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To: Members of the Senate Judicial Proceedings Committee

From: Hon. Mark F. Scurti, President, Maryland State Bar Association

Date: January 26, 2021

Subject: **Senate Bill 295 - Circuit Court Judges - Election**

Position: **Support**

The **Maryland State Bar Association (MSBA)** supports **Senate Bill 295 - Circuit Court Judges – Election**, which would abolish Maryland’s current contested election method of selecting circuit court judges. The bill proposes an amendment to the Maryland Constitution to move Maryland forward from a contested election process to a merit-based system of judicial selection.

For over 30 years, the MSBA has opposed the contested election of Maryland’s circuit court judges principally on ethical grounds. While a judicial contender may freely assert how they might rule from the Bench, sitting judges may not. We believe that partisan, electoral politics have no rightful place in our judicial selection process, principally because elections transform judges into politicians and immerse them into the arena of partisan politics. Increasing campaign costs force sitting judges and contenders to raise money to fund media campaigns – often those dollars come from the large corporations, and more often, the very lawyers most likely to appear before them once on the bench. The end result of our current election process is the gradual erosion of the public’s confidence in the impartiality of our legal system.

Finally, we find that many qualified attorneys and District Court judges are discouraged from seeking a circuit court judicial seat because of contested elections, narrowing the pool of qualified judicial candidates. The MSBA believes that fewer judicial candidates are willing to risk leaving private practice to accept a judicial appointment, for fear of having to face a contested election, perhaps only after a year on the bench. Moreover, the expense associated with campaigning to serve as a circuit court judge, the time investment in campaigning, and the possibility of losing one’s seat to a contender shortly after beginning service on the bench, are all major deterrents. These concerns have led to decreased diversity in practice background, as more judicial candidates are coming from the government sector.



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For all the reasons stated above, the MSBA strongly urges your support for legislation abolishing contested judicial elections, and we **urge a Favorable Report on Senate Bill 295**.

Should you have any questions, please contact Richard Montgomery, MSBA Director of Legislative Relations at (410) 269-6464 or richard@msba.org.