

QUESTION 1: CONSTITUTIONAL AMENDMENT

Prince George's County – Orphans' Court Judges – Qualifications

CHAPTER 394 of 2011 (Senate Bill 281)

Summary

This constitutional amendment would require that, in addition to the current eligibility requirements, each of the three judges of the Orphans' Court for Prince George's County be admitted to practice law in this State and be a member in good standing of the Maryland Bar.

An orphans' court hears all contested matters regarding a decedent's estate, including validity of wills and legal questions involving transfers of property. The court also supervises estates that are probated judicially; approves accounts, awards of personal representatives' commissions, and attorney's fees in all estates; and has concurrent jurisdiction with the circuit courts over the guardianship of minors and their property.

Currently, the Maryland Constitution provides for the election of three orphans' court judges in Baltimore City and in each county, except in Harford and Montgomery counties, where a circuit court judge sits as the orphans' court. Except in Baltimore City, the only requirements to qualify for election as an orphans' court judge are that an individual be a citizen of Maryland and reside for the preceding 12 months in the jurisdiction from which the individual is elected. In 2010, the voters of Maryland and Baltimore City adopted a constitutional amendment to require orphans' court judges in Baltimore City to also be admitted to practice law in this State and be members in good standing of the Maryland Bar.

For this constitutional amendment to be implemented, it must be approved by both a majority of the statewide voters and a majority of the voters in Prince George's County.