

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 197

(Senator Stone, *et al.*)

Judicial Proceedings

Judiciary

Baltimore County - Orphans' Court Judges - Attorneys-at-Law

This bill authorizes a judge of the Orphans' Court in Baltimore County to practice law in connection with a case that is outside the jurisdiction of the Orphans' Court and unrelated to the administration of an estate or guardianship. The bill also gives a Baltimore County Orphan's Court judge who is also an attorney the power to hold a court session on a day not named in an adjournment.

Fiscal Summary

State Effect: None.

Local Effect: None. Authorizing Baltimore County Orphans' Court judges to practice law would not affect governmental finances.

Small Business Effect: None.

Analysis

Current Law: Generally, State law prohibits a judge of the Orphans' Court to act as an attorney in a civil or criminal matter during a term office. This prohibition does not apply in Harford and Montgomery counties, where the circuit court sits as the Orphans' Court. A judge of the Orphans' Court of Baltimore City is also exempt provided the judge does not practice law in an Orphans' Court. Judges in Prince George's, Calvert, and Howard counties are exempt for all cases outside the jurisdiction of an Orphans' Court and unrelated to the administration of an estate or guardianship.

Generally, an Orphans' Court sits as a panel. A single Orphans' Court judge may act in the absence of the others only in the case of prolonged illness or vacancy, and only if the Register of Wills certifies to the prolonged illness or vacancy. However, in Baltimore City and Prince George's County, an Orphans' Court judge who is also an attorney-at-law has full power to do any act which the court is authorized to perform, including the power to hold court on a day not named in an adjournment.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 1, 2005
mam/hlb Revised - Senate Third Reader - March 28, 2005

Analysis by: Michelle L. Harrison-Davis

Direct Inquiries to:
(410) 946-5510
(301) 970-5510