

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 346
Judiciary

(Delegate Morales, *et al.*)

Judicial Proceedings

Court Personnel - Altering References From Master to Magistrate

This bill alters references to the term “master” to “magistrate” within various statutory provisions.

Fiscal Summary

State Effect: The Judiciary can use existing resources to alter references to “masters” in any publications and on its website. Otherwise, the change is technical in nature and does not affect State finances.

Local Effect: The circuit courts can use existing resources to alter references to “masters” in any publications and on county websites. Otherwise, the change is technical in nature and does not affect local finances.

Small Business Effect: None.

Analysis

Current Law/Background: Circuit courts are authorized to employ masters as necessary to conduct the business of the court. A majority of the judges of the circuit court of a county may appoint full-time or part-time standing masters, who serve at the pleasure of the appointing court.

Circuit courts may also utilize masters for some juvenile proceedings; however, the judges of a circuit court may not appoint a master for juvenile causes unless the appointment and the appointee are approved by the Chief Judge of the Court of Appeals.

A master generally has the power to regulate proceedings, including the power to examine witnesses, rule on the admissibility of evidence, administer oaths to witnesses, recommend contempt proceedings, and direct the issuance of subpoenas to compel the attendance of witnesses and the production of documents. Proposed findings, conclusions, recommendations, or orders of a master may be adopted by the court, once parties have had time to file exceptions or otherwise ask for judicial review, as specified.

The Maryland Rules Committee has proposed a new rule to redesignate masters who conduct family or juvenile proceedings as “family magistrates.”

Additional Information

Prior Introductions: None.

Cross File: None.

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

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md/kdm

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