

IN THE COURT OF APPEALS OF MARYLAND

R U L E S O R D E R

WHEREAS, in response to a fiscal emergency of extraordinary proportions that the State of Maryland is experiencing, this Court approved amendments to Rule 16-104 on December 15, 2009, which reduced the number of annual leave days that a judge would earn in calendar year 2010 from 27 to 17; and

WHEREAS, in its consideration of the amendments to Rule 16-104, it became evident to this Court that the Judiciary's policy on sick leave that can be taken by judges would need to be clarified in light of the amendments; and

WHEREAS, the most efficacious way for this Court to clarify the sick leave policy for judges would be for it to amend Rule 16-104 so as to establish general standards and criteria and to delegate to the Chief Judge of the Court of Appeals the responsibility to promulgate an Administrative Order setting forth the specific, implementing details; now, therefore,

This Court having considered proposed amendments to Rule 16-104, Judicial Leave, at an open meeting, notice of which was posted as prescribed by law, and finding that an emergency does in fact exist with reference to the proposed Rule change, it is this 12th day of January, 2010,

ORDERED, by the Court of Appeals of Maryland, that the amendment to Rule 16-104 be, and it hereby is, adopted in the form attached to this Order; and it is further

ORDERED, that the Rule change hereby adopted by this Court shall govern the courts of this State and shall take effect and apply on and after January 12, 2010, and it is further

ORDERED, that a copy of this Order be published in the next issue of the *Maryland Register*.

/s/ Robert M. Bell
Robert M. Bell

/s/ Glenn T. Harrell, Jr.
Glenn T. Harrell, Jr.

/s/ Lynne A. Battaglia
Lynne A. Battaglia

/s/ Clayton Greene, Jr.
Clayton Greene, Jr.

/s/ Joseph F. Murphy, Jr.
Joseph F. Murphy, Jr.

/s/ Sally D. Adkins
Sally D. Adkins

/s/ Mary Ellen Barbera
Mary Ellen Barbera

Filed: January 12, 2010

/s/ Bessie M. Decker
Bessie M. Decker
Clerk
Court of Appeals of Maryland

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE,
JUDICIAL DUTIES, ETC.

AMEND Rule 16-104 to modify the provisions concerning sick leave and to add a Committee note, as follows:

Rule 16-104. JUDICIAL LEAVE

. . .

d. Sick Leave

In addition to the annual leave and personal leave as provided for ~~above~~ in this Rule, a judge: (1) is entitled to unlimited sick leave ~~with respect to~~ for any period of the judge's illness or disability that precludes the judge necessitating absence from performing judicial duties ~~of the judge~~; and (2) may take a reasonable amount of sick leave (A) for the judge's medical appointments; (B) due to the illness or disability of family members; or (C) due to the birth, adoption, or foster care placement of a child with the judge, all subject to the definitions, conditions, limitations, and procedures in an Administrative Order issued by the Chief Judge of the Court of Appeals. Sick leave used for the purposes allowed by subsection (2) of this section, together with annual leave and personal leave taken for these purposes, may not exceed an aggregate total of 12 weeks for the calendar year. The Chief Judge of the Court

of Appeals shall issue an Administrative Order implementing this section. The Order shall be posted on the Judiciary's website and otherwise made publicly available. Sick leave may not be charged against annual or personal leave.

Committee note: The authority of the Commission on Judicial Disabilities with respect to a disability as defined in Rule 16-803 is not affected by this Rule.

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