



CONFERENCE OF ORPHANS' COURT JUDGES

2016-2017 Term

Hon. Anne L. Dodd, Chair
Hon. Wendy A. Cartwright,
Vice-Chair
Stephane J. Latour, Esquire,
Staff

Board Members:

Hon. Melissa Pollitt Bright
Hon. Sally Saunders Camp
Hon. Cleopatra Campbell
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. John Dale Smack, III
Hon. Leslie Smith Turner

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MEETING MINUTES

The first meeting of the 2016-17 Conference of the Orphans' Court Judges was held on February 1, 2016, at the Judiciary Education and Conference Center in Annapolis, Maryland, beginning at 10:30 a.m.

Present:

Hon. Melissa Pollitt Bright	Hon. Athena Malloy Groves
Hon. Sally Saunders Camp	Hon. Frank H. Lancaster
Hon. Cleopatra Campbell	Hon. Theodore Philip LeBlanc
Hon. Wendy A. Cartwright	Hon. Michele E. Loewenthal
Hon. Kimberly Cascia (via Conference Call)	Hon. J. Dale Smack
Hon. Joseph V. DiPietro	Hon. Leslie Smith Turner
Hon. Anne L. Dodd	Stephane J. Latour, Staff
Hon. Juliet G. Fisher	Sharon Wright, Staff

A meeting of the Conference of Orphans' Court Judges was held Monday, February 1, 2016, at the Judiciary Education and Conference Center, beginning 10:30 a.m. Stephane Latour began the meeting by welcoming everyone and after brief introductions by those present, took nominations to fill the Chair position for the Conference.

Hon. Anne Dodd was nominated by Judge Smack and her nomination was seconded by Judge Groves. A vote was taken to appoint her as the Chairperson and the Conference unanimously agreed. The meeting was then turned over to Judge Dodd. Judge Dodd subsequently asked for nominations for the position of Vice-Chair. Judge Cartwright was nominated by Judge Groves and her nomination was seconded. The Conference voted unanimously for Judge Cartwright's appointment.

1. The first order of business was to form subcommittees for the Conference. Judge Dodd asked Judge Smack, Judge Cascia and Judge Loewenthal to serve as temporary chairpersons for the Education, Legislative and Policy, Rules and Forms subcommittees until the subcommittees could meet and vote for a Chair.
2. Judge Dodd asked each temporary subcommittee Chair to give a brief summary of the duties for their subcommittee:

- a. Judge Smack defined the Education Committee as providing education for the Judges of the Orphans' Court to enable them to better perform their duties. He stated that the subcommittee would periodically

review and update the Orphans' Court Bench Book, discuss how the Conference should mentor new incoming judges and to work with MAJOC on continuing education for the Orphans' Court Judges.

- b. Judge Kimberly Cascia stated that the Legislative Subcommittee's role was to monitor and review legislation which may impact the Orphans' Court. It also makes recommendations to the Judiciary Legislative Committee on bills that will affect the Orphans' Court when asked and to monitor the General Assembly's website to determine if there is any pending legislation that may affect the Orphans' Court and provide a report at each conference meeting. Judge Cascia informed the Conference that this is achieved through a conference call with Stephane Latour on Mondays at 12:30 pm, and that the committee is to support, oppose or take no position on proposed bills.
- c. Judge Dodd defined the Policies, Rules and Forms Subcommittee as having to identify policies, rules and forms that may need revising, recommend said revisions to the Conference, poll Orphans' Court Judges and Registers when necessary, communicate with appropriate committees on behalf of the Conference, and act as a liaison between the Conference and the Joint Committee of Bench, Bar & Registers of Wills, Probate Subcommittee and the Judiciary Rules Committee.

3. The following Subcommittees were formed:

Education

Judge Dale Smack, Temporary Chair

Judge Wendy Cartwright

Judge Sally Camp

Judge Melissa Bright

Legislative

Judge Kimberly Cascia, Temporary Chair

Judge Leslie Smith Turner

Judge Joseph DiPietro

Judge Juliet Fisher

Judge Cleopatra Campbell

Policies, Rules & Forms

Judge Michele Loewenthal, Temporary Chair

Judge Frank Lancaster

Judge Theodore LeBlanc

Judge Wendy Cartwright

Judge Athena Groves

4. **Legislative Review**

There were no legislative conference calls prior to the initial meeting of the Conference. The legislative subcommittee from the 2015 Conference reviewed all Bills submitted by the Judicial Legislative Committee: The bills that were discussed are:

SB 151 - Baltimore County - Elections for Judges of the Orphans' Court

The Committee recommended that the Judiciary take no position on the bill.

