

IN THE COURT OF APPEALS OF MARYLAND

RULES ORDER

WHEREAS, The State of Maryland is experiencing a fiscal emergency of extraordinary proportions, which is expected to worsen during calendar year 2009; and

WHEREAS, The Judiciary wishes to do what it can to help meet this challenge while continuing to serve the people of this State; and

WHEREAS, The Chief Judge has promulgated an Administrative Order titled, “Furlough and Temporary Salary Reduction and Reduction in Grant/Subsidy Plan for Judicial Branch Employees,” which will produce substantial cost savings for State government; now, therefore,

This Court having considered proposed amendments to Rule 16-104, Judicial Leave, at an open meeting, notice of which was posted as prescribed by law, and finding that an emergency does in fact exist with reference to the proposed rules change, it is this 30th day of December, 2008,

ORDERED, by the Court of Appeals of Maryland, that the amendment to Rule 16-104 be, and it hereby is, adopted in the form attached to this Order; and it is further

ORDERED, that the rules change hereby adopted by this Court shall govern the courts of this State and shall take effect and apply on and after January 1, 2009, and it is further

ORDERED, that a copy of this Order be published in the next issue of the *Maryland Register*.

/s/ Robert M. Bell

/s/ Glenn T. Harrell, Jr.

/s/ Lynne A. Battaglia

/s/ Clayton Greene, Jr.

/s/ Joseph F. Murphy, Jr.

/s/ Sally D. Adkins

/s/ Mary Ellen Barbera

Filed: December 30, 2008

/s/ Bessie M. Decker

Bessie M. Decker

Clerk

Court of Appeals of Maryland

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE, JUDICIAL DUTIES, ETC.

AMEND Rule 16-104 to decrease the number of days of annual leave for calendar year 2009 only, as follows:

RULE 16-104. JUDICIAL LEAVE

a. Definition of "Judge." In this Rule, "judge" means a judge of the Court of Appeals of Maryland, the Court of Special Appeals, a circuit court or the District Court of Maryland.

b. Annual Leave.

1. In General. Subject to the provisions of subsection b 2 and section f of this Rule, a judge is entitled to annual leave of not more than 27 working days. The leave accrues as of the first day of the calendar year except that (1) during the first year of a judge's initial term of office, annual leave accrues at the rate of 2.25 days per month accounting from the date the judge qualifies for office, and (2) during the calendar year in which the judge retires, annual leave accrues at the rate of 2.25 days per month to the date the judge retires.

2. Calendar Year 2009

A. Subject to the provisions of subsection b 2 B and section f of this Rule, in calendar year 2009 a judge is entitled to annual leave of not more than 22 working days. The leave accrues as of the first day of the calendar year except that (1) during the first year of a judge's initial term of office, annual leave accrues at the rate of 1.83 days per month accounting from the date the judge qualifies for office, and (2) during calendar year 2009, if the judge retires in that year, annual leave accrues at the rate of 1.83 days per month to the date the judge retires.

B. For each day, up to five days, that a judge contributes to the State of Maryland an amount equal to the average daily compensation, after federal and state tax and FICA withholdings, of a judge serving on the court or level of court on which the judge serves, based on a 22-day work month, as calculated by the State Court Administrator, the judge shall be entitled to one additional day of annual leave. The judge shall make the contribution prior to taking the additional day of annual leave in the manner determined by the State Court Administrator

[2.] 3. Accumulation.

If in any year a judge takes less than the full amount of annual leave the judge has accrued in that year, the judge may accumulate within any consecutive three year period, the difference between the leave accrued and the annual leave actually taken by the judge in any year during the period. However, no more than ten working days annual leave may be accumulated in any one year, and no judge may accumulate more than 20 working days annual leave in the aggregate.

[3.] 4. Consecutive Appointment–Leave Status.

A judge who is appointed or elected as a judge of another court, and whose term on the second court begins immediately following service on the first court has the same leave status as though the judge had remained on the first court.

f. Discretion of Chief Judge or Administrative Judge.

A judge's annual leave and personal leave shall be taken at the time or times prescribed or permitted by the chief judge of the judge's appellate court, if the judge is a judge of an appellate

court; the Circuit Administrative Judge of the judge's judicial circuit, if the judge is a judge of a circuit court; or the Chief Judge of the District Court, if the judge is a judge of that court. In determining when a judge may take annual leave and for what period of time, the judge exercising supervisory authority under this Rule shall be mindful of the necessity of retention of sufficient judicial staffing in the court or courts under the judge's supervision to permit at all times the prompt and effective disposition of the business of that court or those courts. A request for leave at a certain time or for a certain period of time may be rejected by the judge exercising supervision under this Rule if the granting of the requested leave would prevent the prompt and effective disposition of business of that court or those courts, except that personal leave requested for observance of a religious holiday may not be denied.
