

## Chapter 4. Courts and Related Offices

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The Maryland Constitution establishes the judiciary as a separate branch of government. Administration of Maryland's judicial system represents a unique State-local relationship. The State funds the judicial system, except for the orphans' courts, State's Attorneys' offices, sheriffs' offices, and some of the operating and capital costs of the circuit courts. County and Baltimore City expenditures to support these other components of the judicial system constitute less than one-third of the total costs of the judicial system and a small portion of local budgets. For a more extensive discussion of the judicial system, see *Volume VIII – Maryland's Criminal and Juvenile Justice Process* of this legislative handbook series.

### Structure

The Maryland judicial system operates primarily through two appellate courts (Court of Appeals and Court of Special Appeals), trial courts of general jurisdiction (circuit courts), a trial court of limited civil and criminal jurisdiction (District Court), and courts with special jurisdiction (orphans' courts). The courts are supported by clerks who are responsible for maintaining court documents. In addition to the courts, a number of related offices are financed by the State and local governments. Exhibit 4.1 shows the organization of the major components of the Maryland judicial system and their source of funding.

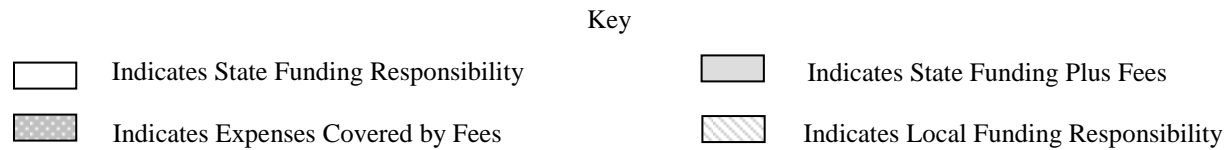
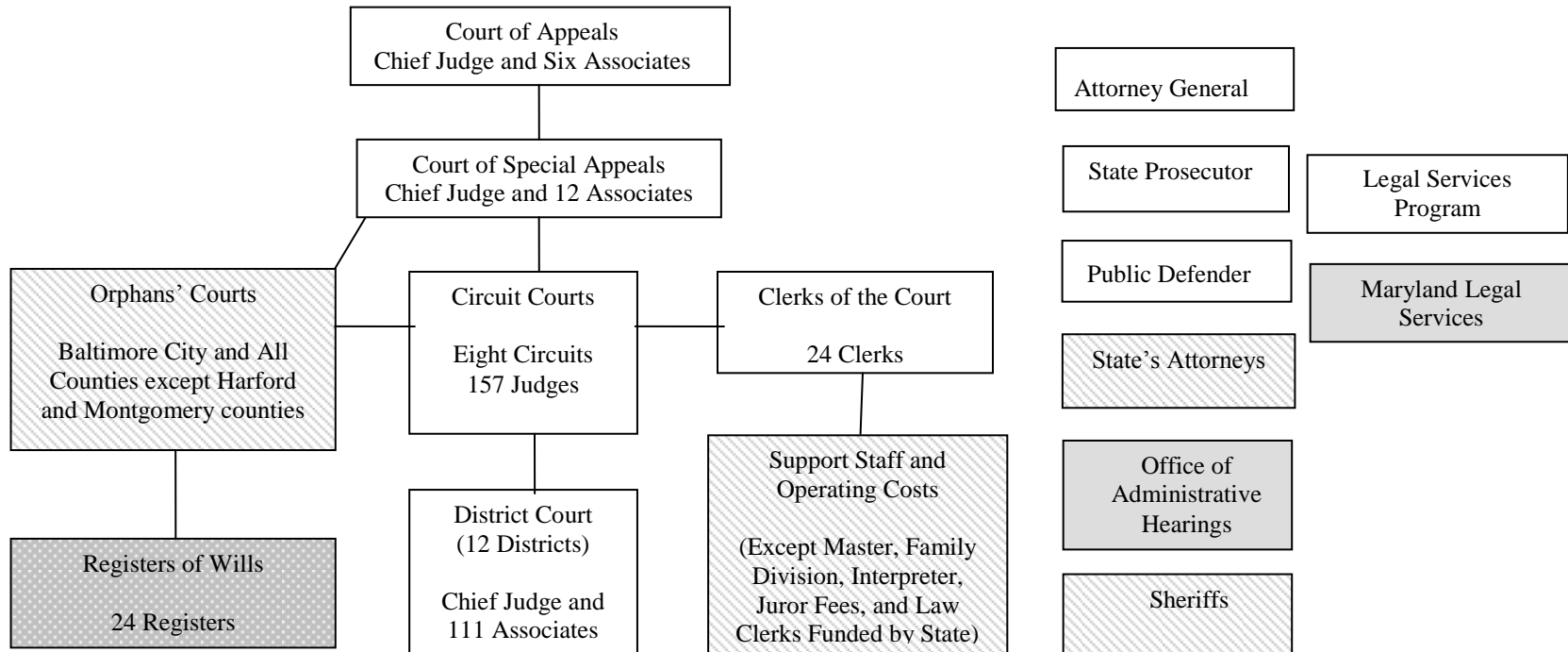
Although judicial power is vested only in the courts described above, quasi-judicial hearings are conducted by a multitude of Executive Branch commissions, departments, and agencies at both the State and local level. In some instances, the Executive Branch unit exercises this adjudicatory function itself, but usually the unit has delegated its authority to conduct administrative hearings to the Office of Administrative Hearings (for the State) or a county board of appeals. Although the form of the hearings varies, a common characteristic is that, after a determination at the administrative level, a party may file an appeal for the purpose of judicial review by a circuit court.

