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Maryland Senate

Judicial Proceedings Committee

Re: Testimony in Support of SB 116
Orphans' Court Judges – Restriction of Practicing Law

Good Afternoon Chairman Smith and members of the Committee,

Thank you so much for allowing me to speak to you today about Senate Bill 116. 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, as well as our register, Alexis Burrell-Rohde all of whom support the passage of SB 116.

Last year a Task Force to Study the Orphans' Courts was created and one of the recommendations of the Task Force was to allow more attorneys to run to be Orphans' Court Judges, which is a part-time position, which is exactly what this proposed Bill would do.

Currently, the Judges in Baltimore City, County, Prince George's County, and Calvert County who are attorneys are allowed to continue to practice law part-time as long as that practice does not encompass any subject matter that could be heard under the jurisdiction of the Orphans' Court so that there would not be any conflict of interest. This is exactly what myself and other judges in these jurisdictions are currently doing and it has been working extremely well for us.

In all of those jurisdictions except for Calvert, the Judges are required to be attorneys. Currently in Calvert County, their Orphans' Court consists of two attorney judges and one lay judge. In most of the other jurisdictions, attorneys are not willing to run to be part-time Orphans' Court Judges as it requires them to give up their entire law practice.

There has been a push to have more attorney judges in these jurisdictions, but the willingness of attorneys to serve as Orphans' Court Judges will not be known unless this bill is successful.

In addition, this Bill creates statewide uniformity in the ability of attorneys to become Orphans' Court judges while only having to refrain from practicing estates and trusts and guardianship law.

I personally believe that the passage of this Bill will create more opportunities to have legal professionals acting as part-time Orphans' Court Judges and will address the recommendations of the Task Force to Study the Orphans' Court.

Juliet Fisher, Esq.

Arthur Frank, Esq.