

SB 0485

**Melissa Pollitt Bright and the
Maryland Association of Orphans' Court Judges (MAJOC)**

Unfavorable

Senate Judicial Proceedings Committee

Senator Smith, Senator Waldstreicher, and Members of the Committee,

Good morning. I am the Chief Judge of the Orphans' Court for Wicomico County, but I must make it clear that I come to you today in my individual capacity and on behalf of the Maryland Association of Orphans' Court Judges (MAJOC), of which I am president, and not on behalf of the Maryland Judiciary or any of its parts.

SB0485 and its counterpart, HB879, stem from the work of the recent Task Force to Study the Orphans' Court. The Task Force completed its work and submitted its final recommendations in mid-December, only eight weeks ago. While my colleagues and I have great respect and appreciation for the work the Task Force did, we feel this bill was too hastily crafted and the matters which are its subject should be given more thought as to implementation. We are deeply concerned for the following reasons:

1. The matters the bill addresses, having Orphans' Court candidates run non-partisan and restrictions on the practice of law by attorney judges, are in no way related and should not be merged in a single bill.
2. If passed, the bill will become law on October 1st, too late for implementation in regard to this year's election, but prior to the General Election. This could create confusion and cast doubt on the validity of the election process. There is precedent in a similar situation which nullified the results of an election for a winning candidate. The part of this proposal pertaining to the election cannot alter the current primary status quo, so there is no rush for this year.
3. Section 8-905(B)(2) provides that in the case of a tie for the third position on the court, the position shall be viewed as vacant and filled as though the vacancy occurred during the term of office. Since there are often many candidates for Orphans' Court, even under the current system, there is a strong potential for at least one third of the court in multiple jurisdictions to be appointed rather than elected following each election. To have appointed judges for the entire term, especially as a default procedure, is disenfranchisement of the voters and could be a constitutional conflict.

For these reasons we oppose this bill in its current form and respectfully request that it be returned for further study and more detailed consideration of how these matters would be implemented.

Sincerely,
Melissa Pollitt Bright
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