### Services

#### Court of Appeals

The Maryland Constitution establishes the Court of Appeals as the highest court in the State. The Court of Appeals may review a case decided by the Court of Special Appeals by exercising its discretion in granting a petition for *certiorari* (*i.e.*, on review) or electing to transfer a case filed in, but not already decided by, the Court of Special

### Exhibit 4.1 Maryland Judicial System



Source: Department of Legislative Services

Appeals. The Court of Appeals may also review certain decisions of a circuit court that acted in an appellate capacity with respect to an appeal from the District Court. The court also has exclusive jurisdiction over appeals of death penalty cases from the circuit courts and may decide questions of law certified by federal or other states' appellate courts. Most cases decided by the Court of Appeals are cases in which a petition of *certiorari* is granted. The Court of Appeals receives more than 600 petitions for *certiorari* each year and approximately 170 regular docket filings.

In addition to adjudicating cases, the court adopts rules to govern practice, procedure, and judicial administration. The Standing Committee on Rules of Practice and Procedure, which is authorized by statute to make recommendations on court rules, assists the Court of Appeals in the exercise of its rulemaking power. The Court of Appeals appoints the members of the committee, who serve without compensation, and employs assistants for the committee.

The Court of Appeals also reviews the recommendations of the State Board of Law Examiners for admission of applicants to the Maryland Bar; conducts disciplinary proceedings involving attorneys and judges; and appoints the members of the Attorney Grievance Commission, trustees of the Client Protection Fund of the Bar of Maryland, members of the State Board of Law Examiners, and members of the Library Committee, which is the governing board for the State Law Library.

The seven judges on the Court of Appeals are appointed by the Governor and confirmed by the Senate. One judge must be drawn from each of the State's seven appellate judicial circuits, which are delineated in Exhibit 4.2. After a minimum of 1 year's service, members of the court run on their records, without opposition, in retention elections for a 10-year term. The Governor designates the Chief Judge of the Court of Appeals, who is the administrative head of Maryland's judicial system.

### **Court of Special Appeals**

The Court of Special Appeals is established by statute, pursuant to constitutional authorization, as an intermediate appeals court with statewide jurisdiction. It hears almost all initial appeals from circuit courts and orphans' courts. In addition, it considers applications to review various matters including post-conviction petitions, *habeas corpus* matters concerning denial of or excessive bail, inmate grievances, appeals from criminal guilty pleas, and probation violations. In fiscal 2009, 2,012 appeals were filed with the court.

Although the judges usually sit in panels of three, a hearing or a rehearing before the full 13-member court may be ordered in any case by a majority of the judges on the court.

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## Exhibit 4.2 Appellate Judicial Circuits

Circuit 1	Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester
Circuit 2	Baltimore and Harford
Circuit 3	Allegany, Carroll, Frederick, Garrett, Howard, and Washington
Circuit 4	Prince George's
Circuit 5	Anne Arundel, Calvert, Charles, and St. Mary's
Circuit 6	Baltimore City
Circuit 7	Montgomery

Source: Department of Legislative Services

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The process for selecting the 13 members of the Court of Special Appeals is similar to the procedure for choosing judges for the Court of Appeals – with the Governor nominating qualified candidates, the Senate confirming the nominees, and, after a period of at least 1 year, voters casting ballots for or against retention of an incumbent judge for a 10-year term. Each of the State's seven appellate circuits is represented on the court with the other 6 judges selected on an at-large basis.

