



Task Force to Study Fiduciary Adjudication in Maryland

Annapolis, Maryland
June 2026

Task Force to Study Fiduciary Adjudication in Maryland Final Report

**Department of Legislative Services
Office of Policy Analysis
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THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

TASK FORCE TO STUDY FIDUCIARY ADJUDICATION IN MARYLAND

June 30, 2026

The Honorable Wes Moore, Governor
The Honorable Bill Ferguson, President of the Senate
The Honorable Joseline Peña-Melnyk, Speaker of the House of Delegates
Honorable Members of the General Assembly

Dear Governor Moore, President Ferguson, Speaker Peña-Melnyk, and Members:

The Task Force to Study Fiduciary Adjudication in Maryland (“task force”) respectfully submits its report. Chapter 220 of 2025 (House Bill 315) required the task force to study specified issues and make recommendations to improve the efficiency, uniformity, and quality of fiduciary adjudication in Maryland. After gathering extensive information and several meetings, the task force adopted four general recommendations, each with subparts, to (1) improve the training of judges hearing fiduciary matters; (2) increase the efficiency of contested matters; (3) move toward the creation of a specialty court to hear all fiduciary matters; and (4) improve data collection related to fiduciary adjudication. The task force’s recommendations include creation of a new task force, additional legislation for the General Assembly to consider, and specific actions for the Judiciary.

I thank the task force members for their diligence, attention, and contributions to the task force. I would also like to acknowledge the assistance provided by the Judiciary. I also extend my appreciation to the various stakeholders and professionals, including orphans’ court and circuit court judges, who shared their perspectives with the task force, and to the staff who supported our collective effort to study fiduciary adjudication in Maryland.

Sincerely,

A handwritten signature in black ink, reading "Nick Charles, Jr." in a cursive style.

Senator Nick Charles, Jr.,
Chair

NC/jg

Maryland General Assembly Task Force to Study Fiduciary Adjudication in Maryland Membership Roster

Senators

Senator Nick Charles, Jr., Chair
Senator Chris West

Delegates

Delegate J. Sandy Bartlett
Delegate Aaron Kaufman

Nonlegislative Members

Judge Juliet G. Fisher – Orphans’ Court for Baltimore County

Judge Athena Malloy Groves – Orphans’ Court for Prince George’s County

Jonathan G. Lasley, Esq. – Maryland State Bar Association

Byron E. Macfarlane – Howard County Register of Wills

Judge Catherine Huger McQueen – Circuit Court for Montgomery County

Monica Mitchell – Corporate Impact Partners and Joint Center for Political and Economic
Studies

Kelly M. Preteroti, Esq. – Maryland State Bar Association

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Executive Summary

This report presents the findings and recommendations of the Task Force to Study Fiduciary Adjudication in Maryland, established by Chapter 220 of 2025. In 2021, the Task Force to Study the Maryland Orphans' Courts issued a report identifying certain inefficiencies and other problems with the selection of judges for, and adjudication of matters before, the orphans' courts. Subsequent developments, along with initiatives to address these underlying concerns, have further highlighted these issues, including a lack of uniformity in fiduciary adjudication across Maryland's jurisdictions.

The creation of this task force reflects a continued effort by the General Assembly and stakeholders within the legal system to evaluate whether Maryland's existing framework for fiduciary adjudication effectively promotes consistency, efficiency, and fairness. Questions regarding jurisdictional overlap, differences in judicial qualifications and training across jurisdictions, and procedural mechanisms (e.g., transmission of issues of fact and *de novo* appeals) have remained central to these discussions.

The task force met from October 2025 through June 2026, during which it received testimony, data, research, and recommendations from judges, registers

of wills, attorneys, court personnel, public officials, and members of the public. The task force (1) reviewed Maryland's current fiduciary adjudication system; (2) examined probate and fiduciary court structures in other states; (3) considered available workload and caseload data; and (4) evaluated potential structural, procedural, and educational reforms designed to improve the administration of fiduciary matters statewide.

As part of its work, the task force issued a preliminary report in December 2025 identifying initial findings and goals for continued study. Following an additional meeting in May 2026, the task force developed and voted on the four recommendations contained in this final report. These recommendations are intended to address identified inefficiencies and inconsistencies in the current system and to promote greater uniformity, clarity, and effectiveness in the adjudication of fiduciary matters in Maryland.

The recommendations focus on (1) improving the training of judges hearing fiduciary matters; (2) improving the efficiency of contested matters; (3) taking actions toward the creation of a specialty court to hear all fiduciary matters; and (4) improving the collection of jurisdiction-specific data related to fiduciary matters.

Chapter 1. Introduction

The creation of the Task Force to Study Fiduciary Adjudication in Maryland in 2025 followed years of discussion regarding the role and structure of Maryland's orphans' courts and the adjudication of fiduciary matters. Previous commissions, workgroups, and the Task Force to Study the Maryland Orphans' Courts (2021) identified concerns relating to overlapping jurisdiction, varying judicial qualifications, procedural inefficiencies, and the lack of uniformity in the adjudication of fiduciary matters across the State. More recent developments underscored the importance of examining whether Maryland's existing framework is fair, efficient, and consistent.

Chapter 220 of 2025 (see **Appendix 2**) required the task force to:

- examine the qualifications, training, and methods of selection of judges hearing probate and other fiduciary matters in Maryland;
- examine the jurisdictions of the orphans' courts and circuit courts with respect to fiduciary matters;
- analyze the efficiency of the procedures for adjudicating contested and uncontested matters in the orphans' courts and circuit courts;
- analyze the effect of the different qualifications of orphans' court judges and related litigation procedures on the uniform application of justice in Maryland;
- analyze and compare the laws and practices of other states relating to the adjudication of fiduciary matters, including the selection, qualification, and training of judges hearing those matters;
- seek guidance from appropriate witnesses with experience or expertise in the area of fiduciary adjudication;
- examine any other research, analysis, or guidance related to the best practices for adjudicating fiduciary matters;
- offer one or more opportunities for members of the public and other interested parties to give their opinions on the subjects considered by the task force; and
- make recommendations to improve efficiency, uniformity, and quality of fiduciary adjudication in Maryland.

To carry out its charge, the task force met between October 2025 and June 2026, and received testimony, data, research, and recommendations from judges, registers of wills, attorneys, court personnel, public officials, and members of the public. The task force reviewed Maryland's current fiduciary adjudication system, examined probate and fiduciary court structures in other states, considered available workload and caseload data, and evaluated potential structural, procedural, and educational reforms.

As part of its work, the task force issued a preliminary report in December 2025 identifying initial findings and goals for continued study (see **Appendix 1**). This final report summarizes the task force's work, findings, and final recommendations. The final recommendations are intended to improve the adjudication of fiduciary matters in Maryland while promoting greater efficiency, uniformity, and public confidence in the judicial system.

The task force is composed of 12 members, including 2 Senators, 2 Delegates, 2 orphans' court judges, 1 circuit court judge (nonvoting member), 2 members of the Maryland State Bar Association (MSBA), 2 registers of wills, and 1 member with expertise in budgeting and personnel matters.

The report consists of three primary sections (Chapters 2, 3, and 4), which are described below.

- **Background (Chapter 2)** – A brief overview of the history, function, and composition of the orphans' courts in Maryland, initiatives to address issues, and recent developments.
- **Task Force Process and Meetings (Chapter 3)** – A description of the task force's process and meetings since October 2025.
- **Recommendations (Chapter 4)** – A listing of the four recommendations, along with background and rationale.

Chapter 2. Background

History, Function, and Composition of the Orphans' Courts

Maryland's orphans' courts were first created by the Acts of 1777, replacing the colonial Prerogative Court after independence from Great Britain. The Orphans' Court is Maryland's constitutionally established probate court and is responsible for overseeing the administration of decedents' estates. Section 2-102 of the Estates and Trusts Article grants the orphans' courts jurisdiction over judicial probate, the conduct of personal representatives, and the issuance of orders necessary for the administration of a decedent's estate. The courts also exercise jurisdiction over the guardianship of the property of minors and, in certain jurisdictions, the appointment of guardians of minors. Although orphans' courts exercise limited jurisdiction, any issue of fact arising before the court may be transferred to the circuit court for trial at the request of an interested party.

The Maryland Constitution of 1851 elevated orphans' court judges to constitutional judges. Currently, three orphans' court judges sit in Baltimore City and each Maryland county, except Harford, Howard, and Montgomery counties, where circuit court judges sit as orphans' court judges through constitutional amendments that went into effect in 1964, 1972, and 2022, respectively.

Orphans' court judges are elected to four-year terms during the general election and must be at least 18 years old and citizens of Maryland and residents of their jurisdiction for at least 12 months prior to the election. There is no minimum education to serve as an orphans' court judge except in Baltimore City and Baltimore and Prince George counties, where judges are constitutionally required to be licensed attorneys and members of the Maryland Bar in good standing. While the Maryland Constitution requires all circuit, District, and appellate court judges to retire at age 70, there is no mandatory retirement age for orphans' court judges.

Initiatives to Address Issues

Though the Orphans' Court has existed in some form since Maryland's earliest years of statehood, probate law and fiduciary litigation have evolved significantly over time. As a result, stakeholders have repeatedly examined whether the structure and jurisdiction of the Orphans' Court remain effective, efficient, and equitable, and have debated potential judicial reforms.

Debate regarding the role and structure of the Orphans' Court dates back to the Constitutional Convention of 1850. During the Constitutional Convention of 1867, delegates considered abolishing orphans' courts but ultimately decided to reform and restructure them by mandating the election of three judges in each county and Baltimore City. This structure remains largely in effect today across the State. The Commission on Judicial Reform (1974), the

Commission to Study the Judicial Branch of Government (1982), and more recently, the Commission on the Future of Maryland Courts (1996) each recommended abolishing the orphans' courts citing concerns about administrative inefficiencies, inconsistent adjudication practices, and disparities in judicial qualifications.

In response to ongoing concerns, Chapter 525 of 2021 established the Task Force to Study the Maryland Orphans' Courts. In its December 2021 report, the task force recommended several reforms, including the creation of a cross-jurisdictional probate court to adjudicate more complex matters, prohibiting political party affiliation for candidates for orphans' court judgeships, and establishing ethical and professional standards governing orphans' court judges who also engage in the private practice of law.

Following the publication of the task force's report, the Estate and Trust Law Section of MSBA convened a workgroup to evaluate the recommendations. The workgroup concluded that the recommendations did not fully resolve the issues of uniformity, equal protection, and efficiency in Maryland's fiduciary adjudication system.

To further examine concerns regarding the administration of fiduciary matters in Maryland, Chapter 220 of 2025 established the Task Force to Study Fiduciary Adjudication in Maryland to evaluate all aspects of fiduciary adjudication across jurisdictions in the State and to develop recommendations to improve the efficiency, uniformity, and quality of fiduciary adjudication statewide.

Recent Developments

In June 2026, the Supreme Court of Maryland officially removed an orphans' court judge in Anne Arundel County from office, following the dismissal of wiretapping and misconduct in office criminal charges against the judge and the unanimous recommendation for removal of the judge by the Maryland Commission on Judicial Disabilities. The removed judge ran for re-election during the 2026 election cycle. In May 2026, the commission recommended the removal of another Anne Arundel County orphans' court judge. That judge is not seeking re-election, and the Supreme Court of Maryland has not yet acted on the commission's recommendation in that case.

Chapter 3. Task Force Process and Meetings

Process

The task force held a total of eight meetings between October and December 2025. In December 2025, the task force voted to approve a preliminary report and extension letter. After the General Assembly adjourned in April 2026, the task force met one time in May 2026 to discuss and vote on recommendations for the final report. The task force met in June 2026 to vote on the final report.

In October 2025, the task force approved a definition of “fiduciary” for purposes of fiduciary adjudication to include (1) a trustee acting under a deed, will, declaration of trust or other instrument in the nature of a trust or appointed by a court, a receiver, custodian, committee or guardian of the person and/or guardian of the property of a minor or disabled person, executor, administrator, or personal representative and (2) an agent appointed under a financial power of attorney or an advance directive.

From October through December 2025, the task force heard from various stakeholders, including circuit court judges sitting as orphans’ court judges in Harford, Howard, and Montgomery counties; an orphans’ court judge in Baltimore City; lay orphans’ court judges serving in Allegany, Charles, and Wicomico counties; the Register of Wills for Baltimore County; a former orphans’ court judge for Howard County; staff of the Register of Wills for Frederick County; Clerk of the Circuit Court for Queen Anne’s County; and members of the public. Additionally, written testimony was submitted to the task force.

In November 2025, the task force approved the use of data regarding estate activity specified in **Appendix 3 – Number of Estates Requiring Action by the Registers of Wills or by the Orphans’ Courts**. The Department of Legislative Services (DLS) presented to the task force data from the Judiciary regarding the number of cases filed in the circuit courts for trustee matters, cases filed for guardianship of the person and/or property of a minor, and appeals from the orphans’ courts to the circuit courts for fiscal 2021 through 2025. The registers of wills presented fiscal 2025 data on the number of appeals from the orphans’ courts to the circuit courts, which was consistent with DLS data. The registers of wills also presented fiscal 2025 data on contested and uncontested matters handled by the orphans’ courts, as defined by the registers of wills, which was disputed by the orphans’ court judges on the task force. Judge Groves presented data about the number of hearings and pleadings in fiscal 2024 through 2026 for the Orphans’ Court of Prince George’s County.

In addition to the data described above, DLS presented research about the composition and structure of the orphans’ courts in Maryland and a comparison of jurisdictional statutes of probate courts in other states (see **Appendix 4**). Additional information compiled by DLS about jurisdiction of probate cases in other states is also included in this report as **Appendix 5**. DLS presented preliminary fiscal information (*for discussion purposes only*) to help gauge the potential

magnitude of costs associated with different fiduciary adjudication scenarios related to court structure (see **Appendix 6**). The registers of wills and members of task force representing MSBA presented research about fiduciary courts in other states (See **Appendix 7** and **Appendix 8**). The registers of wills also provided a current court schedule indicating how often orphans' court judges sit weekly across the State (see **Appendix 9**), and MSBA presented research about the educational attainment of current orphans' court judges (see **Appendix 10**).

Some of the key issues the task force considered are discussed below.

- ***Jurisdiction*** – Members noted that (1) the current bifurcated jurisdiction of the orphans' court over estates and probate and the circuit courts over trusts is inefficient (*e.g.*, a decedent with a will and a trust requires two court proceedings for the same matter); (2) statute allows for a *de novo* appeal and a transmission of issues of fact from the orphans' court to the circuit court creating delays, duplication of effort, and additional costs; and (3) having a single court to handle all fiduciary matters may improve efficiency, uniformity, and quality of fiduciary adjudication in Maryland.
- ***Qualifications and the Effect of Different Qualifications for Orphans' Court Judges*** – The task force discussed qualifications for orphans' court judges compared to circuit court judges, including whether to (1) require orphans' court judges to be licensed Maryland attorneys in good standing, subject to a judicial nominating process; (2) increase the minimum age for an orphans' court judge (currently 18 years); and (3) establish a mandatory retirement age for orphans' court judges. The task force also discussed the effect on the uniform application of justice of having three systems in Maryland: (1) lay orphans' court judges (who may be attorneys by coincidence) in 18 jurisdictions; (2) attorney orphans' court judges (by requirement) in Baltimore City, Baltimore and Prince George's counties; and (3) circuit court judges sitting as orphans' court judges in Harford, Howard, and Montgomery counties. The task force noted that differences between large jurisdictions and small, rural jurisdictions with fewer licensed attorneys and judges are a consideration in making any of these changes.

The task force adopted the preliminary report and extension letter in December 2025 with a focus on the following topics for its continued work beginning in April 2026: (1) requiring all judges hearing fiduciary matters to be Maryland attorneys in good standing; (2) requiring each jurisdiction to have a single court (specialty court or division) to hear all fiduciary matters and provide for efficient appeals, including properly vetted and selected judges and adequate staff; and (3) mandated and improved education and training for all judges hearing fiduciary matters. The task force discussed three additional proposed recommendations submitted by the registers of wills; however, the task force did not vote on or include those recommendations in the preliminary report as topics for future study and deliberation.

In May 2026, the task force reviewed, discussed, and approved by an 8-2 vote the recommendations proposed by Senator West and Jonathan Lasley, Esquire that incorporated some

recommendations by orphans' court judges on the task force (see **Appendix 11**). The registers of wills then proposed a recommendation that the new task force study granting courts conducting fiduciary adjudication concurrent jurisdiction over all non-fiduciary death-related civil matters, which was approved by an unanimous vote (10-0) (see Recommendation 4b. in **Appendix 12**). **Appendix 13** contains the voting record for the task force's recommendations, and **Appendix 14** contains the final version of task force's recommendations.

