SB 630 - Letter of Support - ASL.pdf
Uploaded by: Amanda La Forge
Position: FAV

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ANNAPOLIS, MARYLAND

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February 10, 2025

The Honorable William C. Smith, Jr., Chair
Judicial Proceedings Committee
Miller Senate Office Building
11 Bladen St.
Annapolis, Maryland 21401

Re: Senate Bill 630 – Circuit Court Judges – Selection and Retention Elections
Letter in Support

Dear Chair Smith:

It is my pleasure to submit this letter in support of Senate Bill 630 – Circuit Court Judges – Selection and Retention Elections. I strongly urge a favorable report from the Committee on the bill.

As Chief Legal Counsel to Governor Moore, it is my professional honor and privilege to assist the Governor with his constitutional duty to appoint Maryland's judges. I believe unequivocally that Maryland's judiciary is collectively comprised of exceptional jurists who embody the neutral and unbiased ideals we expect from those who occupy these seats of public trust. Governor Moore understands the solemn duty he exercises when he appoints judges to serve on the State's courts and often remarks that long after his term as governor has ended, his judicial appointments will serve as his lasting legacy.

One of the first Executive Orders Governor Moore issued established the State's trial and appellate court Judicial Nominating Commissions, which serve to thoroughly screen, vet and interview judicial candidates before making recommendations to the Governor. In my view, it is this intensive vetting process that has led to the consistently exceptional quality of Maryland's judiciary. Governor Moore has worked hard to diversify these Commissions, and he established the first code of conduct for commission members to ensure the vetting process is as transparent, fair, and equitable as possible.

Under the current framework, judicial candidates complete an application; the relevant Judicial Nominating Commissions screen and interview the candidates before voting on which individuals are recommended to the Governor for his consideration. The Governor and I then interview each candidate before the Governor decides whom to appoint to the bench. This

thorough and deliberate process results in a tested and fully vetted judiciary. Contested elections, which HB 778 would eliminate, allow attorneys who have not been through this thorough vetting process to challenge sitting judges, thereby upending the careful process that should be required before an individual is in a position to sit in judgment of others, and make critical decisions impacting the life, liberty, and property of Marylanders.

There is also an inherent conflict of interest between legal and judicial ethics and the practical necessities of democratic elections. Judicial ethics prevent judges from taking broad policy positions on the campaign trail, which consequently limits the information available to voters. Campaign fundraising is also problematic. Judicial candidates typically receive a large portion of donations to their campaign committees from lawyers who regularly appear before them. This creates the appearance of an unhealthy obligation between judges and the lawyers who volunteer for or donate to their campaigns, which can raise questions about the judges' ability to be impartial, and may further erode public trust in the judiciary.

Maryland Governors have made a concerted effort to diversify judicial appointments through robust use of the Judicial Nominating Commission process. As a result, the Maryland Circuit Court bench today is more diverse in terms of gender, race, and ethnicity than at any point in its history. There are growing concerns that the current system of judicial elections may be counterproductive to maintaining the diversity that has been accomplished. The fear of losing a contested judicial election also deters qualified candidates, particularly from minority communities that for too long were kept out of these positions despite their qualifications. Many attorneys choose not to apply for judicial vacancies, due to the unpredictability associated with contested elections.

Finally, last session the General Assembly passed the Andrew F. Wilkinson Judicial Security Act, for which the Governor was most grateful. The escalating and increasingly violent attacks on judges across the country are a serious concern, and the safety and security of judges deserves serious consideration. Forcing circuit court judges, who make critical decisions ranging from custody disputes to imposing criminal sentences, to knock doors and campaign outside polling places and on the trail, further jeopardizes their safety as well as security and the safety and security of their families.

I strongly urge a favorable report from the Committee on HB 778.

Sincerely,

/s/ Amanda S. La Forge

Amanda S. La Forge
Chief Legal Counsel
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amanda.laforge@maryland.gov

JFB Letter in Support of HB778 SB630.pdf
Uploaded by: Chandra Walker Holloway
Position: FAV

J. F RANKLYN BOURNE BAR ASSOCIATION, INC.
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www.bournebar.org

February 10, 2025

Delegate Luke Clippinger, Judicial Committee Chair
Delegate J. Sandy Bartlett, Judicial Committee Vice Chair
100 Taylor House Office Building
101 Taylor House Office Building
Annapolis, Maryland 21401

Re: Subject: Support for Maryland House Bill 778 and Senate Bill 630

Dear Delegate Clippinger,

On behalf of the J. Franklyn Bourne Bar Association, I write to express our support for Maryland House Bill 778 and Senate Bill 630, which seek to eliminate contested judicial elections for Circuit Court judges and replace them with retention elections following gubernatorial appointment. We firmly believe this change will enhance the integrity, fairness, and stability of Maryland's judiciary.

Circuit Court judicial candidates in Maryland undergo an extensive and rigorous vetting process before being appointed by the Governor. Candidates must submit detailed applications and are subjected to interviews by multiple evaluating bodies, including the Maryland specialty bar associations, County Bar Associations, Maryland State Bar Associations, and the Maryland Trial Courts Judicial Nominating Commissions.

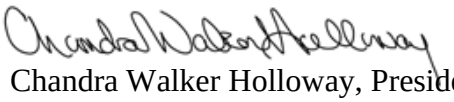
After this extensive review process, only the most qualified individuals are recommended to the Governor for appointment. Once appointed, these judges serve and build experience on the bench. However, under the current system, they may later face contested elections where individuals who have not undergone this thorough vetting process can challenge them for their seats. This is highly problematic, as it can result in the loss of well-qualified, carefully vetted judges to opponents who have never been screened, evaluated, or deemed fit for the judiciary. The current process could result in the election of individuals lacking the necessary legal experience, judicial temperament, or understanding of the responsibilities of the bench. The current system, therefore, undermines the very vetting process designed to ensure a highly qualified judiciary.

In addition, the process of running in a contested election requires judicial candidates to engage in political campaigning, fundraising, and public endorsements. Judges should be focused on upholding the law rather than engaging in electoral politics, which can create the perception—or even the reality—of bias in decision-making. By eliminating contested elections, HB 778 and SB 630 help preserve public confidence in the fairness and impartiality of our courts.

Maryland already uses retention elections for the Maryland Court of Appeals, where judges appointed by the Governor must later receive approval from voters to remain on the bench. Extending this process to Circuit Court judges would bring consistency to Maryland's judicial selection system. This method allows the public to have a voice in the retention of judges while ensuring that only those who have been thoroughly vetted and deemed qualified through the established selection process serve in these critical roles.

Thus, the J. Franklyn Bourne Bar Association strongly supports Maryland House Bill 778 and Senate Bill 630 because they will strengthen the integrity of our judicial selection process, safeguard the judiciary from unnecessary political influence, and ensure consistency across Maryland's courts. The extensive vetting process already in place guarantees that appointed judges are well-qualified, and retention elections still provide the public with a mechanism for oversight. For these reasons, we urge the legislature to pass these bills and modernize Maryland's judicial election process.

Very truly yours,



Chandra Walker Holloway, President
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SB 630 Final Donald Tobin.pdf
Uploaded by: Dean Donald Tobin
Position: FAV

UNIVERSITY of MARYLAND
FRANCIS KING CAREY
SCHOOL OF LAW

February 12, 2025

The Honorable William C. Smith
Chair, Judiciary Proceedings Committee
Senate Office Building,
Annapolis, MD 21401

Re: SB 630 Circuit Court Judges – Selection and Retention Elections

Dear Chair Smith and Members of the Committee

I am Donald Tobin, the former Dean of The University of Maryland Francis King Carey School of Law, a professor, and a member of the Workgroup to Study Judicial Selection. I appreciate the opportunity to testify and express my support for SB 630. I support SB 630 because it promotes the rule of law, an independent judiciary, the recruitment of excellent judges, and reduces judges' involvement in the political process.

The judicial system and judges in Maryland are exceptional. We have been lucky in Maryland that the rule of law, and not political pressures, has been the cornerstone of our justice system. The system is working, thanks to the dedicated professionals in all three branches of government that have respected an independent judiciary and worked to make it an example throughout the nation.

As dean, I saw a judiciary active in the community, collegial with the bar, and rendering decisions that were fair and without bias. Despite our excellence, however, I am here today because we can and should do better. While all of our judges are originally appointed by the Governor, only circuit court judges are required to run for office through contested elections. Having judges run in contested elections distracts judges from their core functions, makes judges responsive to the electorate instead of the rule of law, and defaces the justice system by leaving the impression that judges are "political." I am not suggesting that elections which bring candidates close to voters and allow for interaction between the candidate and citizens are not an essential part of our democratic process, but that elections are not an essential, or even preferable, characteristic of a fair and independent judiciary. Early in my career, I spent eight years working for a Maryland politician, and I have great respect for both elected officials and for our democratic system. But, as Maryland has recognized with every other level in our court system, judges are not, and should not be, politicians.

The Workgroup to Study Judicial Elections, co-chaired by Judge Kathleen Dumais and retired Judge Alexander Williams engaged in a thorough examination of Maryland's judicial appointment and election system. We heard from experts in the field, citizens, practitioners, and

judges. We held hearings and received input from a broad range of constituents. What was clear is that all participants wanted a system of justice in Maryland that would provide for an excellent and independent judiciary, and one that was diverse and representative of Maryland.

We reviewed best practices for judicial selection, evaluated academic studies, and examined the history of judicial selection in Maryland. We also heard from Marylanders, judges, people interested in being judges, and people involved in the legislative process. After reviewing this information the Workgroup almost uniformly endorsed the idea of shifting from competitive elections for circuit court judges to appointment by the Governor with retention elections.