### **Circuit Courts**

The circuit courts, which are established by the Maryland Constitution, sit in each county and Baltimore City. All jury trials are conducted in the circuit courts. The circuit courts handle major civil cases, including family law cases, and the more serious criminal matters. In addition, the circuit courts decide appeals from the District Court and from certain administrative agencies. The circuit courts also exercise juvenile jurisdiction when sitting as the juvenile court in petitions alleging a child to be delinquent, in need of supervision, or in need of assistance. From fiscal 2005 to 2009, the number of circuit court filings has increased from 278,083 to 314,884.

Circuit courts traditionally divided their cases between criminal and civil divisions. However, State law directs the Chief Judge of the Court of Appeals to take the necessary steps to create a family division in each circuit court in which a sufficient number of judges exists to make a family division feasible. The Maryland Rules require that a family division be established in those counties with more than seven resident circuit court judges. Counties without separate family divisions are provided with a family support coordinator and a budget for establishing services to families who are involved in the judicial system.

Similar in some respects to the specialization within the circuit courts in the handling of family law matters, in 2003, the circuit courts began a statewide Business and Technology Case Management Program implemented by the Maryland Rules.

The circuit courts are grouped into eight geographic circuits. Each of the first seven contains two or more counties. The eighth judicial circuit consists of Baltimore City. In fiscal 2011, there are 157 circuit court judges, 8 of whom act as circuit administrative judges pursuant to designation by the Chief Judge of the Court of Appeals. The organizational hierarchy of the circuits also includes county administrative judges who aid the circuit administrative judges. In addition, within each circuit, the judge who has served longest on the circuit court is designated as the chief judge of the circuit. In some jurisdictions, the circuit court judges are assisted in their functions by standing judicial masters who conduct hearings and make findings on some domestic relations and juvenile matters. The findings of a master are subject to approval by a circuit court judge. The statutorily required composition of the eight circuits and the distribution of circuit court judges among the local jurisdictions are presented in the left-hand column of Exhibit 4.3.

Circuit court judges are appointed by the Governor and, after at least 1 year's service, must stand for election to a 15-year term. Unlike their colleagues on the Court of Appeals and the Court of Special Appeals, circuit court judges may face a contested election in which qualified members of the Maryland Bar challenge the incumbent judges by filing as candidates. The Maryland Constitution also provides for the election of a clerk of the circuit court in each county and Baltimore City who serves a term of four years.

By rule of the Court of Appeals, the Conference of Circuit Judges is established to consider and make recommendations concerning the circuit courts. The conference consists of 16 members; 8 are the administrative judges of the eight judicial circuits, and the other 8 members are judges elected to a two-year term from each of the judicial circuits.

## **District Court**

The District Court has jurisdiction over criminal cases, including motor vehicle and boating violations, and civil cases. The jurisdiction of the District Court generally includes, as to civil cases, landlord and tenant cases, *replevin* actions (a legal action that allows you to seek the return of property prior to trial), and other cases involving amounts of \$5,000 or less and, as to criminal cases, motor vehicle and boating violations by individuals at least 16 years old and other misdemeanors for which the maximum penalty is imprisonment for less than three years or a fine of less than \$2,500.

**Exhibit 4.3**  
**Allocation of Circuit Court and District Court Judges**  
**Fiscal 2011**

<u>Circuit</u>	<u>Circuit Court Jurisdiction</u>	<u>Judges</u>	<u>District</u>	<u>District Court Jurisdiction</u>	<u>Judges</u>		
1	Dorchester	1	1	Baltimore City	27		
	Somerset	1					
	Wicomico	3					
	Worcester	3					
2	Caroline	1	2	Dorchester	1		
	Cecil	3		Somerset	1		
	Kent	1		Wicomico	2		
	Queen Anne's	1		Worcester	2		
	Talbot	1		3	Caroline	1	
3	Baltimore	18	Cecil		2		
	Harford	5	Kent		1		
	4	Allegany	2		Queen Anne's	1	
Garrett		1	Talbot		1		
Washington		5	4	Calvert	2		
5	Anne Arundel	12		Charles	2		
	Carroll	3		St. Mary's	1		
	Howard	5	5	Prince George's	15		
6	Frederick	4		6	Montgomery	11	
	Montgomery	22			7	Anne Arundel	9
7	Calvert	2	8	Baltimore		13	
	Charles	4		9	Harford	4	
	Prince George's	23			10	Carroll	2
	St. Mary's	3				Howard	5
8	Baltimore City	33	11		Frederick	3	
				Washington	2		
				12	Allegany	2	
Garrett	1						
Chief Judge	1						
<b>Total</b>		<b>157</b>	<b>Total</b>		<b>112</b>		

Source: Department of Legislative Services

The District Court shares concurrent jurisdiction with the circuit courts in domestic violence cases, in other civil matters that involve a claim for an amount between \$5,000 and \$30,000, in some criminal misdemeanor cases in which the maximum penalty is imprisonment for three or more years or a fine of \$2,500 or more, and in several enumerated felony cases. From fiscal 2005 to 2009, the number of cases filed in the District Court increased from 1.5 million to 1.9 million. In fiscal 2009, motor vehicle and landlord/tenant cases accounted for 36.6 and 32.4% of the cases filed, respectively.

