

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 681  
Task Force to Study the Maryland Orphans' Courts  
**DATE:** January 29, 2021  
(2/10)  
**POSITION:** Oppose, as drafted

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The Maryland Judiciary opposes House Bill 681, as drafted. This bill creates a Task Force that will study the composition and purpose of the Orphans' Court and make recommendations on how to modernize said court. The Task Force is to consist of nine members, including a member of the Judiciary. The Administrative Office of the Courts is to provide staff for the Task Force.

While the Maryland Judicial Conference appreciates the consideration in the formation of this task force, membership of judges on such bodies can raise separation of powers and dual office issues. Participation by judges in extra-judicial activities, such as statutorily created workgroups, commissions, and task forces, is limited by Rule 3.4 of the Code of Judicial Conduct and by Article 8 of the Maryland Declaration of Rights. To ensure uniformity in the administration of justice throughout the state, judges are advised not to participate in the policy development functions of the Judiciary's executive and legislative partners. While the Judiciary always makes itself available for questions on a case by case basis, the Judiciary respectfully requests not to be included on this task force.

In addition, the Judiciary believes it is not appropriate for the Administrative Office of the Courts to be staffing a legislative task force.

cc. Hon. Jason Buckel  
Judicial Council  
Legislative Committee  
Kelley O'Connor