



THE JUDGE ALEXANDER WILLIAMS, JR.
CENTER FOR EDUCATION,
JUSTICE & ETHICS

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University of Maryland
Seneca Building
4716 Pontiac Street, Suite 0104
College Park, MD 20740
TEL 301.314.2062 FAX
301.314.1800
judgeawcenter.umd.edu

"The hallmark of any great society is measured by the extent and degree of involvement or engagement in activities and projects benefitting the community and advancing the public good." —Hon. Alexander

January 22, 2021

Honorable Williams C. Smith, Jr.
Chair, Senate Proceedings Committee
and Members of the Committee
Maryland Senate

Re: Senate Bill 295

Dear Senator Smith and Members of the Senate Proceedings Committee:

I write to express my support of Senate Bill 295 (An Act Concerning Circuit Court Judges-Election).

My comments in no way are meant to cast any aspersions on the election of the candidates who won election in the 2020 elections across our state. The candidates prevailed and I wish them all successful careers on the circuit court bench. My reason for supporting Senate Bill 295 is my hope to see some revision of the election process so that sitting and appointed circuit court judges be spared of having to run in contested elections.

By way of history, in 1965 a constitutional amendment passed eliminating contested elections for the court of appeals and the court of special appeals in favor of retention elections -- leaving-circuit judges as lone level of judges required to run. while judicial elections at one time were an important check on a governor's appointment, circumstances have changed. Many years as a young attorney, I complained to governors and to legislators about the lack of African American and female judges on our (the Prince George's County) circuit court.

But today, there IS MUCH MORE DIVERSITY ON THE BENCH, particularly in BALTIMORE CITY AND PRINCE GEORGE'S COUNTY where there has been a big shift in the demographic of circuit court judges. We are proud of the diversity on the 24 member George's County bench which presently includes 14 Black women, 5 Black males, 3 White males and 2 White females. Yet, we are now seeing around the state many outstanding District Court Judges and practitioners electing not to seek or put in for Circuit Court judgeships because of fear of not being able to survive a judicial election. In fact, several highly regarded sitting judges were recently ousted in contested elections in Prince George's, Charles and Howard counties. Moreover, in some of the counties where Black and other minorities are underrepresented, judicial elections stand in the way of diversity on the bench.

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No system of appointing and confirming judgeships is perfect yet the vetting process in our State [where candidates meet with the nominating commissions and names are submitted to the governor] has resulted in the appointment of exceptionally qualified judges to our circuit court bench and to all levels of the judiciary. I am, of course, mindful of the criticism over the years that the nominating commissions have included trappings of politics and often has been viewed of making nominating decisions in favor of friends or popularity. But overall, I believe that the system in Maryland for the vetting and appointment of judges is effective and reasonable.

The other challenge to judicial elections is that judges are not and should not be politicians; but on the contrary, should be free to rule and make bold, independent and correct decisions without fear of reprisal from an electorate which may disagree with a correct but unpopular decision. In all candor, the most significant persons interested in contributing financially to the judicial campaign are lawyers, some of whom may feel pressured to not contribute.

Ethically, judges should not be trying to compete for votes, raise money, attend fundraisers, coffees and teas, and then be uncomfortable if there are sensitive questions asked which would be inappropriate for the judicial candidate to give any substantive response(s). Neither should prevailing in a judicial election depend on who has the most money, on who is the most popular, or on the alphabetical position one occupies on the ballot.

While the ideal situation would be for all or most of the voters to be knowledgeable and familiar with the background, experiences and records of the judicial candidates, many citizens, unfortunately, do not do the research or pay a lot of attention to the judicial candidates or to the sitting judges in order to make sound decisions as to whether they warrant being elected or returned to the bench. Many voters call folks to ask who to vote for. Also in a number of counties some citizens only vote for the executive and legislative candidates, and do not bother to scroll down to other offices such as the judicial candidates or referendum questions.

I hope that these comments are helpful.

Sincerely,

A handwritten signature in cursive script that reads "Alexander Williams, Jr." with a decorative flourish at the end.

Alexander Williams, Jr.
Executive Director and Retired Judge
Judge Alexander Williams Center for Education,
Justice and Ethics
301-509-3371