There are no jury trials in the District Court. If a defendant in a criminal or civil case filed in the District Court is entitled to and elects a jury trial, the case is transferred to a circuit court. Generally, a defendant in a criminal case in which imprisonment may be imposed may elect to have a jury trial in the first instance by demanding that the case be transferred to the appropriate circuit court. For some other criminal prosecutions for which a constitutional or statutory right to a jury trial exists, a defendant may file an appeal from the District Court to a circuit court in order to obtain a jury trial. In civil cases filed in the District Court, a defendant may elect to have the case transferred to the appropriate circuit under Article 5 and Article 23 of the Declaration of Rights – which guarantees the right to a jury trial in a civil case if the amount in controversy exceeds a specified mandatory threshold.

The District Court is divided into 12 geographic districts throughout the State. In fiscal 2011, 112 judges compose the District Court bench, including the Chief Judge of the District Court who is designated by the Chief Judge of the Court of Appeals. Judges are nominated by the Governor and serve 10-year terms upon confirmation by the Senate. The statutorily required composition of the 12 districts and the distribution of judges among the counties and Baltimore City are presented in the right-hand column of Exhibit 4.3.

The Chief Judge of the District Court, subject to the approval of the Chief Judge of the Court of Appeals, designates a District Court judge in each district as the administrative judge for that district. In addition to a clerk in each county and Baltimore City, there is a chief clerk of the District Court appointed by the Chief Judge of the District Court.

The Maryland Constitution requires District Court commissioners to be appointed by the administrative judge of each district, subject to the approval of the Chief Judge of the District Court. Commissioners may exercise power with respect to warrants of arrest; bail, collateral, or other terms of pretrial release; or incarceration – pending a hearing before a judge.

In addition, the authority of District Court commissioners was expanded by a constitutional amendment, ratified in 2002, which granted District Court commissioners the authority to issue interim domestic violence orders and civil interim peace orders within the jurisdiction of the District Court when the office of the clerk of the District Court is closed, including at night and on weekends and holidays.

## **Orphans' Courts**

As established by the Maryland Constitution, the orphans' courts are responsible for the probate function in each jurisdiction, with the exception of Harford and Montgomery counties, where the function is carried out by the circuit courts. Each jurisdiction with an orphans' court elects three judges to four-year terms.

## **Administrative Hearings**

Although judicial power is vested only in the courts described above, quasi-judicial hearings are conducted by numerous Executive Branch agencies. Some commissions conduct administrative hearings with their members deciding matters by sitting as a panel or allowing an individual commissioner to make a determination. Such commissions include the Commission on Human Relations, the Maryland Racing Commission, the Maryland Parole Commission, the Public Service Commission, and the Workers' Compensation Commission. Some of these commissions are independent agencies and others are located within a department of the Executive Branch. In general, the Governor appoints commissioners with the advice and consent of the Senate.

Some departments and individual agencies conduct their own hearings, but many delegate their authority to the Office of Administrative Hearings, an independent unit of the Executive Branch. The office has 51 administrative law judges – headed by the Chief Administrative Law Judge, who is appointed by the Governor with the advice and consent of the Senate.

The Office of Administrative Hearings is reimbursed by other State agencies that refer cases to it. The Department of Budget and Management allocates funds to these agencies to cover anticipated costs associated with such hearings by utilizing a caseload formula. Agencies' annual assessments are determined based on their prior year's caseload and the length of time it takes to hear cases. The cost per case varies because the length of time required to hear a particular type of case varies considerably according to the complexity of the case. As illustrated in Exhibit 4.4, motor vehicle hearings generally last less than an hour. By contrast, physician disciplinary hearings frequently require more evidence than other types of cases and average longer than one week.



