

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 406
Public Safety – Local Youth Violence Review Committees
DATE: January 20, 2021
(2/11)
POSITION: Oppose, as drafted

The Judiciary opposes Senate Bill 406, as drafted. This bill creates local youth violence review committees. Among its proposed members are judges from the District Court and circuit courts.

While the Maryland Judicial Conference has no position on the policy aims of this legislation and supports the creation of such committees, membership of judges on such bodies can raise separation of powers and dual office issues. Participation by judges in extra-judicial activities, such as statutorily created workgroups, commissions, committees and task forces, is limited by Rule 3.4 of the Code of Judicial Conduct and by Article 8 of the Maryland Declaration of Rights. To ensure uniformity in the administration of justice throughout the state, judges are advised not to participate in the policy development functions of the Judiciary's executive and legislative partners. While the Judiciary always makes itself available for questions on a case by case basis, the Judiciary respectfully requests not to be included on these committees.

This bill would also create a significant conflict of interest, and raise questions of impartiality, if judges were to participate in discussions of cases that may come back before the court in a post-conviction proceeding.

cc. Hon. Malcolm Augustine
Judicial Council
Legislative Committee
Kelley O'Connor

