

Task Force to Study Fiduciary Adjudication in Maryland

Contested and Uncontested Estates in Maryland

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A. BACKGROUND: Under item (3) of the Task Force’s enabling legislation, this body has been directed to “analyze the efficiency of the procedures for adjudicating contested and uncontested matters in the Orphans’ Courts and Circuit Courts.” This necessitates that we determine the nature of the matters that come before these courts, categorize them, quantify them, and analyze them. As the Registers of Wills are custodians of all estate records, with this information readily available we are able to begin this analysis on matters that come before the Orphans’ Courts.

B. SOURCES: All data contained herein has been derived from public estate records maintained by the Registers of Wills across Maryland’s 24 jurisdictions. This includes estate dockets and individual docket entry images.

C. DEFINITIONS:

- a. **“Court Action Required – Administrative”** - A matter requiring only administrative action by a court would be one in which (1) there is no dispute among any interested people and (2) a hearing is not required by law and would be considered clerical in nature. *(This includes matters such as administration accounts that have been audited by the Register of Wills, petitions for fees and commissions, petitions for extensions of time, petitions or motions for postponements or rescheduling of hearings, petitions for funeral expenses, petitions to probate copies of wills, petitions to amend inventories, petitions to sell real property, etc.).*
- b. **“Court Action Required – Controversial Fee, No Dispute”** - A matter requiring only administrative action by a court but was prompted by the filing of a controversial fee, would be one in which court intervention is required but no genuine dispute exists. *(This includes matters such as petitions for judicial probate to appoint a personal representative or special administrator without any objections, petitions for judicial probate to admit copies of wills to probate without any objections, petitions to allow claims when there has been no disallowance, petitions and motions filed then withdrawn, etc.)*
- c. **“Court Action Required – Adjudicative”** - A matter requiring adjudicative action by a court that was prompted by the filing of a controversial fee would be one in which there is a bona fide dispute between two or more interested persons that requires a judicial body to weigh competing claims and render a judgment. *(This includes matters such as any petitions or motions which have been objected to by another interested person, petitions to remove personal representatives, petitions to caveat, disputes over estate expenses, etc.).*

- D. FINDINGS:** The findings of this analysis are significant. Simply put, the overwhelming majority of activity in estates in Maryland is managed administratively by the Registers of Wills rather than the Orphans' Courts. Even within the minority of estates that require some kind of action taken by these courts, the matters are similarly overwhelmingly uncontested and administrative in nature. Indeed, we find that genuine contested matters that require adjudication by a court comprise just over one-half of one percent of all estate matters in Maryland.

The following is a breakdown of matters filed with the Registers in Fiscal Year 2025 (*see full analysis, including breakdown by jurisdiction, attached*):

- **Estates with Any Activity: 104,014**
- **Estates Requiring Administrative Action by Register Only: 74,793 (71.91%)**
- **Estates Requiring Some Action by Orphans' Court: 29,221 (28.09%)**
 - **Administrative Action Only: 26,699 (25.67%)**
 - **Administrative Action, Fee Paid, No Genuine Dispute: 1,894 (1.82%)**
 - **Adjudicative Action, Fee Paid, Genuine Dispute: 628 (0.60%)**

Other findings are as follows:

- **Prince George's, Garrett, Cecil, and Charles** stand out with both high court involvement and elevated adjudicative rates, suggesting more frequent genuine disputes.
 - **Somerset and Allegany** have low court action and virtually no adjudication.
 - **Baltimore City and Montgomery** show moderate court reliance but relatively low dispute rates, hinting at procedural volume rather than conflict.
- **Baltimore City, Baltimore County, and Montgomery** have high overall court activity, but most of it is administrative.
 - **Prince George's** has a large volume of adjudicative disputes, the highest in the state.
 - **Garrett and Cecil** show elevated adjudicative proportions relative to their size, suggesting more contentious probate environments.
 - **Somerset and Allegany** are nearly conflict-free, with minimal court involvement and zero or near-zero disputes.

- E. CONCLUSIONS:** In any given year, the vast majority of estates require only administrative action by the Registers of Wills. Within the minority of estates that require some action by an Orphans' Court, virtually all require only administrative action. This leaves a statistically and logistically minute number of estates in which a genuine dispute arises which requires adjudication by an Orphans' Court, just 0.6% of all estates. This means, therefore, **the Orphans' Courts fulfill an almost exclusively administrative role, not an adjudicative one.** Most of their duties could be absorbed by other judicial entities, including the Registers of Wills, Circuit Courts, Magistrates, Court Administrators, or new judicial entities, in a more efficient and less expensive manner.

