

preparing the Statement of Claim and other necessary papers, but without liability for his assistance;

(3) these actions shall be recorded in a separate docket kept especially for small claims; and

(4) where possible, a hearing upon the claim shall be scheduled within 30 days from the date the action is commenced.

The bill sets the filing fee at \$2.00 (a reduction from the present \$5.00), and requires the Court of Appeals to adopt rules "for such procedures as will fairly do justice between the parties, according to the laws of the State of Maryland." In particular, it provides that,

"The Court shall, in adopting rules of practice and procedure, or rules dealing with pleadings or evidence, provide that hearsay (sic) evidence shall be admissible, and otherwise make such special provisions relating to small claims as the Court of Appeals shall determine appropriate, any provisions of law to the contrary notwithstanding."

I am advised that the Court of Appeals Standing Committee on Rules has been working diligently for several months to develop recommendations for Rules for the informal processing of small claims in the District Court, and expects to have its recommendations ready for submission to the Court on or about January 1, 1976. The Court, in the normal course of events, will then give consideration to the Committee's recommendations. Chief Judge Murphy has expressed his desire to have these small claims processed informally, and his expectation that the Court will adopt Rules in general conformance with the purpose and objectives of House Bill 743.

Both Chief Judge Murphy and the Chairman of the Court's Standing Committee on Rules have further indicated, however, that it is unlikely the Committee will recommend, or that the Court will adopt, a Rule providing for the total admissibility of hearsay evidence in these cases. I am advised that some relaxation of the hearsay rule is probable, but that it will not be complete, as House Bill 743 purports to require.

If, as expected, the Court of Appeals is not disposed to adopt a Rule in complete conformance with the statute, a most serious question of Constitutional dimension is raised. To what extent can the General Assembly require the Court of Appeals to adopt a Rule concerning practice and procedure in the Judicial Branch