**Exhibit 4.4**  
**Office of Administrative Hearings**  
**Cost Allocation – Fiscal 2011**

<u>Agency</u>	<u>Type of Cases</u>	<u>Avg. Case Hrs</u>	<u>Projected No. of Cases</u>	<u>Total Case Hours</u>	<u>% of Total</u>
Transportation	Motor Vehicle Administration	0.73	26,254	19,165	21.91%
	MDOT Cases	4.26	55	234	0.27%
	Personnel Grievances	17.39	40	695	0.80%
	<b>Total</b>		<b>26,349</b>	<b>20,095</b>	<b>22.98%</b>
Human Resources	Child Support Enforcement	7.19	96	690	0.79%
	Income Maintenance	0.89	4,691	4,175	4.77%
	Child Abuse and Neglect	10.82	756	8,180	9.35%
	Personnel Grievances	17.39	10	174	0.20%
	<b>Total</b>		<b>5,553</b>	<b>13,219</b>	<b>15.12%</b>
Labor, Licensing, and Regulation	Home Improvement Commission	9.73	230	2,238	2.56%
	Real Estate Commission	19.14	69	1,321	1.51%
	Maryland Occupational Safety and Health	14.29	86	1,229	1.41%
	Miscellaneous <sup>1</sup>	Varies	70	835	0.96%
	<b>Total</b>		<b>455</b>	<b>5,622</b>	<b>6.43%</b>
Education	Hearings	22.45	285	6,398	7.32%
	Personnel Grievances	17.39	3	52	0.06%
	Miscellaneous <sup>2</sup>	Varies	687	3,169	3.62%
	<b>Total</b>		<b>975</b>	<b>9,620</b>	<b>11.00%</b>
Health and Mental Hygiene	Not Criminally Responsible	5.36	353	1,892	2.16%
	Involuntary Admissions	0.57	5,817	3,316	3.79%
	Medical Assistance	1.38	4,495	6,203	7.09%
	Boards (including Physicians)	43.50	52	2,263	2.58%
	Children's Health Insurance Plan	10.38	3,89	4,038	4.62%
	Miscellaneous	4.59	447	2,052	2.35%
	Personnel Grievances	17.39	30	521	0.60%
	<b>Total</b>		<b>11,583</b>	<b>20,284</b>	<b>23.20%</b>
All Other <sup>3</sup>	Personnel Grievances	17.39	405	7,041	8.07%
	Other Cases	Varies	972	11,574	13.24%
	<b>Total</b>		<b>1,377</b>	<b>18,615</b>	<b>21.31%</b>
<b>Total</b>			<b>46,276</b>	<b>87,455</b>	<b>100%</b>

MDOT: Maryland Department of Transportation

<sup>1</sup> Includes Personnel and Unemployment Insurance Cases.

<sup>2</sup> Includes mediations.

<sup>3</sup> Including, but not limited to the Department of Public Safety and Correctional Services, Office of the Attorney General, Department of Budget and Management, and Department of the Environment.

Numbers may not sum due to rounding.

Source: Office of Administrative Hearings; Department of Legislative Services

Over 60% of the office's total case-hour allocation in fiscal 2011 is to the Maryland Department of Transportation, the Department of Health and Mental Hygiene, and the Department of Human Resources. Of the various types of hearings held, personnel grievances, with an average case time of approximately 17 hours, are among the most time consuming cases heard by the office. The office anticipates hearing 46,276 cases for a total of 87,455 case hours in fiscal 2011.

One agency that conducts its own administrative hearings, the Maryland Tax Court, deserves specific mention. Despite its name, the Maryland Tax Court is not part of the judiciary but rather is an independent executive branch agency. This nonjudicial "court" hears appeals from the decisions of any State agency or local assessing or taxing authority that affect the valuation, assessment, or classification of property; the levy of a tax; appeals from allowances or disallowances of claims for tax refunds; and applications for an abatement or reduction of, or exemption from, any assessment or tax. The Maryland Tax Court consists of five judges appointed by the Governor for six-year terms, with one of the judges designated by the Governor as the Chief Judge. At least two judges must be members of the Maryland Bar.

Although the form of administrative hearings varies somewhat, they have in common the fact that the parties have a right to appeal the administrative decision and obtain judicial review by a court vested with judicial power under the Maryland Constitution.

## **Judicial Agencies**

Within the Judicial Branch of the State government, agencies described below provide support for the judicial functions.

### **Maryland Judicial Conference**

The Maryland Judicial Conference is the most broadly based organization consisting of judges in the State. The conference was established by the Court of Appeals, and it includes all judges of the Court of Appeals, the Court of Special Appeals, the circuit courts, and the District Court. The conference is headed by the Chief Judge of the Court of Appeals who serves as the chairperson.

The conference meets annually to consider improvements to judicial practice and procedure. Based on its evaluations, the conference recommends legislation and other proposals, including changes in court rules.

### **Administrative Office of the Courts**

The administrative staff that assists the Chief Judge of the Court of Appeals, as the administrative head of the State judicial system, is within the statutorily created Administrative Office of the Courts.