Meetings

Exhibit 1 contains a summary of the topics of discussion for the task force's meetings. Agendas, meeting materials, and videos for the task force are available at: <https://dls.maryland.gov/policy-areas/tf-to-study-fiduciary-adjudication-in-md>

Exhibit 1 Task Force to Study Fiduciary Adjudication in Maryland Summary of Meeting Items

October 20, 2025	• Introductions of Task Force Members and Staffers • Legislative Intent of Task Force • Overview of the Nine Objectives of the Task Force • Background on the Purpose and Need for Task Force • Definition of "Fiduciary" for Task Force • Identification of Substantive Issues to be Addressed • Data and Information Requests
October 27, 2025	• Qualifications, Selection, Training of Judges Hearing Probate and Other Fiduciary Matters in Maryland • Jurisdictions of the Orphans' Courts and Circuit Courts Over Fiduciary Matters • Jurisdictions of Probate Courts in Other States
November 3, 2025	• Jurisdictions of Probate Courts in Other States (continued) • Efficiency of the Procedures for Adjudicating Fiduciary Contested and Uncontested Matters in the Orphans' Courts and Circuit Courts • Appeals from the Orphans' Courts to Circuit Courts
November 10, 2025	• Discussion – Workload/Caseload Data – Orphans' Courts and Register of Wills (continued) • Qualifications, Selection, and Training of Judges Hearing Probate and Other Fiduciary Matters in Maryland

November 17, 2025	• Questions and Discussion – Circuit Court Judges That Sit as Orphans’ Court Judges in Harford, Howard, and Montgomery Counties • Questions and Discussion with Orphans’ Court Lay Judges from Charles and Wicomico Counties • Workloads of the Orphans’ Courts (continued) • Duties and Workloads of the Registers of Wills (Continued)
November 24, 2025	• Definition of “Cases” for the Task Force’s Report and Recommendations • Maryland Judiciary Data • Duties and Workload Registers of Wills (continued) • Workload Orphans’ Courts (continued) • Proposals and Possible Recommendations – Working Document • Preliminary Fiscal Information of Scenarios Related to “Structural” Changes in the Current Fiduciary Adjudication System
December 1, 2025	• Public Hearing • Preliminary Fiscal Information of Scenarios Related to “Structural” Changes in the Current Fiduciary Adjudication System (continued) • Effect of the Different Qualifications of Orphans’ Court Judges and Related Litigation Procedures on the Uniform Application of Justice in Maryland
December 8, 2025	• Vote on the Task Force’s Preliminary Report and Proposed Recommendations
May 13, 2026	• Discussion and Vote on the Task Force’s Final Recommendations
June 29, 2026	• Discussion and Vote on Final Report of Task Force

Chapter 4. Recommendations

Overview

The task force adopted four general recommendations, each with subparts, which are discussed below. This list of recommendations is not intended to be an exclusive compilation of ways to improve efficiency, uniformity, and quality of fiduciary adjudication in Maryland.

Recommendations

1. Improve the Training of Judges Hearing Fiduciary Matters

The task force recommends that the Judicial College establish a “Fiduciary University,” modeled after the Judiciary’s existing Family Law University, to provide specialized education for judges hearing fiduciary matters. The curriculum should be developed and overseen by a committee composed of sitting and retired judges and attorneys with substantial experience in fiduciary litigation and fiduciary law.

The Fiduciary University should include two education tracks: (1) a foundational curriculum for judges newly assigned to hear fiduciary matters and (2) a continuing education curriculum for judges currently hearing fiduciary matters that addresses developments in the law and emerging issues affecting fiduciary practice in Maryland.

No orphans’ court or circuit court judge should hear fiduciary matters without completing the foundational curriculum as soon as it is offered following their appointment, election, or assignment to hear such cases. In addition, lay orphans’ court judges, orphans’ court judges who are not members of the Maryland Bar, and newly elected or appointed orphans’ court judges should complete supplemental training addressing the role of the judiciary, judicial decision-making, and the ethical responsibilities of judges before presiding over fiduciary matters.

The task force further recommends that judges hearing fiduciary matters be required to complete a specified number of hours of fiduciary education annually through the Fiduciary University (or an approved equivalent program) as a condition of continuing to hear fiduciary cases. Compliance with these education requirements should be monitored by the Judicial College, which should report compliance and noncompliance to the Maryland Judiciary for appropriate administrative action.

Background/Rationale

On September 10, 2025, the Supreme Court of Maryland issued an administrative order titled “Conference of Orphans’ Court Judges and Education for Orphans’ Court Judges” (see

Appendix 15). The order expands training and orientation requirements for new orphans' court judges to include an overview of the court's jurisdiction, education in relevant areas of substantive law, and instruction on judicial ethics and conduct. The order also mandates continuing annual education requirements for all orphans' court judges, effective January 1, 2027.

Members of the task force were concerned that judges hearing fiduciary matters may not consistently complete available educational requirements, and there is currently no uniform policy to ensure compliance with fiduciary-specific training requirements. As a result, judges may preside over complex fiduciary proceedings with significantly different levels of subject-matter expertise. The task force concluded that a more structured and enforceable education framework through a Fiduciary University in consultation with the Judicial College is necessary to ensure that all judges hearing fiduciary matters possess the knowledge and skills required to administer cases fairly, efficiently, and consistently.

2. Improve the Efficiency of Contested Matters

To eliminate some of the inefficiencies in the current system of transmission of issues of fact and *de novo* appeals from the orphans' courts to the circuit courts, the task force recommends that the General Assembly enact legislation streamlining those procedures and guaranteeing each party the right to be heard by a judge who is an attorney.

Specifically, the task force recommends that the legislation specify that in a jurisdiction with lay judges, any party to a contested matter (other than the opening of judicial probate) that ordinarily is heard by the orphans' court may remove the matter directly to the circuit court as a matter of right. In a jurisdiction with attorney-judges only or where the circuit court judges sit as orphans' court judges, any party may remove the matter directly to the circuit court for the sole purpose of obtaining a jury trial. In the case of any removal:

- the orphans' court has no further jurisdiction regarding the contested issues and is bound by the circuit court's rulings and decision;
- an appeal of the circuit court's decision is to the Appellate Court of Maryland; and
- failure to exercise the right of removal by the parties (1) is deemed to waive a jury trial in the matter and (2) means an appeal from the orphans' court decision is to the Appellate Court of Maryland.

Background/Rationale

Transmission of Issues of Fact: Section 2-105(b) of the Estates and Trusts Article authorizes an interested person to request that an issue of fact be determined by a court of law. If the orphans' court has not determined the fact, the issue *must* be transmitted to a court of law, which is the circuit court. Maryland Rule 6-434 sets forth the procedure for transmitting issues of

contested facts from the orphans' court to the circuit court for trial whose judgment is then binding on the orphans' court. This statutory authorization undermines efficiency by dividing adjudication between the orphans' court and circuit court for issues of fact, creating delays and additional costs for the parties and the court. The recommendation addresses this issue by specifying that once a case has been removed from the orphans' court to the circuit court, the orphans' court has no further jurisdiction over the proceeding.

De Novo Appeals: Section 12-502 of the Courts and Judicial Proceedings Article authorizes a party to appeal a final judgment of an orphans' court to a circuit court, to be heard *de novo* by the circuit court. This provision does not apply to Harford, Howard, and Montgomery counties, where the circuit court judges sit as orphans' court judges. Section 12-501 of the Courts and Judicial Proceedings Article offers an alternative option by specifying that instead of an appeal to the circuit court from a final judgment of an orphans' court, a party is generally authorized to appeal an orphans' court final judgment to the Appellate Court of Maryland. The appeal to the Appellate Court of Maryland is *on the record*, which is the general standard for appeals to that court.

This statutory authorization of a *de novo* proceeding from the orphans' court to the circuit court creates inefficiency by allowing two hearings for the same matter. Instead of an appeal from the orphans' court to the circuit court *on the record*, the *de novo* proceeding in the circuit court allows the case to be entirely relitigated as if there had never been a prior hearing or judgment in the orphans' court, which creates a duplication of work, time, and costs. The recommendation addresses this issue of *de novo* appeals by requiring that the case be heard once, either in the orphans' court or the circuit court, with one appeal *on the record* to the Appellate Court of Maryland.

The recommendation also allows a party in a jurisdiction that permits lay orphans' court judges to have the case heard by a circuit court judge (who is required to be an attorney).

3. Actions toward Creation of a Specialty Court to Hear All Fiduciary Matters

As stated above, Maryland currently has three types of orphans' court structures that hear estate and probate matters: (1) lay judge (no attorney requirement, but judges may be attorneys by coincidence); (2) attorney-judge only (Baltimore City, Baltimore and Prince George's counties); and (3) circuit court judges sitting as orphans' court judges (Harford, Howard, and Montgomery counties). Orphans' courts have jurisdiction over judicial probate, and other estate administration matters, including concurrent jurisdiction with the circuit court over guardianship of the person and/or property of a minor. The circuit courts have jurisdiction over trusts and other fiduciary matters, including guardianship of the person and/or property of a disabled adult. Having three types of orphans' court structures and divided jurisdiction over fiduciary matters between the orphans' courts and circuit courts undermines the efficiency, uniformity, and quality of fiduciary adjudication in the State.

New Task Force

Creation of Specialty Court for Fiduciary Matters

To improve fiduciary adjudication in Maryland, the task force recommends that the General Assembly enact legislation during the 2027 session to create a new task force with a narrower mandate to work out the details of establishing either (1) a separate court in each jurisdiction, staffed by specially-trained judges in fiduciary matters, to serve as the trial court for all fiduciary matters in Maryland or (2) a Fiduciary Division within the circuit courts to hear all fiduciary matters.

In addition, the new task force may wish to consider studying (among other topics) the following options:

- converting the attorney-judge orphans' courts in Baltimore City and Baltimore and Prince George's counties into either fiduciary trial courts or fiduciary divisions within the circuit courts for those jurisdictions;
- establishing a Fiduciary Division in Harford, Howard, and Montgomery counties, where circuit court judges sit as orphans' court judges; and
- granting the court conducting fiduciary adjudication concurrent jurisdiction with the District Court or the circuit court over all non-fiduciary death-related civil legal matters.

Qualifications and Selection of Judges

In addition, the task force recommends that the new task force study the qualifications and methods of selection of judges conducting fiduciary adjudication. Specifically, the task force suggests that the new task force consider:

- requiring all judges be selected and retained using the same procedures required for circuit court judges, including the creation of a specialized Judicial Nominating Commission to fill vacancies;
- analyzing the length of terms of office for judges;
- providing appropriate minimum and maximum ages for judges;
- expanding jurisdiction to other fiduciary matters; and
- requiring all judges to be Maryland attorneys in good standing.

Potential Legislation – Qualifications and Selection of Judges

If the General Assembly decides to pursue a separate fiduciary court (with or without the creation of a new task force) or retain the current orphans' courts, the task force recommends that the legislature consider altering the qualifications and selection of judges as specified above.

Background/Rationale

Because of the complexity involved in changing the orphans' court structure to a single court to handle all fiduciary matters in Maryland, and the limited time available for the task force to consider viable options, the task force believes that further study by a new task force is necessary. Altering the orphans' court structure and/or jurisdiction over fiduciary matters raises the issue that small, rural jurisdictions in the State may lack a sufficient number of attorneys to become orphans' court judges or lack the capacity in the existing circuit courts to handle all fiduciary matters. Furthermore, based on the preliminary fiscal information related to the fiduciary adjudication scenarios the task force discussed, different court structures result in varying fiscal impacts on the salary and personnel costs of the State and counties (see Appendix 6). These issues and others that may result from a structural change – including the role and duties of the registers of wills as they relate to fiduciary adjudication in Maryland – warrant continued study and consideration by a new task force.

In addition, under the Maryland Constitution, each county elects, for a term of four years, three judges to the orphans' court of their respective jurisdictions, with the exception of Harford, Howard, and Montgomery counties, where a circuit court judge sits as the orphans' court. Elections for judges of the orphans' courts occur during the gubernatorial elections and candidates are nominated by primary election, nonprincipal political party nomination, or petition, and listed on the ballot with party designation. To qualify as an orphans' court judge, a person must be at least 18 years of age and a citizen of the State and resident of the jurisdiction in which they would serve for 12 months preceding the election. To improve the quality, impartiality, and selection of orphans' court judges, it is recommended that consideration be given to changing the current partisan election of orphans' court judges that lacks a vetting process to that resembling the election of circuit court judges.

Finally, altering the minimum age requirement, having a mandatory retirement age for orphans' court judges (a majority of the current orphans' court judges are age 70 or older), and requiring orphans' court judges to be Maryland attorneys in good standing are changes, among others, that warrant future consideration.

4. Improve Data Collection

The task force recommends that the Rules Committee of the Judiciary or other appropriate authority establish new intake categories and/or subcategories for the collection of data related to fiduciary matters specified by local jurisdiction, as follows:

- trusts or a case in which a trustee of a trust is a party (except real estate deeds of trust or trustees of such deeds, and trustees of Employee Retirement Income Security Act (ERISA) or other retirement accounts);
- probate matters, including transmission of issues of fact and *de novo* appeals from the orphans' court to the circuit court;
- guardianship of the person and/or property of a minor or disabled adult;
- matters arising under powers of attorney or advance directives; and
- disputes involving beneficiary designations.

Background/Rationale

Members of the task force expressed concern about the accuracy and completeness of the data collected from the Judiciary related to trusts/trustee cases filed in the circuit courts. Also, the Judiciary was unable to specify the number of cases involving the transmission of issues of fact versus *de novo* appeals from the orphans' court to the circuit court. This data is important and relevant to determine caseload for a court that handles all fiduciary matters. Other data not requested by the task force, but deemed important, are cases related to guardianship of the person and/or property of a disabled adult, powers of attorney, advance directives, and beneficiary designations.

Appendices

Appendix 1. Preliminary Report and Extension Letter



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

TASK FORCE TO STUDY FIDUCIARY ADJUDICATION IN MARYLAND

December 18, 2025

The Honorable Governor
Governor Wes Moore

The Honorable Bill Ferguson
President of the Senate

The Honorable Joseline Peña-Melnyk
Speaker of the House of Delegates

Re: Chapter 220 of 2025 – Task Force to Study Fiduciary Adjudication in Maryland, Preliminary Progress Report and Extension Request Letter

Dear Governor Moore, President Ferguson, and Speaker Peña-Melnyk:

The Task Force to Study Fiduciary Adjudication in Maryland (“task force”) is pleased to submit a progress report of the work accomplished during fall 2025. Chapter 220 of 2025 established the task force to examine and analyze the efficiency, uniformity, and quality of fiduciary adjudication in Maryland. As the task force commenced its work, there was an awareness that more time would be needed to sufficiently examine all of the specific topics outlined in its charge and develop concrete recommendations. Over the course of seven meetings, the task force received and considered substantial information regarding the current structures, jurisdictions, procedures, and judicial qualifications of the courts involved in fiduciary adjudication. However, task force members have requested additional information and have not had sufficient time to engage in the extensive deliberations necessary to make recommendations for improving the efficiency, uniformity, and quality of fiduciary adjudication. Accordingly, the task force by a majority vote (9-2)(see **Appendix 1**), proposes the following:

- (1) The task force will continue its work until its statutory expiration on June 30, 2026, with its final report being submitted on or before that date.
 - (a) To the extent possible, task force members will use the period from January 1 through April 16, 2026 to continue to research the topics identified pursuant to Item 2 (below) and communicate with individuals familiar with fiduciary

adjudication in Maryland.

- (b) No later than April 16, 2026, task force members must submit to staff written recommendations for any additional investigation needed into, and any policy proposals addressing, said topics.
 - (c) The Chair of the task force must promulgate a schedule for further meetings, as necessary, to complete the task force's work in the time allotted to it.
- (2) The task force will use its remaining time to develop proposals tailored to achieve, if possible, the following goals:
 - (a) Assuring that all judges hearing fiduciary matters be Maryland attorneys in good standing.
 - (b) Establishing that, in each jurisdiction, a single court – preferably a specialty court or division – will have jurisdiction over all fiduciary matters (probate, trusts, guardianship of the person for adults and minors, and guardianship of the property for adults and minors) and allowing for efficient appeals from such court.
 - (i) Assuring that such court is adequately staffed by properly vetted and selected judges (including judicial terms and ages of service) and such other staff as deemed necessary.
 - (c) Mandating improved education and training for all judges hearing fiduciary matters.
 - (d) Addressing other topics proposed by members and approved by a majority vote of the task force.
- (3) In preparing these proposals, the task force may avail itself of all the resources and authorities granted to it under Chapter 220 of 2025.
- (4) As required by Chapter 220 of 2025, the task force will issue this preliminary progress report and extension request letter and issue its final report on or before the termination of the task force on June 30, 2026.