From my perspective, the current system works because in most cases appointed judges are ultimately elected to their positions. Contested elections do not improve the quality of our judiciary or the quality of individuals selected. In fact, contested elections lack the kind of vetting that happens when a judge is appointed. In Maryland, at all levels of the judiciary, appointed judges go through a significant vetting process. Applications are reviewed by a nominating commission and the nominating commission provides a list of candidates to the Governor. This process ensures that candidates have the requisite skill, demeanor, and experience to make an excellent judge or justice. Candidates also meet with various bar associations and those associations provide feedback to the Governor. The Governor then chooses a nominee from the list of names provided by the Commission. In all cases except for the circuit courts, the nominees must then be approved by the Senate and face only retention elections.

This process ensures competence, expertise, and respect for the views of the citizenry. Even though only circuit court nominees are ultimately elected, the public has significant input to elected officials both at the appointment stage and through advice and consent of the Senate. Moreover, for all the positions except those in the circuit court, retention elections provide a check by the citizenry if the voters believe the process is producing nominees that are not properly qualified or are not competently carrying out their duties. This process ensures that nominees are highly qualified and encourages independence, but it provides a check on any abuses that may occur in the system.

Contested elections move away from this merit-based selection and require judges not just to be excellent jurists but also effective fundraisers and campaigners. The qualities that make a good judge are often not the qualities that make a good politician. That is not a criticism. A strong system that stresses rule of law should seek an apolitical judiciary.

Once judges are required to participate in competitive elections, we drastically move away from meritocracy. Voters are usually not informed about judges and have very little information regarding the quality of a judge's work or decisions and often lack the expertise to evaluate a judge's decisions. In addition, sitting judges should be very cautious about discussing

current cases or issues during a campaign. It puts sitting judges at a significant disadvantage in elections, especially if opposing candidates are mischaracterizing a judge's decisions or views.

As someone active in the legal community and fairly knowledgeable about judges in the state, I often get calls from friends asking me about the judges running for office. For the most part, they just want to ensure that they are not voting for someone who is outside the norm. In most cases I know the judge, but in some I do not. I say this to illustrate that if someone who interacts with judges on a regular basis does not always have adequate information about the quality of a judge, how can we expect the average citizen to make informed decisions?

Increased information to the public can help, but when there are statewide races with millions of dollars seeking to sway voters, it is unrealistic to expect that the citizenry can be fully and accurately informed about judicial candidates. This increases the probability that judges will be selected based on where they are on the ballot, name recognition, or popularity: irrelevant characteristics when selecting jurists.

Finally, judicial elections fundamentally alter the impression that judges are apolitical and render decisions based on the rule of law. How would litigants feel if they knew the opposing lawyer had made large campaign contributions to a judge? How do we feel about candidates seeking contributions from lawyers and law firms?

If we believe Judges are like umpires calling "balls and strikes" then we need to protect their independence. We certainly would not want Yankees fans choosing the umpires.

Maryland has a Judiciary that is second to none. It is independent, apolitical, and well-qualified. While judicial elections may have served a purpose when the merit selection process was stacked against certain groups of people, the selection process in the district courts, the Appellate Court of Maryland, and at the Supreme Court indicates that the merit selection process, with retention elections and confirmation in the Senate, provides the right mix of merit-based selection and a check on the process by both the Senate and Maryland voters. I urge you to support SB 630.

Senate Bill 630 Judicial Elections PGCBA Written T
Uploaded by: Janelle Ryan-Colbert
Position: FAV

Janelle Ryan-Colbert
President
Prince George's County Bar Association
14330 Old Marlboro Pike
Upper Marlboro, MD 20772

Testimony of Janelle Ryan Colbert, President PGCBA
Senate Judicial Proceedings Committee
SB 630 – Favorable
February 12, 2025

Good Afternoon Chair Smith and Vice Chair Waldstreicher,

My name is Janelle Ryan-Colbert, and I am the President of the Prince George's County Bar Association. I am submitting this letter to express our strong support for House Bill 0778 and Senate Bill 0630, which propose amendments to the Maryland Constitution regarding the selection and retention of circuit court judges.

The Prince George's County Bar Association has long maintained a committee with the sole purpose of interviewing candidates for circuit court positions. This vetting process is thorough, fair, and ensures that the Governor can select from a pool of candidates who are not only technically qualified but also possess the highest levels of character and integrity necessary to preside over the lives of the citizens of Prince George's County.

Additionally, we believe that eliminating judicial elections will protect qualified judges from being unseated by individuals who may not be adequately vetted or who may be less qualified. Such individuals could potentially replace judges who have been deemed qualified by their peers through various judicial committees tasked with this important responsibility.

Finally, we believe this bill will enhance the safety of judges serving in this state. We have seen the disastrous consequences when judges are personally targeted by disgruntled litigants. Judges who serve this state deserve protection, and we believe this legislation will improve their safety by reducing the risks associated with contested elections.

The Prince George's County Bar Association believes that the passage of this legislation is a vital step toward creating a more efficient and just process. It will enable the Governor to appoint highly qualified circuit court judges in Maryland, promote safety, and ensuring excellence in our judiciary.

Thank you.

Senate Bill 630_Judicial Elections_Judge Stephenso
Uploaded by: Judge Monise Stephenson
Position: FAV

Hon. Monise Stephenson
Associate Judge
Circuit Court for Charles County
200 Charles St
La Plata, MD 20646

Personal Testimony of Judge Monise Stephenson
Senate Judicial Proceedings Committee
SB 630 – Favorable
February 12, 2025

Good Afternoon Chair Smith and Vice Chair Waldstreicher,

My name is Monise Stephenson and I am an associate judge for the Circuit Court for Charles County. Please allow the record to reflect that this testimonial is being done in an independent capacity and not on behalf of the Maryland Judiciary.

In November 2022, I completed a contested judicial election. Based on my experiences, I urge the legislature to reconsider the practice of the currently contested judicial election that only the circuit court judges in Maryland have to endure.

Being a judge is by far the best job I could have ever imagined. Receiving the call from the Governor was a day of momentous joy. However, the joy of an appointment was short lived by knowing I faced a contested election, with two candidates who had filed to run for judge months before I was even appointed. I had a new job to learn while navigating an election process with which I had no prior experience.

Judges in a contested election are severely disadvantaged compared to their opponents. While managing the stress and learning curve of a new job, the new judge is spread even more thin by daily campaign activities. Frankly, campaigning serves as a constant mental and physical distraction from the job. Each weekday I contributed 2-3 hours of time to campaign that could have been used in other ways that would advance the judiciary. On weekends, those hours easily extended to 5-10 hours of campaign activities. I woke up earlier and went to bed later, in attempt to make sure my name was out in the community to keep my job. Where I would have rather allocated that time to transitioning to my new job, or spending time with my family, instead I feverishly campaigned.

The most difficult part of campaigning was having opponents who had already organized their campaigns months before I started. My opponents, both attorneys, were afforded several freedoms that judges simply do not have. I could not respond to false allegations made about me or my campaign. I could not correct erroneous information that was spread because I was afraid it could end in a sanction against me or my campaign. False allegations against your campaign and character often must go unaddressed to maintain the sanctity of the position and to follow the rules by which judges are bound.

The danger of this particularly in the age of social media, is that the unaddressed, unfounded allegations create doubt in our judiciary, our processes, our application of the law and the decisions we make on and off the bench. I've been approached about what my opponents have posted on social media and been asked "is that true?" I often could not craft a response that directly addressed the false statements without lowering myself to a level that infringed on the dignity of the role as judge. I was unwilling. Perhaps, leaving the doubt in the community was worse, but I couldn't take the risk. I had to uphold my oath and follow the judicial canons. One friend who also had a contested election succinctly explained these restrictions as running a marathon with one arm tied behind your back and one foot in a cast, while your opponents have both arms and legs available to compete. The disparity is indescribable.

Finally, I must address the impact that a judicial race had on my family. I have young children in the community. They were exposed to people coming up to me at their sporting events, community activities, even at a swimming pool, that wanted to discuss their cases and the election. This made me feel unsafe. I created "get away" terms with my kids that meant, do not ask questions, disperse immediately and I would advise them of where to meet me if we got separated. We only had to use that one time. Thankfully, most of the people approaching were harmless and often very kind. Having been a magistrate for 8 years prior to my appointment, many people had appeared in front of me before regarding highly contested divorce, custody, child support and juvenile cases. Some people were happy about my prior rulings, others were not, and where I learned about it was on the campaign trail, while door knocking. Door knocking is critical in smaller counties. During door knocking I faced a parent in a juvenile matter I was handling. During door knocking I faced a parent that I awarded custody and she yelled for her child to come the door to meet the judge who gave her to them. At an ice cream social, a mother of Defendant I sentenced who was grateful for the sentence her son received because it turned his life around. Anyone of these interactions could have gone very differently, been life threatening even. My children were approached at school and at camp about the election and my candidacy. Children would come up to me ask me if I put anyone in prison that day. The campaign was hard on my family, and although they are excited about my position, we are still catching up for lost time.

I recognize that this is the price that the family pays when you enter politics, but the partisan election process is a decidedly imperfect vehicle for assessing the performance of a judge—particularly one who is just beginning to learn the position. The qualities we seek in a judge—neutrality, a respect for balancing the rights of all parties in the context of the law and promoting fairness and justice—simply do not mix well with the requirements of an effective campaign. I am thankful and grateful to have been appointed, to have won my election, and to serve as a circuit court judge. But I cannot ignore the toll that it took on me and my family during the 10 months of my campaign. I would be remiss if I didn't urge you consider another way; a way that does not expose judges to danger, put them at risk for *ex parte* communications, and distract them from the focus of their career, the daily duties of a judge. Thank you immensely for your time and your diligent work on this important matter.

