



NAACP

Howard County Branch

#7020

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Testimony: Judicial Selection Process Recommendations

November 28, 2022

I want to thank you for the chance to testify and offer recommendations on what I see as steps to enhance the Judicial Nominating Committee process. I am a resident of Maryland and I live in Howard County.

While I am the state president of the NAACP Maryland State Conference, I am only speaking on behalf of the Howard County Branch. Because of the many nuances of the Judicial nominating process our state conference has not been able to brief our 25 Branches. However, I feel comfortable speaking on behalf of the Howard County Branch because within the last 2 years we have witnessed 2 elections for Circuit Court Judge in 2020 and 2022. In both examples we saw elections where voters elected the judge of their choice and we felt informed about the background of each judge because they were from the community.

The Judicial Nominating Committee process, as has been outlined, involves any interested or eligible attorney starting with an 1.) Application 2.) Vetting by Judicial Nominating Committee and a network of boutique or specialty bar ass'n 4.) the endorsement of this network 3.) and finally the appointment of the governor. Some applicants are appointed. Most applicants are not.

A simple overview of the history of judicial appointments at all levels reveals that not only does Maryland have a pitiful record of appointments of African American and other minorities but it also reveals that the best way for an African American to become a member to the Circuit Court of Maryland is by running from the grassroots during an election year. An election is the most significant vetting process which gives Maryland residents faith in our democracy and gives voters the power to elect their own judges just like any other public office.

By maintaining retention elections, the voter has an opportunity to elect the person who will oversee their local judiciary for 15 years. Again, such a process is democracy in action. Elections do not take away the vote by reducing Maryland's access to the ballot; it gives residents the sense that we have a play in the future of the state.

As a member of the "Workgroup to Study Judicial Selection" I have heard many references to an uninformed public who, according to some, wouldn't know a good judge from a bus driver.

I have also listened to the position to end retention elections because it would bring hardship to any appointed judge if she or he does not win the election.

While these may sound like extremes, that is what I walk away with after hearing various viewpoints and reading testimony today.

Never has any presenter or naysayer to retention elections for the Circuit Court recommended a plan to market & promote the details of this long-term Judicial Nominating Committee process to the people of Maryland. What this would involve is promoting the process as an outreach and education policy that will give voters the significant steps of this process in all 23 counties and Baltimore City. Additionally, we should be intentional about enlisting grassroots organizations to assist in framing a call to action about the importance of the Judicial Nominating Committee process and the power of all judgeships on their lives and the future of their communities.

This is a key recommendation that I would think should be appreciated since there is the sentiment that Maryland voters lack knowledge to vet and vote in elections. It is also said that voters are confused by the politics of the election of judges although these same voters participate in elections every cycle.

On another note, if public financing should be applied anywhere it should be applied in all judicial elections. A simple scan of the campaign finance report of most judges reveal that the majority of their funding comes from their network of friends who work for the law firms, businesses and represent the bar associations who determine the process or who may have cases before the Maryland Judiciary. I should add here that voters trust judges to do the right thing but it is strange that people making recommendations for this process do not expect voters to do the right thing.

Finally, I think that it is important that before we move to eliminate retention elections that we work with the Maryland General Assembly to appropriate funding through a bill or policy to make sure voters in Maryland understand what is at stake. Before we turn in our right to yet another ballot amendment that is overlooked we at least need to be briefed on details of what is being lost. Such a move should not be determined by the Maryland General Assembly alone but by an informed and educated public.