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HEADLINE: Maryland Lawmakers Feel the Heat Over Judicial Election Proposal

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BODY:

First-term Montgomery County Democratic Del. Leonard H. Teitelbaum is undecided about whether judges should have to run in contested elections. But he's found out that plenty of other people have strong opinions about changing the state law, and some of them are judges who aren't shy about making their views known.

For Teitelbaum, the judge selection issue, slated for a vote Tuesday in the House of Delegates, has been one of the most heavily lobbied of the 90-day General Assembly session.

For weeks, state judges have been on the phone, roaming the State House hallways and collaring legislators wherever they can find them. A judicial master even managed to grab Teitelbaum after a religious service recently at a Silver Spring synagogue.

It's a situation Teitelbaum finds to be "quite a paradox," because the judges say they are pressing for a change they say would take politics out of the selection process.

At issue is a proposed constitutional amendment that would do away with contested elections for Circuit Court judges, the only judges in the state who now have to run in elections. The amendment -- if approved by three-fifths of both houses of the legislature and by voters in November -- would require that after judges are appointed by the governor, they stand for reelection on their records alone, without opposition.

It is a change that many judges and civic groups have long sought as a way to raise the judiciary above the sometimes rough-and-tumble world of political fund-raising and campaigning. Gov. William Donald Schaefer is sponsoring the measure, the first time a governor has taken so active a role in promoting the issue, and proponents believe this is their big chance to pass it.

Opposition to the bill comes from Republican, black and rural legislators who contend that it would deprive the electorate of its chance to oust unqualified judges. The bill faces a close vote in the House, and appears in serious trouble in a Senate committee.

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Both sides are lobbying heavily, as Sen. John A. Pica Jr. (D-Baltimore) can testify. As the swing vote on the 11-member Senate Judicial Proceedings Committee, he's been swamped with calls from judges for and against the bill. Pica appears to have made up his mind -- he told Schaefer Friday that he intends to vote against the bill -- but the lobbying has continued.

"I'm still talking to legislators; I don't intend to stop," said Judge Robert M. Bell, a member of the Court of Special Appeals. Bell, who is black, is urging rejection of the bill because he believes, as do black members of the legislature, that judicial elections ensure that the black community will be represented on the bench.

But Del. Elijah E. Cummings (D-Baltimore), a leading opponent of the bill, said he does not believe Bell or any other judge should be lobbying the legislature.

"They talk about trying to drive politics out of judgeships. Lobbying flies in the face of the argument that is being made," Cummings said. "It's a lowering of their standards, calling legislators, knowing that many of those legislators, as lawyers, will have to appear before them. When you've got to go before a judge and you know you've voted against him, it makes it kind of difficult."

One member of the Senate Judicial Proceedings Committee said he looked around a room crowded with judges during the panel's hearing on the selection issue. "I wondered who was minding the store," he said.

The issue is said to have stirred up internal political wrangling within the judiciary. One of the four judges who testified against the bill told a Senate committee that he was denied administrative leave to make the trip to Annapolis; those testifying in favor of the bill were granted it. Chief Judge Robert C. Murphy of the Court of Appeals, leading supporter of the bill, defended that decision, saying that leave time was appropriate for proponents because they were representing the official position of the state Judicial Conference.

"At what point do you draw the line?" asked Sen. Howard A. Denis (R-Montgomery), an opponent of the bill. "At what point is it too political?"