HB778-SB630 Support Ltr - Kurt Schmoke - Dumais.pd
Uploaded by: Kurt Schmoke
Position: FAV

February 6, 2025

RE: HB778 / SB630 – Circuit Court Judges – Selection and Retention Elections

Position: Support

Dear Chair Smith, Chair Clippinger, and Committee Members:

As a member of the Judiciary's Workgroup on Judicial Selections, I fully support the proposed Constitutional Amendment set forth in HB778/SB630. These bills reflect the Workgroup's recommendation for Circuit Court judges to be subject to retention elections in the same manner as our Appellate Court justices and judges.

It is important to note that this is just one part of the Workgroup's recommendations. The Workgroup completed a comprehensive examination of methods of selecting and retaining qualified trial judges that are used throughout the country over a 22-month period. Other recommendations included reforms for Judicial Nominating Commissions so that the vetting process is fair and transparent, and implementation of other accountability and transparency measures for the selection and retention of qualified judges through Gubernatorial appointment and vetting. The Workgroup focused on recommending processes to identify highly qualified, impartial, independent, and trustworthy judges. The recommendations are data driven and research based.

The Workgroup designed the proposed reforms to safeguard judicial independence; ensure public accountability; recruit high quality judges; deliver a diverse judiciary; maintain public trust and confidence; include public education and participation in the process and consider safety and security concerns for members of the bench.

I encourage each of you to review the Workgroup's report and the academic research and public testimony included in the Appendix to the report. I support all the Workgroup recommendations, including use of retention elections for Circuit Court judges, instead of the current system that allows non-vetted candidates to appear on the ballot in contested judicial elections. Selection and recruitment of highly qualified judges should not be politicized.

Thank you for your consideration.

Sincerely,

Kurt Schmoke

Kurt L. Schmoke
President
University of Baltimore

Office of the President

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SB 630 - Circuit Court Judges – Selection and Rete

Uploaded by: Morgan Drayton

Position: FAV

Common Cause
Maryland
Holding Power Accountable

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February 12, 2025

Testimony on SB 630
Circuit Court Judges – Selection and Retention Elections
Judicial Proceedings

Position: Favorable

Common Cause Maryland is in favor of SB 630, which would alter the process for the selection and retention of circuit court judges.

Our system of vetting and appointing Maryland's judges was implemented by executive order in 1970 by then Governor Marvin Mandel. Under this framework, all judicial applicants are thoroughly vetted by a nominating commission, with help from local bar associations. The most qualified candidates are put on a list for consideration by the Governor, who will review and make the final appointment decision.

Currently, however, only circuit court judges are subject to contested elections. Once the Governor appoints the judge to a fifteen-year term on the circuit court, any lawyer within the county who is at least thirty years old, has resided in Maryland for six years, and is a member of the Maryland Bar may file against the newly seated judge in a contested election. This challenger bypasses the strict vetting process that all appointed judges are subject to, making it very possible that a less qualified judge is ultimately elected to the position. In fact, this has occurred nearly a dozen times since the year 200, with a third of those races occurring in 2020.

When it comes to casting a ballot for judicial office, voters are not generally well-informed. On the ballot, the names of all the candidates appear in alphabetical order, with nothing to denote the sitting judge from the challengers. The average voter is usually unaware of who their sitting state delegates and senators are, let alone keeping up with and understanding the work of the sitting judges within their counties – this often leads voters to a cast a vote at random, or to vote based on immaterial factors like the order the names appear, race, or gender. Many times, it leads to a voter choosing not to cast a vote in the race at all.

On the rare occasion that a voter has heard of a judicial candidate, it is most likely due to fundraising that allows for print and tv ads, yard signs, snail mailers. As we heard in workgroup sessions, in Maryland - as in many other states - the overwhelming majority of funds raised by circuit court judges on the contested election campaign trail were raised from local lawyers who will go on to try cases before the same judges they give money to. This obviously raises serious ethical concerns about the transparency judicial independence of the circuit court.

SB 630 seeks to remedy these issues with our current circuit court election process. Under the bill, rather than standing for re-election every fifteen years in a contested election, circuit court judges would instead face a retention election every ten years – ensuring the voters still have a say in whether to keep a judge on the bench or not. This revised process – agreed upon after two years of

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study by the Maryland Workgroup to Study Judicial Selection - would be in line with the process currently used for Maryland's appellate judges.

Even with the proposed switch from contested to retention elections, there is definitely an opportunity here for increased public education, community outreach and public participation within the process. The Workgroup heard testimony about how other states handle public education around judicial elections. Colorado, for example, provides a public, searchable, county-specific, database with biographical information on judges currently running in a retention election. Making resources like this available in Maryland would go a long way towards ensuring voters are able to make informed choices and that retention elections are meaningful.

This legislation will be a step towards standardization of the judicial election and retention process. It will also address transparency and ethical issues around campaign finance in the selection process.

For these reasons, we request a favorable report on SB 630.

SB 630- HB 778 - Judicial Elections (00153680xEB5E

Uploaded by: Patrice Clarke

Position: FAV

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

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February 10, 2025

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.

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[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.

PMC/

Position Paper RHJ personal Judge Select Retention

Uploaded by: Ron Jarashow

Position: FAV

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

Background. I am a former Anne Arundel County Circuit Court Judge appointed by Gov. Martin O'Malley in January 2010. I lost in a highly political, partisan November 2010 election. I worked on many judicial elections and am personally familiar with the burdens, difficulties, and ethical considerations of contested judicial elections.

Voters Do Not Know Judicial Candidates and **Political Party Influence**. In my 2010 election, 202,000 votes were cast for Governor and only about 100,000 votes were cast for Judge. I lost by about 7% to a candidate whose last name started high in the alphabet and who was endorsed by Governor Ehrlich's political party. Governor Ehrlich won 55% of the County vote. The judicial challenger never went through the application and vetting process. Reportedly, that challenger never tried a court case. The County Republican Central Committee did not interview or consider endorsing the two Governor O'Malley appointed judges even though we had bipartisan support. Six years later, in a contested judicial election, the Democratic Party Central Committee similarly refused to endorse the appointed sitting judges and refused to publish my law firm's endorsement in the Central Committee dinner program because some were Republicans.

Both political parities were wrong to inject political partisanship into judicial elections. The goal should be to support appointed, independently vetted persons. Both parties rejected that principle, relying on purely political partisan in refusing to support appointed sitting judges.

Lawsuits by Judicial Candidates. Some judicial candidates file lawsuits. *See, e.g., Rickey Nelson Jones v. Mary E. Barbera*, Jones v. Barbera, 2020 Md. App. LEXIS 65, 2020 WL 405452 (Md. Ct. Spec. App., Jan. 24, 2020, *cert. denied* 2019) (unreported) (the unsuccessful judicial candidate sued the Chief Judge). Lawsuit threats were made during my 2010 election.

Candidate Misconduct Has No Penalty. Judicial elections historically had been overseen by a volunteer committee known as the Maryland Judicial Campaign Conduct Committee (MJCCC). The MJCCC (now disbanded) had no authority to punish judicial candidate misconduct even though misconduct complaints were filed and it issued "sanction" reports. In 2010, the Anne Arundel County challenger was found to have violated judicial campaign rules by distributing misleading campaign literature on election day that mischaracterized her as being an appointed judge along with my co-appointee to the bench. That literature used our black and yellow campaign colors (instead of her blue and white campaign colors) with her photograph and my running mate that made it appear as if they were the two appointed judges. The law imposes no penalties for misleading judicial campaign conduct. *See* https://thedailyrecord.com/2011/01/13/asti-flyer-violated-campaign-conduct-standard-panel-finds/ ("…yellow-and-black Election Day flier was "likely to mislead" Anne Arundel County voters and therefore violated a standard of conduct that calls for "truthfulness and dignity" in judicial campaigns, an oversight panel said in an opinion released Thursday").

All oversight of judicial elections is not meaningful. Although the Maryland Rules have guides for judicial candidates, there is no enforcement or penalty mechanism.

Personal Financial Burden. In several elections, appointed judicial candidates must contribute substantial amounts to finance the campaign for the county-wide election. One retired Circuit Court Judge told me that she contributed approximately $90,000 of her own money to the judicial campaign.

MAJ position Judge Election, SB630 HB778 2025.pdf
Uploaded by: Ronald Jarashow
Position: FAV

SB630/HB778
Circuit Court Judges – Selection and Retention Elections

FAVORABLE

The Maryland Association for Justice fully supports the July 2024 Final Report and Recommendations of the "Workgroup to Study Judicial Selection." We commend the process, research, open meetings, public hearing, and thoughtful evaluation reflected in the 64 page report and over 700 pages of appendices. This position paper will focus on reasons to adopt retention elections for Circuit Court judges.

HISTORY OF MARYLAND JUDICIAL ELECTIONS

A 2016 comprehensive article reviewed Maryland Constitution judicial election history. Originally, judges were not subject to election. The 1850 Maryland Constitutional Convention revision (ratified by the voters in 1851) adopted contested judicial elections for the first time. Y. Kuperman, *Whose Bright Idea Was This Anyway? The Origins of Judicial Elections in Maryland*, University of Baltimore Law Forum, 2016. In 1864, the 1850 Constitution was replaced after the Civil War. "The 1867 Constitution is still in force today…." *Id*. at 113, n. 251.

In 2015, The Department of Legislative Services prepared a study, "Selection and Retention of Judges" (Workgroup Report, Appendix C). That report documented the Maryland Circuit Court selection and election process.

REASONS TO ADOPT CIRCUIT COURT RETENTION ELECTIONS

Voters No Longer Know Judicial Candidates

One view for contested judicial elections is that local jurisdiction voters should select the judges because they know the candidates best suited for their community. Where knowing local judge candidates might have been a valid initial rationale, it is no longer accurate for many reasons.

