

Protocol for the Maryland Judiciary Legislative Activities

In order for the Judiciary to have an efficient and effective relationship with other branches of government, it is important that all Legislative Activity be coordinated through the Chief Judge of the Court of Appeals and the Judiciary's Legislative Committee. Legislative Activity includes drafting or commenting on proposed legislation; communicating or consulting with members of the Legislature concerning legislation or proposed legislation; testifying or appearing before the Legislature, or any legislative committee, work group or task force; or working with any policy or advocacy group concerning legislation or proposed legislative initiatives

The Legislative Committee, in consultation with the Chief Judge and the Judicial Council, coordinates a wide array of Legislative Activity for the Judiciary. The Legislative Committee reviews and provides any formal response to proposed legislation on behalf of the Chief Judge. The Legislative Committee also approves and recommends to the Chief Judge legislation to be proposed by or on behalf of the Judiciary, and coordinates the approach to the Judiciary's legislative agenda. The Legislative Committee is also tasked with coordinating less formal interactions on behalf of the Judiciary to ensure that the Judiciary asserts a consistent position and is not perceived to intrude in legislative or executive branch functions. Therefore the Legislative Committee also provides input and guidance to judges and Judiciary staff who serve on legislative work groups, task forces, and other cross-agency groups in a wide range of initiatives.

No judge or Judiciary staff may engage in Legislative Activity for or on behalf of the Judiciary or any of its Committees or other units unless requested or approved to do so by the Chief Judge of the Court of Appeals or the Chief Judge's designee. Participation in any Legislative Activity in an individual capacity by a judge or Judiciary staff member must be with the knowledge of the Chief Judge or the Chief Judge's designee. Such individual participation must also be on the individual's own time (on leave or a weekend or other non-work day), in a manner that is consistent with all applicable ethical obligations, and in a manner that expressly indicates that participation is in an individual capacity and not on behalf of the Maryland Judiciary.

Any Legislative Activity undertaken by or on behalf of any Commission, Conference, Committee or Work Group of the Maryland Judiciary must be coordinated with the Legislative Committee. Any Judiciary committee that is participating in Legislative Activity, or that anticipates that it may be requested to engage in Legislative Activity, should designate a Liaison to the Legislative Committee to establish the protocol that governs the specific Legislative Activity.

A Judiciary Commission, Committee or Work Group cannot propose or comment on legislation unless it has been expressly authorized to do so by the Chief Judge or the Chief Judge's designee. If a Committee believes that new or amended legislation is appropriate, the Committee may: (1) contact the Chief Judge and the Judicial Council by letter seeking guidance; or (2) include a recommendation for legislation in a Committee's report to the Chief Judge and the Judicial Council.