

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

Hon. Joseph M. Getty  
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 951  
Estates and Trusts – Cross-Jurisdictional Probate Judges  
**DATE:** February 16, 2022  
(2/23)  
**POSITION:** Oppose

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The Maryland Judiciary opposes House Bill 951. This bill creates the office of a cross-jurisdictional probate judge in each judicial circuit.

This bill would have a significant fiscal and operational impact on the Judiciary as it would basically create a new tier of the Judiciary. In order to have one judge in each circuit, the cost would be for that judge's salary and benefits, that of his/her staff, finding courtroom and office space, furniture, supplies, etc. Additionally, this could allow litigants to forum shop judges between the Orphan's Court, the circuit court, and this new court. Operationally this could also require the creation of new Maryland rules and procedures as well as education and training. This bill is also unclear and leaves open many questions that would be important to implementation. As one example, the bill does not explain whether an appointed cross-jurisdictional probate judge could hear cases only within the judicial circuit from which he or she was appointed, or across judicial circuits.

The offered legislation also gives appointment authority of the cross-jurisdictional probate judges to the judges of each Judicial Circuit. It is unclear how this selection process would operate functionally, as no other formal judicial roles are subject to election by their peers. For example, the Circuit Administrative Judge is selected by the Chief Judge (*see* Rule 16-104), as is the County Administrative Judge (*see* Rule 16-105). The Circuit Chief Judge is the judge who has served longest in the Circuit (*see* Md .Const., Art. IV, section 21). Accordingly, more clarification is needed to determine how this process would work.

cc. Hon. Jason Buckel  
Judicial Council  
Legislative Committee  
Kelley O'Connor