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Bill No.: Senate Bill 116
Title: Orphans' Court Judges – Restriction on Practicing Law
Committee: Judicial Proceedings
Hearing Date: January 11, 2024
Position: Recommend Favorable Committee Report

COMMENTS:

Chairman Smith and Members of the Committee:

We, the Judges of the Orphans' Court for Prince George's County, collectively in our individual capacities, offer this written testimony in support of Senate Bill 116.

The bill arises from one of the five recommendations of the 2021 Task Force to Study the Maryland Orphans' Courts, of which Judge Groves was a member. They are suggestions for possible improvements to the court. Recommendation No. 4 states that "[a]n Orphans' Court judge may not act as an attorney in a civil or criminal matter during a term of office in any matter which is within the jurisdiction of any Orphans' Court of the state or in any matter related to the administration of an estate or guardianship of a minor."

Out of the twenty-four jurisdictions in Maryland, twenty-one have Orphans' Courts. Pursuant to the Annotated Code of Maryland, Estates & Trusts Article, § 2-109, only the judges of Baltimore City, Prince George's County, Baltimore County and Calvert County may practice law, provided that it is not in the areas of Estates & Trusts and Guardianship of Minors. In the remaining jurisdictions, an attorney serving as an Orphans' Court Judge may not practice law at all.

The position of Orphans' Court Judge is considered part-time, as the respective salaries for each jurisdiction so reflect. Therefore, it is unlikely that an attorney would give up the practice of law to seek the office of Orphans' Court. This limits the pool of possible candidates who would run for the position in the remaining seventeen jurisdictions. The

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passage of the bill to amend the statute would not only increase the number of possible candidates, but also establish uniformity across the State regarding the persons who may seek to serve as an Orphans' Court Judge. This would be an overall improvement for the Court.

Therefore,

We urge a Favorable Committee Report for Senate Bill 116.

Respectfully submitted,

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