The task force notes that consensus was reached on the following: (1) a “fiduciary” includes a trustee acting under a deed, will, declaration of trust or other instrument in the nature of a trust or appointed by a court, a receiver, custodian, committee or guardian of the person and/or guardian of the property of a minor or disabled person, executor, administrator, or personal representative, agent appointed under a financial power of attorney or an advance directive and (2) the task force's future use of data regarding estate activity specified in **Appendix 2** – Number of Estates Requiring Action by the Registers of Wills or by the Orphans' Courts.

December 18, 2025
Page 3

For your convenience, the task force's meetings and materials are available at <https://dls.maryland.gov/policy-areas/tf-to-study-fiduciary-adjudication-in-md>. On behalf of the task force, we look forward to continuing our work on this very important matter for Maryland.

Sincerely,

A handwritten signature in black ink, reading "Nicholas Charles, Jr." in a cursive style.

Senator Nick Charles, Jr.
Chair

NC/jg

Enclosures (5)

cc: Members, Task Force to Study Fiduciary Adjudication in Maryland

**General Assembly of Maryland
Task Force to Study Fiduciary Adjudication in Maryland
2025 Interim
Membership Roster**

Senator Nick Charles, Jr., Chair

Senator Chris West

Delegate J. Sandy Bartlett
Delegate Aaron Kaufman

Nonlegislative Members

Judge Juliet G. Fisher
Judge Athena Malloy Groves
Jonathan G. Lasley, Esq.
Byron E. Macfarlane, Register of Wills
Judge Catherine Huger McQueen
Monica Mitchell
Kelly M. Preteroti, Esq.
Mary C. Rolle, Register of Wills

Staff

Joanne Tetlow, Department of Legislative Services
Holly Vandegrift, Department of Legislative Services
Laura Thomas, Esq., Maryland State Bar Association
Jonathan G. Lasley, Esq., Maryland State Bar Association

Task Force to Study Fiduciary Adjudication in Maryland Duties Under Chapter 220 of 2025

Pursuant to Chapter 220 of 2025, the task force is charged with:

- (1) Examining the qualifications, training, and methods of selection of judges hearing probate and other fiduciary matters in Maryland;
- (2) Examining the jurisdictions of the orphans' courts and circuit courts with respect to fiduciary matters;
- (3) Analyzing the efficiency of the procedures for adjudicating contested and uncontested matters in the orphans' courts and circuit courts;
- (4) Analyzing the effect of the different qualifications of orphans' court judges and related litigation procedures on the uniform application of justice in Maryland;
- (5) Analyzing and comparing the laws and practices of other states relating to the adjudication of fiduciary matters, including the selection, qualification, and training of judges hearing those matters;
- (6) Seeking guidance from appropriate witnesses with experience or expertise in the area of fiduciary adjudication;
- (7) Examining any other research, analysis, or guidance related to the best practices for adjudicating fiduciary matters;
- (8) Offering one or more opportunities for members of the public and other interested parties to give their opinions on the subjects considered by the task force; and
- (9) Making recommendations to improve efficiency, uniformity, and quality of fiduciary adjudication in Maryland.

Task Force to Study Fiduciary Adjudication in Maryland
Senator Nick Charles, Jr., Chair

SCHEDULE

Agendas and meeting materials are available at this link
<https://dls.maryland.gov/policy-areas/tf-to-study-fiduciary-adjudication-in-md>

Meetings

October 20, 2025	• Introductions of Task Force Members and Staffers • Legislative Intent of Task Force • Overview of the Nine Objectives of the Task Force • Background as to the Purpose and Need for Task Force • Define “Fiduciary” for the Purpose of the Task Force • Identify Substantive Issues to be Addressed • Data and Information Requests
October 27, 2025	• Brief Introduction and Overview • Qualifications, Selection, Training of Judges Hearing Probate and Other Fiduciary Matters in Maryland • Brief Introduction – Jurisdictional Statutes • Examine the Jurisdictions of the Orphans’ Courts and Circuit Courts with Respect to Fiduciary Matters • Comparing the Jurisdictions of Probate Courts in Other States
November 3, 2025	• Comparing the Jurisdictions of Probate Courts in Other States – Continuation of Previous Discussion • Analyze the Efficiency of the Procedures for Adjudicating Fiduciary Contested and Uncontested Matters in the Orphans’ Courts and Circuit Courts • Appeals from the Orphans’ Courts to Circuit Courts
November 10, 2025	• Discussion Continued from Previous Meeting – Workload/Caseload Data – Orphans’ Courts and Register of Wills • Examining the Qualifications, Selection, and Training of Judges Hearing Probate and Other Fiduciary Matters in Maryland

November 17, 2025	• Questions and Discussion – Circuit Court Judges That Sit as Orphans’ Court Judges in Harford, Howard, and Montgomery Counties • Questions and Discussion with Orphans’ Court Lay Judges from Charles and Wicomico Counties • Continued from Previous Meeting – Workload Orphans’ Courts • Continued from Previous Meeting – Duties and Workload Registers of Wills
November 24, 2025	• Definition of “Cases” for Purposes of the Task Force’s Report and Recommendations • Maryland Judiciary Data • Continued from Previous Meeting – Duties and Workload Registers of Wills • Continued from Previous Meeting – Workload Orphans’ Courts • Proposals and Possible Recommendations – Working Document • Analyze the Preliminary Fiscal Information of Scenarios Related to “Structural” Changes in the Current Fiduciary Adjudication System
December 1, 2025	• Public Hearing • Continued from Previous meeting – Preliminary Fiscal Information of Scenarios Related to “Structural” Changes in the Current Fiduciary Adjudication System • Analyze the Effect of the Different Qualifications of Orphans’ Court Judges and Related Litigation Procedures on the Uniform Application of Justice in Maryland
December 8, 2025	• Vote on the Task Force’s Preliminary Report and Proposed Recommendations

Appendix 1
12/8/25 Meeting of the Task Force to Study Fiduciary Adjudication in
Maryland
Preliminary Progress Report and Extension Request Letter

Favorable Vote Task Force – Motion Adopted (9–2)

<u>Membership</u>	<u>Yea or Nay</u>
Judge Athena Malloy Groves	Yea
Judge Juliet G. Fisher	Yea
Jonathan G. Lasley, Esq.	Yea
Kelly Preteroti, Esq.	Yea
Byron E. Macfarlane, Register of Wills	Nay
Mary C. Rolle, Register of Wills	Nay
Monica Mitchell	Yea
Delegate J. Sandy Bartlett	Yea
Delegate Aaron Kaufman	Yea
Senator Chris West	Yea
Senator Nick Charles, Jr., Chair	Yea
Judge Catherine Huger McQueen	Nonvoting Member

Appendix 2 – Number of Estates Requiring Action by the Registers of Wills or the Orphans’ Courts – Fiscal Year 2025

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

Jurisdiction	Number of Estates with Activity of Any Kind	Number of Estates Requiring Action by Register of Wills Only	Number of Estates Requiring Action by Court	Percentage of Estates Requiring Action by Register of Wills Only	Percentage of 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%

Source: Registers of Wills

Appendix 2. Chapter 220 of 2025

Chapter 220

(House Bill 315)

AN ACT concerning

Task Force to Study Fiduciary Adjudication in Maryland

FOR the purpose of establishing the Task Force to Study Fiduciary Adjudication in Maryland to examine and analyze the efficiency, uniformity, and quality of fiduciary adjudication in Maryland and make recommendations; requiring the orphans' courts, circuit courts, registers of wills, and Administrative Office of the Courts to comply with certain requests of the Task Force; and generally relating to the Task Force to Study Fiduciary Adjudication in Maryland.

Preamble

WHEREAS, In 2022, the Task Force to Study the Maryland Orphans' Courts issued a report identifying certain inefficiencies and other problems with the selection of judges for, and adjudication of matters before, the orphans' courts; and

WHEREAS, More recent developments have further illustrated those problems, including the lack of uniformity in probate adjudication across Maryland's jurisdictions; and

WHEREAS, The adjudication of other fiduciary matters, including those relating to trusts and adult guardianships, involve overlapping issues with probate matters and can be more efficient; and

WHEREAS, Maryland created the orphans' courts in 1777 in order to assist families with the transmission of wealth on a member's death; and

WHEREAS, In the ensuing 248 years, methods for holding and transmitting wealth have changed significantly, and probate and fiduciary legal issues have become substantially more complex; and

WHEREAS, The General Assembly recognizes the value that a specialized court brings to families in times of transition; and

WHEREAS, The General Assembly also recognizes the need for further changes to fiduciary adjudication in Maryland in order to provide a uniform and efficient system for its citizens; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That:

- (a) There is a Task Force to Study Fiduciary Adjudication in Maryland.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) two members who are judges of an orphans' court, at least one of whom serves in a jurisdiction where orphans' court judges are required to be attorneys, appointed by the chair of the Conference of Orphans' Court Judges;

(4) one *nonvoting* member who is a judge of the circuit court in a jurisdiction where the circuit court sits as the orphans' court, appointed by the Chief Justice of the Supreme Court of Maryland;

(5) two members of the Maryland State Bar Association, designated by the chair of the Estate and Trust Law Section Council, ~~at least one of whom is~~ who between them shall include a fiduciary litigator and a resident of a jurisdiction with a population of less than 250,000;

(6) ~~the chair~~ two registers of wills designated by the president of the Maryland Register of Wills Association; and

(7) one member with expertise in budgeting and personnel matters, appointed by the Governor.

(c) The Governor shall designate the chair of the Task Force from among the members appointed by the President of the Senate or the Speaker of the House.

(d) ~~The Administrative Office of the Courts~~ Department of Legislative Services in conjunction with the Maryland State Bar Association shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) examine the qualifications, training, and methods of selection of judges hearing probate and other fiduciary matters in Maryland;

(2) examine the jurisdictions of the orphans' courts and circuit courts with respect to fiduciary matters;

(3) analyze the efficiency of the procedures for adjudicating ~~fiduciary~~ contested and uncontested matters in the orphans' courts and circuit courts;

(4) analyze the effect of the different qualifications of orphans' court judges and related litigation procedures on the uniform application of justice in Maryland;

(5) analyze and compare the laws and practices of other states relating to the adjudication of fiduciary matters, including the selection, qualification, and training of judges hearing those matters;

(6) seek guidance from appropriate witnesses with experience or expertise in the area of fiduciary adjudication;

(7) examine any other research, analysis, or guidance related to the best practices for adjudicating fiduciary matters;

(8) offer one or more opportunities for members of the public and other interested parties to give their opinions on the subjects considered by the Task Force; and

(9) make recommendations to improve efficiency, uniformity, and quality of fiduciary adjudication in Maryland.

(g) The orphans' courts, circuit courts, registers of wills, and Administrative Office of the Courts shall comply with all reasonable requests by the Task Force for information and data the Task Force considers necessary for its work.

(h) On or before January 1, 2026, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2025. It shall remain effective for a period of 1 year and, at the end of June 30, 2026, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 22, 2025.

Appendix 3. Number of Estates Requiring Actions by the Registers of Wills or by the Orphans' Courts

Appendix 2 – Number of Estates Requiring Action by the Registers of Wills or the Orphans’ Courts – Fiscal Year 2025

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

Jurisdiction	Number of Estates with Activity of Any Kind	Number of Estates Requiring Action by Register of Wills Only	Number of Estates Requiring Action by Court	Percentage of Estates Requiring Action by Register of Wills Only	Percentage of Estates Requiring Action by Court
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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%

Source: Registers of Wills

Appendix 4. Who Hears Probate Cases in the United States and Maryland?



Who Hears Probate Cases in the United States?

1

Courts of General Jurisdiction

75% of states | 38 states and DC

Alaska	Illinois	Montana	Pennsylvania
Arizona	Indiana	Nebraska	South Dakota
Arkansas	Iowa	Nevada	Utah
California	Kansas	New Hampshire	Vermont
Colorado	Kentucky	New Jersey	Virginia
Delaware	Louisiana	North Carolina	Washington
District of Columbia	Massachusetts	North Dakota	West Virginia
Florida	Minnesota	Ohio	Wisconsin
Hawaii	Mississippi	Oklahoma	Wyoming
Idaho	Missouri	Oregon	

2

Separate Probate Courts

21% of states | 10 states

	Judges are Attorneys
Alabama	Varies
Connecticut	Yes
Georgia	Varies
Maine	Yes
Maryland	Varies
Michigan	Yes
New York	Yes
New Mexico	No
Rhode Island	Yes
South Carolina	No

3

Combination*

4% of states | 2 states

Texas
Tennessee

*In these states, estates and trust issues handled by general jurisdiction AND separate probate courts based on county population.



Who Hears Probate Cases in Maryland?

1

Circuit Court Judges

13% of counties | 3 counties

	Year of Change
Montgomery	1964
Harford	1972
Howard	2022

2

Individual Elected Attorneys

13 % of counties | 3 counties

	Year of Change
Baltimore City	2010
Prince George's	2012
Baltimore County	2012

3

Elected Three-Judge Panels

18 counties 74% of counties 19% attorneys

	Attorneys
Allegany	1
Anne Arundel	2
Calvert	2
Caroline	0
Carroll	1
Cecil	0
Charles	0
Dorchester	0
Frederick	1
Garrett	1
Kent	0
Queen Anne's	0
Somerset	0
St. Mary's	0
Talbot	1
Washington	0
Wicomico	0
Worcester	1
Total Attorneys	10

There are 63 elected Orphans' Court judges.

Of those 63 judges 19 are attorneys.

This excludes counties where Circuit Court Judges sit as Orphans' Court judges.

Appendix 5. Jurisdiction of Probate Cases in the United States- Additional Information

Jurisdiction of Probate Cases in the United States

Additional Information



Department of Legislative Services

October 27, 2025

States Where Separate Probate Courts Handle Wills and Estates

State	Name	Website	Main Statute	Atty Required	Term	Attempts to Abolish	Wills and Estates	Trusts	Guardianship Property	Guardianship Person	Health Commitments	Other
Alabama	Probate	Individual	Title 12 - Courts Ch. 1	Varies	Elected 6 yrs	2009 HB123	https://alison.legis.alabama.gov/	x	x	x	x	Adoption
Connecticut	Probate	https://www.courtsonline.org/	Title 45a - Probate Code	Yes	Elected 4 yrs		x	x	x	x		Termination of Parental Rights
Georgia	Probate	https://ga.courts.gov/	Title 15 Courts Ch. 9	Varies	Elected 4 yrs		x	x	x	x		Marriage and Gun Licenses and Natural Resource Misdemeanors
Maine	Probate	https://www.maine.gov/courts/	Title 4: Judiciary Ch. 1	Yes	Elected 4 yrs	2020 HP 478	https://legis.maine.gov/	x	x	x	x	Adoption
Maryland	Orphans	https://www.courts.state.md/	Estates and Trusts Title 11	Varies	Elected 4 yrs		x	x	x*	x*		* Only for children
Michigan	Probate	Individual	MI Comp L § 700.13	Yes	Elected 6 yrs		x	x	x	x		
New York	Surrogate	https://www.courts.state.ny.us/	New York Code - Surrogate	Yes	Elected 4 yrs		x	x	x	x		
New Mexico	Probate	https://nm.courts.gov/	Article VI - Judicial	No	Elected 4 yrs		x	x	x	x		Contested cases to district court
Rhode Island	Probate	Individual	Title 8 - Courts and	Yes	Appointed municipality		x	x	x	x		Name change, adult adoption
South Carolina	Probate	https://www.courts.state.sc/	§ 23 Probate court	No	Elected 4 yrs		x	x	x	x		Marriage license
Total Number	10		Attorney Required	3								

Notes

Georgia: Probate judges in counties with less than 96,000 population do NOT have to be attorneys
 Maryland: Attorney status required in Baltimore County, Baltimore City and Prince George's County

