

TASK FORCE TO STUDY FIDUCIARY ADJUDICATION IN MARYLAND

Senator Nick Charles, Jr.
Chair

December 18, 2025



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

TASK FORCE TO STUDY FIDUCIARY ADJUDICATION IN MARYLAND

December 18, 2025

The Honorable Governor
Governor Wes Moore

The Honorable Bill Ferguson
President of the Senate

The Honorable Joseline Peña-Melnyk
Speaker of the House of Delegates

Re: Chapter 220 of 2025 – Task Force to Study Fiduciary Adjudication in Maryland, Preliminary Progress Report and Extension Request Letter

Dear Governor Moore, President Ferguson, and Speaker Peña-Melnyk:

The Task Force to Study Fiduciary Adjudication in Maryland (“task force”) is pleased to submit a progress report of the work accomplished during fall 2025. Chapter 220 of 2025 established the task force to examine and analyze the efficiency, uniformity, and quality of fiduciary adjudication in Maryland. As the task force commenced its work, there was an awareness that more time would be needed to sufficiently examine all of the specific topics outlined in its charge and develop concrete recommendations. Over the course of seven meetings, the task force received and considered substantial information regarding the current structures, jurisdictions, procedures, and judicial qualifications of the courts involved in fiduciary adjudication. However, task force members have requested additional information and have not had sufficient time to engage in the extensive deliberations necessary to make recommendations for improving the efficiency, uniformity, and quality of fiduciary adjudication. Accordingly, the task force by a majority vote (9-2)(see **Appendix 1**), proposes the following:

- (1) The task force will continue its work until its statutory expiration on June 30, 2026, with its final report being submitted on or before that date.
 - (a) To the extent possible, task force members will use the period from January 1 through April 16, 2026 to continue to research the topics identified pursuant to Item 2 (below) and communicate with individuals familiar with fiduciary

adjudication in Maryland.

- (b) No later than April 16, 2026, task force members must submit to staff written recommendations for any additional investigation needed into, and any policy proposals addressing, said topics.
 - (c) The Chair of the task force must promulgate a schedule for further meetings, as necessary, to complete the task force's work in the time allotted to it.
- (2) The task force will use its remaining time to develop proposals tailored to achieve, if possible, the following goals:
- (a) Assuring that all judges hearing fiduciary matters be Maryland attorneys in good standing.
 - (b) Establishing that, in each jurisdiction, a single court – preferably a specialty court or division – will have jurisdiction over all fiduciary matters (probate, trusts, guardianship of the person for adults and minors, and guardianship of the property for adults and minors) and allowing for efficient appeals from such court.
 - (i) Assuring that such court is adequately staffed by properly vetted and selected judges (including judicial terms and ages of service) and such other staff as deemed necessary.
 - (c) Mandating improved education and training for all judges hearing fiduciary matters.
 - (d) Addressing other topics proposed by members and approved by a majority vote of the task force.
- (3) In preparing these proposals, the task force may avail itself of all the resources and authorities granted to it under Chapter 220 of 2025.
- (4) As required by Chapter 220 of 2025, the task force will issue this preliminary progress report and extension request letter and issue its final report on or before the termination of the task force on June 30, 2026.

The task force notes that consensus was reached on the following: (1) a “fiduciary” includes a trustee acting under a deed, will, declaration of trust or other instrument in the nature of a trust or appointed by a court, a receiver, custodian, committee or guardian of the person and/or guardian of the property of a minor or disabled person, executor, administrator, or personal representative, agent appointed under a financial power of attorney or an advance directive and (2) the task force's future use of data regarding estate activity specified in **Appendix 2** – Number of Estates Requiring Action by the Registers of Wills or by the Orphans' Courts.

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For your convenience, the task force's meetings and materials are available at <https://dls.maryland.gov/policy-areas/tf-to-study-fiduciary-adjudication-in-md>. On behalf of the task force, we look forward to continuing our work on this very important matter for Maryland.

Sincerely,

A handwritten signature in black ink that reads "Nicholas Charles, Jr." with a stylized flourish at the end.