Immense changes in Maryland population and electorate have occurred since 1864 or 1867 summarized by the chart below that reflects the huge increases in voter numbers, the percent of population that votes, and increased population. For example:

Presidential Election	Maryland	A Arundel	Pr Georges	Balt Cit	Wicomico	Carroll
1864 votes cast	72,647	1,990	5,121	89,457	1,885	7,274
2024 votes cast	3,038,334	311,572	404,009	230,754	46,912	102,651
Voters registered 2024	4,204,572	413,786	604,477		66,196	129,226
Increase 1864/1892 to 2024	**4082%**	**15557%**	**7789%**	**158%**	**2389%**	**1311%**
			Note 1	Note 1	Note 2	Note 1
POPULATION	Maryland	A Arundel	Pr Georges	Balt Cit	Wicomico	Carroll
1860 census population	687,049	23,900	23,327	212,418	15,802	24,533
2020 census population	6,177,224	588,261	967,201	585,708	103,588	172,891
Increase 1860 to 2020	**799%**	**2361%**	**4046%**	**176%**	**556%**	**605%**
					Note 3	

VOTERS v. POPULATION	Percent voting versus population					
Jurisdiction	Maryland	A Arundel	Pr Georges	Balt Cit	Wicomico	Carroll
1864, 1892 % pop. voting	11%	8%	22%	42%	12%	30%
2024 % pop. voting	49%	53%	42%	39%	45%	59%
NOTES						
Note 1, 1892, not 1864 Pres. Election						
Note 2, 1868, not 1864 Presidential Election						
Note 3, 1870 census, not 1860						

People casting votes in all of Maryland increased by over 4,000% and population by almost 800%. Similarly, Prince George's County voters increased almost 8,000% and population around 4,000%. And in Carroll County, voters increased 1,311% and population by over 600%. This is explosive growth in 130 or 160 years from when contested judicial elections were instituted. In the 1800's, except in Baltimore City, the number of people who voted was a fraction of the voters in 2024. A candidate could be known by a large percentage or all voters in the 1800's elections. In 2024, contacting the huge number voters in even smaller counties would be expensive and difficult – especially for a sitting judge who works full time during the day and, often, at night and weekends to keep up with judicial duties. In the 1800's, voters and citizens might know or be informed about judicial candidates. Today, however, it is almost impossible for a judicial candidate to connect with voters and citizens. This justifies adopting retention elections rather than contested judicial elections.

Differences Between Judges and Political Officials. Without immediate checks and balance that apply to all other political elected officials, Judges have almost unlimited power to affect citizens' lives. Judges make life-effecting decisions every day in cases dealing with, for example, divorce, custody, criminal conduct, business disputes, personal injury, etc. Unlike other political offices that require majority votes, cooperation, and compromise, a circuit court judge acts alone deciding most matters in which someone wins and the opponent loses. All other elected officials have checks and balances such as County Executive and County Council, Governor and General Assembly, or Mayor and City Council. Those legislative versus executive officials can be prompt and immediate to prevent bad decisions or overreaching. All elected officials can be thrown out in four (4) years if the voters are dissatisfied. Not so with a Circuit Court judge. Only appellate courts are checks and balances for the power of a trial judge. Appeals are expensive and very time consuming, not immediate or prompt relief for a bad judge decision or overreaching. Voters can only throw out a judge who seeks another 15 year term (which many do not) which is a long time between elections.

5-year Experienced Lawyer May Run. Under the Maryland Constitution, any lawyer who is 30 years old who resides in a county for at least 5 years may be a judicial candidate. Md. Constitution, *Art. IV, Sec 2*, Judiciary Dept. If an inexperienced lawyer shared a name with a famous person (e.g. Will Smith), one could speculate that voters might elect that lawyer based on name recognition.

Rigorous Applicant Evaluation, Vetting, Selection. Currently, 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. The goal is to ensure that qualified lawyers become judges "… who are most distinguished for integrity, wisdom and sound legal knowledge." Md. Constitution, *Art. IV, Sec 2*, Judiciary Dept. The public seldom knows or understands the application or vetting process that appointees went through versus a candidate who files as an election candidate who may never have been vetted. But any lawyer with five (5) years legal experience can register in the current contested judicial election and be elected without being subjected to the intense evaluation of the appointed judge.

Discourages Quality Appointees. The current contested election process discourages successful lawyers from seeking judicial appointment. A lawyer abandons a successful law practice to face the chance of losing in a general or primary election.

County-Wide Election. Judge candidates run county-wide. It is hard to inform all voters about the appointed judge's rigorous selection process and qualifications versus challengers. Judges face restrictions on time, activities, and campaigning. In contrast, a challenger with no daily judge duties has great flexibility to campaign and raise money.

Finances. Attached is a brief summary of amounts raised by judicial election candidates that come from reviewing the Maryland State Election Boards finance reports. For the county-wide elections, over $200,000 must be raised. In the Anne Arundel County 2010 judicial campaign, the challenger who prevailed in the election then held a post-election party to retire her debt even though she was going to be sworn in as a sitting judge. The Challenger raised about $168,000 before the November 2 election and $161,500 AFTER BEING ELECTED A JUDGE. The MJCCC found that there was no prohibition against post-election fundraising by the elected judge.

Ethical Considerations. A criticism of the current judicial election system is that judicial candidates must raise a substantial amount of money. People connected with the legal profession are the most likely contributors that may be a conflict of interest. This system may lead to complaints that a judge favors or disfavors people because they did or did not contribute. In addition, there are ethical concerns that judges are soliciting money from people connected with legal profession. Judges must be circumspect when campaigning. Other non-judge candidates can say or promise anything.

Judges Are Not Politicians. Most judges have been practicing attorneys and never ran for election. When appointed, they are thrust into an election campaign. An appointed judge may be extremely qualified to make decisions but not have an aptitude for meeting people, giving campaign speeches, fundraising, etc. Sometimes, the timeline for elections is very short. A challenger might be someone who is very political, an elected official, or has a schedule that permits active campaigning.

Judge Elections Differ From Any Other Election. All other election candidates choose to run, organize life and work to make campaigning time, and prepare financing and campaign infrastructure before filing. It is impossible for an appointed judge to take these steps. When appointed, the new judge must close law practice within 30 days. After appointment, a new judge is learning this new full-time job and attending orientation and classes.

Voter Misunderstanding. Judge elections are a unique -- for 15-year terms. Other elected officials are reviewed and elected every 4 years. Yet, judge elections on the ballot look like and other offices.

Confusion, NOT Non-Partisan. Judicial candidates are designated "judicial" party and not Democrat or Republican. It might be considered unethical for the appointed judge to identify party affiliation when campaigning. A challenger, however, is not restricted. Judicial elections are PARTISAN (NOT non-partisan). *See Suessmann v. Lamone*, 383 Md. 697, 729 (2004).

Retention Election Makes Sense. Changing to a retention election avoids almost all the above issues. No risk of a popular or name-recognized candidate displacing an appointed judge who was vetted and selected. Challenger misconduct would be largely eliminated. Ethical considerations (like those above) would no longer exist due to limited fundraising or comments from other candidates, interest groups, political parties, etc. Public misunderstanding would be eliminated. A greater number of highly qualified lawyers would likely seek judicial appointment since the chance of an election loss would be substantially eliminated.

The Maryland Association for Justice urges a FAVORABLE Report on SB630/HB778

About Maryland Association for Justice

The Maryland Association for Justice (MAJ) represents over 1,250 trial attorneys throughout Maryland.

MAJ advocates for preserving the civil justice system, protecting consumer rights, and educating members for professional development.

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Summary of Selected Judicial Elections

From Review of Selected Judicial Campaign reports

By Ron Jarashow review of campaign reports

Amount raised	Yr Election	Judicial Candidate	Amount Contrib by Candidate	County	NOTES
$168,334	2018	Mark Crooks	$27,000	AA	Only through Primary.
$200,898	2010	Jarashow / Kiessling		AA	
$260,677	2016	Vitale, Schaeffer, Klavans, McCormack		AA	
$261,780	2008	Baltimore City Slate		Balt. City	
$159,082	2014	Baltimore City Slate		Balt. City	
$372,370	2016	Baltimore City Slate		Balt. City	
$167,985	2010	Alison Asti	$121,000	AA	BEFORE NOV 2 vote
$161,463	2010	Alison Asti		AA	AFTER NOV 2 vote

SB0630 - MSBA Support Letter (2025.02.10).pdf
Uploaded by: Shaoli Sarkar
Position: FAV

MSBA
MARYLAND STATE
BAR ASSOCIATION

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520 West Fayette Street
Baltimore, MD 21201
410-685-7878 | msba.org

Annapolis Office
200 Duke of Gloucester Street
Annapolis, MD 21401
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To: Members of the Senate Judicial Proceedings Committee
From: Maryland State Bar Association (MSBA)
Subject: SB 630 – Circuit Court Judges – Selection and Retention Elections
Date: February 10, 2025
Position: **Support**

The Maryland State Bar Association (MSBA) **supports** Senate Bill 630 – Circuit Court Judges – Selection and Retention Elections. SB 630 proposes amendments to the Maryland Constitution relating to the selection and tenure of circuit court judges; alters the method of filling vacancies in the office of a judge of a circuit court; provides for retention elections following an appointment to fill a vacancy in the office of a judge of a circuit court; provides for a transitional period during which the terms of certain amendments are to become effective; and submits this amendment to the qualified voters of the State for their adoption or rejection.

MSBA represents more attorneys than any other organization across the state in all practice areas. Through its advocacy committees and various practice-specific sections, MSBA monitors and takes positions on legislation that protects the legal profession, preserves the integrity of the judicial system, and ensures access to justice for Marylanders.

