

**Title:** Understanding the Maryland Courts

**Content Area:** Government

**MSDE Goal: Political Systems**

Students will understand the historical development and current status of the fundamental concepts and processes of authority, power, and influence, with particular emphasis on the founding documents of the United States and the Democratic skills and attitudes necessary to become responsible citizens.

**MSDE Expectation**

6.4 Students will demonstrate an understanding of the organization and functions of the national, state, and local governments under a federal system.

**MSDE Indicator**

6.4.12.4 Compare and contrast elements, proceedings, and decisions related to criminal and civil law in Maryland and describe alternatives to litigation within the United States legal system for maintaining order and resolving conflicts.

**Objective**

Students will be able to list and explain the jurisdictions of the various courts that compose the Maryland Judiciary.

**Materials Needed / Resources for Teacher Preparation**

- Website: <http://www.courts.state.md.us/>
- Copies of “Maryland Courts” Student Handouts
- Copies of “Anatomy of the Maryland Courts” Student Handouts
- Transparency or Copies of Drill Quiz

**Lesson Development**

**Review/ Motivation**

(As a warm-up activity): Post quiz transparency or distribute quiz on Maryland Courts. Allow students 5 minutes to answer questions independently.

**Activities**

1. Divide students into four groups. Group One is assigned District Court and given District Court handout. Group Two is assigned Circuit Court and given Circuit Court handout. Group Three is assigned Court of Special Appeals and given respective handout. Group Four is assigned Court of Appeals and given respective handout.  
In addition to each group’s respective handouts, distribute “Anatomy of the Maryland Courts” handout to each student.  
Direct student groups to read through their handouts and answer questions on the court they were assigned.
2. Jigsaw Debrief  
Reassemble student groups so that each group has a student from groups one, two, three and four. Each student is responsible for overviewing his/her court to the rest of the group. During each student’s overview, the other students should take notes on the court diagram handout.

## **Conclusion**

### Class Debrief

Review each of the questions from the drill quiz to be sure that students understand differences between each Maryland Court.

### **Thoughtful Application / Assessment**

If there is ample time, or on the following day, compare/contrast Maryland's Court System with those of other states.

For homework, have students locate legal cases in newspapers, local or world news programs, or on the internet. They can be historical, recent, or current cases that have been/are before Maryland's Courts. Students should write a summary of each of the cases and be prepared to discuss the cases in the following class. If students cannot find District Court cases, ask them to (1) explain why they think this might occur and (2) cite a hypothetical case that would be heard in the District Court.



## Test Your Knowledge on the Maryland Courts!



1. This court generally handles all traffic violations.
  - a. District Court
  - b. Circuit Court
  - c. Court of Special Appeals
  - d. Court of Appeals
  
2. This court is Maryland's *intermediate* (middle) appellate court.
  - a. District Court
  - b. Circuit Court
  - c. Court of Special Appeals
  - d. Court of Appeals
  
3. This court has thirteen judges who generally sit in panels of three to hear cases.
  - a. District Court
  - b. Circuit Court
  - c. Court of Special Appeals
  - d. Court of Appeals
  
4. This is Maryland's highest court.
  - a. District Court
  - b. Circuit Court
  - c. Court of Special Appeals
  - d. Court of Appeals
  
5. This is the only court that may review cases in which the death penalty is imposed.
  - a. District Court
  - b. Circuit Court
  - c. Court of Special Appeals
  - d. Court of Appeals
  
6. This is the highest court in Maryland with *general* jurisdiction.
  - a. District Court
  - b. Circuit Court
  - c. Court of Special Appeals
  - d. Court of Appeals
  
7. This is the only court that has jury trials.
  - a. District Court
  - b. Circuit Court
  - c. Court of Special Appeals
  - d. Court of Appeals
  
8. This is the lowest court in Maryland.
  - a. District Court
  - b. Circuit Court
  - c. Court of Special Appeals
  - d. Court of Appeals
  
9. This court generally handles major civil and more serious criminal cases.
  - a. District Court
  - b. Circuit Court
  - c. Court of Special Appeals
  - d. Court of Appeals
  
10. This court has seven judges, including the Chief Judge of the State of Maryland.
  - a. District Court
  - b. Circuit Court
  - c. Court of Special Appeals
  - d. Court of Appeals

## Anatomy of the Maryland Court System

Indicate the court your group has been given: \_\_\_\_\_

Working as a group, answer the questions below.

