

**SEC. 18.**<sup>113</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administration of the appellate courts and in the other courts of this State, which shall have the force of law until rescinded, changed or modified by the Court of Appeals or otherwise by law.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>114</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 and regulation adopted by the Court of Appeals.

**SEC. 18A.**<sup>115</sup> Vacant.

#### Part IIA—Interim Provisions.

**SEC. 18B.**<sup>116</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>117</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 Counties of Baltimore and Harford, the Third; the Counties of Allegany, Garrett, and Washington, the Fourth; the Counties of Carroll, Howard and Anne Arundel, the Fifth; the Counties of Montgomery and Frederick, the Sixth; the Counties of Prince George's, Charles, Calvert, and St. Mary's, the Seventh; and Baltimore City, the Eighth.

**SEC. 20.**<sup>118</sup> (a) There shall be a Circuit Court for each county and for Baltimore City. The Circuit Courts shall have and exercise, in the respective counties, and Baltimore City, all the power, authority and jurisdiction, original and appellate, which the Circuit Courts of the counties exercised on the effective date of these amendments, and the greater or lesser jurisdiction hereafter prescribed by law.

(b) The judges of the Circuit Courts for Montgomery and Harford counties shall each, alternately and in rotation and on schedules to be established by those judges, sit as an Orphans' Court for their County, and shall have and exercise all the power, authority and jurisdiction which the present Orphans' Courts now have and exercise, or which may hereafter be provided by law.

**SEC. 21.**<sup>119</sup> (a) Subject to the provisions of subsection (b) the General Assembly shall determine by law the number of judges of the circuit court in each county and circuit. These judges shall be selected in accordance with Sections 3 and 5 of this Article.

(b) There shall be at least four circuit court judges resident in each circuit, and at least one circuit court judge shall be resident in each county. There shall be at least two such judges resident in Anne Arundel County, at least three resident in Baltimore County, at least four resident in Prince George's County, and at least five resident in Montgomery County.

(c) The senior judge in length of service in each circuit shall be the chief judge of the circuit. The other judges shall be associate judges.

(d) Except as otherwise provided by law, one judge shall constitute a quorum for the transaction of any business.

(e) The terms of the circuit courts shall be determined by law.

(f) A person is not ineligible for appointment or election as a judge because he was a member of the General Assembly at a time when the number or salary of judges were increased or decreased.

**SEC. 21A.**<sup>120</sup> If the amendments to sections 3 and 21 of Article IV proposed by House Bill 972, Senate Bill 390 (1976) and the amendments to those sections proposed by House Bill 1048 (1976) are ratified by the voters at the election in Nov. 1976, the amendments to those sections proposed in House Bill 972, Senate Bill 390 (1976) shall take effect.

**SEC. 22.**<sup>121</sup> Where any Term is held, or trial conducted by less

<sup>118</sup> Amended by Chapter 744, Acts of 1963, ratified Nov. 3, 1964; Chapter 374, Acts of 1972, ratified Nov. 7, 1972; Chapter 681, Acts of 1977, ratified Nov. 7, 1978; Chapter 523, Acts of 1980, ratified Nov. 4, 1980.

<sup>119</sup> Amended by Chapter 515, Acts of 1912, ratified Nov. 4, 1913; Chapter 426, Acts of 1935, ratified Nov. 3, 1936; Chapter 494, Acts of 1937, ratified Nov. 8, 1938; Chapter 200, Acts of 1939, ratified Nov. 5, 1940; Chapter 494, Acts of 1941, ratified Nov. 3, 1942; Chapter 772, Acts of 1943, ratified Nov. 7, 1944; Chapter 607, Acts of 1953, ratified Nov. 2, 1954; Chapters 65 and 68, Acts of 1954, ratified Nov. 2, 1954; Chapters 642 and 761, Acts of 1959, ratified Nov. 8, 1960; Chapter 372, Acts of 1966, ratified Nov. 8, 1966; Chapter 542, Acts of 1976, ratified Nov. 2, 1976.

<sup>120</sup> Added by Chapter 542, Acts of 1976, ratified Nov. 2, 1976.

<sup>121</sup> Amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978.

<sup>113</sup> 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.

<sup>114</sup> Amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978; Chapter 523, Acts of 1980, ratified Nov. 4, 1980.

<sup>115</sup> Renumbered as sec. 18 by Chapter 681, Acts of 1977, ratified Nov. 7, 1978.

<sup>116</sup> Added by Chapter 551, Acts of 1975, ratified Nov. 2, 1976.

<sup>117</sup> Amended by Chapter 99, Acts of 1956, ratified Nov. 6, 1956.