UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 605

September Term, 2023

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PATRICIA SMITH

v.

STATE OF MARYLAND

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Zic,
Ripken,
Wright, Alexander, Jr.
    (Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: September 9, 2024

Patricia Smith, appellant, appeals from an order issued by the Circuit Court for Prince George's County granting summary judgment in favor of the State of Maryland, appellee, on her complaint for retaliation and wrongful termination. On appeal, she claims that her attorney failed to effectively represent her throughout the proceedings. For the reasons that follow, we shall affirm.

Appellant was employed as a clerk at the Prince George's County District Court for 12 years, until she resigned in 2018. Thereafter, she filed a civil action against appellee for retaliation and wrongful termination. Specifically, she claimed that she had been retaliated against after making a complaint of race discrimination regarding one of her supervisors in 2016; requesting to have her performance evaluation changed in 2018; and sending emails regarding her supervisors retaliating against her in 2018. Because she engaged in these allegedly "protected activities," appellant asserted that she was isolated from her co-workers; demoted to work in the records department; placed on paid administrative leave; and directed to undergo "multiple unnecessary and unwarranted psychological and workability evaluations[.]" She further claimed that her resignation in 2018 was involuntary and caused by appellee's "retaliation towards [her]" and failure "to comply with its policies, procedures, and/or protocols[.]"

Following the completion of discovery, appellee filed a motion for summary judgment asserting that: (1) the only protected activity engaged in by appellant was her 2016 discrimination complaint, and the only allegations of retaliatory conduct were too remote in time to be connected to that activity; (2) none of the actions complained about were "adverse" to her employment; (3) there were non-retaliatory reasons for all the actions

taken, and appellant had presented no evidence that those reasons were pretextual; (4) appellant had failed to produce evidence that a reasonable person would have felt compelled to resign under the circumstances; and (5) to the extent appellant was raising a separate claim of constructive discharge, it was barred by the Fair Employment Practices Act. Following a hearing, the court granted the motion for summary judgment as to both claims. This appeal followed.

On appeal, appellant does not specifically contend that the court erred in any respect. In fact, she states that she "can respect the Rulings as to why my case was previously Dismissed[.]" Instead, appellant takes issue with her representation in the circuit court, specifically claiming that her attorney failed to properly communicate with her and to file responses to certain motions filed by appellee.

To be sure, appellant's claims regarding her counsel are serious. But even if we assume her contentions to be true, "one of the most fundamental tenets of appellate review" is that "[o]nly a judge can commit error. Lawyers do not commit error." *DeLuca v. State*, 78 Md. App. 395, 397 (1989). In other words, "[a]ppellate courts look only to the rulings made by a trial judge, or to his [or her] failure to act when action was required, to find reversible error." *Braun v. Ford Motor Co.*, 32 Md. App. 545, 548 (1976). Moreover, she cannot raise a claim of ineffective assistance of counsel because she did not have a constitutional or statutory right to the effective assistance of counsel in this case. Although

appellant may have other remedies available to her, in the absence of any claim of error by

the trial court, we must affirm the judgment.

JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.