

their sittings elsewhere upon sufficient cause. The salary of each Judge of the Court of Appeals shall be that now or hereafter prescribed by the General Assembly and shall not be diminished during his continuance in office. Five of the judges shall constitute a quorum, and five judges shall sit in each case unless the Court shall direct that an additional judge or judges sit for any case. The concurrence of a majority of those sitting shall be sufficient for the decision of any cause, and an equal division of those sitting in a case has the effect of affirming the decision appealed from if there is no application for reargument as hereinafter provided. In any case where there is an equal division or a three to two division of the Court a reargument before the full Court of seven judges shall be granted to the losing party upon application as a matter of right.

SEC. 14A.<sup>113</sup> The General Assembly may by law create such intermediate courts of appeal as may be necessary. The General Assembly may prescribe the intermediate appellate jurisdiction of these courts of appeal, and all other powers necessary for the operation of such courts.

SEC. 14B.<sup>114</sup> No member of the General Assembly at which the addition of Section 14A was proposed, if otherwise qualified, shall be ineligible for appointment or election as a judge of any intermediate court of appeal, established by law by the General Assembly pursuant to said Section 14A, by reason of his membership in such General Assembly.

SEC. 15.<sup>115</sup> Any Judge of the Court of Appeals or of an intermediate court of appeal who heard the cause below either as a trial Judge or as a Judge of any intermediate court of appeal as the case may be, shall not participate in the decision. In every case an opinion, in writing, shall be filed within three months after the argument or submission of the cause; and the judgment of the Court of Appeals shall be final and conclusive.

SEC. 16.<sup>116</sup> Provision shall be made by Law for publishing Reports of all causes, argued and determined in the Court of Appeals and in the intermediate courts of appeal, which the Judges thereof, respectively, shall designate as proper for publication.

SEC. 17.<sup>117</sup> There shall be a Clerk of the Court of Appeals, who shall be appointed by and shall hold his office at the pleasure of said Court of Appeals.

SEC. 18.<sup>118</sup> (a) The Court of Appeals from time to time shall adopt rules and regulations concerning the practice and procedure in and the administration of the appellate courts and in the other courts of this State, which shall have the force of law until rescinded, changed or modified by the Court of Appeals or otherwise by law. The power of courts other than the Court of Appeals to make rules of practice and procedure, or administrative rules, shall be subject to the rules and regulations adopted by the Court of Appeals or otherwise by law.

(b)<sup>119</sup> The Chief Judge of the Court of Appeals shall be the administrative head of the Judicial system of the State. He shall from time to time require, from each of the judges of the Circuit Courts, of the District Court and of any intermediate courts of appeal, reports as to the judicial work and business of each of the judges and their respective courts. He may, in case of a vacancy, or of the illness, disqualification or other absence of a judge or for the purpose of relieving an accumulation of business in any court assign any judge except a judge of the Orphans' Court to sit temporarily in any court except an Orphans' Court. Any judge assigned by the Chief Judge of the Court of Appeals pursuant to this section has all the power and authority pertaining to a judge of the court to which he is so assigned; and his power and authority shall continue with respect to all cases (including any motion, or other matters incidental thereto) which may come before him by virtue of such assignment until his action thereon shall be completed. In the absence of the Chief Judge of the Court of Appeals, the provisions of this section shall be applicable to the senior judge present in the Court of Appeals. The powers of the Chief Judge set forth in this section shall be subject to any rule or regulation adopted by the Court of Appeals.

SEC. 18A.<sup>120</sup> Vacant.

#### Part IIA—Interim Provisions.

SEC. 18B.<sup>121</sup> (a) For the purpose of implementing the amendments to this article, dealing with the selection and tenure of appellate court judges, the following provisions shall govern.

(b) Each judge of an appellate court who is in office for an elected term on the effective date of these amendments, unless he dies, resigns, retires, or is otherwise lawfully removed, shall continue in office until the general election next after the end of his elected term, or until his seventieth birthday, whichever first occurs. His continuance in office is then subject to the provisions of section 5A (c) and (d) of this article, applicable to judges of that court, but in no event shall any judge continue in office after his seventieth birthday.

(c) Each judge of a court specified in subsection (b) who is in office on the effective date of these amendments, but who has not been elected to that office by the voters, shall, within fifteen days after the effective date of these amendments, be reappointed to that office. His continuance in office is then subject to the provisions of section 5A (c) and (d) of this article, applicable to judges of that court, but in no event shall any judge continue in office after his seventieth birthday.

#### Part III—Circuit Courts.

SEC. 19.<sup>122</sup> The State shall be divided into eight Judicial Circuits, in manner following, viz.: The Counties of Worcester, Wicomico, Somerset, and Dorchester, shall constitute the First Circuit; the Counties of Caroline, Talbot, Queen Anne's, Kent and Cecil, the Second; the Coun-

113 Added by Chapter 10, Acts of 1966, ratified Nov. 8, 1966.

114 Added by Chapter 10, Acts of 1966, ratified Nov. 8, 1966.

115 Amended by Chapter 99, Acts of 1956, ratified Nov. 6, 1956; Chapter 10, Acts of 1966, ratified Nov. 8, 1966.

116 Amended by Chapter 10, Acts of 1966, ratified Nov. 8, 1966.

117 Amended by Chapter 40, Acts of 1939, ratified Nov. 5, 1940; Chapter 99, Acts of 1956, ratified Nov. 6, 1956.

118 Amended by Chapter 772, Acts of 1943, ratified Nov. 7, 1944; Chapter 10, Acts of 1966, ratified Nov. 8, 1966; Chapter 789, Acts of 1969, ratified Nov. 3, 1970; Chapter 681, Acts of 1977, ratified Nov. 7, 1978; Chapter 523, Acts of 1980, ratified Nov. 4, 1980.

119 Amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978; Chapter 523, Acts of 1980, ratified Nov. 4, 1980.

120 Renumbered as sec. 18 by Chapter 681, Acts of 1977, ratified Nov. 7, 1978.

121 Added by Chapter 551, Acts of 1975, ratified Nov. 2, 1976.

122 Amended by Chapter 99, Acts of 1956, ratified Nov. 6, 1956.