



MDJCCC Maryland Judicial Campaign Conduct Committee, Inc.

REPORT OF THE MARYLAND JUDICIAL CAMPAIGN CONDUCT COMMITTEE

ELECTIONS 2012

MDJCCC
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Members

Chair

Linda Bowler Pierson — Member, Attorney Grievance Commission; Chair, Baltimore City Board of Ethics, Chair; Member, Maryland Access to Justice Commission, Member; president, League of Women Voters of Maryland (2008-2009); resident of Baltimore City.

Members

Betty Adams — Principal, Adams & Adams (Ellicott City); Chair, Judicial Selection Committee of the Howard County Bar Association; Member, Attorney Grievance Commission; resident of Howard County.

George Beall — Founding managing partner, Hogan & Hartson; U.S. Attorney for the District of Maryland (1970-1975); resident of Baltimore County.

P. Tyson Bennett — Managing partner, Carney, Kelehan, Bresler, Bennett & Scherr, LLP (Annapolis); Former General Counsel, Maryland Republican Party; resident of Anne Arundel County.

Cornelius “Neil” Helfrich – President, Cornelius David Helfrich, PA (Bel Air); former President, Harford County Bar Association; former President, Maryland State Bar Association (2004-2005); Family Law Master (1992-2008); resident of Harford County.

Harry R. Hughes — Governor of Maryland (1979-1987); Maryland Senate (1959-1970); Maryland House of Delegates (1955-1959); resident of Caroline County.

Sherrilyn A. Ifill — Professor of Law, University of Maryland School of Law; member, National Ad Hoc Advisory Committee on Judicial Campaign Conduct; resident of Baltimore City.

Eugene M. Lerner — Associate Judge, Anne Arundel County Circuit Court, 5th Judicial Circuit, (1979-2001); resident of Anne Arundel County.

Timothy Maloney — Partner, Joseph, Greenwald & Laake (Greenbelt); Member, Maryland House of Delegates (1979-1995) representing Prince George’s County; resident of Montgomery County.

Leigh R. Melton — Partner, Parker, Counts and Melton (Easton); Adjunct professor, University of Baltimore School of Law (2009-present); Faculty Member, Professionalism Committee, Maryland State Bar Association (2008-present); resident of Talbot County.

Leslie Florestano Peek — Assistant Public Defender (Upper Marlboro); Member, Board of Directors, Calvert County Bar Association; Member, Peer Review Committee, Attorney

Grievance Commission; Member, Board of Directors, Calvert Alliance Against Substance Abuse; resident of Calvert County.

A. Dwight Pettit — Principal, A. Dwight Pettit, P.A.; Member, Board of Regents of the University System of Maryland; President, Monumental Bar Association (1976-1978); resident of Baltimore City.

Roger Perkins — Principal, the Law Office of Roger A. Perkins (Annapolis) (1978-2010); Assistant City Attorney, City of Annapolis (1980–1982); attorney for the City of Annapolis Board of Appeals (1986-2003, 2005-2008); Fellow, American Academy of Matrimonial Lawyers (1991-2010); Member, Appellate Judicial Nominating Commission (1995-2011); resident of Anne Arundel County.

D. Bruce Poole – Principal, Poole & Kane, PA (Hagerstown); former member, Maryland State Ethics Commission (1999-2002); House Majority Leader (1990-1993); resident of Washington County.

Donald B. Robertson — Partner, Ross, Marsh & Foster, Washington, D.C.; Maryland House of Delegates (1971-1989), Speaker Pro Tem (1987-1989), Majority Leader (1979-1987); resident of Montgomery County.

Stephen H. Sachs — Of Counsel, Wilmer, Cutler, Pickering, Hale and Dorr; U.S. Attorney for the District of Maryland (1967-1970); Maryland Attorney General (1979-1987); resident of Baltimore City.

Carmen Shepard — Senior vice president, Global Policy and Regulatory Counsel, Mylan; partner, Zuckerman Spaeder, LLC (Washington, D.C.) (2002-2012); Deputy Attorney General, Office of the Maryland Attorney General (1996-2002); resident of Washington, D.C.

Kenneth Thompson — Partner, Venable LLP; Chairman, Judicial Nominating Commission for Baltimore City; resident of Baltimore City.

Christopher West — Principal, Semmes, Bowen & Semmes; Former counsel, Republican Party of Maryland; resident of Baltimore County.

Legal Specialist

Karen Thomas — Certified paralegal; reporter for USA TODAY (1982-2007); resident of Howard County.

I. Background

In his 2005 state of the judiciary address, Chief Judge Robert M. Bell of the Court of Appeals of Maryland, acting on the recommendations of the Judicial Ethics Committee and the Public Trust and Confidence Committee, called for the formation of a citizens' committee to study and monitor the conduct of contested judicial elections in Maryland. Chief Judge Bell asked former United States Attorney George Beall and former United States Attorney and Maryland Attorney General Stephen H. Sachs to co-chair the committee and invited Professor Sherrilyn A. Ifill of the University of Maryland School of Law, who has studied and written extensively on judicial elections, to serve as a committee member and its reporter.

Messrs. Beall and Sachs and Professor Ifill recruited the other members of the Maryland Judicial Campaign Conduct Committee (MDJCCC), a diverse, representative and bi-partisan group of Marylanders committed to maintaining respect for the uniqueness of the judicial office, and to promoting civility in the conduct of contested elections for Maryland's circuit court judgeships. In January 2009, Chief Judge Bell appointed Linda Pierson as chair of the committee. Messrs. Bell and Sachs and Professor Ifill continue as committee members.

