

**LEWYN SCOTT GARRETT, ESQ.
MICHELE E. LOEWENTHAL, ESQ
CHARLES BERNSTEIN, ESQ**

February 9, 2023

Bill No.: Senate Bill 210

Title: Orphans' Court Judges – Restriction on Practicing Law

Committee: Judicial Proceedings

Hearing Date: February 9, 2023

Position: Recommend Favorable Committee Report

Chairman Smith and members of the Judicial Proceedings Committee

We are the Judges of the Orphans' Court for Baltimore City and together, as well as in our individual capacities, are providing this written testimony in support of Senate Bill 210. We are a specialty court and hear cases involving the administration of an estates as well matters involving guardianship of a minor.

This bill will allow attorneys in all jurisdictions throughout the state, which have an Orphans' Court, to serve as Orphans' Court judges. Currently, judges in Baltimore City, Baltimore County, Prince George's County and Calvert County are permitted to practice law in matters other than those heard in the Orphans' Court. The lawyer judges in these jurisdictions have law practices that do not interfere with their duties as Orphans' Court judges since their practices are not in the Orphans' Court. My colleagues and I have law practices and we are able to properly serve as part time Orphans' Court judges while maintaining a law practice. Lawyers in other jurisdictions who may be interested in running to be an Orphans' Court judge may be reluctant to serve because they would have to give up their law practice entirely. The passage of this bill will improve the Orphans' Court by creating the opportunity for more lawyers to serve as Orphans' Court judges. This bill will also provide uniformity in the state regarding who can serve as an Orphans' Court judge.

The legislature created a Task Force to Study the Orphans' Court. The Task Force met last year. Allowing more attorneys to serve as Orphans' Court judges was one of the recommendations of the Task Force.

For the above stated reasons, we favorably support the passage of Senate Bill 210.

Lewyn Scott Garrett, Esq.
Chief Judge

Michele E. Loewenthal, Esq.
Associate Judge

Charles Bernstein, Esq.
Associate Judge