States Where Courts of General Jurisdiction Handle Wills and Estates

State	Name	Website	Main Statute	Separate Probate Division	Name
Alaska	Superior Court	https://co.alaska.gov/	Title 22 Chapter 10		
Arizona	Superior Court	https://www.courts.state.az.us/	Title 12 § 12-122		
Arkansas	Circuit Court	https://ar.courts.gov/	Title 28 Chapter 1		
California	Superior Court	https://sel.courts.ca.gov/	Probate Code § 70	Yes	Probate Division
Colorado	District Court	https://www.courts.state.co.us/	Article 6 Section 9		
Delaware	Court of Chancery	https://co.delaware.gov/	Article 4 Section 32		
District of Columbia	Superior Court	https://www.courts.dco.dc.gov/	Title 11	Yes	Office of the Audit Master
Florida	Circuit Court	https://www.courts.state.fl.us/	Title V Chapter 26	Yes	Probate Division
Hawaii	Circuit Court	https://www.courts.state.hi.us/	Title 32 603 Circuit Courts		
Idaho	District Court	https://isc.idaho.gov/	Title 1 Chapter 1	Yes	Magistrate Division
Illinois	Circuit Court	https://www.courts.state.il.us/	Chapter 705	Yes	Probate Division
Indiana	Superior Court	https://www.courts.state.in.us/	Title 33 Article 33	Yes	Some counties have probate division and/or probate magistrates
Iowa	District Court	https://www.courts.state.ia.us/	Chapter 633 Section 10		
Kansas	District Court	https://ks.courts.gov/	Chapter 29 Article 2		
Kentucky	District Court	https://www.courts.state.ky.us/	Chapter 24A 120		
Louisiana	District Court	https://po.courts.la.gov/	Procedure Art. 1		
Massachusetts	Superior Court	https://www.courts.state.ma.us/	Part III - Courts, Jud.	Yes	Department
Minnesota	District Court	https://www.courts.state.mn.us/	Chapter 484		
Mississippi	Chancery Court	https://co.ms.gov/	Title 9 Chapter 5		
Missouri	Circuit Court	https://www.courts.state.mo.us/	Title XXXII Chapter 1	Yes	Probate Division
Montana	District Court	https://co.mt.gov/	Title 3 Chapter 5 Part 3		
Nebraska	County Court	https://ne.courts.gov/	Chapter 24		
Nevada	District Court	https://nv.courts.gov/	Chapter 136		
New Hampshire	Circuit Court	https://www.courts.nh.gov/	Title 38 Section 38:2-2 - General authority of Superior Court as to probate matters	Yes	Probate Division
New Jersey	Superior Court	https://lib.nj.gov/	Title 38 Section 38:2-2 - General authority of Superior Court as to probate matters		
North Carolina	Superior Court	https://www.courts.state.nc.us/	Chapter 28A Article 2 - Jurisdiction for Probate of Wills		
North Dakota	District Court	https://www.courts.state.nd.us/	Title 30.1		
Ohio	Court of Common Pleas	https://17.courts.state.oh.us/	Title 21	Yes	Probate Division
Oklahoma	District Court	https://ok.courts.gov/	Title 58, Probate Proc.	Yes	Probate Division
Oregon	Circuit Court	https://www.courts.state.or.us/	Volume 3 Chapter 7	Yes	Division
Pennsylvania	Court of Common Pleas	https://www.courts.state.pa.us/	Title 20 Chapter 7		
South Dakota	Circuit Court	https://ujs.sd.gov/	Title 16 Chapter 6		
Utah	District Court	https://www.courts.state.ut.us/	Article XXIV, Section 9		
Vermont	Superior Court	https://www.courts.state.vt.us/	Title 14 Chapter 5	Yes	Probate Division
Virginia	Circuit Court	https://www.courts.state.va.us/	Title 64.2		
Washington	Superior Court	https://www.courts.state.wa.us/	Title 2 Chapter 2.08		
West Virginia	Circuit Court	https://www.courts.state.wv.us/	Chapter 41 Article 5		
Wisconsin	Circuit Court	https://www.courts.state.wi.us/	Chapter 851		
Wyoming	District Court	https://www.courts.state.wy.us/	Title 2 Chapter 2		
Total Number	39			13	

Combination

Texas	These states have both types of courts. For example, in Texas counties with smaller populations, probate matters are handled by courts of general jurisdiction, and larger counties have separate probate courts. The opposite is true for Tennessee
Tennessee	
Total Number	2

Orphans' Court Judges in Maryland by County

County	Number of Judges	# Atty Judges	Case Heard By	Attorney Required Y/N
Allegany	3	1	Panel	No
Anne Arundel	3	2	Panel	No
Baltimore	3	n/a	Individual	Yes
Baltimore City	3	n/a	Individual	Yes
Calvert	3	2	Panel	No
Caroline	3	0	Panel	No
Carroll	3	1	Panel	No
Cecil	3	0	Panel	No
Charles	3	0	Panel	No
Dorchester	3	0	Panel	No
Frederick	3	1	Panel	No
Garrett	3	1	Panel	No
Harford	Circuit Court	n/a	Judge	Yes
Howard	Circuit Court	n/a	Judge	Yes
Kent	3	0	Panel	No
Montgomery	Circuit Court	n/a	Judge	Yes
Prince George's	3	n/a	Individual	Yes
Queen Anne's	3	0	Panel	No
Somerset	3	0	Panel	No
St. Mary's	3	0	Panel	No
Talbot	3	1	Panel	No
Washington	3	0	Panel	No
Wicomico	3	0	Panel	No
Worcester	3	1	Panel	No
	63	10		

Appendix 6. Preliminary Fiscal Information (For Discussion Purposes Only)

Preliminary Fiscal Information (for discussion purposes only)

**Presentation to the
Task Force to Study Fiduciary Adjudication in
Maryland**



November 24, 2025



Notes

- This presentation is intended to provide initial fiscal information to help gauge the potential magnitude of the costs of different fiduciary adjudication scenarios and how they compare with current Orphans' Court costs.
- The information is focused only on annual personnel costs (salaries and fringe benefits), based on FY 2026 cost information; it is not accounting for any changes in overhead costs, such as costs of office/courtroom space, or any data programming costs.
- Due to time constraints, the information was developed without feedback/input from the Judiciary, Orphans' Courts, or Registers of Wills.
- These scenarios only consider overall (personnel) costs. They do not account for the allocation of current or proposed costs between the State and counties.



Rationale for, and purpose of, cost examples

- The full amount of information needed to develop a single estimate of the required personnel (and associated funding), for each of the four scenarios, was not readily available.
- In lieu of providing a single estimate for each scenario:
 1. The cost examples shown on the following slides are intended to give an initial idea of how the personnel costs under the four scenarios compare to current personnel costs of the Orphans' Courts if a range of assumptions (reflected in the lower-cost, medium-cost, and higher-cost examples) are made.
 2. The cost examples use assumptions that are intended to provide a reasonable approximation of the range (between the lower-cost and higher-cost examples) within which the actual number of personnel needed is likely to fall.



Current State/Local Responsibility for Personnel Costs

Circuit Court Judges

- Judges, law clerks, and courtroom clerks - costs* paid by the State
- Circuit court operating expenses, including salaries and operating expenses of administrative assistants for circuit court judges – costs* paid by the county

Magistrate Judges

- Judges - costs* paid by the State

Orphans' Court Judges

- Judges - costs* paid by the county

**Costs include salaries and fringe benefits*

For Discussion Purposes Only



Current Number of Judges and Orphans' Court Cases

Judicial Circuit	Counties	No. of Circuit Court Judges	Nonprobate Fiduciary Cases	No. of Orphans' Court Judges within counties in the circuit	No. of Orphans' Court Cases (FY 2025)
1st	Dorchester, Somerset, Wicomico, Worcester	9	*	12	1,023
2nd	Caroline, Cecil, Kent, Queen Anne's, Talbot	8	*	15	1,254
3rd	Baltimore, Harford	27	*	3	6,137
4th	Allegany, Garrett, Washington	8	*	9	1,518
5th	Anne Arundel, Carroll, Howard	22	*	9	4,020
6th	Frederick, Montgomery	30	*	3	4,344
7th	Calvert, Charles, Prince George's, St. Mary's	36	*	12	6,115
8th	Baltimore City	35	*	3	4,810
Total:		176	*	66	29,221

*Data for nonprobate fiduciary cases incomplete

For Discussion Purposes Only



Annual Personnel Cost Variables

Potential new (annual) cost variables:

Circuit Court Judge — \$315,934

Law Clerk — 93,011

Courtroom Clerk — 77,331

Total: \$486,276

(does not include an admin. assistant, which would add at least another \$60,000)

Full-time Magistrate Judge - \$217,904

Half-time Magistrate Judge - \$108,952

Orphans' Court Circuit Judge - \$217,904

(assuming cost would be at least equivalent to the current cost of a State magistrate judge to attract a full-time attorney)

Notes:

- Costs include salaries and fringe benefits
- Circuit Court Judge salaries are set in statute through fiscal 2026, and future increases depend upon any recommendations proposed by the Judicial Compensation Commission and subsequent action by the General Assembly.

Current average annual personnel costs for the Orphans' Courts:

Average - \$119,048

Note: Precise FY 2026 personnel costs (including fringe benefits and non-judge staff costs) for the Orphans' Courts is not readily available. The average personnel costs (above) are based on an approximate assumption that 80%, or \$2.5 million of the \$3.1 million total of orphans' courts budgets (FY 2026), consists of personnel costs, with the remainder being overhead costs (any rent, utilities, supplies, etc.). The average is calculated by dividing \$2.5 million by 21 counties (excluding Harford, Howard, and Montgomery, where circuit court judges sit as orphans' court judges).



Sources

- Fiduciary Adjudication Scenarios – based on information provided by Jonathan Lasley, Esq., task force staff, for purposes of illustrating potential fiscal impact of a wide range of options
- Cost examples for each scenario – created by Department of Legislative Services, using:
 - Circuit Court and Magistrate Salaries – Maryland Judiciary
 - Orphans' Courts budgets - Byron Macfarlane, Register of Wills for Howard County
 - \$2.5 million assumption of Orphans' Courts compensation costs - Department of Legislative Services
 - Fringe benefits calculations - Department of Legislative Services



Fiduciary Adjudication Scenarios

Scenario #1: Orphans' Court Judges (full time, attorneys in good standing) handling probate and nonprobate matters within Orphans' Courts

- Nonprobate fiduciary matters shift from Circuit Courts to Orphans' Courts

Scenario #2: Orphans' Court Judges (full time, attorneys in good standing) handling fiduciary matters within Judicial Circuits and Magistrate Judges in each county

- Nonprobate fiduciary matters shift from the Circuit Courts to the Orphans' Courts

Scenario #3: Circuit Court Judges handling fiduciary matters within existing Circuit Court structure

- Probate matters shift from the Orphans' Courts to the Circuit Courts

Scenario #4: Fiduciary Division within each Judicial Circuit of the Circuit Courts and Magistrate Judges in each county working for the Fiduciary Divisions

- Probate matters shift from the Orphans' Courts to the Fiduciary Divisions

Notes:

In each of these scenarios, the Registers of Wills are assumed to continue to act as the clerk to the Orphans' Courts or Circuit Courts.

The Task Force to Study the Maryland Orphans' Courts (2021) recommended establishing a cross-jurisdictional probate court based on the eight judicial circuits.



Scenario #1: Orphans' Court Judges (full time, attorneys in good standing) handling probate and nonprobate fiduciary matters within Orphans' Courts, except in Harford, Howard, and Montgomery counties (where circuit court judges sit as the orphans' court)

Lower-cost example:

- 1 Orphans' Court judge and 1 law clerk in each of 4 counties
- 0.5 Orphans' Court judge in each of 17 counties
- Assume no additional costs for Harford, Howard, and Montgomery counties

Scenario costs (statewide)	Estimated current OC costs* (statewide)	Net difference
\$3.1 million	\$2.5 million	\$0.6 million

Medium-cost example:

- 1 Orphans' Court judge and 1 law clerk in each of 8 counties
- 0.5 Orphans' Court judges in each of 13 counties
- Assume no additional costs for Harford, Howard, and Montgomery counties

Scenario costs (statewide)	Estimated current OC costs* (statewide)	Net difference
\$3.9 million	\$2.5 million	\$1.4 million

Higher-cost example:

- 2 Orphans' Court judges and 2 law clerks in each of 4 counties
- 1 Orphans' Court judge and 1 law clerk in each of 12 counties
- 0.5 Orphans' Court judges in each of 5 counties
- Assume no additional costs for Harford, Howard, and Montgomery counties

Scenario costs (statewide)	Estimate current OC costs* (statewide)	Net difference
\$6.8 million	\$2.5 million	\$4.3 million

*Does not reflect any costs associated with Orphans' Court cases in Harford, Howard, and Montgomery counties, where the circuit court judges sit as the orphans' court

For Discussion Purposes Only



Scenario #2: Orphans' Court Judges (full time, attorneys in good standing) handling fiduciary matters within Judicial Circuits and Magistrate Judges in each county

Lower-cost example:

- 1 Orphans' Court judge in each of 8 circuits
- 0.5 Magistrate judge in each county

Scenario costs* (statewide)	Estimated current OC costs** (statewide)	Net difference
\$4.4 million	\$2.5 million	\$1.9 million

Medium-cost example:

- 2 Orphans' Court judges in each of 4 circuits
- 1 Orphans' Court judge in each of remaining 4 circuits
- 1 Magistrate judge in each of 12 counties
- 0.5 Magistrate judge in each of remaining 12 counties

Scenario costs* (statewide)	Estimated current OC costs** (statewide)	Net difference
\$6.5 million	\$2.5 million	\$4.0 million

Higher-cost example:

- 2 Orphans' Court judges in each of 8 circuits
- 1 Magistrate judge in each of 24 counties

Scenario costs* (statewide)	Estimate current OC costs** (statewide)	Net difference
\$8.7 million	\$2.5 million	\$6.2 million

* Costs assume that orphans' court judges and magistrates need no additional staff (i.e., law clerk) outside of the registers of wills.

** Does not reflect any costs associated with Orphans' Court cases in Harford, Howard, and Montgomery counties, where the circuit court judges sit as orphans' court judges

For Discussion Purposes Only



Scenario #3 Circuit Court Judges handling fiduciary matters within existing Circuit Court structure

Lower-cost example:

- 1 Circuit Court judge in each of 8 counties
- 13 counties can absorb additional caseload with existing resources
- Assume no additional costs for Harford, Howard, and Montgomery counties

Scenario costs (statewide)	Estimated current OC costs* (statewide)	Net difference
\$3.9 million	\$2.5 million	\$1.4 million

Medium-cost example:

- 2 Circuit Court judges in each of 2 counties
- 1 Circuit Court judge in each of 10 counties
- 7 counties can absorb additional caseload with existing resources
- Assume no additional costs for Harford, Howard, and Montgomery counties

Scenario costs (statewide)	Estimated current OC costs* (statewide)	Net difference
\$6.8 million	\$2.5 million	\$4.3 million

Higher-cost example:

- 2 Circuit Court judges in each of 4 counties
- 1 Circuit Court judge in each of 12 counties
- 1 county can absorb additional caseload with existing resources
- Assume no additional costs for Harford, Howard, and Montgomery counties

Scenario costs (statewide)	Estimate current OC costs* (statewide)	Net difference
\$9.7 million	\$2.5 million	\$7.2 million

* Does not reflect any costs associated with Orphans' Court cases in Harford, Howard, and Montgomery counties, where the circuit court judges sit as the orphans' court

For Discussion Purposes Only



Scenario #4: Fiduciary Division within each Judicial Circuit of the Circuit Courts and Magistrate Judges in each county working for the Fiduciary Divisions

Lower-cost example:

- 1 Circuit Court judge in each of 8 circuits
- 0.5 Magistrate judge in each county

Scenario costs (statewide)	Estimated current OC costs* (statewide)	Net difference
\$6.5 million	\$2.5 million	\$4.0 million

Medium-cost example:

- 2 Circuit Court judges in each of 4 circuits
- 1 Circuit Court judge in each of remaining 4 circuits
- 1 Magistrate judge in each of 12 counties
- 0.5 Magistrate judge in each of remaining 12 counties

Scenario costs (statewide)	Estimated current OC costs* (statewide)	Net difference
\$9.8 million	\$2.5 million	\$7.3 million

Higher-cost example:

- 2 Circuit Court judges in each of 8 circuits
- 1 Magistrate judge in each of 24 counties

Scenario costs (statewide)	Estimate current OC costs* (statewide)	Net difference
\$13.0 million	\$2.5 million	\$10.5 million

* Does not reflect any costs associated with Orphans' Court cases in Harford, Howard, and Montgomery counties, where the circuit court judges sit as the orphans' court

For Discussion Purposes Only



Note About Use of Senior/Retired Judges

- Although the Judiciary routinely relies on the use of senior (retired) judges to manage caseloads, these scenarios account only for the costs associated with new positions. In some jurisdictions where no new positions are added, the use of senior judges may increase (with associated costs); conversely, in some jurisdictions where new positions are added, if these new judges are able to absorb any portion of the existing caseload in addition to the orphans' court work, there may be additional efficiencies and savings that are not reflected.



