

JUDICIAL BRANCH

The Judicial Branch is responsible for the resolution of all matters involving civil and criminal law in the State of Maryland. Judges base their decisions on statutory law, common law, or equity. Maryland has a four-tiered court system consisting of the District Court of Maryland, Circuit Courts, the Court of Special Appeals, and the Court of Appeals.

The District Court of Maryland was created in 1971 on a statewide basis in each county and Baltimore City. As a court of limited jurisdiction, it replaced local justices of the peace and county trial magistrates. District Courts have jurisdiction in minor civil and criminal matters and in virtually all violations of the Motor Vehicle Law. District Court judges are appointed by the Governor for ten-year terms.

In each county and in Baltimore City is a Circuit Court. The Circuit Court has original jurisdiction over more serious criminal and civil cases and also hears appeals from decisions in the District Court. Circuit Court judges are nominated by special judicial selection commissions and appointed by the Governor with Senate consent. At the first statewide election occurring at least one year after their appointment, Circuit Court judges must successfully stand for election to continue in office for a term of fifteen years.

The Court of Special Appeals is the second highest court in Maryland. Like the State's highest court, the Court of Special Appeals is an appellate court. It was established in 1966 to ease the caseload of the Court of Appeals and to facilitate resolution of cases requiring appellate adjudication. Composed of thirteen judges, members of the Court of Special Appeals are appointed by the Governor with Senate consent for ten-year terms, subject to approval of the voters at the next election after their appointment. The Court of Special Appeals has exclusive initial appellate jurisdiction over any reviewable judgment, decree, order, or other action of a circuit court, except for appeals in criminal cases in which the death penalty is imposed.

The Court of Appeals has a long history in Maryland, dating from the seventeenth century and

reformed by the first State constitution of 1776. As Maryland's highest court, the Court of Appeals reviews cases of major importance where the decisions rendered are based on constitutional interpretation of the law. The seven judges of the Court of Appeals are appointed by the Governor with Senate consent. They serve ten-year terms. Like judges of the Court of Special Appeals, judges of the Court of Appeals must win approval of the electorate at the first election occurring at least one year after their appointment.

Various units, boards, and commissions exist within the judiciary to facilitate the judicial process and assist judges of the different courts. The Judicial Nominating Commissions, for example, present names to the Governor when vacancies occur on any of the appellate or circuit courts. The State Law Library is the principal law reference library in the State. Also within the Judiciary Department are the State Board of Law Examiners, which conducts examinations for prospective members of the State Bar, and the Attorney Grievance Commission, charged with supervising and administering the discipline of attorneys.

The three branches of State government—executive, legislative, and judicial—act to preserve, protect, and extend the privileges and obligations provided to the citizens of Maryland by the State Constitution. All three branches represent the interests of the citizens of the State in their relations with other states and the federal government, and each works closely with and supplements the services of municipal and county administrations. Checks and balances provided by the Constitution of Maryland ensure a certain beneficial degree of tension and proprietorship among the three branches of State government, and each carefully guards its prerogatives. The fundamental goal of State government as a whole, however, is to serve the public interest. Through periodic elections, referenda, and amendments to the Constitution, citizens ultimately determine the policies, functions, and extent of the government of the State of Maryland.