The State Court Administrator, who is appointed by the Chief Judge, heads the office. The office prepares and administers the judiciary budget, serves as liaison with the Legislative and Executive branches, provides staff support for the Maryland Judicial Conference and its committees and the Conference of Circuit Court Judges, operates information systems, and conducts planning and research in addition to several other responsibilities. The State Court Administrator also manages the Circuit Court Real Property Records Improvement Fund that is used for modernizing the equipment in the land records offices of the clerks of the circuit courts. The judiciary has formed an ongoing partnership with the Maryland State Archives to conserve land record and subdivision plats information.

The Administrative Office of the Courts also includes the Office of Problem-Solving Courts which oversees the State's alternative court programs, including drug court programs, mental health court programs, and truancy court programs. The fiscal 2011 budget includes \$4.6 million in grant funding for these programs. For a full discussion of alternative court programs see *Volume VIII – Maryland's Criminal and Juvenile Justice Process* of this legislative handbook series.

### **Commission on Judicial Disabilities**

The Commission on Judicial Disabilities is constitutionally established to investigate and adjudicate complaints against judges. The commission consists of 11 members appointed by the Governor with the advice and consent of the Senate. Three members are appointed from among the judges, 3 from among the members of the Maryland Bar, and 5 from the public.

### **State Board of Law Examiners**

The State Board of Law Examiners is a statutorily created entity that examines applicants seeking admission to the Maryland Bar. The board is composed of seven attorneys appointed to five-year terms by the Court of Appeals.

### **Attorney Grievance Commission**

The Attorney Grievance Commission is created by rule of the Court of Appeals to oversee the investigation of complaints regarding attorneys and conduct disciplinary proceedings. The commission is composed of 12 members appointed by the Court of Appeals. Nine of the members are attorneys, and 3 are members of the public.

### **Client Protection Fund of the Bar of Maryland**

The Client Protection Fund of the Bar of Maryland reimburses clients for losses, not recoverable from other sources, caused by an attorney's or fiduciary's theft or misuse of any client's money. The fund is maintained by annual assessments on members of the Maryland Bar. The Court of Appeals appoints the nine trustees who oversee the fund. The trustees serve seven-year terms.

### **State Reporter**

The State Reporter is appointed by the Court of Appeals for a term of four years and is responsible for the publication and distribution of the official opinions of the Court of Appeals and the Court of Special Appeals.

### **State Law Library**

The State Law Library provides legal information to the State's appellate courts and agencies throughout State government. The library also serves as the resource center for the circuit court libraries and as a select U.S. government repository for federal agency and congressional publications. The governing board of the library is the Library Committee that is composed of at least three members who are appointed by the Court of Appeals.

### **Other Offices**

In addition to the courts and judicial agencies, several other offices complete the judicial system in Maryland.

### **Registers of Wills**

Baltimore City and each of the counties have a register of wills who performs various duties, including the collection of inheritance taxes and fees associated with the judicial administration of the estates of decedents. In each jurisdiction that has an

orphans' court, the register of wills provides administrative support to the orphans' court. Registers of wills are elected to four-year terms under the Maryland Constitution.

### **Sheriffs' Offices**

The Maryland Constitution requires each local jurisdiction to elect a sheriff, whose responsibilities may include law enforcement, serving papers as directed by the court, providing courtroom security, transporting prisoners, and administering local detention centers. In the large jurisdictions with a separate law enforcement agency, the sheriff's responsibilities are primarily as an officer of the court with responsibility for court security and service of process. Sheriffs' offices in other counties have significant law enforcement responsibilities in addition to their functions on behalf of the courts.

## **Legal Representation of the State**

### **Office of the Attorney General**

The Office of the Attorney General, which is mandated in the Maryland Constitution, represents the State in all legal matters including civil litigation and criminal appeals in federal and State courts. The office also enforces antitrust, consumer protection, and securities laws and prosecutes Medicaid provider fraud. The Attorney General is elected on a statewide basis to a four-year term.

### **Office of the State Prosecutor**

An independent office within the Office of the Attorney General, the Office of the State Prosecutor is responsible for investigating and prosecuting criminal offenses under the State election and ethics laws, violations of the State bribery laws, and malfeasance in office. Additionally, at the request of the Governor, Attorney General, or a State's Attorney, the State Prosecutor may investigate alleged crimes conducted partly in Maryland and partly in another jurisdiction, or in more than one political subdivision of the State. Nominated by the State Prosecutor Selection and Disabilities Commission, the State Prosecutor is appointed to a six-year term by the Governor with the advice and consent of the Senate.