Fiduciary University - Maryland Judiciary

A Fiduciary University (FU) is created within the Maryland Judiciary for judges' education and training on fiduciary matters. Assuming FU operates similar to the current Family Law University (FLU), the following apply:

- Annual, multi-day judicial education program to support Maryland judges and magistrates who preside over fiduciary matters
- Faculty members are volunteers without compensation
- Staff members of the Administrative Office of the Courts support the program
- Program is part of the Judicial College budget without an associated specific cost

Appendix 7. Registers of Wills – National Analysis of Courts with Jurisdiction over Probate Fiduciary Matters

Registers of Wills - National Analysis of Courts with Jurisdiction over Probate Fiduciary Matters

11/3/2025

Jurisdiction	Name	Statutory Reference	Qualifications	Method of Selection	Court Structure	Mandatory Retirement Age	Jurisdiction
Alabama	Probate Court	Code of Ala. §12-13-1	In 65 jurisdictions, must be at least 18 years old and a registered voter. In 2 jurisdictions (Jefferson and Mobile Counties), must be a member of the bar.	In each of Alabama's 67 counties, a probate judge is elected by political party to a six-year term of office. Two counties elect two judges instead of one.	A single judge presides.	70 years old.	Probate estates, guardianships of the person and property of minors and adults, conservatorships, partition of property, involuntary commitment to mental institutions, adoption, name changes, establishing and operating water management districts, and eminent domain proceedings. A probate judge serves as the county's chief election official. In three counties (Houston, Pickens, and Shelby), judges who are attorneys have additional jurisdiction.
Connecticut	Probate Court	Conn. Gen. Stat. §45a-98	Must be a member of the bar. May practice law on the side but not estates & trusts law.	In each of Connecticut's 54 "probate districts," a probate judge is elected by political party to a four-year term of office.	A single judge presides.	70 years old.	Probate estate, trusts, guardianships of minors, parentage, terminating parental rights, adoption, emancipation of minors, guardianships of adults, involuntary medical treatment, conservatorships, name changes, quarantine and isolation orders for public health emergencies, removal of life support, restoration of firearms rights, gender change, gravesites, cemetery associations, powers of attorney.
Georgia	Probate Court	O.C.G.A. §15-9-30	Must be at least 25 years old and have a high school diploma or an equivalent. In jurisdictions with a population over 90,000 (29 of 159 counties), must be at least 30 years old, admitted to practice law for at least seven years, and be a member of the bar. May not practice law on the side.	In each of Georgia's 159 counties, a probate judge is elected by political party to a four-year term of office.	A single judge presides.	There is no mandatory retirement age for probate judges.	Probate estates, guardianships of minors, marriage licenses, birth and death certificates, certificates of residence, transfers to minors, involuntary hospitalization and outpatient evaluations, and weapons carry licenses.
Maine	Probate Court	4 M.R.S. §251	Must be a member of the bar. May practice law on the side and engage in political activity.	In each of Maine's 16 counties, a probate judge is elected by political party to a four-year term of office.	A single judge presides.	There is no mandatory retirement age for probate judges.	Probate estates, guardianships of the person and property of minors, trusts, adoption, name change. Maine probate courts have been expressly conferred jurisdiction in equity in all probate and trust cases.
Maryland	Orphans' Court	MD. Estates & Trusts Code Ann. §2-101	In 18 jurisdictions, must be at least 18 years old and a registered voter. In 3 jurisdictions, must be at least 18 years old, a registered voter, and a member of the bar. In 3 jurisdictions, must be at least 30 years old, a registered voter, and a member of the bar.	In 21 jurisdictions, judges are elected by political party to a four-year term of office with no term limits. In 3 jurisdictions, the presiding judges are Circuit Court judges who have been scrutinized by a formal Judicial Nominating Commission, nominated, and appointed by the Governor.	In 18 jurisdictions, a three-judge panel, in 3 jurisdictions a single attorney judge presides, and in 3 jurisdictions a Circuit Court judge presides.	In 21 jurisdictions there is no mandatory retirement age. In 3 jurisdictions there is a mandatory retirement at 70 years old.	Probate estates & guardianships of the person and property of minors. Jurisdiction over guardianships of minors is concurrent with the Circuit Court. In 6 jurisdictions, the court may exercise jurisdiction over the person of a minor, however in the remaining 18 jurisdictions the court may only exercise this jurisdiction if a majority of the three-judge panel is comprised of judges who are members of the bar.
Massachusetts	Probate and Family Court	A.L.M. G.L. Ch. 215 §3	Must be a member of the bar in good standing and have at least 10 years of legal experience and training.	Massachusetts has 59 Probate and Family Court justices in each of its 14 counties. Judges must apply and be recommended by a nominating commission, and are then appointed by the governor with the advice and consent of the Executive Council, also known as the Governor's Council. This is a lifetime appointment.	A single judge presides.	70 years old.	Probate estates, trusts, conservatorships, guardianships of minors and adults, name changes, divorce, paternity, child support, child custody, adoption, termination of parental rights, elder abuse, alimony, annulment, and children requiring assistance.
Michigan	Probate Court	M.C.L. §205.210	Must be a member of the bar and have been licensed to practice law for at least 5 years.	In each of Michigan's 83 counties, judges are elected on a non-partisan basis to a 6-year term of office.	A single judge presides.	70 years old. However, a judge who reaches the age of 70 during their term may complete the term.	Probate estates, guardianships of the person and property of minors and adults, conservatorships, determining legal title of assets, civil admission and discharge proceedings for persons requiring mental health or intellectual disability treatment, enforcement of judgments of claims, and civil actions against fiduciaries.
New York	Surrogate's Court	NY CLS SCPA §§201 & 205	Must be a member of the bar and have been licensed to practice law for at least 10 years.	In all but two of New York's 62 counties, a surrogate is elected by political party to a 10-year term of office. In New York and Kings Counties, two surrogates are elected. In New York County, surrogates serve a 14-year term of office.*	A single judge presides.	70 years old.	Probate estates, guardianships of the person and property of minors and adults, custodians, determining legal title, trusts, and adoption.
Rhode Island	Probate Court	R.I. Gen. Laws §§8-9-9	Must be a member of the bar and be engaged in the active practice of law. In some jurisdictions, there are additional requirements related to how long a prospective judge has been in practice.	In each of Rhode Island's 39 municipalities, a probate judge is nominated or appointed by the mayor and confirmed by the city or town council, generally to two-year terms.	A single judge presides.	There is no mandatory retirement age for probate judges.	Probate estates, guardianships of the person and property of minors and adults, trusts, conservatorships, and adoption of adults.
South Carolina	Probate Court	S.C. Code Ann. §62-1-301 & 302	Must be at least 21 years old and either have a bachelor's degree or have four years of working experience for a probate judge.	In each of South Carolina's 46 counties, a probate judge is elected by political party to a four-year term of office.	A single judge presides.	There is no mandatory retirement age for probate judges, however all other judges must retire at 72 years old. (See South Carolina Code of Laws, Section 9-8-40).	Probate estates, guardianships of the person and property of minors and adults, trusts, conservatorships, involuntary commitments of adults, and marriage licenses. Concurrent jurisdiction with Circuit Courts over powers of attorney.
Vermont	Probate Court	4 V.S.A. §272	Must be a member of the bar.	In each of Vermont's 14 counties, a probate judge is elected by political party to a four-year term of office. However, in most jurisdictions candidates run as independents or on both party tickets.	A single judge presides.	90 years old.	Probate estates, guardianships of the person and property of minors and adults, trusts, conservatorships, adoption, emancipation, name change, powers of attorney and advance directives, determinations of legal title, cemetery lots, vulnerable non-citizen children, determinations of parentage by assisted reproduction, authorizations to perform marriage, appeals of state registrar's decisions regarding amended birth and death certificates,

Notes:

11 states provide jurisdiction over probate with specialized probate courts.

39 states and the District of Columbia provide jurisdiction over probate with courts of general jurisdiction.

Four of these 39 states use courts of general jurisdiction have carve-outs for specific counties or geographic areas: Colorado (Denver only), Indiana (St. Joseph County only), Missouri (Green, Jackson, & St. Louis Counties only), and Texas (urban areas only).

Sources:

"National Probate Court Standards," published by the National College of Probate Judges. See page 54 of the Task Force Report, Task Force to Study the Maryland Orphans' Courts, December 13, 2021. (<https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/025500/025553/20220322e.pdf>)

* "Judicial Selection Methods in the State of New York," published by the Council on Judicial Administration, New York City Bar, March 2014. (<https://www2.nycbar.org/pdf/report/uploads/20072672-GuidetoJudicialSelectionMethodsInNewYork.pdf>).

Alaska	Superior Court
Arizona	Superior Court
Arkansas	Circuit Court
California	Superior Court
Colorado	District Court
Delaware	Chancery Court
District of Columbia	Superior Court
Florida	Circuit Court
Hawaii	Circuit Court
Idaho	District Court
Illinois	Circuit Court
Indiana	Superior Court
Iowa	District Court
Kansas	District Court
Kentucky	District Court
Louisiana	District Court
Minnesota	District Court
Mississippi	Chancery Court
Missouri	District Court
Montana	District Court
Nebraska	County Court
Nevada	District Court
New Hampshire	Circuit Court
New Jersey	Superior Court
New Mexico	District Court*
North Carolina	Superior Court

North Dakota	District Court
Ohio	Court of Common Pleas
Oklahoma	District Court
Oregon	Circuit Court
Pennsylvania	Court of Common Pleas
South Dakota	Circuit Court
Tennessee	Chancery Court
Texas	County Court
Utah	District Court
Virginia	Circuit Court
Washington	Superior Court
West Virginia	Circuit Court
Wisconsin	Circuit Court
Wyoming	District Court

* In New Mexico, each of its 33 counties has an elected part-time probate judge who is not required to be a member of the bar. However, small estates (up to \$50,000) do not require formal probate proceedings, and the probate court only presides over probate estates with no controversy. All contested estates are overseen and adjudicated by District Court judges.

Appendix 8. Maryland State Bar Association – Cross-Jurisdictional Judges Work Group

MSBA - Cross-Jurisdictional Judges Work Group
California

Separate probate court?	Not technically. Handled by the Special Probate Department of Superior Court
1. Does PC jurisdiction extend to all fiduciary matters or just estates?	The Probate Department handles anything under the Probate Code But has all the same powers and abilities to decide and rule on lawsuits as the civil dept.
2. Limits on jurisdiction?	
3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?	See above. Yes, a superior judge must be admitted to practice in CA or have served as a judge of a court of record in Ca for at least 10 yrs immediately preceding election or appointment
4. Must the judges be licensed attorneys?	
Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?	
1. Will caveats/contest	Probate Dept of Superior Ct
2. Will interpretation	Probate Dept of Superior Ct
3. Trust construction	Probate Dept of Superior Ct
4. Trust reformation	Probate Dept of Superior Ct
5. Breach of Fiduciary Duty--probate	Probate Dept of Superior Ct
6. Breach of Fiduciary Duty--non-probate	Probate Dept of Superior Ct
7. Guardianship of Minors	Probate Dept of Superior Ct
8. Guardianship of Adults	Probate Dept of Superior Ct
Does the state specifically assign and/or train judges to handle fiduciary matters?	Experience and continuing education is required for probate judges in the areas of guardianships, conservatorships, and fiduciary accounting.
When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?	Most probate matters are handled without a jury trial, but Probate Court does have the authority to conduct a jury trial.

DC

Separate probate court?

Not technically. Handled by the Probate Division of Superior Court of the District of Columbia

1. Does PC jurisdiction extend to all fiduciary matters or just estates?

All fiduciary matters

2. Limits on jurisdiction?

Estates, Wills, Trusts, Guardianships, Conservatorships, Intervention proceedings, litigation, disclaimers, etc.

3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?

The Probate Division may hand down judgements on matters of fact and law.

4. Must the judges be licensed attorneys?

Yes, for at least five to ten years immediately prior to appointment

Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?

1. Will caveats/contest

Probate Division of Superior Court

2. Will interpretation

Probate Division of Superior Court

3. Trust construction

Probate Division of Superior Court

4. Trust reformation

Probate Division of Superior Court

5. Breach of Fiduciary Duty--probate

Probate Division of Superior Court

6. Breach of Fiduciary Duty--non-probate

Probate Division of Superior Court

7. Guardianship of Minors

Probate Division of Superior Court

8. Guardianship of Adults

Probate Division of Superior Court

Does the state specifically assign and/or train judges to handle fiduciary matters?

No required training for judges, but lawyers on the Probate Fiduciary Panel must complete six hours of Fid. Credits

When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?

No, the Probate Division handles jury trials.

Delaware

Separate probate court?

No. The Court of Chancery handles trusts, estates, and fiduciary matters (and other causes in equity)

1. Does PC jurisdiction extend to all fiduciary matters or just estates?

Includes all fiduciary matters.

2. Limits on jurisdiction?

No jury trials.

3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?

Matters of law and fact are adjudicated.

4. Must the judges be licensed attorneys?

Must be a state resident, possess a law degree, be "learned in the law," and be a state bar member.

Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?

1. Will caveats/contest

Court of Chancery

2. Will interpretation

Court of Chancery

3. Trust construction

Court of Chancery

4. Trust reformation

Court of Chancery

5. Breach of Fiduciary Duty--probate

Court of Chancery

6. Breach of Fiduciary Duty--non-probate

Court of Chancery

7. Guardianship of Minors

Delaware Family Court

8. Guardianship of Adults

Court of Chancery

Does the state specifically assign and/or train judges to handle fiduciary matters?

No, but judges must meet the requirements of the Mandatory Continuing Legal Education Rule (which could include fid. matters).

When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?

Yes, there are no jury trials in the Court of Chancery. Those are handled by the Superior Court.

Florida

Separate probate court?

No, handled by the Florida Circuit Courts

1. Does PC jurisdiction extend to all fiduciary matters or just estates?

Circuit Courts have original jurisdiction over civil disputes over \$30,000.

2. Limits on jurisdiction?

Gen. trial jurisdiction over matters not assigned to the county courts but may also hear appeals if assigned by Florida statute

3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?

May adjudicate matters of law and fact.

4. Must the judges be licensed attorneys?

Yes, must have been admitted to the practice of law in the state for the preceding five years.

Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?

1. Will caveats/contest

Circuit Courts

2. Will interpretation

Circuit Courts

3. Trust construction

Circuit Courts

4. Trust reformation

Circuit Courts

5. Breach of Fiduciary Duty--probate

Circuit Courts

6. Breach of Fiduciary Duty--non-probate

Circuit Courts

7. Guardianship of Minors

Circuit Courts

8. Guardianship of Adults

Circuit Courts

Does the state specifically assign and/or train judges to handle fiduciary matters?

Fla. R. Jud. Admin. 2.320 requires continuing judicial education but does not specify fiduciary training

When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?

Circuit Courts allow jury trials

Illinois

Separate probate court?

No, Circuit Court has jurisdiction over civil and juvenile cases.

1. Does PC jurisdiction extend to all fiduciary matters or just estates?

All fiduciary matters within the state

2. Limits on jurisdiction?

Can deal with any cases where the Florida Supreme Court does not have original jurisdiction

3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?

May adjudicate matters of law and fact

4. Must the judges be licensed attorneys?

Yes.

Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?

1. Will caveats/contest

Circuit Court

2. Will interpretation

Circuit Court

3. Trust construction

Circuit Court

4. Trust reformation

Circuit Court

5. Breach of Fiduciary Duty--probate

Circuit Court

6. Breach of Fiduciary Duty--non-probate

Circuit Court

7. Guardianship of Minors

Circuit Court

8. Guardianship of Adults

Circuit Court

Does the state specifically assign and/or train judges to handle fiduciary matters?

Judges are assigned to all probate matters & required to have 30 hours of mandatory legal education every other year. (Not fid. sp)

When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?

Circuit Courts can hear jury trials.

Massachusetts

Separate probate court?	Yes, Probate and Family Court
1. Does PC jurisdiction extend to all fiduciary matters or just estates?	All fiduciary matters, but can also request a reassignment of case to the Fiduciary Litigation Session* within the Probate & Family Ct. Hears all probate matters, but FLS was designed to handle complex fiduciary matters (not mandatory to file there though)
2. Limits on jurisdiction?	
3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?	Yes, may adjudicate matters of law and fact. Technically not by law, but qualifications include membership in the bar and a minimum number of years of legal experience in the court (per Gov. Exec. Orders)
4. Must the judges be licensed attorneys?	
Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?	
1. Will caveats/contest	Probate and Family Court (but could be removed to FLS)
2. Will interpretation	Probate and Family Court (but could be removed to FLS)
3. Trust construction	Probate and Family Court (but could be removed to FLS)
4. Trust reformation	Probate and Family Court (but could be removed to FLS)
5. Breach of Fiduciary Duty--probate	Probate and Family Court (but could be removed to FLS)
6. Breach of Fiduciary Duty--non-probate	Probate and Family Court (but could be removed to FLS)
7. Guardianship of Minors	Probate and Family Court
8. Guardianship of Adults	Probate and Family Court
Does the state specifically assign and/or train judges to handle fiduciary matters?	The judges assigned to the FLS have more experience that enables them to handle the complex fiduciary matters (but no formal training is given).
When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?	Jury trials are not available in any division of the Probate and Family Court (including FLS). They are moved to the Superior Court.
* The FLS was started as a pilot program in 2017, but according to court records and websites, it is still in existence.	
* A request for reassignment to the FLS may be made by a Probate and Family Court judge before whom the case is originally assigned,	

New Jersey

Separate probate court?