Senator Nick Charles, Jr.
Chair

NC/jg

Enclosures (5)

cc: Members, Task Force to Study Fiduciary Adjudication in Maryland

General Assembly of Maryland
Task Force to Study Fiduciary Adjudication in Maryland
2025 Interim
Membership Roster

Senator Nick Charles, Jr., Chair

Senator Chris West

Delegate J. Sandy Bartlett
Delegate Aaron Kaufman

Nonlegislative Members

Judge Juliet G. Fisher
Judge Athena Malloy Groves
Jonathan G. Lasley, Esq.
Byron E. Macfarlane, Register of Wills
Judge Catherine Huger McQueen
Monica Mitchell
Kelly M. Preteroti, Esq.
Mary C. Rolle, Register of Wills

Staff

Joanne Tetlow, Department of Legislative Services
Holly Vandegrift, Department of Legislative Services
Laura Thomas, Esq., Maryland State Bar Association
Jonathan G. Lasley, Esq., Maryland State Bar Association

Task Force to Study Fiduciary Adjudication in Maryland Duties Under Chapter 220 of 2025

Pursuant to Chapter 220 of 2025, the task force is charged with:

- (1) Examining the qualifications, training, and methods of selection of judges hearing probate and other fiduciary matters in Maryland;
- (2) Examining the jurisdictions of the orphans' courts and circuit courts with respect to fiduciary matters;
- (3) Analyzing the efficiency of the procedures for adjudicating contested and uncontested matters in the orphans' courts and circuit courts;
- (4) Analyzing the effect of the different qualifications of orphans' court judges and related litigation procedures on the uniform application of justice in Maryland;
- (5) Analyzing and comparing the laws and practices of other states relating to the adjudication of fiduciary matters, including the selection, qualification, and training of judges hearing those matters;
- (6) Seeking guidance from appropriate witnesses with experience or expertise in the area of fiduciary adjudication;
- (7) Examining any other research, analysis, or guidance related to the best practices for adjudicating fiduciary matters;
- (8) Offering one or more opportunities for members of the public and other interested parties to give their opinions on the subjects considered by the task force; and
- (9) Making recommendations to improve efficiency, uniformity, and quality of fiduciary adjudication in Maryland.

Task Force to Study Fiduciary Adjudication in Maryland
Senator Nick Charles, Jr., Chair

SCHEDULE

Agendas and meeting materials are available at this link
<https://dls.maryland.gov/policy-areas/tf-to-study-fiduciary-adjudication-in-md>

Meetings

October 20, 2025	<ul style="list-style-type: none">● Introductions of Task Force Members and Staffers● Legislative Intent of Task Force● Overview of the Nine Objectives of the Task Force● Background as to the Purpose and Need for Task Force● Define “Fiduciary” for the Purpose of the Task Force● Identify Substantive Issues to be Addressed● Data and Information Requests
October 27, 2025	<ul style="list-style-type: none">● Brief Introduction and Overview● Qualifications, Selection, Training of Judges Hearing Probate and Other Fiduciary Matters in Maryland● Brief Introduction – Jurisdictional Statutes● Examine the Jurisdictions of the Orphans’ Courts and Circuit Courts with Respect to Fiduciary Matters● Comparing the Jurisdictions of Probate Courts in Other States
November 3, 2025	<ul style="list-style-type: none">● Comparing the Jurisdictions of Probate Courts in Other States – Continuation of Previous Discussion● Analyze the Efficiency of the Procedures for Adjudicating Fiduciary Contested and Uncontested Matters in the Orphans’ Courts and Circuit Courts● Appeals from the Orphans’ Courts to Circuit Courts
November 10, 2025	<ul style="list-style-type: none">● Discussion Continued from Previous Meeting – Workload/Caseload Data – Orphans’ Courts and Register of Wills● Examining the Qualifications, Selection, and Training of Judges Hearing Probate and Other Fiduciary Matters in Maryland