MSBA Opposes Contested Elections, Supports Sitting Judges and Bar Association Input

For over thirty years, the MSBA has opposed the contested election of Maryland's circuit court judges. The association has supported sitting circuit judges every election season, as those individuals have been properly vetted and gone through a rigorous process based on their judicial qualities and merits. Each sitting judge has undergone thorough evaluation processes and was appointed by the Governor, after being recommended by a Judicial Nominating Commission for their qualifications, judicial abilities, and merit, with input from state, local, and specialty bar associations, including the MSBA.

In 2022, the MSBA began serving on the Judiciary's Judicial Selection Workgroup that studied the judicial selection process. The MSBA appreciates the Workgroup's comprehensive, holistic approach, and for the Report and Recommendations to the General Assembly and the public.

SB 630 would incorporate the recommendation to standardize the selection process for circuit court judges with appellate judges by holding retention elections and removing contested elections. Circuit and appellate judges would have a uniform appointment and retention process as well as the same term of office, a process that has served appellate judges for decades.

Contested Elections May Intensify Negative Perceptions, Raise Fundraising and Security Concerns, and Attract Fewer Applicants

Several factors justify an end to contested elections for circuit court judges:

- The appearance of sitting judges accepting campaign donations from contributors, including those who have cases before them, undermines public trust in an independent judiciary.

- Sitting judges may face additional security challenges as they campaign in neighborhoods, attend regular fundraising events, and go to polls, and may interact with litigants who appeared before them and were dissatisfied with a case outcome. Sitting judges may not feel they have a choice to opt-out of these activities in order to protect their safety.

- Many of the best-qualified candidates for the circuit court do not apply, because they must leave their practices with the risk of losing their judicial seat in a contested election.

- The Code of Judicial Conduct prohibits a sitting judge from taking positions as to how he or she would decide certain cases. As a consequence, a key element of the contested election process—debating the issues—is removed and the judicial campaign process becomes an inherently unfair process, because a challenger to a sitting judge does not have to comply with these restrictions.

- The contested election threatens the independence, integrity, and competence of the circuit court.

For these reasons, MSBA respectfully urges a **favorable report on Senate Bill 630.**

Contact: Shaoli Sarkar, Advocacy Director (shaoli@msba.org, 410-387-5606)

Judicial Elections - Talking Points February 2025.

Uploaded by: Will Vormelker

Position: FAV

MARYLAND JUDICIAL COUNCIL
LEGISLATIVE COMMITTEE
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HB 778/SB 630 – Circuit Court Judges – Selection and Retention Elections
CONSTITUTIONAL AMENDMENT

These bills reduce the politicization of the circuit courts, while maintaining voter input through an election, and add a requirement of Senate confirmation after appointment by the Governor. The bills alter the method of electing circuit court judges, from contested to retention elections, and reduce the term length from 15 to 10 years, consistent with the term of all other Maryland judges. HB 778/SB 630 are consistent with the recommendations of the Judiciary's Workgroup to Study Judicial Selection, which produced a comprehensive report following a 22-month investigation.
See https://online.flippingbook.com/view/994939268/.

Current Hybrid Selection Model

The Maryland Constitution provides that judges must have resided in Maryland at least five years, be at least thirty years of age, and shall be selected from those admitted to practice law **"who are most distinguished for integrity, wisdom and sound legal knowledge."**

Appointed Judges – Since 1970, all judges appointed by Governors are selected from lists submitted by Judicial Nominating Commissions, composed of lawyers and laypersons. The Commissions receive and review detailed applications and writing samples from persons seeking appointment as well as recommendations from at least 14 bar associations, which also interview applicants, and letters of support from other interested persons. The Commissions then interview the applicants and nominate the persons they find most legally and professionally qualified. Governors also receive the applications of the nominees, along with whatever other material may be sent. Governors usually interview the nominees before making the appointment. The process involves a **careful examination of the qualifications** of all who seek the appointment. The goal is to elevate consideration of merit above ordinary political factors[1]. The nominee appointed by the Governor is sworn in, begins serving as a circuit court judge, and then at the next state or federal election in Maryland, files a certificate of candidacy and sits for an election that may be contested.

Candidates on the Ballot Only – There is no requirement that the candidate go through the Judicial Nominating Commission process or submit themselves to the extensive process outlined above. An attorney who has resided in Maryland at least five years, is at least thirty years of age, and admitted to practice law in Maryland, need only file a certificate of candidacy. The process then becomes immediately political.

Why are Contested Elections Inappropriate for Judges?

- Citizens deserve to have confidence that their rights are protected by independent, highly qualified, and impartial members of the bench. The Judicial Nominating Commission process allows for that thorough consideration.
- Judicial decisions should not be swayed by politics but should be governed by the rule of law. Contested elections inject a perception of politicization.
- 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.

[1] Report and Recommendations, Workgroup to Study Judicial Selection, July 2024, p. 49-50.

- Sitting judges cannot campaign like elected officials – they are prohibited from commenting on cases or making policy pronouncements. It would be unethical to say things such as: "I am tough on crime." Challengers are less constrained during the campaign process. This discrepancy presents challenges for voters.
- Citizens may not have information from which to distinguish qualified candidates from unqualified candidates.
- Politicization of contested elections undermines the public's trust and confidence in the impartiality and independence of the judicial branch.

Why Retention Elections?

- Retention elections, after Senate confirmation and public education, allow for the public to have a voice.
- Retention elections are non-partisan – reducing the appearance of political bias.
- Retention elections ensure that judges are first thoroughly vetted by Judicial Nominating Commissions.
- Retention elections obviate the need for fundraising, reducing the appearance of impropriety or potential ethical concerns.
- Retention elections provide a process to ensure compliance with the constitutional mandate that judges should be "most distinguished for integrity, wisdom, and sound legal knowledge."

It is time for Maryland voters to be given the opportunity to decide whether contested elections are achieving or interfering with the goal of public confidence in a highly qualified, impartial, and independent judiciary.

Workgroup to Study Judicial Selection

The Judiciary established the Workgroup to Study Judicial Selection in 2022 to perform a fair, balanced, and comprehensive examination of selecting and retaining trial judges. They studied relevant data, research, and best practices among the states; held public hearings; and received testimony and input from academic and policy centers; state, local and specialty bars; citizens; members of the executive and legislative branches; and various other interested persons. **This bill's recommendation for retention elections follows the Workgroup's recommendation.**

Diversity on the Bench

The Workgroup to Study Judicial Selection recommended that the Governor prioritize diversity when making appointments to the Judicial Nominating Commission; specifically racial, ethnic, gender, and geographic diversity of Maryland, specialty bar association membership, and diversity in practice areas of the law. **Governor Moore's executive order on Judicial Nominating Commissions incorporated this recommendation.**

The Workgroup found that Maryland judges are broadly representative of the population of Maryland. As of April of 2024, 51% of Maryland judges identified as female and 49% male. Additionally, the black/African American judicial representation (30%) was consistent with Maryland's most recent census data (29%). This representation is largely the result of Judicial Nominating Commission membership becoming more diverse and gubernatorial appointments reflecting the communities served. **Contested Elections do not guarantee a diverse bench.**

The broad diversity gains may also be undermined by certain contested elections, which may not adhere or appeal to those goals. **Contested elections may impede the ability of smaller represented groups in the community to get a fair opportunity for representation on the bench.**

SB630 Hon. Sheila Rillerson Adams

Uploaded by: Will Vormelker

Position: FAV

Hon. Sheila R. Tillerson Adams
Administrative Judge (Retired)
Circuit Court for Prince George's County and the
Seventh Judicial Circuit of Maryland
14735 Main Street, Suite D2010
Upper Marlboro, MD 20772

Personal Testimony of Judge Sheila R. Tillerson Adams (Retired)
Former Administrative Judge of the Circuit Court
for Prince George's County and the 7th Judicial Circuit of Maryland
House Judiciary Committee / Senate Judicial Proceedings Committee
HB 778 / SB 630 – Favorable
February 12, 2025

Greetings Chairs Clippinger and Smith, Vice Chairs Bartlett and Waldstreicher, and members of the House Judiciary and Senate Judicial Proceedings Committees,

I am honored to submit this testimony today in support of House Bill 778 and Senate Bill 630, Circuit Court - Judges Selection and Retention - a Constitutional Amendment. This Bill will ensure that all applicants applying for Judicial vacancies are fully vetted and will allow Marylanders to vote to retain or reject Judges in elections following their appointment by the Governor. This change is needed and will significantly impact and improve the Administration of Justice in this State.

Now, before I proceed with my testimony, I must admit that I was not always a fan of doing away with contested judicial elections in Maryland. I started my career in the law in the early 80s in Baltimore City, at a time when there were few African American Judges on the Bench in that city. Black lawyers at the time saw challenging the establishment as a way of urging and even forcing the system to appoint competent Black lawyers to the Bench.

Qualified and skillful lawyers put their hat in the ring and they challenged the Sitting Judges - some won, most lost, but it opened the eyes of the establishment to take a more holistic look at all the candidates applying for judicial vacancies and to create a fair system of selecting judges. Hence, the vetting system that we have today.

Fast forward to 1996 when I was appointed to the bench by Governor Glendenning and then to 2010 when I was named Administrative Judge of the 7th Judicial Circuit by then Chief Judge Robert M. Bell. Through the eye of an Administrative Judge, I saw the Judiciary through a totally different lens. I saw the role of the Judge being unlike that of any other elected official and the importance of qualified and skilled practitioners being placed on the bench became abundantly clear to me.

Judges are the ultimate public servants - entrusted with making decisions intimately and directly impacting the daily lives of citizens who come before them. Decisions that determine if a citizen

goes to jail or not, the custody of their children, the dissolution of their marriage, the partition of their property, just to name a few.

