MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO:	Senate Judicial Proceedings Committee
FROM:	Legislative Committee Suzanne D. Pelz, Esq. 410-260-1523
RE:	Senate Bill 457 Workgroup to Study Trial in Absence
DATE:	February 2**,** 2022 (2/16)
POSITION:	Oppose, as drafted

The Judiciary opposes Senate Bill 457, as drafted. This bill creates a workgroup to study trial in absence. Among its proposed members is one member appointed by the Chief Judge of the District Court.

While the Maryland Judicial Conference appreciates the Judiciary's consideration in the formation of this task force, membership of judges on such bodies can raise separation of powers and dual office issues. Participation by judges in extra-judicial activities, such as statutorily created workgroups, commissions, and task forces, is limited by Rule 3.4 of the Code of Judicial Conduct and by Article 8 of the Maryland Declaration of Rights. To ensure uniformity in the administration of justice throughout the state, judges are advised not to participate in the policy development functions of the Judiciary's executive and legislative partners. While the Judiciary always makes itself available for questions on a case by case basis, the Judiciary respectfully requests not to be included on this task force. In addition, the Chief Judge of the Court of Appeals is the administrative head of the Judicial Branch and, therefore, it is he who should make such an appointment.

In addition, the Judiciary believes it is not appropriate for the Administrative Office of the Courts to be staffing a legislative task force.

cc. Hon. Jack Bailey
Judicial Council
Legislative Committee
Kelley O'Connor