HB0171 - Guardianship of a Minor or Disabled Person - Criminal History Records Check

The Committee recommended that the Judiciary take no position on the bill. The committee noted that the bill is problematic in that among other things it fails to identify a turn-around time for the Criminal History Record Information from the Department of Public Safety and Correctional Services.

This may unnecessarily delay the appointment of a guardian in situations that are not emergencies. The committee raised an additional concern on how the "Court" could comply.

HB0472 - Estates and Trusts - Registers of Wills – Retention of Estate Files

The Committee recommended that the Judiciary take no position on the bill.

HB0485 - Estates and Trusts - Register of Wills - Admission of Copy of Executed Will

The Committee recommended that the Judiciary take no position on the bill.

HB 0199 - Orphans' Court - Change of Name to Probate Court

The Conference questioned why this bill was not on subcommittee's agenda. Stephane Latour reiterated the Judiciary's Legislative Policy.

Judge Bright explained that the name change has no effect on the Conference. Judge Lancaster stated that the bill would change the integrity of the Orphans' Court. He opposes the bill and voiced same to Joseph F. Vallario, Jr., Chair of the House Judiciary Committee regarding his position. Others indicated approval for passage of this Bill.

HB0193/SB0151 - Baltimore County - Elections for Judges of the Orphans' Court - Procedures

Judge Fisher testified on January 29, 2016 on behalf of Baltimore County Orphans' Court Judges to seek the House support of HB 193, to make compensation more judicial instead of political. The salaries are funded by the County yet set by the State. Judge Groves agreed with the position.

5. The Conference established the following meeting dates for 2016:

April 11, 2016

June 6, 2016

September 12, 2016

November 7, 2016

6. **Financial Disclosure Forms**

Stephane Latour spoke briefly on filing Financial Disclosure forms online. An email was sent out by Melinda Jensen, Assistant Administrator - Operations which stated that the electronic form for online filings would be available mid-March. In the interim, judges should continue to use the paper forms. Judges wanted to know if they would still receive the paper form, Stephane indicated that he would check with Ms. Jensen.

7. **Ethics**

Judge Cartwright gave an overview of the ethical obligation of judges, both generally, and in an election year.

- a. Judges should avoid impropriety and the appearance of impropriety in all of their activities.
- b. Judges should conduct their extra-judicial activities as to minimize the risk of conflict.
- c. Judges should refrain from inappropriate political activity. Everyone should review Rule 16-813, Section 4.
- d. Meeting issues should not be circulated outside of the Conference.
- e. The Ethics Committee is always available to assist you with your concerns. Before submitting your request to the Ethics Committee, check the published Opinions listed on the Ethics website at <http://www.courts.state.md.us/ethics/opinions.html>.

Judge Groves added that once a decision has been made, it should be conveyed by the entire Conference as one voice.

8. MAJOC

The President of MAJOC, Hon. J. Dale Smack, shared that the MAJOC Conference will be held May 11, 2016 and there is no cost to attend.

9. Email Addresses

Stephane Latour stated that, if approved, Bill SB0155 - Use and Retention of Emails would have an impact on the Orphans' Court judges because personal emails are used for judiciary business instead of judiciary email addresses. He has asked Mark Bitter – Assistant Administrator – JIS to look into whether or not the Orphans' Court judges can or will be receiving judicial email addresses. The bill requires personal emails used for judiciary business be forwarded to their government account, and further requires that such emails be retained for seven years and permanently if you are a senior official.

10. Other Concerns

The Conference would like the Attorney General's office to consider having a separate Attorney General for Registers and the Orphans' Court. Stephane Latour will reach out to Michele McDonald.

In some jurisdictions, there are Orphans' Court judges who are concerned about the relationship they share with their Register of Wills. It was suggested that an educational session be set up inviting Clerk(s) from different jurisdictions to talk about how the Orphans' Court could mirror the relationship between the Clerk and the Administrative Judge.

Staff distributed the newly created Conference Manual to each member to have and use as a reference regarding the history, role, duties of Board and subcommittees and policies and procedures governing the Conference.

Action Items

1. Each subcommittee to select a Chair.
2. Stephane Latour to check to see if the judges will be getting paper Financial Disclosure forms mailed to them.
3. Judiciary email addresses – Stephane Latour will check with Mark Bittner regarding same.
4. Stephane Latour to check into the possibility of whether the Registers and Orphans' Court can have separate Attorney Generals.
5. Judge Smack and Education subcommittee to work on setting up a conference or seminar to address how to create harmony between the Registers and Orphans' Court judges.

Respectfully submitted,

*Stephane Latour, Staff
Sharon Wright, Staff*