Yes, Surrogate Court (but Probate Part of Superior Court handles litigated/contested matters)

1. Does PC jurisdiction extend to all fiduciary matters or just estates?

Limited to Probate matters only

2. Limits on jurisdiction?

Surrogate Court only handles uncontested matters

3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?

Pure estate administration-related duties only.

4. Must the judges be licensed attorneys?

A Surrogate Judge does not need to be a licensed attorney.

Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?

1. Will caveats/contest

Superior Court

2. Will interpretation

Superior Court

3. Trust construction

Superior Court

4. Trust reformation

Superior Court

5. Breach of Fiduciary Duty--probate

Superior Court

6. Breach of Fiduciary Duty--non-probate

Superior Court

7. Guardianship of Minors

Surrogate Court (on behalf of Superior Court)

8. Guardianship of Adults

Surrogate Court (on behalf of Superior Court)

Does the state specifically assign and/or train judges to handle fiduciary matters?

Judges attend training to learn about procedures, court technologies, and how to resolve cases fairly and efficiently.

When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?

No right to a jury trial, except in guardianship actions, in which it is rare.

New York

Separate probate court?

Surrogate's Court*

1. Does PC jurisdiction extend to all fiduciary matters or just estates?

All fiduciary matters.

2. Limits on jurisdiction?

Jurisdiction over cases involving the affairs of decedents, including the probate of wills and the administration of estates and all matters relating to guardianships.

3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?

May adjudicate matters of law and fact

4. Must the judges be licensed attorneys?

Must be admitted to practice for at least five years

Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?

1. Will caveats/contest

Surrogate's Court

2. Will interpretation

Surrogate's Court

3. Trust construction

Surrogate's Court

4. Trust reformation

Surrogate's Court

5. Breach of Fiduciary Duty--probate

Surrogate's Court

6. Breach of Fiduciary Duty--non-probate

Surrogate's Court

7. Guardianship of Minors

Family, Supreme, and Surrogate's Courts have concurrent jurisdiction

8. Guardianship of Adults

Family, Supreme, and Surrogate's Courts have concurrent jurisdiction

Does the state specifically assign and/or train judges to handle fiduciary matters?

All Surrogate judges reside over fiduciary matters and are exempt for mandatory continuing legal education

When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?

Jury trials are heard in the Surrogate's Court

*See New York Surrogate's Court Procedure Act

Pennsylvania

Separate probate court?

Orphans' Court Division of the Court of Common Pleas (separate Orphans' Courts were abolished in 1968)

1. Does PC jurisdiction extend to all fiduciary matters or just estates?

All fiduciary matters

2. Limits on jurisdiction?

All jurisdiction that the former, separate Orphans' Court had (codified in 20 Pa.C.S.A. §711).

3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?

May adjudicate matter of law and fact.

4. Must the judges be licensed attorneys?

Must be members of the bar of the Pennsylvania Supreme Court

Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?

1. Will caveats/contest

Orphans' Court Division

2. Will interpretation

Orphans' Court Division

3. Trust construction

Orphans' Court Division

4. Trust reformation

Orphans' Court Division

5. Breach of Fiduciary Duty--probate

Orphans' Court Division

6. Breach of Fiduciary Duty--non-probate

Orphans' Court Division

7. Guardianship of Minors

Orphans' Court Division

8. Guardianship of Adults

Orphans' Court Division

Does the state specifically assign and/or train judges to handle fiduciary matters?

Jurists are required to earn each year a minimum of three hours of continuing education in judicial ethics and nine hours in judicial practice and related areas

When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?

Jury trials are held in the Orphans' Court Division of the Court of Common Pleas

Virginia

Separate probate court?

No, handled by Civil Division of Circuit Courts

1. Does PC jurisdiction extend to all fiduciary matters or just estates?
2. Limits on jurisdiction?
3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?
4. Must the judges be licensed attorneys?

All fiduciary matters.
Only trial court of general jurisdiction in VA

May adjudicate matters of law and fact.
Must be state bar member for at least five years.

Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?

1. Will caveats/contest
2. Will interpretation
3. Trust construction
4. Trust reformation
5. Breach of Fiduciary Duty--probate
6. Breach of Fiduciary Duty--non-probate
7. Guardianship of Minors
8. Guardianship of Adults

Circuit Court
Circuit Court
Circuit Court
Circuit Court
Circuit Court
Circuit Court
Circuit Court
Circuit Court

Does the state specifically assign and/or train judges to handle fiduciary matters?

Regularly scheduled educational conferences are held for judges and court personnel.

When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?

No, Circuit Courts hold jury trials.

West Virginia

Separate probate court?

No, handled by Circuit Courts

1. Does PC jurisdiction extend to all fiduciary matters or just estates?
2. Limits on jurisdiction?
3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?
4. Must the judges be licensed attorneys?

Extends to all fiduciary matters.
General jurisdiction trial courts

May adjudicate matters of fact and law.
Must be admitted to practice law for at least five years prior to election.

Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?

1. Will caveats/contest
2. Will interpretation
3. Trust construction
4. Trust reformation
5. Breach of Fiduciary Duty--probate
6. Breach of Fiduciary Duty--non-probate
7. Guardianship of Minors
8. Guardianship of Adults

Circuit Courts
Circuit Courts
Circuit Courts
Circuit Courts
Circuit Courts
Circuit Courts
Concurrent subject matter jurisdiction with Family Court
Circuit Courts

Does the state specifically assign and/or train judges to handle fiduciary matters?

Although judges do have mandatory continuing legal education requirements, there is no fiduciary matters training specifically.

When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?

Circuit Courts handle jury trials

Appendix 9. Registers of Wills – Orphans’ Courts Weekly Schedule by Jurisdiction

Jurisdiction	How Many Judges Sit	No. Days Per Week	Court Schedule
Allegany	3	2	Weekly on Tuesdays and Fridays from 9:00AM-12:00PM.
Anne Arundel	3	2	Weekly on Tuesdays and Thursdays from 9:00AM-2:00PM.
Baltimore City	1	5	Monday through Friday, Judges Rotate. Rarely, upon request of an interested person, two judges may sit in a hearing as a panel.
Baltimore	1	5	Monday through Friday, Judges Rotate Weekly.
Calvert	3	1	Weekly on Tuesdays from 9:00AM-12:00PM.
Caroline	3	1	Weekly on Tuesdays from 10:00AM until all hearings and orders resolved.
Carroll	3	2	Weekly on Mondays and Tuesdays from 8:30AM-1:00PM.
Cecil	3	1	Weekly on Tuesdays from 9:45-11:30AM.
Charles	3	1	Weekly on Tuesdays from 9:30am-1:30 or until all hearings and orders resolved.
Dorchester	3	1	Weekly on Tuesdays from 2-4:00PM.
Frederick	3	2	Weekly on Tuesdays and Thursdays from 9:00AM-12:00PM.
Garrett	3	1	Weekly on Tuesdays from 10:00AM-12:00PM.
Harford	1	5	Weekly on Thursdays from 9:00AM to 3:00PM or until all hearings and orders are resolved. A judge is always available for emergencies.
Howard	1	5	Weekly on Thursdays from 1:00PM until all hearings resolved; Chambers work is on an as-needed basis. A judge is always available for emergencies.
Kent	3	1	Weekly on Tuesdays from 10:00AM-12:00PM.
Montgomery	1	5	Weekly on Tuesdays, Wednesdays, Thursdays, and Fridays, and occasionally Mondays if specially assigned. A judge is always available for emergencies.
Prince George's	1	3	Office of the Orphans' Court open Monday through Friday. Hearings are held with one judge sitting each on Tuesdays, Wednesdays, and Thursdays. Hearings occasionally held on Mondays and Fridays for continuations of hearings or as make-up days when a judge is unable to sit Tuesday, Wednesday, or Thursday. Rarely, upon request of an interested person, two judges may sit in a hearing as a panel. Judges conduct chambers work additionally at various other times.
Queen Anne's	3	1	Weekly on Tuesdays from 9:00AM-12:00PM.
St. Mary's	3	0.5	Bi-weekly on Tuesdays from 9:00AM-12:00PM or until all hearings and orders are resolved.

Somerset	3	1	Weekly on Tuesdays at 9:00AM, hearings begin at 10:00AM until all hearings and orders are resolved.
Talbot	3	1	Weeekly on Tuesdays from 1:30PM until all hearings and orders resolved.
Washington	3	1	Weekly on Tuesdays from 9:00-11:30AM.
Wicomico	3	1	Weekly on Tuesdays from 10:00AM-3:00PM.
Worcester	3	1	Weekly on Tuesdays from 9:30-11:30AM, except any fifth Tuesday of a month.

Key:

Lay Courts (18)
Attorney Courts (3)
Circuit Courts (3)

Appendix 10. Maryland State Bar Association – Educational Background of Orphans Court Judges by County

Educational Background of Orphans' Court Judges by County
Updated by Laura Thomas, Maryland State Bar Association
October 2025

Total Judges: 63

Total Judges with confirmed J.D.: 19

Total Judges with No Listed Education: 17

Total Judges with varying degrees of education: 27

Year listed is year first elected. Range of years are prior terms.

County	Chief Judge	Assoc. Judge	Assoc. Judge
Allegany County	Edward C. Crossland <u>A.A., B.S., J.D.</u> 2014	Craig W. Alexander, <u>A.A., B.S.</u> 2022	Penny Lyn Walker, <u>H.S.</u> 2022
Anne Arundel County	Vickie Gipson, <u>B.A., J.D., LLM</u> 2018	Stacey-Ann T. Scott, <u>B.S., J.D.</u> 2025	Vacant
*Baltimore City	Lewyn Scott Garrett, <u>B.A., M.A., J.D.</u> 1995	Charles Bernstein , <u>A.B., J.D.</u> 2014	Michele Loewenthal <u>B.A., J.D.</u> 2011
*Baltimore County	Arthur M. Frank, <u>B.A., J.D.</u> 2014	Juliet G. Fisher, <u>B.A., J.D.</u> 2014	Michelle Arvin-Greer , <u>B.A., J.D.</u> 2024
Calvert County	Leslie M. Down, <u>Some college</u> 2002	Theodore P. LeBlanc , <u>B.A., J.D.</u> 2014	Thomas M. Pelgatti, <u>B.A., J.D.</u> 1998-2002, 2010
Caroline County	Ron Fearins, <u>H.S.</u> 2014	John Ellery Adams , <u>Not listed</u> 2014	Jeffrey Porter, <u>Not listed</u> 2018
Carroll County	Charles M. Coles, Jr., <u>Some college</u> 2016	Margaret R. Bair, <u>A.A.</u> 2017	LaRue G. Lennon, <u>B.A., M.Ed., J.D.</u> 2022
Cecil County	Carolyn Crouch, <u>H.S.</u> 2006	William Harris, <u>B.A.</u> 2018	Travis B. Ward, <u>B.A.</u> 2022
Charles County	Darlene Breck, <u>Not listed</u> 2014	Peter Murphy, <u>B.S., M.S., Ed.S.</u> 2022	Russell Yates, <u>B.S., CPA</u> 2022
Dorchester County	George R. Ames, Jr., <u>A.A., B.A., M.A.</u> 1994	Bernard Dryden, <u>Not listed</u> 2022	Rick Price, <u>A.A., B.A.</u> 2022

Frederick County	Michael A. Powell, <u>J.D. (Retired)</u> 2022	Bonnie L. Nicholson, <u>H.S.</u> 2018	Susan W. Wilson, <u>B.S., M.L.S.</u> 2022
Garrett County	Jeffrey D. Murphy, <u>Not listed</u> 2022	Michael B. Beard, <u>Unknown</u> 2025	Mary Jo Wolters, <u>H.S.</u> 2023
Harford County	Rotating Circuit Court Judges		
Howard County	Rotating Circuit Court Judges		
Kent County	Elroy G. Boyer, Jr., <u>Not listed</u> 1990	Susan Pritchett, <u>Some college</u> 2021-2022, 2024	Allan W. Schaubert, <u>H.S.</u> 2022
Montgomery County	Rotating Circuit Court Judges		
*Prince George's County	Wendy A. Cartwright, <u>B.A., J.D.</u> 2001	Jason A. DeLoach, <u>B.A., J.D.</u> 2022	Athena Malloy Groves, <u>B.A., J.D.</u> 2006
Queen Anne's County	Kimberly J. Cascia, <u>Not listed</u> 2010	Thomas M. Walsh, <u>B.S., M.D.</u> 2014, 2018	Eric S. Wargotz, <u>B.S., M.D.</u> 2014
St. Mary's County	Michael R. White, <u>Not listed</u> 2014	Albert R. Babcock, <u>Not listed</u> 2014	William Mattingly, <u>Not listed</u> 2012- 2014, 2018
Somerset County	Kathleen L. Crossan, <u>H.S.</u> 2016	Elizabeth M. Hall, <u>Not listed</u> 2014	Stephen S. Willing, <u>Not listed</u> 2022
Talbot County	Paul S. Carroll, <u>Some college</u> 2014	Philip Carey Foster, <u>B.A., J.D.</u> 2023	David J. Wheeler, <u>B.A.</u> 2018
Washington County	Paul D. Banister, <u>B.S.</u> 2018	Debra A. Breeding, <u>B.S.</u> 2022	James Nipps, <u>A.B., R.B.A.</u> 2020-2022, 2024
Wicomico County	Melissa Pollitt Bright, <u>Not listed</u> 1994	John H. Sharpe, <u>Not listed</u> 2023	Jim Jester, <u>Not listed</u> 2022
Worcester County	Michael T. Diffendal, <u>B.S.</u> 2016	Linda M. Hess, <u>Not listed</u> 2006	Cheryl Jacobs, <u>B.A., J.D.</u> 2018

*** Requires judges to be attorneys and barred in State of Maryland.**

Judges' Names acquired at:

<https://www.courts.state.md.us/sites/default/files/import/orphanscourt/pdfs/ocjudgesregisters.pdf?=&20251014> on October 23, 2025

**Appendix 11. Recommendations Proposed by Jonathan
Lasley, Esquire; Senator West; Judge Fisher; and Judge
Groves**

TASK FORCE TO STUDY FIDUCIARY ADJUDICATION IN MARYLAND

Proposed Recommendations

Submitted by Senator Chris West and Jonathan G. Lasley

May 13, 2026

BE IT RESOLVED that the Task Force to Study Fiduciary Adjudication in Maryland shall offer the following recommendations to the Governor, General Assembly, and Judiciary as part of its final report:

I. IMPROVE THE TRAINING OF JUDGES HEARING FIDUCIARY MATTERS

The Task Force recommends that the Judicial College establish a “Fiduciary University” along the lines of the existing Family Law University. We suggest that the curriculum be developed and supervised by a committee of Judges (serving or retired) and attorneys (currently practicing or retired) with deep experience in all aspects of fiduciary litigation.

- The course offerings should include two tracks: a basic curriculum for judges new to hearing fiduciary matters, and an ongoing curriculum for all fiduciary judges that will cover the gamut of new developments and specific issues affecting fiduciary law in Maryland.
- No Orphans’ or Circuit Court judge may hear any fiduciary matter without completing the basic curriculum as soon as it is offered following their appointment, election, or selection to hear such cases.
 - Lay Orphans’ Court judges, non-Maryland attorney judges of the Orphans’ Court, and new Orphans’ Court judges must complete additional training on the role of the judiciary and the function of judges before sitting on any matters.
- Judges hearing fiduciary matters must complete a specified number of hours in the University curriculum (or accepted substitutes) annually in order to continue hearing fiduciary cases.
- The Judicial College shall report judges’ compliance, or lack thereof, with these requirements to the Judiciary for appropriate enforcement action.

