

TO: Workgroup to Study Judicial Selection

Written testimony for November 28, 2022 public hearing on judicial selection

Thank you for the opportunity to provide comments. I became aware of this issue as a member of the League of Women Voters of Montgomery County. My comments reflect my personal views and do not reflect an official League position. I have arrived at my recommendation based on my experience as an informed voter, from working to prepare the League's *Voters' Guide*, and as a member of one of the League's advocacy teams that monitors and analyzes legislation introduced in the Maryland General Assembly.

My comments have more to do with the election process for Circuit Court judges than with the judicial selection process but I hope that changes to the selection process will have a positive indirect impact on what I believe is a flawed election process. Circuit Court judges are the only category of judge in Maryland who are subject to direct election by the voters. Other judges are subject only to a retention election.

I believe voters should not have authority to elect or "hire" a candidate for Circuit Court judge who has not been through the judicial selection process. As a retired Human Resource professional, I was appalled to learn that a member of the Bar who has been a Maryland resident for five years may run as a candidate for Circuit Court Judge along with sitting judges who have vetted by the judicial selection process and be treated equally on the ballot. Voters do not understand the difference. Challengers can campaign and make any claims they like in order to get elected. Sitting judges are bound by judicial ethics and cannot similarly campaign. Challengers who have been turned down by the selection committee, sometimes multiple times, can run on the ballot, appeal to voters, and be elected. From a human resource perspective, I found it appalling that someone who was not "hired" under the traditional selection process had an alternative back door way to be hired.

Efforts to change the election process in the General Assembly have failed. Proponents of allowing members of the Bar to challenge the sitting judges argue that process is necessary to achieve better diversity and equity on the bench. Sometimes there are nuggets of truth in criticism. I would urge your workgroup to look at and incorporate procedures, perhaps affirmative recruitment efforts, into the selection process that result in selecting judges who are representative of the population of Maryland.

Thank you for the opportunity to comment and for reviewing this process.

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