

Chapter 201

(House Bill 528)

AN ACT concerning

Orphans' Court Judges – Restriction on Practicing Law

FOR the purpose of altering a prohibition on certain judges of the orphans' court acting as attorneys to prohibit a judge of the orphans' court from acting as an attorney in certain matters related to the administration of an estate or a guardianship of a minor; and generally relating to judges of the orphans' court.

BY repealing and reenacting, without amendments,
Article – Estates and Trusts
Section 2–101
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 2–109
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Estates and Trusts

2–101.

In the estates of decedents law, the word “court” means the orphans' court in a county, or the court exercising the jurisdiction of the orphans' court in a county.

2–109.

[(a) Except as provided in subsection (b) of this section, a] **A** judge of the court may not act as an attorney at law in a civil or criminal matter during a term of office **IF THE MATTER IS:**

(1) (I) WITHIN THE JURISDICTION OF THE COURT IN ANY COUNTY OR BALTIMORE CITY; AND

(II) RELATED TO THE ADMINISTRATION OF AN ESTATE OR A GUARDIANSHIP OF A MINOR; OR

(2) RELATED TO THE PREPARATION OF AN ESTATE PLAN OR ESTATE PLANNING DOCUMENTS THAT MIGHT COME WITHIN THE JURISDICTION OF THE COURT IN ANY COUNTY OR BALTIMORE CITY FOLLOWING THE DEATH OF ANY INDIVIDUAL.

[(b) This section does not apply:

(1) In Harford County;

(2) In Montgomery County;

(3) In Baltimore City, to a judge of the Court while practicing law before any court of the State except an orphans' court; or

(4) In Prince George's County, Baltimore County, Calvert County, and Howard County, to a judge of the Court while practicing law in connection with a case that is:

(i) Outside the jurisdiction of orphans' court; and

(ii) Unrelated to the administration of an estate or guardianship.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved by the Governor, April 25, 2024.