### **Offices of the State's Attorneys**

As mandated by the State constitution, each jurisdiction has a State's Attorney who is elected to a four-year term. A State's Attorney is responsible for prosecuting persons accused of violating the State criminal law or certain county or municipal ordinances.

## **Legal Services for Indigent Parties**

### **Office of the Public Defender**

The Office of the Public Defender provides legal representation on a statewide basis for indigent defendants in criminal trials and appeals, juvenile cases, and other proceedings. The Public Defender is appointed by the Board of Trustees of the Public Defender System.

### **Maryland Legal Services Corporation**

The Maryland Legal Services Corporation is a statutorily created entity that provides funds for legal services for persons with limited incomes. The corporation receives federal funding, as well as State funding, through the Maryland Legal Services Corporation Fund. The corporation does not provide legal services directly but provides grants to organizations that assist indigent clients in civil proceedings. Ten members, including the executive director who is a nonvoting, *ex-officio* member, constitute the corporation's board of directors. Five voting members are lawyers and four voting members are not. The directors are appointed to three-year terms by the Governor with the advice and consent of the Senate.

### **Legal Services Program**

The Department of Human Resources uses State funds to purchase legal services for children in need of assistance and termination of parental rights proceedings and for disabled indigent adults in adult public guardianship proceedings.

## **Funding**

As depicted in Exhibit 4.5, the State and local governments share responsibility for funding Maryland's judicial system with the State covering more than two-thirds of the costs. Federal funds accounted for less than 2% of the expenditures in fiscal 2009. The limited federal support was earmarked for child support enforcement functions undertaken by some circuit courts, legal services for children, and Medicaid fraud investigations conducted by the Office of the Attorney General.

With the exception of the orphans' courts and a portion of the operating and the capital costs of the circuit courts, the State funds all of the expenses of Maryland's courts. In addition, the State has sole responsibility for funding the operations of the Office of the State Prosecutor, Office of the Attorney General, Office of the Public Defender, and Office of Administrative Hearings. Local governments fund their own State's Attorney and sheriff.

**Exhibit 4.5**  
**Maryland Judicial System**  
**Local, State, and Federal Funding Responsibility – Fiscal 2009**  
**(\$ in Millions)**

<u>Unit</u>	<u>Local</u> <sup>1</sup>	<u>State</u>	<u>Federal</u>	<u>Total</u>
Court of Appeals		\$13.1		\$13.1
Court of Special Appeals		8.5		8.5
Circuit Courts				
Judges and Masters		54.1	\$0.8	54.9
Clerks of the Circuit Court		83.4	2.3	85.7
Family Division		16.9	0.6	17.5
Adm. Support/Operating Costs	\$51.8			51.8
District Court		140.1		140.1
Orphans' Courts	2.2			2.2
Registers of Wills <sup>2</sup>		19.4		19.4
Office of the State Prosecutor		1.3	0.1	1.4
Office of the Attorney General		23.1	1.6	24.7
Office of the Public Defender		90.2		90.2
Offices of the State's Attorneys	105.2			105.2
Offices of Sheriffs <sup>3</sup>	77.1			77.1
Office of Administrative Hearings		13.4		13.4
Administrative Office of the Courts		29.7		29.7
Legal Services Program – Department of Human Resources		9.9	6.4	16.3
Maryland Legal Service Corporation <sup>4</sup>		15.7		15.7
Other (law library, data processing support, etc.)	9.3	50.0	0.1	59.4
<b>Total</b>	<b>\$245.6</b>	<b>\$568.8</b>	<b>\$11.9</b>	<b>\$826.3</b>

<sup>1</sup> Local funds may include capital expenditures and may not include employee fringe benefits.

<sup>2</sup> The following is a summary of the Register of Wills' Offices for fiscal 2009.

Inheritance Taxes (75% Remitted Monthly)		\$52,357,817
Retained:		
Inheritance Taxes (25%)	\$17,446,097	
Fees of Offices	6,978,683	
<b>Total Retained</b>	<b>\$24,424,780</b>	
Less: Salaries and Expenses	\$19,443,734	
Excess Fees of Office (Remitted Annually)		4,981,046
<b>Total Remitted (State General Fund)</b>		<b>\$57,338,863</b>

<sup>3</sup> The Offices of Sheriffs' expenses are those reported by counties for judicial functions. The amount is probably understated because, for most counties where the sheriff's office has primarily public safety and law enforcement responsibilities, the costs associated with judicial functions were not reported separately.

<sup>4</sup> This represents expenses for grant obligations and operating expenses. Revenues in fiscal 2009 for the Maryland Legal Services Corporation included \$0.5 million from the Abandoned Property Fund, \$7.9 million from court filing fees, and \$3.9 million from interest on lawyers' trust accounts.