These decisions impact families directly and judges, unlike most elected officials, have the unilateral authority to make these decisions.

The skill it takes to understand the laws impacting the resolution of these decisions is not derived from an "on the job training" checklist. It takes years of practice.

The law is so vast and is constantly changing. There are so many areas of the law, that is why there are so many lawyers who specialize in certain areas - lawyers train and practice for years to be skilled at what they do.

As Administrative Judge, I advocated to have judges with vast experience appointed to the bench so that I had a cadre of judges with the expertise to handle any matter presented to the Court.

The vetting process that exists in the current judicial appointment process and which would continue with this Bill, would require ALL applicants to the bench to be vetted. Vetting evaluates their expertise, temperament and experience with a variety of case types. This vetting is so crucial to the integrity of the bench and the service that the bench is required to give to the public.

Without vetting, what happens is that lawyers can just put their name on the ballot to see what happens and sometimes they win. All lawyers are not created equal! What I mean by this is that the only criteria that currently exists in the law to make you eligible to run for a Circuit Court Judge is membership in the Maryland Bar for 5 years and the attainment of age 30. There is no requirement of:

1. Jury Trial experience- Civil or Criminal
2. Years of practice
3. Judicial temperament (respect shown to litigants and others)
4. Specific experience with certain types of cases
5. Prior experience on a lower court or in a quasi - judicial role
6. Reputation at the bar
7. Just to name a few

People have been elected to the bench without any prior experience - never tried a case or never represented a client (other than a family member) - then we are asked to train them to resolve some of the most important and complex matters in the lives of our citizens…

This amendment to the Maryland Constitution will require that all judges are vetted and provide that citizens would still have a voice in judges remaining on the bench. On Election Day, citizens can cast their vote for or against the retention of Judges if they believe they are or are not serving the citizens in a manner that meets the needs of the public.

I urge you to pass this Bill for the Good of the Citizens of Maryland.

SB630
Uploaded by: William Wood
Position: FAV

TESTIMONY OF WILLIAM T. WOOD, 31 WOOD LANE., ROCKVILLE, MD 20850 IN SUPPORT OF HB778 & SB630:

- GOOD AFTERNOON!
- MY NAME IS BILL WOOD.
- I AM HERE TO STRONGLY SUPPORT HB778 AND SB630.
- I HAVE BEEN A MEMBER OF THE BAR SINCE 1967 AND AN ACTIVE TRIAL LAWYER FOR FIFTY-TWO YEARS UNTIL MY SEMI-RETIREMENT LAST YEAR.
- MANY YEARS AGO, I SERVED AS TREASURER FOR A SLATE OF SIX MONTGOMERY COUNTY SITTING JUDGES RUNNING IN A FIERCELY CONTESTED ELECTION.
- WE MET IN MY OFFICE IN ROCKVILLE EVERY WEDNESDAY TO DISCUSS ISSUES, INCLUDING HOW TO ETHICALLY RUN AN ELECTION CAMPAIGN AND RAISE MONEY INCLUDING FROM LAWYERS PRACTICING BEFORE THE COURT.
- WE WERE CONSTANTLY FACED WITH ETHICAL CONCERNS.
- WE ENGAGED INDEPENDENT COUNSEL.
- WE RAISED APPROXIMATELY $680,000 TO SUPPORT THE CAMPAIGN PRIMARILY FROM LAWYERS.
- THE JUDGES WON OVERWHELMINGLY IN ALL THESE RACES BUT CONTESTED JUDICIAL ELECTIONS ARE FRAUGHT WITH PROBLEMS.
- FOR EXAMPLE, AT THE OUTSET WE ISOLATED THE JUDGES FROM THE NAMES OF **ALL** CONTRIBUTORS, BUT THE APPEARANCE WAS NOT GOOD.

- AND WE ONLY HAVE TO LOOK AT THE TRAGIC FATAL SHOOTING ON OCTOBER 19, 2023 OF JUDGE WILKINSON IN HAGERSTOWN IN THE DRIVEWAY OF HIS HOME BY AN ANGRY LITIGANT AND THE REMOVAL BY THE MD. SUPREME COURT ON AUGUST 15, 2024 OF A PRINCE GEORGES COUNTY CIRCUIT COURT JUDGE FOR MULTIPLE INSTANCES OF ALLEGED MISCONDUCT AFTER THIS JUDGE UNSEATED A SITTING JUDGE IN NOVEMBER, 2020.
- I NOW BELIEVE STRONGLY THAT THE TIME HAS COME TO ELIMINATE CONTESTED JUDICIAL ELECTIONS IN FAVOR OF RETENTION ELECTIONS.
- I DID NOT ALWAYS FEEL THIS WAY BUT TIMES HAVE DRAMATICALLY CHANGED.
- JUDGES MAKE DECISIONS AND THERE ARE WINNERS AND LOSERS.
- THERE IS SECURITY IN THE COURTHOUSES BUT VERY LITTLE OUTSIDE THE COURTHOUSES WHERE JUDGES CAN BE FOUND CAMPAIGNING.
- I WILL SIMPLY SAY THAT BASED UPON MY FIFTY-TWO YEARS AS A TRIAL LAWYER AND MY EXPERIENCE WORKING IN CONTESTED ELECTIONS, THE EXHAUSTIVE VETTING EACH JUDICIAL CANDIDATE CURRENTLY GOES THROUGH PRIOR TO APPOINTMENT INSURES A **HIGHLY QUALIFIED** JUDICIARY.
- REQUIRING SITTING JUDGES TO CAMPAIGN IN THE PUBLIC ARENA IN TODAY'S ENVIRONMENT AND TO RAISE MONEY, PARTICULARLY FROM LAWYERS WHO APPEAR BEFORE THEM, IS, IN MY OPINION, NO LONGER A BEST PRACTICE TO MAINTAIN A HIGHLY QUALIFIED, FAIR AND IMPARTIAL JUDICIARY.
- THANK YOU!

TESTIMONY BEFORE THE SENATEJUDPROCEEDINGSS630.pdf
Uploaded by: Claudia Barber
Position: UNF

TESTIMONY BEFORE THE MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE
Wednesday, February 12, 2025 AT 1 PM
SENATE BILL 630 – CIRCUIT COURT JUDICIAL ELECTIONS

Presented by Claudia Barber, 2016, 2018 and 2024 candidate for judge on Circuit Court for Anne Arundel County

Today, our state legislature seeks to replace the state circuit courts' current open judicial election process to a more limited judicial retention process where voters would not have the same input as voters have now in the current open process.

There are many county circuit courts in the state that lack diversity. They include the Circuit Court for Anne Arundel County, which has no Hispanics, no Asian Americans, no native Americans on its bench, and no African American males. Other circuit courts lacking African American male judges include Charles County, Montgomery County, Carroll County, and rural counties. The real problem is that the trial court judicial nominating commissions continue to keep it that way by practicing exclusion when it short lists candidates for the governor to appoint.

When Governor Marvin Mandel created his executive order decades ago establishing these judicial nominating commissions, someone recognized it would be an imperfect process. It is, and remains so. The fact that there have been less than six African Americans, no Hispanic Americans, no Native Americans, and no Asian Americans in the 300 plus year history of Anne Arundel County Circuit Court exemplifies the insidious glass ceiling created by the judicial nominating committee process. To remove the only hope that most minority candidates have to being elected to the judiciary is to ensure, particularly in those counties where minorities are underrepresented, that the judiciary in Maryland will remain monochromatic. My running in a contested judicial election in 2016 was the only reason there was a sudden interest to diversify the bench in 2018.

I ask that this legislature reevaluate Senate Bill 630, as it further removes voter impact to effect change and to diversify the judiciary throughout the state of Maryland. Voters are in a better position to decide on who should be their trial court judges, more so than a non-elected commission chosen based on partisan relationships.

Given the increase in racially charged incidents in this state and the existing composition (only two African American female, the first appointed in 2018, in the 368 year history) of Anne Arundel County's Circuit Court, we need inclusion and diversity on every court in every county of this state. A Goucher Poll released February 18, 2019, indicates 10 percent of African Americans polled believe the criminal justice system in Maryland treats whites and blacks equally. There is no legitimate reason why the Anne Arundel County Circuit Court still does not reflect the community it serves. The only explanation is that the judicial nominating committee through partisan politics has stacked the deck against minority judicial candidates. Therefore, limiting the electoral process is in essence institutionalizing partisan and racist policy and practices.

The collateral damage behind maintaining an all white judiciary in this county is creating an all white magistrate judge panel and white-only court auditors. It took the same Anne Arundel Circuit Court more than 369 years to appoint its first African American female magistrate judge. And today, it reverted back to practicing exclusion in a white only magistrate judge panel. This is not equal opportunity employment. This is opening the door to allow one minority in at a time and placing them there whenever we protest. This is also yet another example of state sponsored discrimination. These are ghosts of Jim Crow and a modern day version of an Emmett Till courthouse in various counties across the state.

Passing SB 630 would not eliminate or reduce this state sponsored discrimination, but it would exacerbate this racist legacy. The majority of Anne Arundel County Judicial Nominating Commission members during their respective tenures appear, based on statistics, to be concerned about only nominating one or no people of

color. **Since the 2018 appointment of Judge Elizabeth Morris to the Circuit Court for Anne Arundel County, the Anne Arundel County Judicial Nominating Commission continued to practice exclusion by short listing all white candidates to the judiciary in 2019. This same Commission will continue to do so in the future without any concern about those disenfranchised by this process**. They did so in 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2019, 2020, 2021, and 2022. In the present situation, if trial court nominating commissions choose to practice exclusion, they can and will continue to do so.

The Maryland legislature must provide a procedural and legal process for those unfairly excluded from the judicial nominating process or denied positions for which they are qualified. An almost all white judiciary taints the entire justice system, and should not exist anywhere, let alone in the state's capital. This state has a history of wrongly incarcerating citizens. That history alone should stop legislators from rushing to change the existing open electoral process to a closed process.

