the Court of Appeals of Maryland. Said director shall receive such compensation as shall be provided in the State budget, and may be a full or part time employee engaged in other employment by the State. The administrative office of the Courts shall have a seal in such form as shall be approved by the chief judge of the Court of Appeals of Maryland and judicial notice shall be taken of such seal by the courts of this State.

6B. The director shall have power, with the approval of the chief judge of the Court of Appeals of Maryland, to appoint such stenographers, clerical assistants and other employees as he shall deem necessary to carry out the performance of his duties, and the persons so appointed shall receive such compensation as shall be provided in the State budget. During his term of office or employment, neither the director nor any employee of the administrative office of the courts shall engage directly or indirectly in the practice of law in this State.

6C. The director shall, under the supervision and direction of the chief judge of the Court of Appeals of Maryland:

(a) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(b) Make recommendations to the chief judge relating to the assignment of judges where courts are in need of assistance and carry out the directions of the chief judge as to the assignments of judges to places where the courts are in need of assistance;

(c) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief judge to the end that proper action may be taken in respect thereto;

(d) Prepare and submit budget estimates of state appropriations necessary for the maintenance and opera-
tion of the judicial system and make recommenda-
tions in respect thereto;

(e) Draw all requisitions for the payment out of state
moneys appropriated for the maintenance and oper-
ation of the judicial system;

(f) 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 the offices connected therewith;

(g) Obtain reports from clerks of courts in accordance
with law or rules adopted by the Court of Appeals
or the chief judge on cases and other judicial busi-
ness in which action has been delayed beyond
periods of time specified by law or rules of court and
make report thereof to the chief judge;

(h) Formulate and submit to the chief judge recom-
mendations of policies for the improvement of the
judicial system; and

(i) Perform such other duties as may be assigned to
him by the chief judge.

6D. The judges, clerks of court and all other officers,
state and local, shall comply with all requests, as may be
approved by the chief judge of the Court of Appeals, made
by the director or his assistants for information and statisti-
cal data bearing on the state of the dockets of such courts
and such other information as may reflect the business
transacted by them and the expenditure of public moneys
for the maintenance and operation of the judicial system.

6E. The director shall make and publish an annual re-
port of the affairs of his office in such form, at such time and
containing such information as may be approved by the
chief judge of the Court of Appeals.