II. IMPROVE THE EFFICIENCY OF CONTESTED MATTERS

In order to eliminate some of the inefficiencies inherent in the current system of *de novo* appeals and transmission of issues, the Task Force recommends that the General Assembly enact legislation streamlining those procedures and guaranteeing to each party the right to be heard by a judge who is an attorney as follows:

- Any party to a contested matter (other than the opening of judicial probate) that ordinarily would come before the Orphans’ Court in a jurisdiction that does not require all Orphans’ Court judges to be attorneys, or which does not rely on its Circuit Court to sit as its Orphans’

Court may remove that matter directly to the Circuit Court in that jurisdiction as a matter of right.

- Any party to a contested matter (other than the opening of judicial probate) that ordinarily would come before the Orphans' Court in a jurisdiction that requires all Orphans' Court judges to be attorneys, or which relies on its Circuit Court to sit as its Orphans' Court may remove that matter directly to the Circuit Court in that jurisdiction for the sole purpose of obtaining a jury trial.
- In the case of any such removal:
 - The Orphans' Court will have no further jurisdiction with respect to the contested issue(s), and will be bound by any relevant Circuit Court rulings.
 - Any appeal from the Circuit Court in a matter so removed will be to the Appellate Court of Maryland.
 - If the parties to a contested matter choose not to avail themselves of this right of removal, any appeal from the Orphans' Court will be to the Appellate Court of Maryland.
 - The failure of a party to exercise this right of removal shall be deemed to waive the right to a jury trial in that matter.

III. CONTINUE MOVEMENT TOWARD THE CREATION OF A SPECIALTY COURT TO HEAR ALL FIDUCIARY MATTERS

While the above recommendations will improve the training of judges and the efficiency of the adjudication process, they will leave separate courts hearing different fiduciary matters. Those matters often are inter-related, and the Task Force believes it would be in the best interests of the uniform administration of justice in Maryland if a single court or division held jurisdiction over all fiduciary matters. Accordingly, the Task Force suggests that the new General Assembly taking office in 2027 create a new task force with a narrower mandate to work out the details of establishing either:

- A separate court, staffed by specially-trained judges, to serve as the trial court for all fiduciary matters in Maryland; or
- A "Fiduciary Division" within the Circuit Court to hear all fiduciary matters.
 - As a part of this study, the General Assembly may want to consider experimenting with either option by converting the Orphans' Courts in Baltimore County, Baltimore City, and Prince George's County (all of which currently require lawyer judges) into either fiduciary trial courts or fiduciary divisions within the Circuit Courts for that county, and/or establishing Fiduciary Divisions in Harford, Howard, and Montgomery Counties (where Circuit Court judges sit as the Orphans' Court).

Should the General Assembly decide either to pursue a separate fiduciary court or to retain the current Orphans' Court, the Task Force urges it to study the qualifications and methods of selection of the judges of that court. In particular, we suggest that the General Assembly consider:

- Requiring that judges of the fiduciary or Orphans' Court (as the case may be) be selected and retained using the same procedures as required for judges of the Circuit Court, including the creation of a specialized Judicial Nominating Commission to fill vacancies;
- Analyzing the term lengths of the judges;
- Providing appropriate minimum and maximum ages for judges serving on the fiduciary or Orphans' Court; and
- If a fiduciary court is created or the current Orphans' Court is retained with its jurisdiction expanded to other fiduciary matters, requiring that all judges of that court be Maryland attorneys in good standing.

IV. IMPROVE DATA TRACKING

During our deliberations, the Task Force found it difficult to obtain accurate and complete data on fiduciary matters heard by the Courts. Accordingly, we recommend that the Rules Committee of the Judiciary or other appropriate authority establish new intake categories (and/or sub-categories) for fiduciary matters as follows:

- Matters affecting a trust or to which the trustee of a trust is party (this category excludes real estate deeds of trust or the trustees under such deeds, as well as the trustees of ERISA or other retirement accounts);
- All probate matters, including transmissions of issues and *de novo* appeals from the Orphans' Courts;
- Guardianships of the person or property of any minor or disabled individual;
- Matters arising under Powers of Attorney or Advance Directives; and
- Disputes involving beneficiary designations.

Appendix 12. Recommendations Proposed by the Registers of Wills

**FINAL RECOMMENDATIONS FOR CONSIDERATION BY THE TASK FORCE TO STUDY
FIDUCIARY ADJUDICATION**

Proposed by Registers of Wills Byron E. Macfarlane & Mary C. Rolle

1. Recommendations Based on Preliminary Progress Report Dated Dec. 8, 2025

- a. **RECOMMENDATION 1A:** Require all judges hearing fiduciary matters be Maryland attorneys in good standing.
- b. **RECOMMENDATION 1B:** Provide for a single court – whether it be the Circuit Court sitting as the Orphans’ Court or a specialty division like a Fiduciary Division of the Circuit Court – to have jurisdiction over all fiduciary matters.
- c. **RECOMMENDATION 1C:** Mandate improved education and training for all judges hearing fiduciary matters, including oversight and enforcement that ensures judges either comply with mandated orientation and continuing education requirements or are subject to disciplinary action.

2. Recommendation Based on Other States’ Approaches to Fiduciary Adjudication

- a. **RECOMMENDATION 2A:** Require that a single judge preside over fiduciary matters, ending Maryland’s distinction as the only jurisdiction in America to use three-judge panels. The number of individual judges presiding should be determined by each jurisdiction based on caseload and administrative decisions rendered by the local Circuit Court Administrative Judge.

3. Recommendation Based on Other Courts in Maryland

- a. **RECOMMENDATION 3A:** Require the same process for becoming a judge hearing fiduciary matters as all other trial-level judges in Maryland.
 - i. **RECOMMENDATION 3A(i):** Require that every prospective judge meet the legal qualifications of being an attorney in good standing, at least 30 years old, have been a resident of Maryland at least 5 years and a resident of their jurisdiction or circuit for at least 6 months, and be a registered voter. Each prospective judge must submit an application for a vacancy, submit a Confidential Personal Data Questionnaire to the Administrative Office of the Courts, interview with a Trial Courts Judicial Nominating Commission or similar body, and either be appointed by the Governor or be elected in a contested election In a manner consistent with Circuit Court elections.
 - ii. **RECOMMENDATION 3A(ii):** By necessity, ending partisan quadrennial elections of judges hearing fiduciary matters.
 - iii. **RECOMMENDATION 3A(iii):** Any plan to reform fiduciary adjudication in Maryland shall require a Trial Courts Judicial Nominating Commission to evaluate an applicant for a judgeship that would have jurisdiction over fiduciary adjudication in the same manner as it would for an applicant for a judgeship of the District, Circuit, and Appellate

Courts, and for a justice of the Supreme Court. Consistent with longstanding and existing practice, this evaluation shall be based on individual merit and without preference given to applicants currently or previously serving as a judge in Maryland. Further, the Commission shall use measures including personal history, education, experience in the practice of law, business and civic involvement, personal and professional conduct, conflicts of interest, affiliation with discriminatory organizations, personal motivation for becoming a judge, and explanation of how an applicant would be fit to serve as a judge. The Commission shall then make recommendations to the Governor, who would make the final determination over which applicant is appointed, if any.

- b. **RECOMMENDATION 3B:** Require all judges hearing fiduciary matters to retire at the same age as all other judges, currently the age of 70.

4. Recommendations Based on Public Debate Over Underlying Policy Concerns

- a. **RECOMMENDATION 4A: Go-Ahead to Pursue Legislative Initiatives Prior to Any Potential Final Statewide Resolution:** Advise legislators, many of whom have been waiting for a final report by this Task Force, that no comprehensive reform package will be recommended, there is no certainty any final statewide resolution will be reached by this or a potential future task force, and, therefore, they need not await further findings. These initiatives may include the limited recommendations the task force has made, may include jurisdiction-specific reforms such as those implemented in six jurisdictions – either requiring three elected judges who must be Maryland attorneys in good standing or that the Circuit Court sit as the Orphans’ Court – or may include a statewide resolution discussed, but not recommended, by this task force.
- b. **RECOMMENDATION 4B: Introduction of Legislation in the 2027 Legislative Session for a Second Task Force:** Introduce legislation to establish a second task force with modifications as needed. These include broadening membership to include stakeholders like the Clerks of Courts and academics, and any other members deem necessary or appropriate, and expanding the jurisdiction of the task force beyond fiduciary matters to include matters that are administrative or litigatory in nature, were not contemplated in the design of this task force, but would be prudent to include as it would be in the interests of the public, judicial economy, and common sense to have one court that would have jurisdiction over all death-related legal matters.

5. PREFERENCE OR PRELIMINARY VOTES: Recommendations Based on Existing Structure and Proposed Judicial Reforms

The duties of the Orphans’ Courts and Circuit Courts should remain as-is, or a substantive reform proposal should be adopted, including one of two

proposed options, designated as Scenarios 3 and 4 in a presentation¹ provided to the Task Force on November 24, 2025:

- a. **RECOMMENDATION 5A: Retain Existing Constitutional and Statutory Structure for Fiduciary Adjudication.**
 - i. **Retain the existing Orphans' Courts structure and existing procedures for fiduciary adjudication in the Circuit Courts.**
 - 1. In 21 jurisdictions, a court of three judges, who are at least 18 and have resided in the jurisdiction in which they are seeking office for at least six months, are chosen in quadrennial partisan elections. In three jurisdictions, judges must be Maryland attorneys in good standing.
 - 2. In three counties, the Circuit Court sits as the Orphans' Court.
 - 3. Appeals from the Orphans' Courts are heard de novo.
 - 4. All fiduciary matters outside of probate must be adjudicated by separate actions brought in Circuit Court.
- b. **RECOMMENDATION 5B: Scenario #3: "Circuit Court Judges handling fiduciary matters within existing Circuit Court structure."**
 - i. This would effectively expand the Harford, Howard, and Montgomery Model already in use and then expand those courts' jurisdiction.
 - ii. This option has proven to be the most effective, is best supported by data produced and obtained by the Task Force, and would bring Maryland in line with most other states. The Task Force has no data to justify the need for eight (8) new full-time Circuit Court judges to handle the agreed-upon proportionately lower caseload of the Orphans' Courts. Therefore, even the "Lower-cost example" overestimates the projected fiscal impact on the state.
 - iii. This option would have the smallest fiscal impact on the State of Maryland (\$3.9 million) and be easiest to accomplish from an organizational perspective.
- c. **RECOMMENDATION 5C: Scenario #4: "Fiduciary Division within each Judicial Circuit of the Circuit Courts and Magistrate Judges in each county working for the Fiduciary Divisions."**
 - i. This option would have the largest fiscal impact on the State of Maryland (\$6.5-13 million) and be hardest to accomplish from an organizational perspective.
 - ii. We reiterate that no member of the Task Force has produced data that justifies this proposal. There is no evidence that there would be enough work for full-time judges, even when fiduciary matters such as trusts, adult guardianships, and others are added to the probate caseload.

¹ PowerPoint Presentation labeled "Rev.Fiduciary.Adjudication.Scenarios.pptx"

d. **RECOMMENDATION 5D: NEW Scenario #5 – “Circuit Court Judges and Magistrates handling fiduciary and administrative matters within existing Circuit Court structure.”**

- i. This option borrows from several offered options to comprehensively resolve matters arising from the death of a decedent.
- ii. This would expand the Circuit Court Model already in use and then expand the courts’ jurisdiction, and streamline appeals procedures.
 1. This expanded jurisdiction into non-probate fiduciary matters should remedy areas of concern presented by the MSBA members of the Task Force, including redundant appeals and the need to initiate multiple causes of actions in different courts to resolve matters arising from the death of a decedent.
 2. There is simply insufficient evidence that the volume of de novo appeals and fiduciary matters warrants the cost or upheaval to our state judiciary envisioned by Scenario #4 above.
 3. However, we could bolster the case for Scenario #4 and also address administrative matters that arise from the death of a decedent – that, like fiduciary matters, must be initiated in other courts, by further expanding the courts’ jurisdiction.
 4. This expanded jurisdiction into administrative matters should include District Court matters like eviction proceedings, which often coincide with a decedent’s death and delay probate, and Circuit Court matters like DNA testing and parentage determinations, equitable interpretation of pre-death contractual agreements and determinations of legal title, disposition of bodily remains, and equitable resolution of multi-generational transfers of property.
 5. While administrative matters related to someone’s death are not within the scope of the work of this Task Force, as Registers we know that these matters arise at least as often as the fiduciary matters previously mentioned.
 6. It would not be sensible to undertake such significant reform to our judiciary if the result is a court that could resolve myriad fiduciary matters but could not adjudicate evict a holdover tenant or clear title to real property, or even resolve a dispute over the disposition of bodily remains.
 7. Establishing a court with general jurisdiction overall post-death fiduciary *and* administrative matters would be in the interest of judicial economy and the public interest.
 8. Appropriately rename this court the “Probate Court.”
- iii. We expect the fiscal impact and operational complexity of implementing this reform option to be akin to the lowest, or even lower, estimated under Scenario #3.

Appendix 13. Task Force Vote on Recommendations

5/13/26 Meeting of the Task Force to Study Fiduciary Adjudication in Maryland

- (1) Recommendations proposed by Jonathan Lasley, Esquire, Senator West, Judge Groves, and Judge Fisher (see **Appendix 13**)

Favorable Vote Task Force – Motion Adopted (8–2)

Membership	<u>Yea or Nay</u>
Judge Athena Malloy Groves	Yea
Judge Juliet G. Fisher	Yea
Jonathan G. Lasley, Esq.	Yea
Kelly Preteroti, Esq.	Yea
Byron E. Macfarlane, Register of Wills	Nay
Mary C. Rolle, Register of Wills	Nay
Monica Mitchell	Yea
Delegate J. Sandy Bartlett	Yea
Delegate Aaron Kaufman	Absent
Senator Chris West	Yea
Senator Nick Charles, Jr., Chair	Yea
Judge Catherine Huger McQueen	Nonvoting Member

- (2) Recommendation proposed by Byron Macfarlane and Mary Rolles, Registers of Wills

Favorable Vote Task Force – Motion Adopted (10–0)

Membership	<u>Yea or Nay</u>
Judge Athena Malloy Groves	Yea
Judge Juliet G. Fisher	Yea
Jonathan G. Lasley, Esq.	Yea
Kelly Preteroti, Esq.	Yea
Byron E. Macfarlane, Register of Wills	Yea
Mary C. Rolle, Register of Wills	Yea
Monica Mitchell	Yea
Delegate J. Sandy Bartlett	Yea
Delegate Aaron Kaufman	Absent
Senator Chris West	Yea
Senator Nick Charles, Jr., Chair	Yea
Judge Catherine Huger McQueen	Nonvoting Member

(See **Appendix 15** for final version of recommendations adopted by the task force)

Appendix 14. Final Recommendations Adopted by the Task Force

TASK FORCE TO STUDY FIDUCIARY ADJUDICATION IN MARYLAND

Proposed Recommendations

Submitted by Senator Chris West and Jonathan G. Lasley

Including Amendment Proposed by Registers of Wills and Adopted by Task Force

May 13, 2026

BE IT RESOLVED that the Task Force to Study Fiduciary Adjudication in Maryland shall offer the following recommendations to the Governor, General Assembly, and Judiciary as part of its final report:

I. IMPROVE THE TRAINING OF JUDGES HEARING FIDUCIARY MATTERS

The Task Force recommends that the Judicial College establish a “Fiduciary University” along the lines of the existing Family Law University. We suggest that the curriculum be developed and supervised by a committee of Judges (serving or retired) and attorneys (currently practicing or retired) with deep experience in all aspects of fiduciary litigation.

- The course offerings should include two tracks: a basic curriculum for judges new to hearing fiduciary matters, and an ongoing curriculum for all fiduciary judges that will cover the gamut of new developments and specific issues affecting fiduciary law in Maryland.
- No Orphans’ or Circuit Court judge may hear any fiduciary matter without completing the basic curriculum as soon as it is offered following their appointment, election, or selection to hear such cases.
 - Lay Orphans’ Court judges, non-Maryland attorney judges of the Orphans’ Court, and new Orphans’ Court judges must complete additional training on the role of the judiciary and the function of judges before sitting on any matters.
- Judges hearing fiduciary matters must complete a specified number of hours in the University curriculum (or accepted substitutes) annually in order to continue hearing fiduciary cases.
- The Judicial College shall report judges’ compliance, or lack thereof, with these requirements to the Judiciary for appropriate enforcement action.

II. IMPROVE THE EFFICIENCY OF CONTESTED MATTERS

In order to eliminate some of the inefficiencies inherent in the current system of *de novo* appeals and transmission of issues, the Task Force recommends that the General Assembly enact legislation streamlining those procedures and guaranteeing to each party the right to be heard by a judge who is an attorney as follows:

- Any party to a contested matter (other than the opening of judicial probate) that ordinarily would come before the Orphans’ Court in a jurisdiction that does not require all Orphans’ Court

judges to be attorneys, or which does not rely on its Circuit Court to sit as its Orphans' Court may remove that matter directly to the Circuit Court in that jurisdiction as a matter of right.

