

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 1250  
Task Force to Study the Laws of Intestacy in Maryland  
**DATE:** February 17, 2021  
(2/22)  
**POSITION:** Oppose, as drafted

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The Judiciary opposes House Bill 1250, as drafted. This bill creates a task force to study the laws of intestacy. Among its proposed members is two Orphans' Court judges. In addition, the Administrative Office of the Courts is to provide staff for the Task Force.

While the Maryland Judicial Conference appreciates the Judiciary's consideration in the formation of this task force, membership of judges on such bodies can raise separation of powers and dual office issues. Participation by judges in extra-judicial activities, such as statutorily created workgroups, commissions, and task forces, is limited by Rule 3.4 of the Code of Judicial Conduct and by Article 8 of the Maryland Declaration of Rights. To ensure uniformity in the administration of justice throughout the state, judges are advised not to participate in the policy development functions of the Judiciary's executive and legislative partners. While the Judiciary always makes itself available for questions on a case by case basis, the Judiciary respectfully requests not to be included on this task force.

In addition, the Judiciary believes it is not appropriate for the Administrative Office of the Courts to be staffing a legislative task force.

cc. Hon. Michael Malone  
Judicial Council  
Legislative Committee  
Kelley O'Connor