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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 9th, 2023
Senate Judicial Proceedings Committee
The Honorable William C. Smith, Jr.
2 East Miller Senate Building
Annapolis, Maryland 21401

Re: Senate Bill – 210 - Orphans' Court Judges - Restriction on Practicing Law

Dear Chairman Smith and Members of the Committee,

Last year a Task Force to Study the Orphans' Courts was established. The Task Force recommended allowing more attorneys to run to be Orphans' Court Judges (a part-time position), which is exactly what this proposed Bill would do.

Currently, the Judges in Baltimore City, County, Prince George's County, and Calvert County who are attorneys are allowed to continue to practice law part-time so long as that practice does not involve any subject matter that could be heard under the jurisdiction of the Orphans' Court, to prevent conflict of interest.

In the aforementioned jurisdictions except for Calvert, the Judges are required to be attorneys. In Calvert County, their Orphans' Court consists of two attorney judges and one lay judge. In most of the other jurisdictions, attorneys are not willing to run to be part-time Orphans' Court Judges because they're required to give up their law practice.

Senate Bill 210 creates statewide uniformity for attorneys to become Orphans' Court judges while only having to refrain from practicing estates and trusts and guardianship law. This bill will expand the opportunities for legal professionals to act as part-time Orphans' Court Judges, following through on the recommendations of last year's Task Force.

I appreciate the Committee's consideration of Senate Bill 210 and will be happy to answer any questions the Committee may have.