(1) What is the main function of this court?

(2) What is/are unique aspect(s) of this court? In other words, how is this court different than the others?

(3) What kind of case(s) would typically be heard before this court? (You can cite a real one that you have heard about in the news or a hypothetical case.)

## The District Court

The **District Court of Maryland** was created by an amendment to the Maryland Constitution and came into existence on July 5, 1971. It is a fully state-funded court of record possessing statewide jurisdiction.

The jurisdiction of the court includes all landlord-tenant cases, replevin actions, motor vehicle violations, misdemeanors and certain felonies. In civil cases the District Court has exclusive jurisdiction in claims for amounts up to \$5,000, and concurrent jurisdiction with the circuit courts in claims for amounts above \$5,000 but less than \$25,000. The jurisdiction of the court in criminal cases is concurrent with the Circuit Court for offenses in which the penalty may be confinement for three years or more or a fine of \$2,500 or more; or offenses which are felonies.

### Vocabulary

**Amendment:** A change in a bill during its passage through a legislature or in a law already passed.

**Felonies:** A serious crime with a sentence of one year or more.

**Jurisdiction:** The geographical area within which a court has the right and power to operate; the persons about whom and the subject matter about which a court has the right and power to make decisions that are legally binding.

**Misdemeanors:** A criminal offense less than a felony that is usually punishable by a fine or less than one year in jail.

**Replevin Actions:** A lawsuit to get back personal property from the hands of another person.

## The Circuit Court

The Circuit Courts are the highest common law and equity Courts of record exercising original jurisdiction within the State. Each has full common law and equity powers and jurisdiction in all civil and criminal cases within its county and all the additional powers and jurisdiction conferred by the Constitution and by law, except where by law jurisdiction has been limited or conferred upon another tribunal.

In each county of the State and Baltimore City, there is a Circuit Court which is a trial Court of general jurisdiction. Its jurisdiction is very broad, but generally it handles the major civil and more serious criminal matters. The Circuit Court also decides appeals from the District Court and from certain administrative agencies.

The Courts are grouped into eight geographical circuits. Each of the first seven circuits is comprised of two or more counties while the Eighth Judicial Circuit consists of Baltimore City. One January 1, 1983, the former Supreme Bench was consolidated into the Circuit Court for Baltimore City.

As of July 1, 1988, there were 114 Circuit Court judges with at least one judge for each county and 24 in Baltimore City. Unlike the other three Court levels in Maryland, there is not a chief judge who is administrative head of the Circuit Courts. However, there are eight circuit administrative judges appointed by the Chief Judge of the Court of Appeals who perform administrative duties in each of their respective circuits. They are assisted by county administrative judges.

Each Circuit Court judge is initially appointed to office by the Governor and must stand for election at the next general election following, by at least one year, the vacancy the judge was appointed to fill. The judge may be opposed by one or more members of the bar. The successful candidate is elected to a fifteen year term of office.

### Vocabulary:

Common law: Judge-made law, as opposed to legislature-made law; law that has its origins in England and grows from ever-changing custom and tradition.

Jurisdiction: The geographical area within which a court has the right and power to operate; the persons about whom and the subject matter about which a court has the right and power to make decisions that are legally binding.

Tribunal: Court.

## **Court of Special Appeals**

The Court of Special Appeals was created in 1966 as Maryland's intermediate appellate Court. Its creation was the result of a rapidly growing caseload in the Court of Appeals which had caused a substantial backlog to develop in that Court.