- Any party to a contested matter (other than the opening of judicial probate) that ordinarily would come before the Orphans' Court in a jurisdiction that requires all Orphans' Court judges to be attorneys, or which relies on its Circuit Court to sit as its Orphans' Court may remove that matter directly to the Circuit Court in that jurisdiction for the sole purpose of obtaining a jury trial.
- In the case of any such removal:
 - The Orphans' Court will have no further jurisdiction with respect to the contested issue(s), and will be bound by any relevant Circuit Court rulings.
 - Any appeal from the Circuit Court in a matter so removed will be to the Appellate Court of Maryland.
 - If the parties to a contested matter choose not to avail themselves of this right of removal, any appeal from the Orphans' Court will be to the Appellate Court of Maryland.
 - The failure of a party to exercise this right of removal shall be deemed to waive the right to a jury trial in that matter.

III. CONTINUE MOVEMENT TOWARD THE CREATION OF A SPECIALTY COURT TO HEAR ALL FIDUCIARY MATTERS

While the above recommendations will improve the training of judges and the efficiency of the adjudication process, they will leave separate courts hearing different fiduciary matters. Those matters often are inter-related, and the Task Force believes it would be in the best interests of the uniform administration of justice in Maryland if a single court or division held jurisdiction over all fiduciary matters. Accordingly, the Task Force suggests that the new General Assembly taking office in 2027 create a new task force with a narrower mandate to work out the details of establishing either:

- A separate court, staffed by specially-trained judges, to serve as the trial court for all fiduciary matters in Maryland; or
- A "Fiduciary Division" within the Circuit Court to hear all fiduciary matters.
 - As a part of this study, the General Assembly may want to consider experimenting with either option by converting the Orphans' Courts in Baltimore County, Baltimore City, and Prince George's County (all of which currently require lawyer judges) into either fiduciary trial courts or fiduciary divisions within the Circuit Courts for that county, and/or establishing Fiduciary Divisions in Harford, Howard, and Montgomery Counties (where Circuit Court judges sit as the Orphans' Court).
 - The Task Force also believes that this study should include consideration of granting the court or courts conducting fiduciary adjudication concurrent jurisdiction over all non-fiduciary death-related civil legal matters.

Should the General Assembly decide either to pursue a separate fiduciary court or to retain the current Orphans' Court, the Task Force urges it to study the qualifications and methods of selection of the judges of that court. In particular, we suggest that the General Assembly consider:

- Requiring that judges of the fiduciary or Orphans' Court (as the case may be) be selected and retained using the same procedures as required for judges of the Circuit Court, including the creation of a specialized Judicial Nominating Commission to fill vacancies;
- Analyzing the term lengths of the judges;
- Providing appropriate minimum and maximum ages for judges serving on the fiduciary or Orphans' Court; and
- If a fiduciary court is created or the current Orphans' Court is retained with its jurisdiction expanded to other fiduciary matters, requiring that all judges of that court be Maryland attorneys in good standing.

IV. IMPROVE DATA TRACKING

During our deliberations, the Task Force found it difficult to obtain accurate and complete data on fiduciary matters heard by the Courts. Accordingly, we recommend that the Rules Committee of the Judiciary or other appropriate authority establish new intake categories (and/or sub-categories) for fiduciary matters as follows:

- Matters affecting a trust or to which the trustee of a trust is party (this category excludes real estate deeds of trust or the trustees under such deeds, as well as the trustees of ERISA or other retirement accounts);
- All probate matters, including transmissions of issues and *de novo* appeals from the Orphans' Courts;
- Guardianships of the person or property of any minor or disabled individual;
- Matters arising under Powers of Attorney or Advance Directives; and
- Disputes involving beneficiary designations.

Appendix 15. Administrative Order on the Conference of Orphans' Court Judges and Education for Orphans' Court Judges

IN THE SUPREME COURT OF MARYLAND
ADMINISTRATIVE ORDER ON THE CONFERENCE OF ORPHANS'
COURT JUDGES AND EDUCATION FOR ORPHANS' COURT JUDGES

Whereas, the Orphans' Courts are vested with enumerated powers under Article IV, § 40 of the Maryland Constitution; and

Whereas, the Orphans' Courts collectively comprise an important part of the Maryland Judiciary; and

Whereas, since November 2003 there has been a Conference of Orphans' Court Judges, whose purpose is to provide a forum for policy discussion, information exchange, professional development, and to assist and advise, as needed, the Chief Justice of the Supreme Court, the Judicial Council, the Conference of Circuit Judges, and the Administrative Office of the Courts; and

Whereas, it is appropriate to harmonize the structure of the Conference of Orphans' Court Judges within the governance structure adopted by the Chief Justice of the Supreme Court; and

Whereas, the Conference of Orphans' Court Judges previously recommended that there be an orientation requirement for new Orphans' Court judges similar to the orientation requirement for trial court judges; and

Whereas, the August 24, 2022 Administrative Order on Continuing Education for Judges, Magistrates, and Commissioners, which outlined the education requirements for Orphans' Court judges, was rescinded and replaced with an order that does not address education requirements for Orphans' Court judges; and

Whereas, there is a need to codify a policy for the education of Orphans' Court judges,

Now, therefore, pursuant to the authority conferred on me as administrative head of the Judicial Branch by Article IV, § 18 of the Constitution of Maryland, it is this 10th day of September 2025, effective immediately, ordered that:

(a) General Provisions.

- (1) For purposes of this Order, "new Orphans' Court judge" means an individual who is newly appointed or elected to an Orphans' Court and has not previously served as a judge on an Orphans' Court.
- (2) For the purpose of this Order, the term "Chief Judge" shall have the following meaning, in descending order of priority:

- (A) The judge designated by the Governor to be Chief Judge of an Orphans' Court, pursuant to Estates and Trusts Article § 2-107(a);
 - (B) If the Governor has not appointed a Chief Judge for an Orphans' Court, the county's senior Orphans' Court judge; or
 - (C) If there is neither a Chief Judge under paragraph (a), nor a senior judge under paragraph (b), the judge designated by the Chair of the Conference of Orphans' Court Judges to act as Chief Judge for purposes of this Order.
- (b) Conference of Orphans' Court Judges.
 - (1) Membership. The Conference of Orphans' Court Judges (the "Conference") shall consist of fourteen Orphans' Court Judges appointed by the Chief Justice of the Supreme Court to serve two-year terms. Terms shall be staggered such that seven terms expire each year.
 - (2) Officers. The Conference shall elect a chair and vice-chair. In the absence of the chair, the vice-chair shall act as chair.
 - (3) Quorum, Meetings, and Staff.
 - (A) A majority of the Conference members constitutes a quorum.
 - (B) The Conference shall meet at least four times a year at the times the Conference determines.
 - (C) The Administrative Office of the Courts shall serve as secretariat to the Conference.
 - (4) Functions. The Conference shall:
 - (A) Exchange ideas and views on matters relating to the operation, management, and leadership of the Orphans' Courts;
 - (B) Consider and make recommendations to the Chief Justice of the Supreme Court, the Judicial Council, the Conference of Circuit Judges, and the State Court Administrator regarding legislation and policies affecting the operation of the Orphans' Courts;

- (C) Provide advice on such matters as the Chief Justice of the Supreme Court, the Conference of Circuit Judges, or the State Court Administrator may request;
 - (D) Consider and make recommendations to the Education Committee of the Judicial Council regarding the professional development of Orphans' Court Judges; and
 - (E) Provide a forum for mentoring of Orphans' Court Judges.
- (c) Orientation Procedures. The orientation of each new Orphans' Court judge shall proceed in three phases:
 - (1) Phase One. After appointment or election, but before the swearing in of a new Orphans' Court judge, the Chief Judge shall arrange a meeting between the new Orphans' Court judge, the administrative staff, and the Register of Wills of the county or Baltimore City.

 During the meeting, the Chief Judge shall: 1) provide a copy of this Order; 2) explain chambers and administrative responsibilities; 3) describe the relationship between the Orphans' Court and the Register of Wills, including the statutory duties of the Register of Wills under Estates and Trusts Article § 2-208; 4) provide information on the jurisdiction's health plans and options, the Orphans' Court Judge's Retirement System, payroll deductions, and other personnel-related matters, as applicable; 5) provide information on the Code of Judicial Conduct and the Commission on Judicial Disabilities; 6) provide information on the organization of the Conference, including its committees; 7) provide up-to-date copies of the Estates and Trusts Article and the Maryland Rules; 8) conduct a tour of the physical facilities, including the offices of the Register of Wills; 9) provide information concerning any mediation program available in that jurisdiction; and 10) provide information on continuing judicial education and the educational offerings of the Judicial College of Maryland.

 Effective January 1, 2026, after appointment or election but before swearing in of a new Orphans' Court judge, the Orphans' Court judge shall complete onboarding sessions with the Commission on Judicial Disabilities, the Judicial College, Judicial Information Services, and the Office of Information Privacy.
 - (2) Phase Two.
 - (A) After the Phase One meeting but before the swearing in of a

new Orphans' Court judge, the Chief Judge shall coordinate the new judge's bench training, which shall include at least two days of observing the court in session.

(B) Every effort should be made to expose a new Orphans' Court judge to a variety of issues, judicial styles, and philosophies during this time.

(C) No later than two months after being sworn in, a new Orphans' Court judge from a metropolitan jurisdiction shall spend at least one day observing a non-metropolitan bench and vice versa.

(3) Phase Three. As detailed in Section (d)(3) of this Order, a new Orphans' Court judge shall complete the next offered New Orphans' Court Judge Orientation Program, which shall provide an overview of the Orphans' Court, education on relevant areas of substantive law, judging and judicial ethics, and other topics as determined by the Judicial College in consultation with the Conference of Orphans' Court Judges.

(d) Education.

(1) Development of Educational Programs for Orphans' Court Judges

(A) Education Committee. The Education Committee of the Judicial Council is responsible for coordinating continuing judicial education for the Judiciary. The Education Committee shall coordinate, implement, and evaluate educational programs for Orphans' Court judges. The Education Committee shall work with other Judicial Council Committees, the Judicial College, the Education Subcommittee of the Conference of Orphans' Court Judges, and the Administrative Office of the Courts, to offer training programs for Orphans' Court judges as provided in this Order.

(B) Judicial College of Maryland. The Judicial College of Maryland will serve as the primary entity through which judicial education will be provided to Orphans' Court judges and shall provide all necessary professional and logistical support to the Education Committee.

(2) Development of Annual Programs Generally.

(A) With the advice and assistance of the Education Committee and the Judicial College, the Judicial Education Subcommittee shall develop a comprehensive annual mandatory training

program for Orphans' Court judges (the "Annual Training Program").

- (B) Effective beginning calendar year 2027, the Judicial College will provide the Annual Training Program. The program shall include education about pertinent substantive legal topics, judging and judicial ethics, and other topics as determined by the Judicial College in consultation with the Conference of Orphans' Court Judges. Such training may include in-person courses, live judicial education webinars, and instructor-led-distance-learning courses.
- (3) New Orphans' Court Judge Orientation Program.
- (A) Once every four years, in keeping with the Orphans' Court election cycle, the Judicial College will provide a three-day orientation program for new Orphans' Court judges. The Judicial College, in consultation with the Conference of Orphans' Court Judges, shall determine the curriculum, instructional dates, and instructors of the New Orphans' Court Judge Orientation Program. The program may include courses developed and taught by the Conference of Orphans' Court Judges that meet the Education Committee's standards.
 - (B) The Judicial College staff shall provide each new Orphans' Court judge with access to the online Digital Library, which contains a variety of educational videos-on-demand, recorded live webinars, audio files, bench books, and past course and orientation materials. This site shall contain general judicial information, as well as material specially relating to the judge's individual needs as identified by the Chief Judge. The Chief Judge should ensure that time is available to a new judge to review the Digital Library within 30 days of receiving access.
- (4) Faculty.
- (A) The Assistant State Court Administrator of the Judicial College and/or the Chair of the Conference of Orphans' Court Judges may recruit, approve, and assign one or more instructors for each course or program. To the extent possible, instructors should be selected from among active and retired Maryland judges, including Orphans' Court judges, with appropriate knowledge and expertise. The Judicial College may not offer or pay compensation, other than normal in-state travel expenses and/or an honorarium, to instructors unless approved in advance by the Chief Justice of the Supreme Court.

- (B) Faculty will be expected to utilize a structured outline for course development as provided by the Judicial College. Staff of the Judicial College will provide support and assistance to the instructors in setting course objectives, the selection and use of instructional techniques and materials, research, preparatory services, and the evaluation of the presentation.
- (5) Required Online Courses. The Judicial College shall from time to time develop online courses covering subject matter deemed essential by the Chief Justice of the Supreme Court for Orphans' Court judges, including on topics such as security, ethics, and combatting discrimination in the workplace.
- (e) Required Attendance at Certain Judicial Education Programs. Unless excused by the Chief Justice of the Supreme Court for good cause or otherwise permitted by this Order, each newly appointed or elected Orphans' Court judge shall attend each Annual Training Program and the next New Orphans' Court Judge Orientation Program after the date the judge assumes office.
- (f) Annual Education Requirements for Orphans' Court Judges.
 - (1) In calendar years 2025 and 2026, each year, every Orphans' Court judge shall complete 15 hours of education (the "Required Course Hours"). Three of the 15 Required Course Hours should be satisfied by courses on diversity and inclusion topics.
 - (2) Effective beginning calendar year 2027, each year, every Orphans' Court judge shall complete the Annual Training Program. All registration and attendance records shall be maintained by the Judicial College.
 - (3) Attendance at judicial education courses and programs offered through the Judicial College or externally are not substitutes for attending the Annual Training Program and do not satisfy the annual education requirement for Orphans' Court judges. Enrollment in judicial education courses and programs offered by the Judicial College shall be subject to the policies of the Judicial College.
 - (4) The Required Course Hours may be satisfied by:
 - (A) Completion of New Orphans' Court Judge Orientation Program.
 - (B) Attendance at judicial education courses offered through the Judicial College and approved specialized judicial education courses offered by other Maryland Judiciary entities.

- (C) Attendance at a non-Maryland Judiciary education program or course pre-approved in writing by the Chair of the Education Committee, after submission of a request supported by written course documentation. Such courses may cover any relevant topic that otherwise meets the criteria specified in this Order.
 - (D) Serving as faculty for any course offered by the Judicial College or an approved specialized judicial education course offered by another Maryland Judiciary entity (with a one-for-one credit for each hour engaged in the actual teaching of a course and up to 3 hours of credit for preparation of a half-day course and up to 6 hours of credit for preparation of a course lasting one or more days).
- (5) At least 6 Required Course Hours must be satisfied by attending in-person courses, unless excused upon good cause by the Assistant State Court Administrator of the Judicial College, the Chair of the Education Committee, or the Chief Justice of the Supreme Court.
- (6) Upon the release of Required Online Courses identified in Section (d)(5), all Orphans' Court judges shall complete the course within 90 days or, where an Orphans' Court judge is newly appointed or elected after release of such a course, within 60 days of assuming office. Such online course requirements do not count toward the Required Course Hours identified in section (f)(1).
- (7) All registration and attendance records shall be maintained by the Judicial College. If an Orphans' Court judge attends a pre-approved judicial education course external to the Maryland Judiciary, the judge shall provide the course agenda and certification of successful completion to the Judicial College to ensure the credit is counted toward the annual judicial education requirement.
- (g) Responsibility for Compliance.
 - (1) Each Chief Judge shall take all actions necessary to ensure compliance with this Order.
 - (2) The Administrative Office of the Courts shall provide technical assistance for questions relating to compliance.
- (h) Reimbursement for Travel and Expenses. Reimbursement for travel and expenses incurred by an Orphans' Court judge in connection with the New Orphans' Court Judge Orientation Program shall be in accordance with the Judicial Branch Travel Policy.

- (i) Applicability. These procedures apply to all new Orphans' Court judges appointed or elected on or after November 2, 2010.
- (j) The February 23, 2023 Administrative Order on the Conference of Orphans' Court Judges and Education for Orphans' Court Judges is hereby rescinded.

/s/ Matthew J. Fader

Matthew J. Fader
Chief Justice
Supreme Court of Maryland

Filed: September 10, 2025

/s/ Gregory Hilton

Gregory Hilton
Clerk
Supreme Court of Maryland

Pursuant to the Maryland Uniform Electronic Legal
Materials Act (§§ 10-1601 et seq. of the State
Government Article) this document is authentic.



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Gregory Hilton, Clerk

