

**Juliet G. Fisher**

8100 Sandpiper Circle, Ste. 108

Nottingham, MD 21236

443-803-1476

[Julietfisher1@yahoo.com](mailto:Julietfisher1@yahoo.com)

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Maryland Senate –Judicial Proceedings Committee

Re: Testimony in Support of SB 23  
Orphans' Court Judges - Election

Good Afternoon Chairman Smith and members of the Committee,

Thank you so much for allowing me to speak to you today about Senate Bill 23. As you may be aware, I am Juliet Fisher, a Judge of the Baltimore County Orphans' Court, which oversees the probate and administration of all estates in Baltimore County as well as handling guardianships of minors' property. I am here on behalf of myself and Judge Frank, who support the passage of SB 23.

The Orphans' Court consists in almost every jurisdiction of three judges, who are elected every four years. Currently, the only judges in the entire state that participate in partisan elections are the judges of the Orphans' Court.

In 2022 a Task Force to Study the Orphans' Courts was created and one of the recommendations of the Task Force was to make the election of Orphans' Court Judges less political by allowing them to engage in non-partisan elections, which is exactly what this proposed Bill would do.

Previously, my court had sought this change in an effort to make this judicial office less political in, and therefore more in line with the Judiciary, and more specifically with the Circuit Court judges each of whom cross-files for both the Democratic and Republican nominations, we had sought the opinion of our then Attorney General.

I am going to read you an excerpt from that opinion pertaining to cross-filing:

“Currently, in my view, Maryland law does not require judges of the Orphans' Court to register their political party when running for office. *See* MD Code Ann. Elec. Law Section 5-203 (2014) (**stating that requirements for party affiliation do not apply for candidates for judicial office.**) But historically judges of the Orphans' Court have registered their party affiliation when running for office and according to counsel for the State Board of Elections, altering this historical practice would require a statutory change.”

It is exactly that change that we are seeking here today. Because the Maryland Constitution is silent on party affiliation, no Constitutional Amendment would be necessary to make this party affiliation change.

As we continue to attempt to make our judicial offices less political and more in line with the neutrality inherent and desired in the judiciary, we would seek your support of SB 23.

Juliet Fisher, Esq.

Arthur Frank, Esq.