

IN THE SUPREME COURT OF MARYLAND
ADMINISTRATIVE ORDER ON THE CONFERENCE OF ORPHANS'
COURT JUDGES AND EDUCATION FOR 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 Justice of the Supreme Court, the Judicial Council, the Conference of Circuit 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 Justice of the Supreme Court; 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, the August 24, 2022 Administrative Order on Continuing Education for Judges, Magistrates, and Commissioners, which outlined the education requirements for Orphans' Court judges, was rescinded and replaced with an order that does not address education requirements for Orphans' Court judges; and

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

Now, therefore, pursuant to the authority conferred on me as administrative head of the Judicial Branch by Article IV, § 18 of the Constitution of Maryland, it is this 23rd day of February 2023, effective immediately, ordered that:

(a) 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 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 judge designated by the Chair of the Conference of Orphans' Court Judges to act as Chief Judge for purposes of this Order.

(b) Conference of Orphans' Court Judges.

- (1) Membership. The Conference of Orphans' Court Judges (the "Conference") shall consist of fourteen Orphans' Court Judges appointed by the Chief Justice of the Supreme Court to serve two-year terms. Terms shall be staggered such that seven terms expire each year. No member may serve more than four consecutive terms.
- (2) Officers. The Conference shall elect a chair and vice-chair. In the absence of the chair, the vice-chair shall act as chair.
- (3) Quorum, Meetings, and Staff.
 - (A) A majority of the Conference members constitutes a quorum.
 - (B) The Conference shall meet at least four times a year at the times the Conference determines.
 - (C) The Administrative Office of the Courts shall serve as secretariat to the Conference.
- (4) Functions. The Conference shall:
 - (A) Exchange ideas and views on matters relating to the operation, management, and leadership of the Orphans' Courts;
 - (B) Consider and make recommendations to the Chief Justice of the Supreme Court, the Judicial Council, the Conference of Circuit Judges, and the State Court Administrator regarding legislation and policies affecting the operation of the Orphans' Courts;

- (C) Provide advice on such matters as the Chief Justice of the Supreme Court, the Conference of Circuit Judges, or the State Court Administrator may request;
- (D) Consider and make recommendations to the Education Committee of the Judicial Council regarding the professional development of Orphans' Court Judges; and
- (E) Provide a forum for mentoring of Orphans' Court Judges.

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

- (1) Phase One. After appointment or election, but before the 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.

During the meeting, the Chief Judge shall: 1) provide a copy of this Order; 2) explain chambers and administrative responsibilities; 3) 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; 4) 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; 5) provide information on the Code of Judicial Conduct and the Commission on Judicial Disabilities; 6) provide information on the organization of the Conference, including its committees; 7) provide up-to-date copies of the Estates and Trusts Article and the Maryland Rules; 8) conduct a tour of the physical facilities, including the offices of the Register of Wills; 9) provide information concerning any mediation program available in that jurisdiction; and 10) provide information on continuing legal education and the educational offerings of the Judicial College.

- (2) Phase Two

- (A) After the Phase One meeting but before the swearing in of a new Orphans' Court judge, the Chief Judge shall coordinate the new judge's bench training, which shall include 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. As detailed in Section (d)(3) of this Order, a new Orphans' Court judge shall attend the next scheduled Orientation Program for new Orphans' Court judges following the judge's appointment or election.
- (d) Education.
- (1) Development of Educational Programs for Orphans' Court Judges
 - (A) Education Committee. The Education Committee of the Judicial Council is responsible for coordinating continuing legal education for the Judiciary. The Education Committee shall coordinate, implement, and evaluate educational programs for Orphans' Court judges. The Education Committee shall work with other Judicial Council Committees, the Judicial College, the Education Subcommittee of the Conference of Orphans' Court Judges, the Administrative Office of the Courts, and justice partners to improve the effectiveness of educational programs.
 - (B) Judicial College of Maryland. The Judicial College of Maryland will serve as the primary entity through which judicial education will be provided to Orphans' Court judges and shall provide all necessary professional and logistical support to the Education Committee.
 - (2) Development of Annual Programs Generally
 - (A) With the advice and assistance of the Education Committee and the Judicial College, the Judicial Education Subcommittee shall develop a comprehensive curriculum to be given each calendar year.
 - (B) By 2024, the Judicial College must include within the annual comprehensive curriculum a sufficient number of courses addressing diversity and inclusion topics for all Orphans' Court judges to satisfy the requirement (below) to take three hours of courses on such topics every year. Such courses shall include in-person courses, live judicial education webinars, and instructor-led-distance-learning ("ILDLE") courses.

