

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1330

(Delegate Rosenberg)

Judiciary

Circuit Courts - Confirmation of Arbitration Awards

This bill specifies that a party who files a petition to confirm an arbitration award must pay a fee of \$25 to the clerk of the court. The bill requires a clerk of the circuit court to promptly mail notice of the petition to each party, other than the petitioner, in the arbitration proceeding, but specifies that if the petitioner files proof of mailing, the failure to do so on the part of the clerk does not affect the court's authority to issue an order confirming the award. The clerk is required to issue an order confirming the award unless a party takes specified actions.

The bill applies only prospectively to petitions made on or after the bill's October 1, 2008 effective date.

Fiscal Summary

State Effect: General fund revenues of the Judiciary could rise due to the increase in the filing fee provided in this bill. Information regarding the average number of confirmation petitions filed per year is not readily available, but the Judiciary advises the bill is not expected to have a significant fiscal impact.

Local Effect: Any increase in the workload of the circuit courts could be handled with existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: A party may petition the court to confirm an arbitration award. Unless the other party has filed an application to vacate, modify, or correct the award within specified time frames, the court shall confirm the award. Section 7-202 of the Courts and Judicial Proceedings Article establishes a \$10 filing fee for docketing a petition for confirmation of an arbitration award.

Background: Under current law, the State Court Administrator, with the approval of the Board of Public Works, is required to determine the amount of all court costs and charges for the circuit courts. The fees and charges must be uniform throughout the State. The Comptroller must require the clerks of the courts to collect all fees required by law. The clerk may not charge the State, any county or municipality, or Baltimore City court costs, fees, or forfeitures unless the unit of government gives its consent.

The laws of all 50 states contain provisions allowing a party to confirm an arbitration award.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 19, 2008
mll/jr

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510