

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 69

(Senator Sydnor)

Judicial Proceedings

Courts - Standing Committee on Rules of Practice and Procedure

This bill establishes standards and criteria relating to the composition and conduct of the members of the Court of Appeals Standing Committee on Rules of Practice and Procedure (commonly known as the Rules Committee).

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances but may have operational impacts on the Judiciary, as discussed below.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: Members of the committee must include equal and balanced representation of members from various practice areas and constituents of the Maryland Judiciary.

Committee members (who currently must serve *without compensation*) must serve *without direct or indirect compensation from any other person*; the bill retains a requirement that committee members must be reimbursed for traveling and other expenses incurred on committee business.

An appointed member may be removed by the Court of Appeals for good cause shown if that member's conduct consciously or unconsciously casts a negative perception on the committee. Committee members must publicly disclose any personal or professional

interests of any client in matters before the committee, and where an appearance of or actual conflict of interest exists, recuse themselves from all proceedings related to the matter. A failure to properly disclose or recuse must be considered in determining whether a committee member will be removed.

Current Law: The committee, which was appointed by order of the Court of Appeals in 1946, assists the court in developing mandatory rules that govern the practice and procedure of law and judicial administration in the State. Committee members are appointed by the Court of Appeals. Members include lawyers, judges, one member of the Senate, one member of the House of Delegates, and others competent in judicial practice, procedure, or administration.

Maryland Rule 16-701 requires the committee to keep abreast of emerging trends and new developments in the law that may affect practice and procedure in the Maryland courts. The committee must review relevant new legislation, executive initiatives, judicial decisions, and proposals from persons and groups interested in the Maryland judicial system to determine whether any new rules of procedure or changes to existing rules may be advisable. Unless the Court of Appeals determines otherwise, every suggestion made to it for the adoption, amendment, or rescission of a Maryland Rule must be referred to the committee for consideration.

State Fiscal Effect: The Judiciary advises that the bill's requirements may diminish the ability of the court to find highly qualified individuals who are willing to serve on the committee and may generally impede the committee's activities (*e.g.*, through the demands of disclosure and recusal requirements).

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

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