
ORIGIN & FUNCTIONS

The Court of Special Appeals, Maryland's intermediate appellate court, was created in 1966 to alleviate a substantial backlog of cases in the Court of Appeals (Chapters 10, 11, Acts of 1966, ratified Nov. 8, 1966, and implemented by Chapters 11, 12, Acts of 1966; Const., Art. IV, sec. 14A). The Court of Special Appeals sits in Annapolis.

An earlier intermediate appellate court, the General Court, had been formed during the Revolutionary War by the Constitution of 1776. Hearing appeals from the county courts, the Court was organized into the General Court of the Western Shore which sat in Annapolis and the General Court of the Eastern Shore which sat at Easton. After the General Court was abolished in 1806, the Court of Appeals served as the State's only appellate court until the Court of Special Appeals was established in 1966.

Except as otherwise provided by law, the Court of Special Appeals has exclusive initial appellate jurisdiction over any reviewable judgment, decree, order, or other action of a circuit court or an orphans' court and generally hears cases appealed from the circuit courts (Code Courts and Judicial Proceedings Article, sec. 12-308). Judges of the Court of Special Appeals are empowered to sit in panels of three. A hearing or rehearing of a case before the whole Court may be ordered in any case by a majority of the Court's incumbent judges. The Court also considers applications for leave to appeal in such areas as post-conviction, *habeas corpus* matters involving denial of or excessive bail, probation revocations, convictions based upon guilty pleas, and inmate grievances (Code Courts and Judicial Proceedings Article, secs. 1-401 through 1-403).

The Court of Special Appeals is composed of thirteen judges. Initially, judges are appointed by the Governor and confirmed by the Senate. Thereafter, they run on their records without formal opposition for a ten-year term. One judge is elected from each of the seven Appellate Judicial Circuits.*

1st Appellate Judicial Circuit: Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico and Worcester Counties.

2nd Appellate Judicial Circuit: Baltimore County and Harford County.

3rd Appellate Judicial Circuit: Allegany, Carroll, Frederick, Garrett, Howard and Washington Counties.

4th Appellate Judicial Circuit: Prince George's County.

5th Appellate Judicial Circuit: Anne Arundel, Calvert, Charles and St. Mary's Counties.

6th Appellate Judicial Circuit: Baltimore City.

7th Appellate Judicial Circuit: Montgomery County.

The remaining six judges are elected from the State at large. The Chief Judge of the Court of Special Appeals is designated by the Governor.

The clerk is appointed by the Court of Special Appeals. The clerk maintains the docket, receives the records and briefs of all appeals filed with the Court, and maintains official custody of Court decisions.

*In 1994, the boundaries of the 3rd, 4th and 5th Appellate Judicial Circuits were reformed by Constitutional amendment (Chapter 103, Acts of 1994, ratified Nov. 8, 1994). One seat was eliminated from the 6th Appellate Judicial Circuit (Baltimore City) and a seventh circuit created encompassing Montgomery County (Const., Article IV, sec. 14). For the Court of Special Appeals, one judge from the 6th Appellate Judicial Circuit temporarily became an at-large member. The first vacancy on the Court from among the at-large members will be used to fill the vacancy in the new 7th Appellate Judicial Circuit (Chapter 581, Acts of 1994).