The Court of Special Appeals sits in Annapolis and is composed of thirteen members: a chief judge and twelve associates. One member of the Court is elected from each of the first five Appellate Judicial Circuits while two members are elected from the Sixth Appellate Judicial Circuit (Baltimore City). The remaining six members are elected from the State at large. As in the Court of Appeals, members of the Court of Special Appeals are appointed by Governor and confirmed by the Senate. They also run on their records without opposition for ten-year terms. The Governor designates the Chief Judge of the Court of Special Appeals.

Unless otherwise provided by law, the Court of Special Appeals has exclusive initial appellate jurisdiction over any reviewable judgment, decree, order or other action of a Circuit Court and generally hears cases appealed directly from the Circuit Courts. The judges of the Court are empowered to sit in panels of three. A hearing or rehearing before the Court en banc (where the full Bench presides) may be ordered in any case by a majority of the incumbent judges of the Court. The Court also considers applications for leave to appeal in such areas as post conviction, habeas corpus matters involving denial of or excessive bail, inmate grievances, and appeals from criminal guilty pleas.

### Vocabulary:

(An) Appeal: Ask a higher court to review the actions of a lower court in order to correct mistakes or injustice.

Appellate: A higher court that can hear appeals from a lower court.

Decree: A judgment of a court that announces the legal consequences of the facts found in a case and orders that the court's decision be carried out.

Habeas Corpus: In Latin, literally meaning, "You have a body." A judicial order to someone holding a person to bring that person to court. It is most often used to get a person out of unlawful imprisonment.

Incumbent: A person who presently holds an office.

Jurisdiction: The geographical area within which a court has the right and power to operate; the persons about whom and the subject matter about which a court has the right and power to make decisions that are legally binding.

## **Court of Appeals**

The Court of Appeals is the highest tribunal in the State of Maryland. It was created by the Constitution of 1776. In the early years of its existence, the Court sat in various locations throughout the State, but since 1851 it has sat only in Annapolis. The Court is composed of seven judges, one from each of the first five Appellate Judicial Circuits and two from the Sixth Appellate Judicial Circuit (Baltimore City). After initial appointment by the Governor and confirmation by the Senate, members of the Court run for office on their records, unopposed. If a judge's retention in office is rejected by the voters or there is a tie vote, that office becomes vacant and must be filled by a new appointment. Otherwise, the incumbent judge remains in office for a ten-year term. The Chief Judge of the Court of Appeals is designated by the Governor and is the constitutional administrative head of the Maryland Judicial System.

As a result of legislation effective January 1, 1975, the Court of Appeals hears cases almost exclusively by way of certiorari, a discretionary review process. That process has resulted in the reduction of the Court's formerly excessive workload to a more manageable level, thus allowing the Court to devote more time to the most important and far-reaching issues.

The Court may review cases already decided by the Court of Special Appeals or bring up for review cases filed in that court before they are decided. In addition, the Court of Appeals has exclusive jurisdiction over appeals in which the sentence of death is imposed. The Court of Appeals may also review cases from the Circuit Court level if those courts have acted in an appellate capacity with respect to an appeal from the District Court. The Court is empowered to adopt rules of judicial administration, practice, and procedure which will have the force of law. In addition, it admits persons to the practice of law, reviews recommendations of the State Board of Law Examiners and conducts disciplinary proceedings involving members of the bench and Bar. The Court of Appeals may also decide questions of law certified by federal and other state appellate courts.

### Vocabulary:

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Incumbent: A person who presently holds an office.

Jurisdiction: The geographical area within which a court has the right and power to operate; the persons about whom and the subject matter about which a court has the right and power to make decisions that are legally binding.

Tribunal: Court.

Writ of Certiorari: In Latin, meaning "To make sure." A request for certiorari is similar to an appeal, but one which the higher court is not required to take for decision; a discretionary review process.