

IN THE SUPREME COURT OF MARYLAND
ADMINISTRATIVE ORDER ON COMPENSATION OF SENIOR JUDGES

Whereas, the complexity and volume of case filings has placed considerable strain on judicial resources within the state, and certain retired judges having been recalled to hear settlement conferences, status conferences and pretrial conferences, and to try cases and hear appeals; and

Whereas, prior Administrative Orders have referred to those judges as “senior judges”; and

Whereas, by way of an *Administrative Order on Senior Judges*, dated August 25, 2016 (the “2016 Administrative Order”), then Chief Judge Mary Ellen Barbera directed that senior judges would receive a per diem for all temporary court assignments, for conducting other Judiciary business as directed by the Chief Judge, while participating in judicial education courses, and while serving on a Judiciary committee or work group; and

Whereas, in an *Amended Administrative Order on Senior Judges*, dated June 24, 2020 (the “2020 Administrative Order”), Chief Judge Barbera rescinded the 2016 Administrative Order after reciting that the COVID-19 emergency had “engendered a concomitant economic downturn with extraordinary budget constraints.” The 2020 Administrative order further provided that: (i) for court assignments and teaching assignments lasting more than four hours, senior judges would receive a full-day per diem; (ii) for court assignments and teaching assignments lasting four or fewer hours, senior judges would receive a half-day per diem; (iii) senior judges would not be compensated for committee work; and (iv) for judicial education courses, senior judges would receive a half-day or full-day per diem, consistent with the number of credit hours earned, up to a maximum of seven days per calendar year, with the exception of participation in the Judicial Conference; and

Whereas, the economic downturn and extraordinary budget constraints that occurred at the start of the COVID-19 emergency have abated; and

Whereas, senior judges being integral to the operation of the Judiciary.

Now, therefore, pursuant to the authority conferred on me as administrative head of the Judicial Branch by Article IV, § 18 of the Constitution of Maryland, it is this 7th day of April, 2023, ordered:

A. General

1. To the extent this Order conflicts with any extant administrative order, this Order shall prevail.

2. The 2020 Administrative Order shall be and hereby is rescinded effective April 7, 2023 (the “Effective Date”).
3. All provisions of this Administrative Order stated in Sections B, C, and D below go into effect on the Effective Date.
4. Senior judges shall be reimbursed for mileage, meals, and overnight stays in accordance with the Judicial Branch travel policy. Time spent traveling may not be counted toward a per diem absent extraordinary circumstance and approval from the State Court Administrator.

B. Temporary Court Assignments

1. All senior judges recalled for temporary court assignment shall receive compensation as follows, for courtroom or non-courtroom time:
 - a. Compensation shall be based on § 1-302(f)(1) of the Courts and Judicial Proceedings Article: “[A] former judge temporarily assigned under this section shall receive a per diem compensation for each day [the judge] is actually engaged in the discharge of judicial duties”;
 - b. A day shall be defined as eight hours or more on a calendar day;
 - c. “Non-courtroom time” means time spent outside of the courtroom on matters that relate to court cases;
 - d. Assignments lasting four or fewer hours shall be considered a half-day assignment and shall be compensated as a half-day per diem; provided, however, that a senior judge shall be compensated as a full-day per diem on a day that the judge worked four or fewer hours if: (1) the senior judge was scheduled to preside over a trial that was scheduled to begin that day and last at least one full day; (2) the case settled that day or the day before; (3) after the case settled, the senior judge sought additional work from the administrative judge; and (4) the senior judge confirmed with the administrative judge or the administrative judge’s designee that there was no other work available to be assigned to the senior judge;
 - e. No more than one full day or two half-day per diems for courtroom or non-courtroom time shall be claimed or paid on any single calendar day.
2. 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.

3. By agreeing to take a temporary court assignment, a senior judge agrees to accept whatever cases or matters they are assigned, except in cases of conflict of interest or other similar circumstances.
4. Senior judges serving in a multi-judge jurisdiction, in either a circuit court or the District Court, may leave for the day only when excused by the administrative judge or the administrative judge's designee.
5. Senior judges serving in a single-judge jurisdiction, in either a circuit court or the District Court, must remain on duty in the courthouse to handle matters that come before the court until the close of business.
6. 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 as emergency conditions require.

