

HB 868

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

Unfavorable

House Judiciary Committee

Chairman Clippinger, Vice-Chair Moon, distinguished Members of the Committee,

Greetings. I am the Chief Judge of the Orphans' Court for Wicomico County, but I submit this testimony in my individual capacity **and** on behalf of the Board 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.

House Bill 868 was proposed by the Howard County Delegation following a presentation to them by individuals whose offices and reputations gave them inherent credibility. We must believe that is the only reason that the delegation accepted what they were told at that presentation as factual without further information, consultation with the parties involved, or any independent investigation of their own. Indeed, it appears that a former member of this committee, who was one of the presenters to the delegation and who proposed this drastic measure, was herself given, by someone she trusted, a set of "facts" which were misrepresented and, in part, flat out untrue. Chief Judge Dodd of the Howard County Orphans' Court was invited to be present but was not allowed to speak or to rebut the false allegations and statements. Howard County's Administrative Judge was present but was asked only one question. Oddly, that question did not include the desirability of this move from the perspective of the Circuit Court, upon whom the weight of the additional caseload will fall if this measure passes.

Additionally, you should be aware that the senior judges of the Howard County Orphans' Court have long been held in high esteem by their colleagues and have both been appointed, multiple times, to the Conference of Orphans' Court Judges by the Chief Judge of the Court of Appeals. Judge Dodd has twice been elected Chair of that Conference by her peers and is currently Immediate Past President of MAJOC. Both organizations are composed of both attorney and lay judges.

There has been no investigation of the "reasons" for this proposal, no consultation with those to whom the workload will shift, no discussion of the very great difference between probate work and typical Circuit Court cases, no discussion of the potential impact on public access to justice, no discussion of the need or worth of the constitutional amendment that will be required to implement this misguided proposal, no true investigation into the truth of the representations made or the efficacy of the Orphans' Court in Howard County or any other jurisdiction across the state, and the fiscal impact is currently uncertain. Circuit Court fees and schedules will assuredly create a hardship on grieving families. This is not the solid foundation upon which you usually rely to make new law, let alone upon which to amend the Maryland Constitution.

We come therefore to you, trusting that you will do your own due diligence in service to the people you represent. MAJOC is prepared, upon your request, to provide documentation regarding appeals and other matters that have been represented as the reasons for this proposal. We are confident that, presented with the verified truth, you will return an unfavorable recommendation.

Sincerely,

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