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# **Preliminary Fiscal Information (for discussion purposes only)**

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



**November 24, 2025**



# Notes

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- 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

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- 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

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## *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*

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# 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

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# 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

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- 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

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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

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## 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*<br>(statewide) | Estimated current OC costs**<br>(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*<br>(statewide) | Estimated current OC costs**<br>(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*<br>(statewide) | Estimate current OC costs**<br>(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

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## 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

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## 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

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# Note About Use of Senior/Retired Judges

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- 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

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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