(3) Specialized Education Programs

- (A) New Orphans' Court Judge Orientation Program. Once every four years, in keeping with the Orphans' Court election cycle, there shall be an orientation program for new Orphans' Court judges. The Judicial College, in consultation with the Conference of Orphans' Court Judges, shall approve the curriculum, instructional dates, and instructors of the Program. The Program may include courses developed and taught by the Conference of Orphans' Court Judges that meet the Education Committee's Standards.
- (B) The Judicial College staff shall provide each 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 ensure that time is available to a new judge to review the Digital Library within 30 days of receiving access.
- (C) Ad Hoc/Specialty Programs. The Education Subcommittees of the Judicial Council may develop and offer through the Judicial College programs specific to specialty dockets, administrative positions, case types requiring specialized expertise, and other areas of interest as deemed appropriate and necessary.

(4) Faculty

- (A) The Assistant State Court Administrator of the Judicial College and/or the Chair of the Conference of Orphans' Court Judges may recruit, approve, and assign one or more instructors for each course or program. To the extent possible, instructors should be selected from among active and retired Maryland judges, including Orphans' Court judges, with appropriate knowledge and expertise. The Judicial College may not offer or pay compensation, other than normal in-state travel expenses or an honorarium, to instructors unless approved in advance by the Chief Justice of the Supreme Court.

- (B) Faculty will be expected to utilize a structured outline for course development as provided by the Judicial College. Staff of the Judicial College will provide support and assistance to the instructors in setting course objectives, the selection and use of instructional techniques and materials, research, preparatory services, and the evaluation of the presentation.
- (5) Required Online Courses. The Judicial College shall from time to time develop online courses covering subject matter deemed essential by the Chief Justice of the Supreme Court for Orphans' Court judges, including on topics such as security, ethics, and combatting discrimination in the workplace.
- (e) Required Attendance at Certain Judicial Education Programs. Unless excused by the Chief Justice of the Supreme Court for good cause or otherwise permitted by this Order, each newly appointed or elected Orphans' Court judge shall attend the next New Orphans' Court Judge Orientation Program after the date the judge assumes office.
- (f) Annual Education Requirements for Orphans' Court Judges.
 - (1) Each year, every Orphans' Court judge shall complete 12 hours of education through 2023 and 15 hours thereafter (the "Required Course Hours"). Beginning in 2024, 3 of the 15 Required Course Hours must be satisfied by courses on diversity and inclusion topics.
 - (2) The Required Course Hours may be satisfied by:
 - (A) Completion of New Orphans' Court Judge Orientation Program.
 - (B) Attendance at judicial education courses offered through the Judicial College and approved specialized judicial education courses offered by other Maryland Judiciary entities.
 - (C) Attendance at a non-Maryland Judiciary education program or course pre-approved in writing by the Chair of the Education Committee, after submission of a request supported by written course documentation. Such courses may cover any relevant topic that otherwise meets the criteria specified in this Order.
 - (D) Serving as faculty for any course offered by the Judicial College or an approved specialized judicial education course

offered by another Maryland Judiciary entity (with a one-for-one credit for each hour engaged in the actual teaching of a course and up to 3 hours of credit for preparation of a half-day course and up to 6 hours of credit for preparation of a course lasting one or more days).

- (3) At least 6 Required Course Hours must be satisfied by attending in-person courses, unless excused upon good cause by the Assistant State Court Administrator of the Judicial College, the Chair of the Education Committee, or the Chief Justice of the Supreme Court.
 - (4) Upon the release of Required Online Courses identified in Section (d)(5), all Orphans' Court judges shall complete the course within 90 days or, where an Orphans' Court judge is newly appointed or elected after release of such a course, within 60 days of assuming office. Such online course requirements do not count toward the Required Course Hours identified in section (f)(1).
 - (5) All registration and attendance records shall be maintained by the Judicial College. If an Orphans' Court judge attends a pre-approved judicial education course external to the Maryland Judiciary, the judge shall provide the course agenda and certification of successful completion to the Judicial College to ensure the credit is counted toward the annual judicial education requirement.
- (g) **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.
- (h) **Reimbursement for Travel and Expenses.** Reimbursement for travel and expenses incurred by an Orphans' Court judge in connection with the Orientation Program shall be in accordance with the Judicial Branch Travel Policy.
- (i) **Applicability.** These procedures apply to all new Orphans' Court judges appointed or elected on or after November 2, 2010.
- (j) The August 24, 2022 Administrative Order on the Conference of Orphans'

Court Judges and Establishing Orientation Requirements for New Orphans' Court Judges, is hereby rescinded.

/s/ Matthew J. Fader

Matthew J. Fader
Chief Justice
Supreme Court of Maryland

Filed: February 23, 2023

/s/ Gregory Hilton

Gregory Hilton
Clerk
Supreme Court of Maryland

Pursuant to the Maryland Uniform Electronic Legal Materials Act (§§ 10-1601 et seq. of the State Government Article) this document is authentic.



Gregory Hilton, Clerk