

IN THE COURT OF APPEALS OF MARYLAND

ADMINISTRATIVE ORDER ESTABLISHING ORIENTATION REQUIREMENTS FOR NEW ORPHANS' COURT JUDGES

WHEREAS, As recognized in an Administrative Order dated November 18, 2003, “the Orphans’ Court is vested with enumerated powers under Article IV of the Maryland Constitution, and is an important part of the Maryland Judiciary”; and

WHEREAS, The Administrative Order dated November 18, 2003, established the “Conference of Orphans’ Court Judges,” and charged it with advising and making recommendations to the Chief Judge of the Court of Appeals on Judiciary policy matters directly affecting the Orphans’ Courts; and

WHEREAS, The Conference of Orphans’ Court Judges has recommended that there be an orientation requirement for new Orphans’ Court judges similar to the orientation requirement for trial court judges; and

WHEREAS, A judge on the Orphans’ Court must possess substantial subject matter expertise and adjudicate complicated legal issues; and

WHEREAS, A judge of the Orphans’ Court does not have to satisfy any educational requirements as a prerequisite to appointment; and

WHEREAS, In May of 1999, a registration policy that permits Orphans’ Court judges to register for Judicial Institute courses that are relevant and related to the types of cases that are brought before the Orphans’ Court, as identified by the Judicial Institute, was instituted and is still in effect; and

WHEREAS, In the past two years, the Board of Judicial Institute, which now

includes a judge of the Orphans' Court, determined that Orphans' Court judges should receive educational opportunities similar to other judges, that Judicial Institute brochures and registration materials would be sent to Orphans' Court judges when they are sent to all other judges, and that Orphans' Court judges would be permitted to enroll in any courses they wished, unless the course was developed exclusively for a specific court or category of judges; and

WHEREAS, The Administrative Order as to the Judicial Institute and Judicial Absences from Court, dated October 19, 2009, amended previous administrative orders to specifically include Orphans' Court judges in the yearly judicial educational requirement; and

WHEREAS, There is a need to codify a policy for the orientation of new Orphans' Court judges.

NOW, THEREFORE, I, Robert M. Bell, Chief Judge of the Court of Appeals and head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order this 14th day of July 2010, effective immediately:

A. General Provisions.

1. For purposes of this Order, "new Orphans' Court judge" means an individual who is newly appointed or elected to the Orphans' Court and has not previously served as a judge on the Orphans' Court.

2. For the purpose of this Order, the term "Chief Judge" hereinafter shall have the following meaning, in descending order of priority:

(a) The judge designated by the Governor to be Chief Judge of the Orphans' Court, pursuant to Estates and Trusts Article § 2-107(a);

(b) If the Governor has not appointed a Chief Judge for a county, the county's senior orphans' court judge; or

(c) If there is neither a Chief Judge under paragraph (a), nor a senior judge under paragraph (b), the Chair of the Conference of Orphans' Court Judges shall designate a judge from that county to act as chief judge for the purposes of this Order.

3. For purposes of this Order, an Orientation Program is a program sponsored by the Judicial Institute for the purpose of providing basic educational information needed by a new Orphans' Court judge.

B. Orientation Procedures.

1. The orientation of each new Orphans' Court judge shall proceed in three phases.

2. Phase One

(a) As soon as possible after appointment or election, but before investiture of a new Orphans' Court judge, the Chief Judge shall arrange a meeting between the new Orphans' Court judge, the administrative staff and the Register of Wills of the court.

(b) During the meeting, the Chief Judge shall:

(1) describe the relationship between the Orphans' Court and the Register of Wills, including the statutory duties of the Register of Wills under Estates and Trusts Article, § 2-208;

(2) provide information on the jurisdiction's health plans and options, the Orphans' Court Judge's Retirement System, payroll deductions, and other personnel-related matters, as applicable;

(3) provide information on the Code of Judicial Conduct and the Commission on Judicial Disabilities;

(4) provide information on the organization of the Conference of Orphans' Court Judges, including its committees;

(5) provide up-to-date copies of the following: Estates and Trusts Article and the Maryland Rules, Volumes 1 and 2;

(6) provide information as to the requirement for, and availability of continuing legal education and the educational offerings of the Judicial Institute;

(7) conduct a tour of the physical facilities, including the offices of the Register of Wills;

(8) provide information concerning any mediation program available in that jurisdiction; and

(9) explain chambers/administrative responsibilities.

2. Phase Two

(a) Between appointment or election and investiture the Chief Judge shall coordinate the new judge's bench training, which shall include, as a minimum, at least two days of observing the court in session.

(b) Every effort should be made to expose a new Orphans' Court judge to a variety of issues, judicial styles, and philosophies during this time.

(c) A new Orphans' Court judge from a metropolitan jurisdiction should spend at least one day observing a non-metropolitan bench and vice versa.

3. Phase Three

(a) A new Orphans' Court judge shall attend the next scheduled Orientation Program for new Orphans' Court judges.

(b) The Judicial Institute, in consultation with the Conference of Orphans' Court Judges, shall approve the curriculum, instructional dates, and instructors of the Program, which may include a curriculum developed by and taught by the Conference of Orphans' Court Judges that meets the Institute's standards.

(c) The Judicial Institute staff shall provide the new Orphans' Court judge with a variety of educational video tapes and accompanying outlines, as well as the appropriate equipment for viewing. This package shall contain general judicial information, as well as material specially relating to the judge's individual needs as identified by the Chief Judge. The Chief Judge should see that time is available to a new judge to review these tapes within 30 days of receiving them.

C. Responsibility for Compliance.

1. Each Chief Judge shall take all actions necessary to ensure compliance with Order.

2. The Administrative Office of the Courts shall provide technical assistance for questions relating to compliance.

D. Reimbursement for Travel and Expenses.

Reimbursement for travel and expenses incurred by an Orphans' Court judge in connection with an Orientation Program under this Order shall be in accordance with the Judicial Branch Travel Policy.

E. Applicability.

These procedures apply to all new Orphans' Court judges appointed or elected on or after November 2, 2010.

/s/ Robert M. Bell
Robert M. Bell
Chief Judge of the Court of Appeals

Filed: July 20, 2010

/s/ Bessie M. Decker
Bessie M. Decker
Clerk
Court of Appeals

Archived