
Who Hears Probate Cases in the United States and Maryland

Presentation to the
Task Force to Study Fiduciary Adjudication in Maryland



October 27, 2025



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.