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The Honorable Luke Clippinger, Chair
Judiciary Committee
100 Taylor House Office Building
Annapolis, Maryland 21401

Re: House Bill 778 – Circuit Court Judges – Selection and Retention Elections
Letter in Support

Dear Chair Clippinger:

It is my pleasure to submit this letter in support of House Bill 778 – 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

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