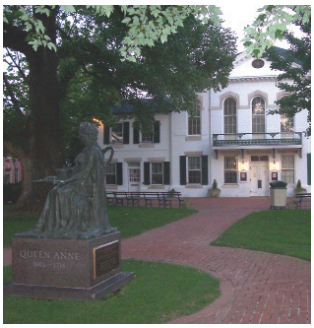
Maryland's Judicial System

The Maryland court system has four levels: two trial courts and two appellate courts. The trial courts consider evidence presented in a case and make judgments based on the facts, the law and legal precedent (prior legal decisions from a higher court). Appellate courts review a trial court's actions and decisions and decide whether the trial judge properly followed the law and legal precedent. For jury trials, the appellate court may have to decide whether the jury's decision was proper, given the facts presented and the applicable law. Generally, appellate courts do not decide which party won or lost a trial, nor do they conduct a new trial. Rather, they review the earlier trial and determine whether or not it was fair, according to the law.



TRIAL COURTS

District Court

The District Court of Maryland has 34 locations in 12 districts statewide, with at least one judge presiding in every county and Baltimore City. There are no juries in the District Court; each case is heard and decided by a judge. The District Court hears both civil cases — including claims up to $30,000, domestic violence cases, landlord/tenant disputes, replevin (the recovery of goods claimed to be wrongfully taken or held), and civil cases involving amounts at or less than $5,000 — and criminal cases. The District Court hears criminal cases, including motor vehicle/boating violations and other misdemeanors and limited felonies, although the Circuit Courts share jurisdiction if the penalties authorized are three years or more in prison, a fine of $2,500 or more, or both.

Circuit Courts

The Circuit Courts of Maryland, located in all 23 counties and Baltimore City, are the trial courts of general jurisdiction. Circuit Courts generally handle the state's major civil cases and more serious criminal matters, along with juvenile cases, family matters, such as divorce, and most appeals from the District Court, orphans' courts and administrative agencies. The Circuit Courts also can hear, under certain circumstances, civil or criminal cases from the District Court, in which one of the parties has requested a jury trial; cases ordinarily tried in the District Court if the penalty is three or more years in prison, a fine of $2,500 or more, or both; and domestic violence cases.

APPELLATE COURTS

Court of Special Appeals

The Court of Special Appeals is Maryland's intermediate appellate court. Created in 1966, it considers, unless otherwise provided by law, any reviewable judgment, decree, order, or other action of the Circuit and orphans' courts. Judges sitting on the Court of Special Appeals generally hear and decide cases in panels of three. Sometimes, all 15 judges sit together, *en banc,* to hear the case.

Court of Appeals

The Maryland Court of Appeals is the highest court in the state (commonly called the Supreme Court in other states). This court hears cases almost exclusively by way of *certiorari,* a process that gives the court the ability to decide which cases to hear. By law, however, the Court of Appeals is required to hear cases involving the death penalty, legislative redistricting, removal of certain state officials, and the certifications of questions of law. The chief judge of the Court of Appeals sits on the court along with six other judges. All seven judges hear oral arguments in each case unless a judge removes him/herself from a case; in this event, a judge from another court or a retired appellate judge may be specially assigned to sit in the place of the recused judge.

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Other Judicial Bodies

Orphans' Court - Maryland Judiciary

Orphans' courts handle wills, estates, and other probate matters. In addition, they have jurisdiction — along with the Circuit Courts — to appoint guardians for the person, and to protect the estates of unemancipated minors (minors who remain under parental authority). An appeal from an orphans' court generally may be to a Circuit Court, where the matter is tried *de novo* or "as new" before a judge or, if appropriate, a jury, or to the Court of Special Appeals, where the matter is heard "as is" or on the record.

Office of Administrative Hearings

Authorized in 1989, the Office of Administrative Hearings listens to contested executive branch administrative law cases, except for those concerning officials or agencies exempted by law. A citizen who disagrees with an action taken by such an agency may appear before an administrative law judge to obtain an impartial review. Administrative law judges are independent of the government agency whose action is being contested. Though based in the Baltimore area, these judges hear cases statewide.

Federal Courts in Maryland

Federal courts are authorized by the U.S. Constitution to deal with issues involving laws enacted by Congress, as contrasted with state courts, which apply the laws of their state and local governments. Federal courts handle such diverse matters as bankruptcy, contract disputes, personal injury actions, governing whether a matter will proceed in a state or federal court. One such rule is that a case in which citizens of more than one state are involved may be brought in a federal court and, if brought in a state court, may be removed by one or more of the parties to federal court. This dual court structure is a distinguishing and innovative feature of the American judicial system. More information on the Federal Judiciary is available on the U.S. Courts' website, www.uscourts.gov.

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2/18

MARYLAND JUDICIARY