

IN THE COURT OF APPEALS OF MARYLAND  
AMENDED ADMINISTRATIVE ORDER  
ON SENIOR JUDGES

WHEREAS, The complexity and volume of case filings having placed considerable strain on judicial resources within the state, and further, certain retired judges having been called upon to hear settlement conferences, status conferences, pretrial conferences, and to try cases if necessary; and

WHEREAS, The *Administrative Order on Senior Judges*, filed August 25, 2016, has deemed those judges to be referred to as “senior judges”; and

WHEREAS, Senior judges being integral to the operation of the Judiciary; and

WHEREAS, The careful deployment of judicial resources being necessary to address the backlogs occurring as a result of the COVID-19 emergency; and

WHEREAS, The emergency having engendered a concomitant economic downturn with extraordinary budgetary constraints,

NOW THEREFORE, I, Mary Ellen Barbera, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do this 24<sup>th</sup> day of June 2020, order as follows:

- (a) Effective July 1, 2020, all senior judges recalled for a temporary court assignment shall receive compensation as follows, for courtroom or non-courtroom time:
  - (1) Compensation shall be based on Md. Code Ann., Cts. & Jud. Proc. § 1-302(f)(1): “[A] former judge temporarily assigned under this section shall receive a per diem compensation for each day he is actually engaged in the discharge of judicial duties[.]”
  - (2) A day shall be defined as eight hours or more on a calendar day.
  - (3) Assignments lasting four or fewer hours shall be considered a half-day assignment and will be compensated as a half-day per diem.

- (4) No more than one full day or two half-day per diems shall be claimed or paid on any single calendar day.
- (5) Receipt of fees for private services shall prohibit receipt of a per diem for a court assignment during the same time period on the same day; and
- (b) A senior judge undertaking a specific temporary assignment as approved and directed by the Chief Judge of the Court of Appeals shall be compensated consistent with Section (a), subject to Section (c); and
- (c) Effective July 1, 2020, service by senior judges on committees or work groups of the Judiciary, including the Maryland Judicial Council, its committees, subcommittees, or workgroups, shall be on a voluntary basis and will not be eligible for compensation; however, costs associated with travel shall be reimbursed consistent with the Judicial Branch travel policy; and
- (d) Upon having agreed to take a temporary court assignment, senior judges must be willing to accept whatever cases or matters they are assigned, except in cases of conflict of interest or other such circumstances; and
- (e) All senior judges serving in multi-judge jurisdictions, in either circuit courts or District Court, may not leave for the day unless excused by the administrative judge or his or her designee; and
- (f) All senior judges serving in a single-judge jurisdiction, in either circuit courts or District Court, must remain on duty in the courthouse to handle matters that come before the court until the close of business; and
- (g) As budgetary constraints may require, the State Court Administrator shall develop a schedule allocating annual per diem budgets for each of the appellate courts, circuit courts, and the District Court of Maryland, subject to revision as further information about the extent of budgetary constraints develops or emergency conditions require; and
- (h) Senior judges participating in judicial education pursuant to the Administrative Order on Continuing Education of Judges, Magistrates, and Commissioners shall receive a per diem or a half-day per diem, consistent with the number of credit hours earned, up to seven days per calendar year, including mandatory in-person and online courses, with the exception of participation in any Judicial Conference; and

- (i) Senior judges who agree to teach courses at the Judicial College or for other required educational courses, i.e. New Trial Judges Orientation, CANDO, shall be compensated consistent with Section (b) for the half day or days of actual teaching; and
- (j) Senior judges will be reimbursed for mileage, meals, and overnight stays in accordance with the Judicial Branch travel policy; and
- (k) To the extent this Order conflicts with any extant administrative or local order, this Order shall prevail; and
- (l) The *Administrative Order on Senior Judges*, filed August 25, 2016, shall be and hereby is rescinded effective July 1, 2020.

/s/ Mary Ellen Barbera  
Chief Judge  
Court of Appeals of Maryland

Filed: June 24, 2020

/s/ Suzanne C. Johnson  
Clerk  
Court of Appeals of Maryland

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Gregory Hilton, Clerk

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Suzanne Johnson  
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Suzanne C. Johnson, Clerk