

IN THE COURT OF APPEALS OF MARYLAND
ADMINISTRATIVE ORDER ON THE CONFERENCE OF ORPHANS'
COURT JUDGES AND ESTABLISHING ORIENTATION REQUIREMENTS FOR NEW
ORPHANS' COURT JUDGES

Whereas, the Orphans' Courts are vested with enumerated powers under Article IV, § 40 of the Maryland Constitution; and

Whereas, the Orphans' Courts collectively comprise an important part of the Maryland Judiciary; and

Whereas, since November 2003 there has been a Conference of Orphans' Court Judges, whose purpose is to provide a forum for policy discussion, information exchange, professional development, and to assist and advise, as needed, the Chief Judge of the Court of Appeals, the Judicial Council, the Conference of County Administrative Judges, and the Administrative Office of the Courts; and

Whereas, it is appropriate to harmonize the structure of the Conference of Orphans' Court Judges within the governance structure adopted by the Chief Judge of the Court of Appeals; and

Whereas, the Conference of Orphans' Court Judges previously 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 an Orphans' Court does not have to satisfy any educational requirements as a prerequisite to taking offices; and

Whereas, the Administrative Order on Continuing Education for Judges, Magistrates, and Commissioners outlines the education requirements for newly appointed Orphans' Court judges; and

Whereas, there is a need to codify a policy for the orientation of new Orphans' Court judges,

Now, therefore, I, Matthew J. Fader, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order this 24th day of August 2022, effective immediately, that:

- (A) Membership. The Conference of Orphans' Court Judges (the "Conference") shall consist of fourteen Orphans' Court Judges appointed by the Chief Judge of the Court of Appeals.
- (B) Terms. The Chief Judge of the Court of Appeals shall appoint each member to a term of two years, subject to reappointment. The terms of the members are to be staggered such that seven terms expire each year. No member may serve more than four consecutive terms.
- (C) Officers.
 - (1) The Conference shall elect a Chair and Vice-Chair.
 - (2) In the absence of the Chair, the Vice-Chair shall act as Chair.
- (D) Quorum; Meetings; Staff.
 - (1) A majority of the Conference members constitutes a quorum.
 - (2) The Conference shall meet at least four times a year at the times the Conference determines.
 - (3) The Administrative Office of the Courts shall serve as secretariat to the Conference.
- (E) Functions. The Conference shall:
 - (1) Exchange ideas and view on matters relating to the operation, management, and leadership of the Orphans' Courts;

- (2) Consider and make recommendations to the Chief Judge of the Court of Appeals, the Judicial Council, the Conference of County Administrative Judges, and the State Court Administrator regarding legislation and policies affecting the operation of the Orphans' Courts;
 - (3) Provide advice on such matters as the Chief Judge of the Court of Appeals, the Conference of County Administrative Judges, or the State Court Administrator may request from time to time;
 - (4) Consider and make recommendations to the Education Committee of the Judicial Council regarding the professional development of Orphans' Court Judges; and
 - (5) Provide a forum for mentoring of Orphans' Court Judges.
- (F) General Provisions.
- (1) For purposes of this Order, "new Orphans' Court judge" means an individual who is newly appointed or elected to an Orphans' Court and has not previously served as a judge on an Orphans' Court.
 - (2) For the purpose of sections F, G, and H of this Order, the term "Chief Judge" shall have the following meaning, in descending order of priority:
 - (a) The judge designated by the Governor to be Chief Judge of an Orphans' Court, pursuant to Estates and Trusts Article § 2-107(a);
 - (b) If the Governor has not appointed a Chief Judge for an Orphans' Court, 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 shall designate a judge from that Orphans' Court to act as Chief Judge for purposes of this Order.

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

(G) Orientation Procedures. The orientation of each new Orphans' Court judge shall proceed in three phases:

(1) Phase One

(a) As soon as possible after appointment or election, but before swearing in 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 county or Baltimore City.

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

(i) 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;

(ii) 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;

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

(iv) provide information on the organization of the

Conference, including its committees;

(v) provide up-to-date copies of the Estates and Trusts Article and the Maryland Rules;

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

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

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

(ix) explain chambers/administrative responsibilities.

(2) Phase Two

(a) Between appointment or election and swearing in, the Chief Judge shall coordinate the new judge's bench training, which shall include, at 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) As outlined in the Administrative Order on Continuing Education of Judges, Magistrates, and Commissioners, new

Orphans' Court judges shall attend the next scheduled Orientation Program for new Orphans' Court judges.

(b) The Judicial College, in consultation with the Conference, shall approve the curriculum, instructional dates, and instructors of the Program, which may include courses developed and taught by the Conference that meets the standards of the Education Committee of the Judicial Council.

(c) The Judicial College staff shall provide the new Orphans' Court judge with access to the online Digital Library, which contains a variety of educational videos-on-demand, recorded live webinars, audio files, bench books, and past course and orientation materials. This site 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 the Digital Library within 30 days of receiving access.

(H) Responsibility for Compliance.

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

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

(I) Reimbursement for Travel and Expenses.

(1) 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.

(J) Applicability.

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

(K) The previous Administrative Order on the Conference of Orphans' Court Judges, filed September 18, 2019, is hereby rescinded.

(L) The previous Administrative Order on Establishing Orientation Requirements for New Orphans' Court Judges filed July 20, 2010, is hereby rescinded.

/s/ Matthew J. Fader
Matthew J. Fader
Chief Judge
Court of Appeals of Maryland

Filed: August 24, 2022

/s/ Suzanne C. Johnson
Suzanne C. Johnson
Clerk
Court of Appeals of Maryland

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Suzanne C. Johnson, Clerk

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Gregory Hilton, Clerk