

Hon. Kathleen Dumais  
Judge, Circuit Court for Montgomery County  
[Kathleen.dumais@mdcourts.gov](mailto:Kathleen.dumais@mdcourts.gov)

Hon. Alexander Williams, Jr.  
Director, The Judge Alexander Williams, Jr. Center for Education, Justice and Ethics  
[judgeaw@gmail.com](mailto:judgeaw@gmail.com)

November 21, 2022

Re: The Women's Law Center of Maryland 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 Women's Law Center of Maryland (WLC) to the Maryland Judiciary's Workgroup to Study Judicial Selection. The WLC strongly urges the Workgroup to develop recommendations in favor of changing our current laws to eliminate contested elections for judges.

The WLC is a statewide, non-profit legal services provider, dedicated to ensuring the physical safety, the economic security, and the bodily autonomy of women across Maryland. Established in 1971 with a mission of improving and protecting the legal rights of women, particularly regarding gender discrimination, employment law, family law and reproductive rights, the WLC advances its work not only through direct legal representation, but also through statewide educational hotlines and advocacy.

An integral part of our advocacy work includes working to ensure that our judiciary is free of gender and racial bias and representative of the communities it serves. We advance that goal by participating in the judicial selection process, where our Judicial Selections Committee interviews candidates for all trial and appellate courts, in every county. **In the past two decades we have conducted nearly 1500 interviews of candidates. In the past year alone, the WLC conducted interviews and/or submitted letters to the Governor's office and Judicial Nominating Commissions for 123 applicants from 13 different counties, and for all four levels of our judiciary.**

Our Judicial Selections Committee is comprised of board members and other practicing attorneys in good standing who have strong connections to the community. They bring with them an understanding of the administrative challenges of the courts, as well as the challenges attorneys and litigants face within the courthouses. We evaluate the candidates not only on their written applications, but also on their reputations as practitioners, their demeanor, their experience, and their understanding of the importance of access to justice for the public. Other local and specialty bars contribute to the process as well, including 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 WLC 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 WLC has seen firsthand exceptional judges who have lost their appointments following general elections to individuals who have never been part of the interview process, or worse, who had attempted to obtain a position through the interview process but were deemed not competent to be a judge by the various organizations. 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](mailto:msiri@wlcmd.org).

Sincerely,



Michelle Siri  
Executive Director

***The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.***