

SENATE BILL 116

N2
SB 210/23 – JPR

(PRE-FILED)

4lr0784
CF HB 528

By: **Senator West**

Requested: September 29, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 3, 2024

CHAPTER _____

1 AN ACT concerning

2 **Orphans' Court Judges – Restriction on Practicing Law**

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

7 BY repealing and reenacting, without amendments,

8 Article – Estates and Trusts

9 Section 2–101

10 Annotated Code of Maryland

11 (2022 Replacement Volume and 2023 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Estates and Trusts

14 Section 2–109

15 Annotated Code of Maryland

16 (2022 Replacement Volume and 2023 Supplement)

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

18 That the Laws of Maryland read as follows:

19 **Article – Estates and Trusts**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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.