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WRITTEN COMMENTS SUPPORTING RETENTION ELECTION FOR JUDGES
Former Judge Position in Support of of HB35 “Judges – Selection and Retention” and
HB447 “Judges - Selection, Election, Tenure, and Continuance in Office”

FROM: Ronald H. Jarashow, Former Anne Arundel County Circuit Court Judge

Background. I am a former Anne Arundel County Circuit Court Judge that lost my judicial appointment in the November 2010 election after being appointed by Gov. Martin O’Malley. I am personally familiar with the judicial election process, its burdens, difficulties, and ethical considerations as detailed below. I support changing the current contested election which is a **partisan** election by law – see the discussion below.

Candidate Forums. Organizers give politicians speaking time (e.g., General Assembly, Governor, County Executive, etc.). Judge candidates seldom are permitted to speak to attendees.

Judges Not Like Other Politicians. Circuit Court Judges are elected for 15 years and not a 4-year term like other offices. Every 4 years, voters evaluate whether to keep other elected officials in office. Seldom do judges appear on the ballot again.

County-Wide Election. Judge candidates run county-wide. It is hard to raise sufficient money to inform all citizens about the judge’s selection process and qualifications versus a challenger.

Voters Do Not Know Judicial Candidates. In my 2010 election, Governor 202,000 votes were cast and only about 100,000 votes were cast for Judge. I lost my appointment by about 7% to a candidate who supported by a political party and whom, reportedly, never tried a court case before.

Voter Confusion. Judges are designated “Judicial” party. The public often asks if the judge-candidate is a Democrat or Republican. As a sitting judge, I thought it questionable to answer. Non-judge judicial candidates are not restricted in declaring a party affiliation. And no distinction is made with Orphans Court Judges who have party affiliation and are elected for 4-years terms.

Lawsuits by Judicial Candidates. Some judicial candidates file lawsuits. *See, e.g., Rickey Nelson Jones v. Mary E. Barbera, Jones v. Barbera, 2020 Md. App. LEXIS 65, 2020 WL 405452 (Md. Ct. Spec. App., Jan. 24, 2020, cert. denied 2019) (unreported) (the unsuccessful judicial candidate sued the Court of Appeals Chief Judge).* Lawsuit threats were made during my 2010 election.

Candidate Misconduct Has No Penalty. Judicial elections are overseen by a volunteer committee known as the Maryland Judicial Campaign Conduct Committee (MJCCC). This group has no authority to punish misconduct by a judicial candidate. They regularly analyze misconduct complaints and issue “sanction” reports. In 2010, the Anne Arundel County challenger was found to have violated judicial campaign rules by distributing misleading campaign literature on election day that mischaracterized her as being an appointed judge along with my co-appointee to the bench. That literature used our black and yellow campaign colors (instead of her blue and white campaign colors) with her photograph and my running mate that made it appear as if they were the two appointed judges. The law imposes no penalties for misleading judicial campaign conduct. Attached is part of the 75-page MJCCC finding that the 2010 A.A. County challenger violated campaign standards.

I request a **FAVORABLE** Committee Report.