Thank you Senate Judicial Proceedings Committee members, and Mr. Chairman for your time.

SB 630 Unf.pdf
Uploaded by: Diane Adkins-Tobin
Position: UNF

SB 630 UNF

Diane Adkins-Tobin
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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

Diane Adkins-Tobin

February 10, 2025

Marguerite Morris SB0630 Testimony.pdf
Uploaded by: Marguerite Morris
Position: UNF

Marguerite Morris

morrisrite@msn.com

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301-408-8833

My name is Reverend Marguerite Morris I am here to testify in opposition to SB 0630

I am with Community Actively Seeking Transparency and For Kathy's Sake the latter of which was named in memory of my daughter Katherine Sarah Morris for which HB969 was recently named after her (The Katherine Morris Seath Reclassification Act).

I have worked with and supported several impacted people looking and or hoping for justice and fairness in our judicial systems. They look for sensitive and equal access to what is right and just for all.

So how judges are put in place and kept or removed is of vital importance.

Removing a citizen's continued and frequent right to be a part of that process will result in the continued disparagement of parts of our judicial systems.

Our vote should impact the way in which Circuit Court judges arrive and remain on the benches in our County and State.

I think it's very important in our community to be able to as, voters to look at the job a judge or individual has done even though they're nonpartisan and be able determine from that whether they are kept in place.

So, if we don't have the freedom to nominate or support or choose then we lose the benefit of creating change and trust in the judicial system

We would be kind of stuck with what someone that has been nominated and appeared to be just they changed their perspective, and we as citizens loss.

We should not be locked in as citizens, to them continuing to have the job, when they have proven they don't qualify, or do the job they were put in place to do.

To not allow our participation leaves the opportunity to continue the bias systems that exists in our court systems.

Judicial Elections Bill Testimony Senate.pdf
Uploaded by: Maria Oesterreicher
Position: UNF

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Senator William C. Smith, Jr., Chair
Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21404

RE: SB630 – Circuit Court Judges – Selection and Retention Elections - Unfavorable

Dear Senator Smith and Members of the Judicial Proceedings Committee:

I am writing in my individual capacity, and not on behalf of the Maryland Judiciary. My judiciary contact information is being utilized to protect my privacy. I write today in opposition SB630.

I am an Active Judge on the Carroll County Circuit Court. I was a member of the Workgroup to Study Judicial Selection (hereinafter "Workgroup"). I was also a candidate for my position in the November 2018 election, where I successfully unseated a gubernatorial appointee.

I ran for my position because after applying four times and having seen many qualified women passed over for appointment to the Carroll County Circuit Court, it became imperative to seize every opportunity to finally see a woman on the Circuit Court – the Judicial Selection process having failed to achieve this since the creation of the County Courts in 1775.

It is for those reasons that I submit this testimony. The Workgroup, of which I was an active participant, had many meaningful discussions regarding the entire revamping of the Judicial Nominating Process. I believe I was asked to be a member of the Workgroup because I am respected member of the Judiciary. Many of us who opposed the ultimate recommendation in the Report, stated we would be more inclined to favor retention elections, only if the entire process was revised. I speak only for myself when I say that a system of appointments that permits one person to make an appointment, based on the recommendations of a committee that is voluntarily created by an Executive Order signed by the same person, and whose members are appointed by that same individual, and whose recommendation can be entirely ignored again by that same person, is not a meritorious process.

My opposition is not directed toward any specific Governor. In fact, I suggested that the implementation of any recommendation we made should be deferred until after the Governor's current term, so as to not dilute the power of appointment of our current Governor.
If we have learned nothing over the last decade, hopefully we have learned that an unchecked lengthy or lifetime appointment will have lasting consequences for generations.

To look at the composition of Maryland's judiciary as a whole and say "look we fixed the diversity problem" is not only inaccurate, but also misleading. I will take only my county, Carroll, as an example. Carroll County has two district court judges, and four circuit court judges. We have had a Hispanic applicant, African American applicants, and female applicants. The only female to ever sit on any bench in Carroll County until 2018, Judge JoAnn Ellinghaus-Jones, was appointed to the District Court by Governor Shaefer in 1991. She remained the only female on the bench in either court, until her replacement, Judge Erin Danz, was selected in January 2018. In November 2021 Judge Cara Lewis was appointed to the district court bench. To date, there are two white women on the district court, and in addition to me, three white men on the circuit court. I am the only woman on the circuit court, I am Caucasian, and I had to fight like hell to get here. This is not a statement against my male colleagues. Please don't read that into my testimony. However, the circuit court judges can overrule any ruling of the district court judges that is appealed. So, it is not an accurate analysis to say, "oh look now it's even, Carroll finally has three women and three men" (a statement that is now often made since Judge Lewis was appointed).

When I ran, in addition to my qualifications, my platform included the failure of the process to appoint any women to the Circuit Court. The voters responded and I was elected in November 2018. However, despite the will of the voters, since my election, two more white men have been appointed to the circuit court, including the reappointment of the individual I defeated. A very common practice, I might add. To this date, despite applications from many, no woman or member of any underrepresented population has ever been *appointed* to the Circuit Court in Carroll County. Ever.

Until the unfortunate unseating of Judge Jackson-Stevenson in Anne Arundel County, (who has also been reappointed), no minority of member of an underrepresented group had been unseated in Maryland since 2002 when Judge Alexander Wright, (who was ultimately appointed to the appellate court), was twice unseated by white male opponents. (See "Contested General Elections 1986-2022). Every other successful unseating since then, has removed a white man from the bench.

So, it would be false and misleading to point to the campaign of Judge Jackson-Stevenson and say "judicial elections are causing us to lose all minority appointments" – that has simply not been the case historically. And to take the rights of voters away without fixing the judicial nominating process would be a detrimental mistake and leave counties like Carroll at the mercy of a broken, flawed system that still fails to see the value of women and underrepresented persons on the bench.

If you want an unbiased analysis of judicial elections, the proper group to do so is not a group of interested judges who will benefit from a specific recommendation. Of the judges on the Workgroup, a majority were appointed circuit court judges, including judges who lost their

seats due to a contested election, and a minority were circuit court judges who had successfully unseated gubernatorial appointees or were appointed despite the vetting process not recommending their appointment. While I do not mean to undermine the efforts of the Workgroup, you simply cannot ignore the existence of "confirmation bias" when a group of interested persons "studies" a "problem" and makes a recommendation from which they will uniquely benefit. Let's be clear - I would also benefit from the elimination of judicial elections because at the end of my 15-year term, I will have to either run again, or retire. Nonetheless, opposing this Bill is the right thing to do.

The Workgroup, and generally opponents of judicial elections point to the lack of education of voters and the risk of electing unqualified judges. First, this is a flawed premise. The primary, if not only, ones complaining that there is a problem are the judges who are required to run for election. Second, taking the choice away from the voters because the judiciary and legal community have failed to educate the voters is not the proper way to correct the perceived problem. It just replaces their perceived problem with an actual serious problem. If attorneys who appear in front of judges cared enough about the issue, they would donate to campaigns, they would form PACS, and they would use their feet to get out and educate voters. Taking the vote away from citizens, only ensures that one person – a Governor – who may or may not align with your politics, gets to decide who will rule over decisions affecting every aspect of your life, and the lives of your children.

Proponents of this bill will undoubtedly point to the removal last year of a Prince George's County Circuit Court judge who ran for election as an example of the issues that may arise when a candidate for judge unseats an appointed judge. However, that argument is a red herring. Far more appointed judges have been removed from office, sanctioned, or forced to retire early, for ethical violations, than judges who were elected. We saw an example of this just last week. The argument is entirely misleading and without merit. No process is 100% accurate at identifying which judges are likely to run afoul of the rules - but the fact remains that the removal of appointed judges supports my argument that the current "vetting" is perfunctory – it is not a meritorious process. Nonetheless, many of the people that run for judge, me included, have subjected themselves to the vetting process on multiple occasions – to say that people who run for judge are skipping the vetting process is not accurate. Sometimes running against an appointed judge is a last resort and is only way to create diversity.

We are witnessing right now the unmistakable fact that all leaders do not believe in diversity, equity, or inclusion, or the value that those ideals provide. We may not always have a Governor who believes in diversity. And at this point in our history, removing opportunities for diversity is not what we want to be doing. Nor should we place our faith to provide those ideals into the hands of one individual, regardless of the admiration we may have for the person currently holding the power.

I therefore urge an unfavorable vote for SB630. I am available to answer any questions you may have.

Respectfully submitted,

Maria L. Oesterreicher

Testimony on SB 630 and HB 778.pdf
Uploaded by: Marylin Pierre
Position: UNF

TESTIMONY BEFORE THE MARYLAND
SENATE JUDICIAL PROCEEDINGS COMMITTEE ON SB 630
AND HOUSE JUDICIARY COMMITTEE ON HB 778

Wednesday, February 12, 2025, at 1:00 pm

Presented by Marylin Pierre, a former candidate for Montgomery County Circuit Court judge

Good afternoon Mr. Chairman and members of the Senate Judicial Proceedings Committee/House Judiciary Committee,

I am here to testify in opposition to Senate Bill 630/House Bill 778.

My name is Marylin Pierre. I have been practicing law in Maryland for over 32 years. I am licensed to practice law in the State of Maryland, the District of Columbia, the State of New York, and the Commonwealth of Pennsylvania. I am a recipient of the Leadership In Law Award, a three-time recipient of the Daily Record's Maryland's Top 100 Women Award, and I am recognized as a bar leader by the Montgomery County Bar Foundation. I am a former officer in the United States Army Military Police Corps, a former chair of the Montgomery County Criminal Justice Coordinating Commission, a former president of Maryland's largest and most active specialty bar association, and a former public member of the Montgomery County Criminal Justice Coordinating Commission.