Breakdown of Estate Activity - Requiring Action by Register or by Court

Jurisdiction	No. Estates w/ Activity of Any Kind	No. Estates Requiring Action by ROW Only	No. Estates Requiring Action by Court	% Estates Requiring Action by ROW Only	% Estates Requiring Action by Court
Allegany	13,794	13,304	490	96.45%	3.55%
Anne Arundel	13,304	10,785	2,519	81.07%	18.93%
Baltimore City	12,310	7,500	4,810	60.93%	39.07%
Baltimore	13,105	8,042	5,063	61.37%	38.63%
Calvert	1,605	1,229	376	76.57%	23.43%
Caroline	546	375	171	68.68%	31.32%
Carroll	2,758	1,847	911	66.97%	33.03%
Cecil	1,256	716	540	57.01%	42.99%
Charles	2,170	1,428	742	65.81%	34.19%
Dorchester	535	360	175	67.29%	32.71%
Frederick	3,158	2,281	877	72.23%	27.77%
Garrett	598	251	347	41.97%	58.03%
Harford	5,376	4,302	1,074	80.02%	19.98%
Howard	2,970	2,380	590	80.13%	19.87%
Kent	449	348	101	77.51%	22.49%
Montgomery	10,903	7,436	3,467	68.20%	31.80%
Prince George's	10,128	5,658	4,470	55.86%	44.14%
Queen Anne's	793	555	238	69.99%	30.01%
Somerset	456	375	81	82.24%	17.76%
St. Mary's	1,607	1,080	527	67.21%	32.79%
Talbot	835	631	204	75.57%	24.43%
Washington	2,542	1,861	681	73.21%	26.79%
Wicomico	1,561	1,193	368	76.43%	23.57%
Worcester	1,255	856	399	68.21%	31.79%
Totals	104,014	74,793	29,221	71.91%	28.09%

**Breakdown of Court Action - Purely Administrative, Administrative Due to Lack of
Genuine Dispute, or Adjudicative Due to Genuine Dispute**

Jurisdiction	Court Action Required - Administrative	Court Action Required - Administrative - Prompted by Filing of Controversial Fee, But No Genuine Dispute	Court Action Required - Adjudicative - Genuine Dispute	% Estates - Court Action Required - Administrative	% Estates - Court Action Required - Administrative - Prompted by Filing of Controversial Fee, But No Genuine Dispute	% Estates - Court Action Required - Adjudicative - Genuine Dispute
Allegany	451	38	1	3.27%	0.28%	0.01%
Anne Arundel	2,324	128	67	17.47%	0.96%	0.50%
Baltimore City	4,058	653	99	32.97%	5.30%	0.80%
Baltimore	4,859	142	62	37.08%	1.08%	0.47%
Calvert	360	8	8	22.43%	0.50%	0.50%
Caroline	160	10	1	29.30%	1.83%	0.18%
Carroll	856	37	18	31.04%	1.34%	0.65%
Cecil	463	61	16	36.86%	4.86%	1.27%
Charles	675	40	27	31.11%	1.84%	1.24%
Dorchester	165	6	4	30.84%	1.12%	0.75%
Frederick	828	39	10	26.22%	1.23%	0.32%
Garrett	333	5	9	55.69%	0.84%	1.51%
Harford	988	68	18	18.38%	1.26%	0.33%
Howard	526	42	22	17.71%	1.41%	0.74%
Kent	90	10	1	20.04%	2.23%	0.22%
Montgomery	3,288	118	61	30.16%	1.08%	0.56%
Prince George's	3,909	398	163	38.60%	3.93%	1.61%
Queen Anne's	231	4	3	29.13%	0.50%	0.38%
Somerset	77	4	0	16.89%	0.88%	0.00%
St. Mary's	488	27	12	30.37%	1.68%	0.75%
Talbot	195	5	4	23.35%	0.60%	0.48%
Washington	635	34	12	24.98%	1.34%	0.47%
Wicomico	355	7	6	22.74%	0.45%	0.38%
Worcester	385	10	4	30.68%	0.80%	0.32%
Totals	26,699	1,894	628	25.67%	1.82%	0.60%