
2016-2017 Term

Hon. Anne L. Dodd, Chair

Hon. Wendy A. Cartwright, Vice-Chair

Stephane J. Latour, Esquire, Staff

Sharon Wright, Staff

Board Members:

Hon. Melissa Pollitt Bright

Hon. Sally Saunders Camp

Hon. Kimberly J. Cascia

Hon. Joseph V. DiPietro

Hon. Juliet G. Fisher

Hon. Athena Malloy Groves

Hon. Frank H. Lancaster

Hon. Theodore Philip LeBlanc

Hon. Michele E. Loewenthal

Hon. Leslie Smith Turner

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CONFERENCE OF ORPHANS' COURT JUDGES



Maryland Judiciary

Judiciary Education and Conference Center
2011D Commerce Park Drive
Annapolis, MD 21401

MEETING MINUTES

Members Present:

Hon. Anne L. Dodd, Chair

Hon. Melissa Pollitt Bright

Hon. Sally Saunders Camp

Hon. Kimberly Cascia

Hon. Joseph V. DiPietro

Hon. Juliet G. Fisher

Hon. Athena Malloy Groves

Hon. Frank H. Lancaster

Hon. J. Dale Smack

Hon. Leslie Smith Turner

Stephane J. Latour, Staff

Sharon Wright, Staff

A meeting of the Conference of Orphans' Court Judges was held Monday, June 6, 2016, at the Judiciary Education and Conference Center, beginning at 10:30 a.m. Judge Dodd began the meeting by calling for an approval of the minutes of the previous meeting.

Judge Fisher moved for approval of the minutes of the April 11, 2016 meeting, followed by a second to the motion by Judge Groves. The motion passed without any changes.

1. Reports

A. Education

The Committee met just prior to this meeting.

1. Judge Bright reported that Ethics education would be offered in 2017 instead of 2018.
2. The committee will be revamping the brochure on the Orphans' Court previously distributed by MAJOC. The plan is to update the language and prepare it for distribution as a pdf for local distribution.
3. Judge Bright reported that she will address the issue concerning attorney fees for guardianship cases with the Bar Association and the Joint Committee. She believes this should be covered in the rules.

B. Legislative

The committee has not met as the legislative session has ended, and therefore has no report.

Policy, Rules and Forms

1. Orphans' Court Website:

Conference Chair Anne Dodd had asked all Conference members to review the website for the Orphans' Court and offer suggestions for corrections and/or amendments. There was no quorum present to vote on behalf of the entire Subcommittee. However, the two members present decided to recommend that the Subcommittee take the task of doing an overhaul of the entire website to present to the Conference by the end of 2016.

2. Orphans' Court Oversight:

Judge Lancaster relayed a concern of a fellow judge that the Administrative Judge of the Circuit Court in that jurisdiction had instructed him that Orphans' Court Judges may no longer wear robes. The two Subcommittee members present agreed that the Administrative Judge has no authority over the Orphans' Court, and therefore, could not order an Orphans' Court Judge to stop wearing robes.

C. Chair's Report

1. **Ex-Officio Legislative Caucus.** This Committee was named with the intention that the leadership of the Conference, MAJOC and the ROW Association would be ongoing members rather than specific persons. Judge Smack, the chair of MAJOC, Byron Macfarlane, chair of the ROW Association and Judge Dodd, chair of the Conference of Orphans' Court judges met on May 12, 2016 following the Joint meeting. It was decided that the three of them would meet following the quarterly Joint meetings and would confer if necessary via email.

- a. The purpose of the Caucus is to find common ground by allowing Orphans' Court Judges and Registers of Wills to review both the language and the intent of legislation proposed by either group prior to its submission.
- b. The procedure will be to circulate stages of proposed legislation, starting with a proposed idea through the disposition of the legislation, among the three members who then will take responsibility for timely communication and follow-up with each group.
- c. The desired outcomes are to develop trust among judges and registers; and by working together, proposed legislation will reflect concerns of both judges and registers and allow for a greater possibility of passage.

The proposed change to the rules regarding consent to compensation was discussed and the Caucus determined that it is in agreement with that proposal. It's important that if anyone is considering proposing legislation, Judge Smack and Judge Dodd be notified so that they can follow the procedure.

2. Michelle McDonald, Alexis Rohde's supervisor in the Attorney General's office has not yet contacted Judge Dodd. When she does, Judge Dodd will make the following points:

- a. The Orphans' Court Judges believe it's important that they and the Registers of Wills are represented by separate counsel so as to avoid conflicts of interest.
- b. The Conference would prefer to keep Alexis Rohde as the contact person as she has served the Conference well.
- c. It's important that the AG assigned is specifically familiar with probate law.

Judge Dodd plans to find out whether Alexis has defended more cases on behalf of the Registers or the Orphans' Court Judges.

3. Judge Dodd received a copy of the letter sent by Judge Loewenthal to the Rules Committee regarding E&T § 6-416 (Consent to Compensation form) and an email response indicating that the letter had been received and would be reviewed by the Probate Subcommittee at its next meeting.