Source: *Fiscal 2011 State Budget Books; Uniform Financial Reports*; Comptroller of the Treasury; Maryland Judiciary; Department of Legislative Services

## **Circuit Courts**

In the case of the circuit courts, the State has traditionally paid the expenses associated with the judges and the clerks of the courts while the counties and Baltimore City have covered the remainder of the operating and all the capital and physical facility costs. However, the State has begun to support activities that have been historically the responsibility of local governments.

For example, since 1999, State funding has been provided for a family division in each circuit court in a county with more than seven resident judges (*i.e.*, Baltimore City and Baltimore, Anne Arundel, Montgomery, and Prince George's counties) and for family law services in other jurisdictions. In fiscal 2009, the State spent \$17.5 million for this purpose.

Other legislation required the State to provide funding to the circuit courts for interpreter services and to contribute toward juror per diems. The State per diem amount is \$15 for each day of service, with the amount increasing to \$50 per day for each day more than five days.

In addition, the State assumed fiscal responsibility for standing masters, circuit court law clerks, and rental payments for the space occupied in local facilities by the circuit court clerks on a phased-in basis.

## **Local Expenditures**

Each local government is solely responsible for funding its office of the State's Attorney and office of the sheriff. The salaries and office expenses of the orphans' courts are also financed by the counties, except in Harford and Montgomery counties where the circuit courts serve as the orphans' court and are therefore partially funded by the State. Exhibit 4.6 shows local expenditures on judicial activities by jurisdiction.

## **Registers of Wills and Maryland Legal Services Corporation**

The registers of wills and the Maryland Legal Services Corporation are supported by the State through more complex financing arrangements. A portion of revenues from inheritance taxes and miscellaneous fees is dedicated to financing administrative costs incurred by the registers of wills. The offices of the registers of wills that cannot cover their expenses with these revenues receive additional funding from the State.



**Exhibit 4.6**  
**Courts and Related Offices – Local Funding Responsibility<sup>1</sup>**  
**Fiscal 2009**

County	Circuit Court	Orphans' Court	State's Attorney	Sheriff <sup>2</sup>	Law Lib/Other
Allegany	\$673,610	\$52,309	\$1,116,795	\$0	\$132,846
Anne Arundel	4,586,811	128,220	8,278,944	6,799,769	0
Baltimore City	8,671,154	448,544	26,835,918	12,847,855	0
Baltimore	5,089,516	204,216	7,888,491	5,270,888	0
Calvert	637,954	26,391	1,369,405	0	5,480
Caroline	234,901	15,129	510,757	0	178,847
Carroll	1,510,152	614,134	2,579,190	0	164,113
Cecil	1,746,928	22,398	1,681,912	0	0
Charles	1,197,500	41,249	2,157,585	0	0
Dorchester	165,538	20,752	693,753	0	0
Frederick	1,154,217	32,978	5,317,167	15,773	0
Garrett	394,360	17,288	620,136	0	18,948
Harford	1,288,326	0	4,898,750	0	1,435,648
Howard	2,386,322	41,531	6,344,754	5,815,303	0
Kent	188,870	34,129	483,841	0	134,527
Montgomery	10,294,135	0	12,670,589	20,331,348	3,749
Prince George's	5,094,358	303,098	10,279,063	23,467,840	6,162,518
Queen Anne's	408,703	62,767	1,149,032	0	0
St. Mary's	1,204,683	29,653	2,447,909	0	58,454
Somerset	197,682	16,852	931,597	0	367,981
Talbot	456,645	18,454	771,957	575,998	2,905
Washington	1,243,326	27,609	2,272,310	2,008,613	681,869
Wicomico	981,249	30,190	1,710,359	0	0
Worcester	1,958,741	29,304	2,171,662	0	0
<b>Total</b>	<b>\$51,765,681</b>	<b>\$2,217,195</b>	<b>\$105,181,876</b>	<b>\$77,133,387</b>	<b>\$9,347,885</b>

<sup>1</sup> Figures may not include employee fringe benefits.

<sup>2</sup> Figures for the sheriff are the expenses of sheriffs' offices reported by counties for judicial functions. For most counties where the sheriff's office has primarily public safety and law enforcement responsibilities, costs associated with judicial functions were not reported separately.

Source: *Uniform Financial Reports*; Department of Legislative Services

The Maryland Legal Services Corporation receives its State funding through a \$500,000 grant from the funds generated from the abandoned property fund, a surcharge on civil cases filed in the District Court and the circuit courts that generated \$7.9 million in fiscal 2009, and the interest on lawyers' trust accounts which was approximately \$3.9 million in fiscal 2009.