

SB 630 UNF

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To the Members of the Committee:

I am submitting written testimony in opposition to SB 630/HB 778. I am writing in my individual capacity as a citizen and I do not write as a spokesperson for the Maryland Judiciary. I use my business contact information solely to shield my personal information from public display.

I was an active member of the Commission to Study Judicial Elections. You should be aware that the conclusions and recommendations contained in the report, which resulted in this proposed legislation, were not unanimous. The topic was the subject of heated debate during the meetings. Several members of the Commission, myself included, oppose these recommendations and this legislation.

My own experience and my path to the bench serve as an example why this bill should not receive a favorable recommendation. I began my path to the bench by following the conventional practice of submitting my credentials to the judicial nominating commission, three different times; twice to a nominating commission appointed by a Democratic governor, and once to a nominating commission appointed by a Republican governor. Each time, I was fully vetted and found to be qualified and my name was placed before the governor for consideration. Each time, I was passed over. The issue was not my qualifications or my reputation. Rather, I did not have the political connections that were needed to be appointed. The last three appointments were all white males from the larger law firms in Bel Air. Each time, I was the only female on

the “short list”. It is important to know that I had been a prosecutor in Harford County for eighteen years, rising to the position of Deputy State’s Attorney. I had been very active with the local and state bar associations, and I was also active in the community and in the schools.

In 2017, when I was passed over again for a white male, I realized that I only had one recourse available to me. The last two appointments were up for election in 2018. I challenged them in the election, and I successfully unseated one of them. I also had the highest number of votes of all of us.

I had no support from the attorneys in the local bar. I received no campaign contributions from any of the law firms or prominent attorneys in Harford County. My campaign was largely self-funded or funded by contributions from friends and family. I became a pariah at local bar association events, even to the extent that most attorneys would not sit next to me in the courtroom or talk to me in the hallway of the courthouse. I received threats of being taken before the Attorney Grievance Commission.

I fully understood the danger that my decision to challenge the sitting judges had for my legal career. No woman had ever dared to challenge a sitting judge in the history of Harford County. No woman had ever successfully challenged and unseated a sitting judge until my election in 2018.

I won election by going to the people of Harford County. I went to community groups, churches, local councils, fairs, parades, etc. My theme was that the Maryland Constitution gave citizens the right to have a say in who sits on the bench and decides important matters that impact their lives and their families. I merely asked that they look at my credentials and my qualifications and exercise their right to decide who sits on the bench. I did not discuss the other candidates.

The responses that I received from the constituents were overwhelmingly positive. They appreciated having a choice and having a say in judicial selection.

Every attorney who submits his or her name as a candidate for an appointment to the Circuit Court does so knowing that he or she will have to also sit for election. It is exceedingly rare for a challenger to be successful, as I was.

I ask you not to take away the right of our citizens to have a say in selecting those who sit on the bench. The current system in place may have some drawbacks, but adopting the proposed legislation will only serve to further the appearance of political favoritism in the judicial selection process. I urge you not to close the path to the bench for someone like me, who is a qualified candidate without the means or connections to achieve an appointment.

Thank you for your time. I urge you to reject this bill and give it an unfavorable report.

*Diane Adkins-Tobin*

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