

ILIFF, MEREDITH, WILDBERGER & BRENNAN, P.C.

ATTORNEYS AT LAW
PATRIOTS PLAZA, SUITE 201-203
8055 RITCHIE HIGHWAY
PASADENA, MARYLAND 21122
TELEPHONE 410-685-1166
FACSIMILE 410-685-1233

Of Counsel
Charles E. Iliff, Jr.

Patrice Meredith Clarke, Esq.
Patrice@ilimer.com

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**SB630/HB778, Circuit Court Judges – Selection and Retention Elections
FAVORABLE**

I respectfully request a favorable report on Senate Bill 630 and House Bill 778 as I believe it will enhance the quality and stability of the justice system. Currently, circuit court vacancies are filled by the Governor's appointment after a rigorous and extensive nominating process.¹ The appointed judge is sworn in and begins serving until the next state or federal election, at which time the sitting judge is required to sit for election. Any lawyer who is 30 years old who resides in a county for at least 5 years may file a certificate of candidacy and run against the sitting judge (or judges). Md. Constitution, Art. IV, Sec 2, Judiciary Dept.

Candidates running against sitting judges are unburdened by the ethical and practical restraints affecting sitting judges. For example, sitting judges cannot comment on cases or policy considerations because they must always remain impartial. Moreover, challengers have the luxury of planning their lives around fundraising and campaigning. In contrast, a sitting judge must continue their full-time job as a trial court judge, all while campaigning in an impartial, nonpartisan way. The current contested election process discourages successful lawyers from seeking judicial appointment as quality candidates are disincentivized to abandon a successful law practice to face the chance of losing in an election.

Moreover, campaigning for a contested election requires fundraising, which creates the appearance of bias or impropriety. Such activity also raises safety concerns during certain campaign activity. Most campaign donations come from attorneys, who are the most interested in contested judicial elections, but also most likely to appear before the judge for whom money is raised. This raises concerns about judicial independence and public perception of the judiciary as impartial.

¹ Circuit Court judges are selected through a meaningful process that includes the detailed application, vetting by up to 15 law oriented groups (Bar Associations, Law interest groups, civic groups, etc.), the Judicial Nominating Commission, the Governor's appointments office, the Governor's legal staff, and the Governor. No elected political official undergoes this type of intense scrutiny, evaluation, selection, and appointment.

It is worth noting that judges sitting on the Supreme Court of Maryland and on the intermediate appellate court of Maryland are not subject to the same contested election procedure. Instead, our appellate judges are subject to retention elections, which is what SB630/HB778 would do for trial court judges.

I incorporate by reference the recommendations made by The Workgroup to Study Judicial Selection established by the Maryland Judiciary in 2022. For the reasons above, and the reasons set forth in the recommendations of The Workgroup, I request a favorable report on SB630/HB778.

Very truly yours,

/s/ Patrice Meredith Clarke

Patrice Meredith Clarke, Esq.

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