

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE

House Bill 352  
Judiciary

(Delegates Haddaway and Eckardt)

Judicial Proceedings

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Talbot County - Recall of Former Judge for Temporary Assignment - Eligibility

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This bill permits a former judge with at least one year of judicial experience to be temporarily assigned to serve as a judge in Talbot County.

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Fiscal Summary

**State Effect:** None. Increasing the pool of eligible temporary judges would not affect the number of former judges temporarily assigned to the bench in Talbot County. The number of temporary judges assigned to the bench depends on the needs of the county.

**Local Effect:** Since the State pays judicial salaries, local finances would not be affected. Also, temporary judges in Talbot County are used to replace judges on vacation or judges who recuse themselves from cases. In these situations, the temporary judge is assisted by existing support staff and facilities.

**Small Business Effect:** None.

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Analysis

**Current Law:** The Chief Judge of the Court of Appeals may assign any former judge to a temporary assignment in any court. Preference is given to retired judges from the circuit in which the temporary assignment is to take place. The assignment is subject to approval by the administrative judge of the circuit in which the former judge is to be assigned. The assignment is not mandatory and can only take place with the former judge's consent. The former judge chosen for the temporary assignment must be approved by a majority of the judges of the Court of Appeals and meet the standards established by law and any additional standards established by the Court of Appeals by rule.

A former judge may not be recalled for temporary assignment for more than 180 working days in any calendar year, but the time may be extended if the former judge is hearing a case that has not concluded at the end of the 180-day period. Former judges temporarily assigned to the bench have the same power and authority as any other judge of the court to which the former judge has been assigned.

Former judges seeking temporary assignment must have served as a judge in the aggregate for at least two years. In Baltimore City and Charles, Prince George's, and Harford counties, temporary judges must have at least three years aggregate judicial experience.

Former judges are statutorily excluded from temporary assignment based on removal from office, involuntary retirement, voluntary disability retirement, defeat in election, rejection of confirmation by the Senate, censure by the Court of Appeals, or being engaged in the practice of law.

Former judges temporarily assigned to the bench receive per diem compensation based on the current annual salary of a judge in the court in which the former judge served immediately prior to resignation or retirement. The per diem is calculated using a 246 working-days base. However, the sum of the former judge's retirement allowance and per diem compensation cannot exceed the current annual salary of a judge in the court in which the former judge served immediately prior to resignation or retirement. Thereafter, the former judge ceases to receive a per diem during the temporary assignment.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 610 (Senator Colburn) – Judicial Proceedings.

**Information Source(s):** Talbot County, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - February 10, 2006  
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