Baltimore County Bar Association, Inc.

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Hon. Alexander Williams, Jr.
Director, The Judge Alexander Williams, Jr. Center for Education, Justice and Ethics
judgeaw@gmail.com

November 20, 2022

Re: The Baltimore County Bar Association and the Workgroup to Study Judicial Selection

To the Honorable Kathleen Dumais and the Honorable Alexander Williams, Jr.,

Thank you for the opportunity to present testimony on behalf of the Baltimore County Bar Association (BCBA) to the Maryland Judiciary's Workgroup to Study Judicial Selection. The BCBA strongly urges the Workgroup to develop recommendations in favor of changing our current laws to eliminate contested elections for judges.

In existence for over a century, the BCBA continues to honor its past and focus on its future, connecting members to one another and the community, while promoting access to justice and respect for the rule of law. The mission of the BCBA is to serve as a leader in advancing excellence, ethical conduct, professionalism and public responsibility in the legal profession; to improve the efficiency, fairness and accessibility of our system of justice for all citizens; to increase the public's understanding and appreciation of our profession and our legal system; to use our collective resources to improve the well-being of our community and its citizens, especially our youth; and to identify and support the needs of a diverse membership and foster an environment in which members experience a sense of fulfillment and satisfaction in the practice of law.

The BCBA's mission is achieved primarily through the hard work of its committees, including its judicial selections committee. Our Judicial Selections Committee is comprised of BCBA members who are practicing attorneys in good standing and who have strong connections to Baltimore County communities. They are experienced litigators with a firm understanding of the needs not only of the bar membership, but also of the diverse clients represented in our various courts. We evaluate the candidates not only on their written applications, but also on their reputations as practitioners, and their interviews with the Committee. Of particular importance is their demeanor, their experience, and their ability to understand the challenges of the communities and individuals who would appear before them. Other local and specialty bars contribute to the process as well, including the Women's Law Center of Maryland, the Monumental Bar Association, Asian-Pacific American Bar Association, the Hispanic Bar Association, and the LGBTQ Bar Association of Maryland, many of whom we have collaborated with in the past. Our collective opportunity to vet these individuals, and provide valuable

feedback to the Governor's office, has had a tangible impact on the diversity of the bench.

Under current law, all judges are appointed by the Governor, after vetting from the various legal organizations and the Judicial Nominating Commissions. District court judges receive a 15 year commission. Appellate judges must participate in a retention election, but are otherwise appointed for the full term. Only Circuit Court judges must face a general election following the first year of their appointment in order to retain their position. This places those judges, and the entire bar, in the improper and unfortunate situation of campaigning when their entire role is dedicated to not taking a position. This process injects politics, and financing, into the courtroom – a space which is sacred to the rule of law and should not be involved with either. It leads to confusion amongst voters, who do not understand the process and have no meaningful way of evaluating the candidates.

The BCBA strongly supports altering the current law to allow circuit court judges to face retention elections, same as appellate court judges, rather than contested ones. This would still provide the public an opportunity to remove a judge it finds objectionable, while maintaining the integrity of the judicial selections process and the bench.

The BCBA has seen exceptional judges in other counties lose their appointments following general elections to individuals who have never been part of the interview process, or who had attempted to obtain a position through the interview process but were deemed not competent to be a judge by the various organizations. This is not something we wish to experience here in Baltimore County, although the threat remains tangible with every Circuit Court appointment. Even more unfortunate, the number of quality candidates for circuit court positions is dwindling as more and more experienced litigators and judges express a strong aversion to participating in the election process. This sentiment is frequently voiced during interviews for the District Court by applicants when asked why they have not considered applying for the Circuit Court. The impact of contested judicial elections is a loss for the judiciary, the bar, and the state as a whole.

Thank you again for this opportunity to provide input on this incredibly important topic. Should you have further questions, or require additional information, please do not hesitate to reach out to me at msiri@wlcmd.org.

Sincerely,

Michelle Siri
Executive Council Member
Baltimore County Bar Association

CC: Rachel Ruocco, Executive Director BCBA
       John Grason Turnbull, III, President, BCBA