

HOUSE BILL 1240

N2

3lr3083
CF SB 210

By: **Delegate Buckel**

Introduced and read first time: February 15, 2023

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Orphans' Court Judges – Restriction on Practicing Law**

3 FOR the purpose of altering a prohibition on certain judges of the orphans' court acting as
4 attorneys to prohibit a judge of the orphans' court from acting as an attorney in
5 certain matters related to the administration of an estate or a guardianship of a
6 minor; and generally relating to judges of the orphans' court.

7 BY repealing and reenacting, without amendments,
8 Article – Estates and Trusts
9 Section 2–101
10 Annotated Code of Maryland
11 (2022 Replacement Volume and 2022 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Estates and Trusts
14 Section 2–109
15 Annotated Code of Maryland
16 (2022 Replacement Volume and 2022 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Estates and Trusts**

20 2–101.

21 In the estates of decedents law, the word “court” means the orphans' court in a
22 county, or the court exercising the jurisdiction of the orphans' court in a county.

23 2–109.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(a) Except as provided in subsection (b) of this section, a] A judge of the court may
2 not act as an attorney at law in a civil or criminal matter during a term of office **IF THE**
3 **MATTER IS:**

4 (1) **WITHIN THE JURISDICTION OF THE COURT IN ANY COUNTY; AND**

5 (2) **RELATED TO THE ADMINISTRATION OF AN ESTATE OR A**
6 **GUARDIANSHIP OF A MINOR.**

7 [(b) This section does not apply:

8 (1) In Harford County;

9 (2) In Montgomery County;

10 (3) In Baltimore City, to a judge of the Court while practicing law before
11 any court of the State except an orphans' court; or

12 (4) In Prince George's County, Baltimore County, Calvert County, and
13 Howard County, to a judge of the Court while practicing law in connection with a case that
14 is:

15 (i) Outside the jurisdiction of orphans' court; and

16 (ii) Unrelated to the administration of an estate or guardianship.]

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2023.