C. Committee, Subcommittee, and Work Group Time

1. Time spent by senior judges serving on committees, subcommittees, or work groups of the Judiciary, including the Maryland Judicial Council, its committees, subcommittees, or workgroups, shall be compensated based on the half-day or full-day per diem structure, as follows:
 - a. A day shall be defined as eight hours or more on a calendar day;
 - b. Senior judges who are members of committees, subcommittees, and work groups shall be compensated for the time spent in the meetings of such committees, subcommittees, and work groups and, if expressly requested by the chair of the relevant committees, subcommittees, and work groups, for time spent attending meetings that are not formal meetings but that relate to the business of such entities (for example, providing testimony before the General Assembly on a matter that relates to the work of a committee, subcommittee, or work group);
 - c. Due to the per diem compensation structure, senior judges who are non-executive (neither Chair nor Vice Chair) members of committees, subcommittees, and work groups shall not be separately compensated for time spent preparing for committee, subcommittee, and work group meetings (whether formal or not);
 - d. Senior judges who serve as the Chair or Vice Chair of a committee, subcommittee, or work group shall be compensated for additional time spent preparing for meetings of that entity, not to exceed: (i) one half-

day per diem for a meeting that is completed in four hours or less of meeting time; or (ii) one full-day per diem for a meeting that is completed in more than four hours;

- e. Time spent attending a committee, subcommittee, or work group meeting lasting four or fewer hours will be compensated by a half-day per diem;
 - f. No more than one full-day per diem or two half-day per diems for committee, subcommittee, or work group meetings shall be claimed or paid on any single calendar day; and
2. Receipt of fees for private services shall prohibit receipt of a per diem for time spent serving on committees, subcommittees, or work groups during the same time period on the same day.

D. Judicial Education and Conferences

1. Senior judges shall be compensated for participating in judicial education and judicial conferences as follows:
- a. Senior judges participating in judicial education pursuant to the *Amended Administrative Order on Continuing Education and Outreach and Leadership of Judges and Magistrates*, shall receive a full-day or a half-day per diem, consistent with the number of credit hours earned, up to a total of seven days per calendar year, including all (i) mandatory in-person and online courses, and (ii) statewide and local judicial conferences sponsored by the Maryland Judiciary;
 - b. Senior judges who agree to teach courses at the Judicial College or for other required educational courses (e.g., New Trial Judges Orientation, CANDO), including presenting at the statewide Judicial Conference or at a local or circuit judicial conference, shall be compensated consistent with Section B.1. above for the half day or full day of actual teaching. Those senior judges shall also be compensated for time spent preparing to teach such courses, not to exceed: (i) one half-day per diem for a course that is completed in four hours or less of teaching time; or (ii) one full-day per diem for a course that is completed in more than four hours of teaching time;
 - c. Subject to the seven-day limitation in Section D.1.a., senior judges who attend at least one full day of the annual Judicial Conference shall receive one full-day per diem; provided, however, that a senior judge is not eligible for such a per diem if the judge declined a request to fill a

temporary court assignment so that an active judge could attend the same conference; and

- d. Subject to the seven-day limitation in Section D.1.a., senior judges who attend conferences of local and circuit judges shall receive a full-day or a half-day per diem, consistent with the number of hours the conference runs.
2. Receipt of fees for private services shall prohibit receipt of a per diem for time spent participating in judicial education courses or conferences during the same time period on the same day.

/s/ Matthew J. Fader

Matthew J. Fader
Chief Justice
Supreme Court of Maryland

Filed: April 7, 2023

/s/ Gregory Hilton

Gregory Hilton
Clerk
Supreme Court of Maryland

Pursuant to the Maryland Uniform Electronic Legal Materials Act (§§ 10-1601 et seq. of the State Government Article) this document is authentic.



Gregory Hilton, Clerk