D. Old Business

a. Mentoring Survey

Judge Dodd went over the results from the Mentoring Survey. Following are remarks and responses from the survey:

1. **ROW staff needs support and training.** The Conference has no jurisdiction over staff of the Register of Wills. This suggestion was passed on to Byron MacFarlane, Chair of the ROW Association. He agreed to discuss it with registers.
2. **How do judges get business cards?** The County is typically responsible for funding. Judge Dodd suggested that the Chief Judge contact the County Budget Office for guidance.
3. **Lack of respect for the Court both within the judiciary and with the general public.** It was decided that education, community involvement and a brochure could help the public understand the Orphans' Court role.
4. **Clearly define the role of the ROW.** The Education subcommittee is handling this.
5. **Re-evaluate the role and goal of the Conference.** The role of the Conference was redefined by Chief Judge Barbera and outlined in her Administrative Order filed September 28, 2015.
6. **Working judges don't have time.** Every effort is made to offer opportunities for involvement and education at various times.
7. **Maintain regular communication.** The Conference is attempting to do this through the use of the ListServ, upcoming cluster meetings, and the distribution of a list of judges wishing to exchange ideas and best practices.
8. **Organize bar associations in various counties to relate with each other regarding probate issues.** There is a Joint Committee made up of Orphans' Court Judges, Registers of Wills, Attorney General's office, and Estate and Trusts Law Section Council that meets quarterly.
9. **Have legislative committee seek bills beneficial to the Orphans' Court.** The Legislative Committee reviews proposed legislation but can only comment when requested to do so. Additionally, the Committee does look at proposals. Also, the newly formed ex-officio legislative caucus will review legislation proposed by either the registers or judges in an effort to work together when possible.
10. **Everything helps right now.**
11. **Facilitate regional meetings.** The Conference has divided the state into 5 clusters of geographically connected jurisdictions and is in the process of setting up inaugural meetings.
12. **Mentoring and support.** The Conference has set up a list of judges interested in exchanging ideas and best practices and also has paired judges who have expressed interest in mentoring.
13. **Repeat the Orientation now that new judges know which questions to ask.** The Education committee will look at this and determine how to deal with working through these issues. This could be accomplished through MAJOC and cluster meetings.

b. Mentoring Lists

Three lists were passed out to the Conference: judges Interested in exchanging Ideas and best practices, judges who agreed to be paired with inexperienced judges, and judges who want to be paired with experienced judges. (Copies attached)

c. Cluster Designations

The State was divided into 5 clusters and cluster leaders were assigned:

1. Garrett, Alleghany, Washington, Frederick – Judge Dodd
2. Carroll, Baltimore County, Baltimore City, Howard and Anne Arundel – Judge Fisher
3. Prince George's, Charles, Calvert, St. Mary – Judge Groves
4. Cecil, Kent, Queen Anne, Caroline, Talbot – Judge Camp
5. Dorchester, Wicomico, Somerset, Worcester – Judge Bright

Cluster meetings reports will be sent to Judge Dodd via email. Cluster organizer may delegate to other Conference members.

E. Staff Report

1. Stephane Latour indicated that Judge Campbell will need to forward letter to Chief Judge Barbera regarding her resignation in order for the Chief Judge to appoint a replacement.
2. Brief discussion on the legislative procedures for the Judiciary. Stephane Latour will resend guidance on Legislative Protocols.
3. Judge Cascia informed the staff that she did not receive a Manual. Sharon Wright will mail her the Conference Manual.
4. Stephane Latour passed out Judge Long's letter explaining the procedure for submitting 2017 Legislation.

2. New Business

- a. Website was reviewed and it was agreed that it needed overhauling. All updates and changes should be sent to the Policy, Rules and Forms committee. The Register's tab should be deleted and an Orphans' Court tab added.
- b. There was continued discussion about the robes issue raised by Judge Lancaster under the Policies, Rules & Forms Committee Report. Stephane Latour agreed to try to find the directive sent by Judge Bell on this issue.
- c. It was also asked if there was a policy or guidelines in place for when a Judge cannot fulfill his or her duties. The thought was Judge Bell might have had something in place. Stephane Latour will look into it.
- d. Judge Camp raised an issue concerning the hours judges serve not being considered enough to allow coverage by the State Pension while judges still must pay costs. Judge Camp will continue to investigate and report back to the Conference.

3. Action Items

- a. Length of time a judge does not sit due to illness – Stephane Latour
- b. Orphans' Court Web Site – Policy, Rules & Forms Committee
- c. Reach out to Michele McDonald to have her contact Judge Dodd – Stephane Latour
- d. Open training to new Judges – Education Committee
- e. Clearly define the role of the ROW – Education Committee
- f. Resend guidance on Legislative Protocols – Stephane Latour
- g. Mail Judge Cascia Conference Manual – Sharon Wright
- h. Try to locate Judge Bell's directive regarding robes- Stephane Latour

There being no further business, the meeting adjourned at 1:00 p.m. The next meeting is scheduled for September 12, 2016, beginning 10:30 a.m.

Respectfully submitted,

Stephane Latour, Staff
Sharon Wright, Staff