November 17, 2025	<ul style="list-style-type: none"> ● Questions and Discussion – Circuit Court Judges That Sit as Orphans’ Court Judges in Harford, Howard, and Montgomery Counties ● Questions and Discussion with Orphans’ Court Lay Judges from Charles and Wicomico Counties ● Continued from Previous Meeting – Workload Orphans’ Courts ● Continued from Previous Meeting – Duties and Workload Registers of Wills
November 24, 2025	<ul style="list-style-type: none"> ● Definition of “Cases” for Purposes of the Task Force’s Report and Recommendations ● Maryland Judiciary Data ● Continued from Previous Meeting – Duties and Workload Registers of Wills ● Continued from Previous Meeting – Workload Orphans’ Courts ● Proposals and Possible Recommendations – Working Document ● Analyze the Preliminary Fiscal Information of Scenarios Related to “Structural” Changes in the Current Fiduciary Adjudication System
December 1, 2025	<ul style="list-style-type: none"> ● Public Hearing ● Continued from Previous meeting – Preliminary Fiscal Information of Scenarios Related to “Structural” Changes in the Current Fiduciary Adjudication System ● Analyze the Effect of the Different Qualifications of Orphans’ Court Judges and Related Litigation Procedures on the Uniform Application of Justice in Maryland
December 8, 2025	<ul style="list-style-type: none"> ● Vote on the Task Force’s Preliminary Report and Proposed Recommendations

Appendix 1
12/8/25 Meeting of the Task Force to Study Fiduciary Adjudication in
Maryland
Preliminary Progress Report and Extension Request Letter

Favorable Vote Task Force – Motion Adopted (9–2)

<u>Membership</u>	<u>Yea or Nay</u>
Judge Athena Malloy Groves	Yea
Judge Juliet G. Fisher	Yea
Jonathan G. Lasley, Esq.	Yea
Kelly Preteroti, Esq.	Yea
Byron E. Macfarlane, Register of Wills	Nay
Mary C. Rolle, Register of Wills	Nay
Monica Mitchell	Yea
Delegate J. Sandy Bartlett	Yea
Delegate Aaron Kaufman	Yea
Senator Chris West	Yea
Senator Nick Charles, Jr., Chair	Yea
Judge Catherine Huger McQueen	Nonvoting Member

**Appendix 2 – Number of Estates Requiring Action by the Registers of Wills
or the Orphans’ Courts – Fiscal Year 2025**

Breakdown of Estate Activity - Requiring Action by Register of Wills or by Court

Jurisdiction	Number of Estates with Activity of Any Kind	Number of Estates Requiring Action by Register of Wills Only	Number of Estates Requiring Action by Court	Percentage of Estates Requiring Action by Register of Wills Only	Percentage of Estates Requiring Action by Court
Allegany	13,794	13,304	490	96.45%	3.55%
Anne Arundel	13,304	10,785	2,519	81.07%	18.93%
Baltimore City	12,310	7,500	4,810	60.93%	39.07%
Baltimore	13,105	8,042	5,063	61.37%	38.63%
Calvert	1,605	1,229	376	76.57%	23.43%
Caroline	546	375	171	68.68%	31.32%
Carroll	2,758	1,847	911	66.97%	33.03%
Cecil	1,256	716	540	57.01%	42.99%
Charles	2,170	1,428	742	65.81%	34.19%
Dorchester	535	360	175	67.29%	32.71%
Frederick	3,158	2,281	877	72.23%	27.77%
Garrett	598	251	347	41.97%	58.03%
Harford	5,376	4,302	1,074	80.02%	19.98%
Howard	2,970	2,380	590	80.13%	19.87%
Kent	449	348	101	77.51%	22.49%
Montgomery	10,903	7,436	3,467	68.20%	31.80%
Prince George’s	10,128	5,658	4,470	55.86%	44.14%
Queen Anne’s	793	555	238	69.99%	30.01%
Somerset	456	375	81	82.24%	17.76%
St. Mary’s	1,607	1,080	527	67.21%	32.79%
Talbot	835	631	204	75.57%	24.43%
Washington	2,542	1,861	681	73.21%	26.79%
Wicomico	1,561	1,193	368	76.43%	23.57%
Worcester	1,255	856	399	68.21%	31.79%
Totals	104,014	74,793	29,221	71.91%	28.09%

Source: Registers of Wills