I have diligently represented my clients in hundreds and hundreds of cases. I applied to be a judge because I am qualified and I thought I could make a difference in the lives of others. I used to get good reviews from the judges until I began to apply to be a judge. Despite my stellar, the Montgomery County Trial Courts did not find me qualified nine times. Since I was tired of doing the same thing and expecting a different result, I ran for judge.

Many more candidates would run for judge but they don't run because they know they will face directly and indirectly intimidation by the system. In my case, the judges made life more difficult for my clients and me. The appointed judges sued me during early voting because of something that someone allegedly said about me when I wasn't even there. The media seemed to have found out about this case as soon as it was filed which was an indication to me that they wanted the voters to assume that I had done something wrong. They asked the court to dismiss the case as soon as the election was over. Like some other people who ran against the appointed judges, the former grievance commissioner seemed to develop a special interest in using the full investigative powers of her office to embarrass us, malign our reputations, and take our law licenses away.

The challenge in the judicial nomination process is, it has become too partisan where it is not always based on merit but on connections; it's gerrymandered where the outcome is predictable and the public good is not served.

The nomination process is not serving the voters in other ways. The Montgomery Circuit Court bench has not had an African American male judge since October 31, 2014, when Judge Eric Johnson retired. It has been over a decade since there has been an African American male judge on the bench. Is the commission saying they can't find an African American attorney male who qualifies to sit on the Montgomery County Circuit Court in a county that has almost 1.1 million people? This does not necessarily mean that justice is not being rendered but the research shows that it is not.

The Justice Policy Institute's research shows that there is a huge problem with Maryland's bench. Even though Maryland does not have the highest crime rate and our young Black males are not more criminally inclined than anywhere else in the country, Maryland incarcerates a higher percentage of its young Black males than any other state in the country because of the extremely long sentences they are given by the Maryland judges.

Safety is paramount. We cannot be our best selves if we are concerned about our safety. If the research showed that extremely long sentences made us safer, I would be in favor of them. The

research shows that extremely long sentences make us less safe. A fair sentence is what makes us safer. Maryland judges know what fair sentences are because they can give fair sentences to young White males.

As far as I am aware, no one has ever lost a retention election. An overwhelming number of Maryland's judges were chosen by the various unelected and unaccountable commissions. Until we develop a deep commitment to equity in the court system, we need to increase how judges are chosen in Maryland, not decrease them the way this bill would.

We need a "watchdog" to ensure that the process of nominating and appointing judges is being adhered to. Instead of proposing a bill that would hold the commissions accountable, Senate Bill 630/House Bill 778 would make them less accountable to the detriment of many people who are not considered to be part of the clique.

For these reasons and more, I ask that you vote against Senate Bill 630/House Bill 778.

Thank you for your time and attention.

NAN--Maryland Judiciary Should Not Have Been Study

Uploaded by: Rickey Jones

Position: UNF

Maryland Judiciary Should Not Have Been "Studying" When They Could Have Been "Remedying"

Commencing September 1, 2022 and continuing until September 1, 2023, the Maryland Courts set up a Workgroup to Study Judicial Selection. The purported purpose was to "perform a fair, balanced and exhaustive examination of the various methods of selecting and retaining trial judges throughout the country and make recommendations based on that study." The purpose seemed noble on the surface. However, the Workgroup's approach was inherently flawed, doomed to give a flawed recommendation. Specifically, studying flawed methods when your method is flawed is a wasteful endeavor.

Nationwide, we already know that despite increased diversity in the legal profession, white men continue to be disproportionately represented on the bench (compared to their population in America), and both merit selection and judicial elections have failed to produce meaningful diversity. *SEE. Brennan Center for Justice: "Improving Judicial Diversity", C. Torres-Spelliscy, M. Chase, E. Greenman.* Further, in Maryland, diversity on the bench falls to about 9% once Baltimore City and Prince George's County are set aside. *SEE. Maryland Judiciary: Distribution of Judges – Race and Sex (3/14/23).* However, Maryland is currently in the top 4 states in America regarding diversity (about 48%). Therefore, there is no need to "study" judicial selection since it is abundantly clear what it is, i.e., non-diverse.

This Workgroup to Study Judicial Selection recommended eliminating contested elections for the circuit court but failed to see how **incorrect their recommendation was.** It was a grave mistake to study flawed methods while continuing the use of one of them in the present. When objectively-better-qualified African Americans (i.e., substantially superior legal knowledge, experience, and scholarship) applied for judicial vacancies in Maryland, white applicants were repeatedly put on the Bench over them. Is "studying" flawed methods more important than diversifying appointments, regardless of methods? Of course not, and that fact was missed by the Workgroup to Study Judicial Selection.

On November 28, 2022, the author attended the Public Hearing held by this Workgroup to Study Judicial Selection. He heard numerous judges condemn contested judicial elections as dangerous, distracting, polarizing, and unethical. Such complaints were without merit due to {i} the avoidance of the problems and {ii} maintaining ethical behavior (e.g., not personally campaigning in public, maintaining maturity, and behaving ethically). Nearly all of the judges stated that they did **not** know the solution to the existing non-diverse judiciary. Instantly, that statement by the judges of lacking knowledge formed part of the author's presentation. When finally called to give testimony, he informed the Workgroup that for every wrong there is a remedy. The remedy for a non-diverse judiciary is selecting the imminently better-objectively-qualified non-white applicants[1] for upcoming judicial vacancies until the diversity percentage in the state is equaled. The silence from those present after this revelation was both stark and revealing. It was as if this simple remedy was not worthy of consideration despite the long, sad, history of unjust racial exclusion on the Maryland Bench. Simply put, racial wrongs can only be effectively corrected with racial remedies. That is pure justice. The Maryland Judiciary had no business wasting time "studying" when that time could have been used "remedying." In one of the most diverse states in America, taxation without representation must never be allowed to continue, particularly when it rests on a long and entrenched history of De facto Racial Discrimination.

Reverend Dr. Rickey Nelson Jones, Esquire
Interim President & Organizer
National Action Network
Anne Arundel County, Inc.
3465 Ft. Meade Rd., #305, Laurel, MD 20724 (410-462-5800) **(NANACC2024@gmail.com)**

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[1] Objectively-better-qualified non-while applicants exist since, for example, the author applied for several judicial vacancies on the circuit court, got recommended as qualified for the judgeship by multiple Bar Associations, and did not even get a recommendation to the Governor. This was so despite the author {i} possessing decades of legal experience and knowledge in 18 different areas of the law (including being an NFL and NBA Agent), {ii} having legal articles published nationwide at least seven times, {iii} being a Continuing Legal Education Panelist 10 times at 10 different bar conferences, and {iv} having the U.S. Supreme Court grant his Writ of Certiorari, reverse 3 lower courts, and grant all requested by the author. Those candidates put on the bench to maintain the status quo did not possess anything near the legal knowledge, experience, and scholarship possessed by the author. **This is the kind of unjust, unlawful, and shameful history SB 630 and HB 778 ignore!**

Testimony Opposing Senate Bill 630.pdf
Uploaded by: Sharon Brown
Position: UNF

TESTIMONY OPPOSING SENATE BILL 630

BEFORE THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

To: Chairman and Members of the Senate Judicial Proceedings Committee,

From: Sharon Brown, Disabled Veteran and Citizen of the State of Maryland.

I submit my written testimony, before you today to urge logical and careful consideration of Senate Bill 630, as its passage would further remove transparency and deepen the disconnect between the judiciary and the people of Maryland. This bill is not in the best interest of the people—it undermines constitutional rights by limiting the electoral process, effectively institutionalizing partisan practices that do not serve the broader public interest.

The absence of community representation within the judiciary of Anne Arundel County is well-documented. Currently, the county maintains an all-white magistrate judge panel and all-white court auditors. It took the Anne Arundel Circuit Court **369 years** to appoint its first African American female magistrate judge, yet there has been a subsequent return to a judiciary that does not reflect the demographics of the county. The current judicial appointment process does not align with stated equal opportunity for all standards, as evidenced by the historical pattern of appointing minimal or no candidates of color.

Passing SB 630 will not remedy this long-standing issue; rather, it will likely reinforce existing disparities and further disenfranchise the judiciary with the community. The Anne Arundel County Judicial Nominating Commission has historically nominated all-white candidates at disproportionately high rates. Since Judge Elizabeth Morris' s appointment in 2018, the Commission continued to submit shortlists composed entirely of white candidates, including in 2019. This trend is not isolated but follows a negative pattern dating back to at least **2005 through 2015 and re-emerging from 2019 through 2022**. Without a structured mechanism for oversight and accountability, the Commission is positioned to continue a nomination process that fails to include merit defined as competition among all qualified candidates, including those of color. The result is creating a judiciary that is not representative of the community it is warranted to serve.

The Maryland legislature must take pride in its duty to be on the right side of history and provide a fair and transparent legal process for those who are unfairly excluded from judicial nominations. An overwhelmingly white judiciary compromises the integrity

of our justice system—especially not in our state' s capital. Maryland' s history of systemic bias in sentencing should give every legislator pause before rushing to change an open electoral process into a closed, exclusionary one.

As a citizen of Maryland, I urge you to consider the long-term implications of this bill. Senate Bill 630 will not improve our judicial system—it demonstrates the consolidation of power from the constituency and into the hands of a few; deliberate in silencing the voices of those most impacted by judicial decisions. The rule of law and a with a sound unbiased legal system is paramount, especially now.

Thank you, Mr. Chairman and members of the Senate Judicial Proceedings Committee, for your time and thoughtful consideration of this critical issue