The creation of MDJCCC is the result of several developments. First, in 2002 the Supreme Court of the United States in *Republican Party of Minnesota v. White*, 536 U.S. 765, struck down on First Amendment grounds restrictions on candidate speech that prevent judicial candidates from announcing their views on legal and political issues. In an attempt to accommodate the ruling in *White*, the Maryland Judicial Ethics Committee and the Rules Committee of the Court of Appeals incorporated into Canon 5 of the Maryland Code of Judicial Conduct and Rule 8.2 of the Rules of Professional Conduct changes that promote the free exercise of speech in judicial campaigns.

Second, perhaps as a consequence of the decision in *White* --- or perhaps as a reflection of a more general political and social contentiousness --- judicial contests throughout the nation have been marked by incivility and partisanship. Indeed, some responsible commentators have questioned the appropriateness of several instances of campaign conduct by both challengers and incumbents in contested judicial elections here in Maryland. Nationwide, civic groups, bar associations and organizations such as The National Center for State Courts have promoted efforts to insure campaign conduct by judges and judicial aspirants and their supporters appropriate to the judicial function. To date 23 states have adopted new forms of judicial campaign oversight. Maryland is one of 25 states that have created Judicial Campaign Conduct Committees.

MDJCCC is a volunteer organization. Its members have broad experience in law, business,

politics, journalism, government service and other civic activities. They appreciate the uniqueness of the judicial office and the need to preserve its reputation for fairness and impartiality. MDJCCC's commitment is to promote public education about the role of judges, and to improve the level of public discourse in judicial campaigns.

MDJCCC underscores two important aspects of its role: MDJCCC is an unofficial body. The role of the MDJCCC does not duplicate that of the Judicial Ethics Committee, the Attorney Grievance Commission or any other body that governs judicial or attorney misconduct. Nor do MDJCCC's activities affect in any way the official responsibilities of those bodies. Indeed, it cannot. MDJCCC has no formal authority. It cannot proscribe or censure with the force of law. Such influence as MDJCCC has stems only from the public's respect for its integrity, objectivity and representativeness.

Furthermore, MDJCCC does not, and will not, express any view on the wisdom of contested judicial elections. That question is appropriately left to public debate and to determination by the legislature. MDJCCC believes that its credibility depends in substantial part on its absolute neutrality on that issue. Indeed, the private views of the members of MDJCCC vary widely on the subject. So long as trial judges are elected in Maryland, however, MDJCCC's purpose is to do what it can to insure that those elections are conducted in a manner that promotes respect for the integrity and legitimacy of the bench. This report outlines the activities of the Committee and an analysis of its impact during the 2012 electoral season.

STATEMENT OF PURPOSE

MDJCCC'S purpose is to promote civil and dignified conduct in judicial elections. At the root of the Committee's concern is maintaining the dignity of judicial office and both the fact and appearance of judicial impartiality to which every litigant has a right guaranteed by the Due Process clause of the Constitution.

Impartiality

MDJCCC's credo is simple. Judicial elections are different.

Unlike contests for legislative and executive office, in which candidates are expected, even obligated, to announce their views on current political and social issues and to commit to furthering them if elected, judges should have no such agenda. Judges are servants of the law as it is, not as others, even they, might wish it to be. The trial judge's obligation is to resolve disputes based solely on the law and the facts developed in his or her courtroom.

Impartiality – and the appearance of impartiality – are the watchwords of the judicial function. “Justice,” as the Supreme Court reminded us over fifty years ago, “must satisfy the appearance of justice.” *Offut v. United States*, 358 U.S. 11, 14 (1954). If the public's constitutional right to an impartial judiciary is to be preserved, therefore, it is essential that contested judicial elections and the inevitable debates among judicial candidates do not

impair – *and are not perceived as impairing* – the ability of those candidates to decide controversies that come before them as judges without bias, prejudice or predisposition.

Dignity

The frankly partisan, occasionally bare knuckles, conduct that we have come to tolerate in campaigns for legislative and executive office are inconsistent with the dignity we rightly count on in those who hold judicial office. The exaggerated rhetoric often employed in contemporary discussions of political issues, when used in the context of judicial elections, is corrosive of the public's perception of the integrity of the court system. Such campaign tactics damage the integrity of the judiciary – regardless of whether the communication falls within the ambit of constitutionally protected speech.

Maintaining the dignity of the judiciary is necessary to protect the rule of law – a root principle of our social compact and the one sure standard upon which this diverse and frequently fractious nation believes it can rely. The rule of law promises justice, neutrality and fairness. It does not exaggerate to say that the concept has an iconic status and that faith in the rule of law is akin to a civil religion. Judges are symbols of the rule of law. Therefore, those who aspire to judicial office have a special responsibility – a duty in fact – to conduct themselves in their campaigns with a dignity that reflects and honors the public's reverence for the unique office they seek.

II. Organizational presence

In accordance with the founding Committee's intent, Articles of Incorporation were filed with the Maryland State Department of Assessments & Taxation in Baltimore in order to restore and maintain the Committee's status as a simple non-stock corporation. The Committee maintains a Post Office Box in Baltimore, a regional phone number (410-480-1909) able to receive phone calls and faxes, and a general e-mail address (committee@mdjccc.org). All contact information was added to the Committee's website and stationery.

Funding is provided by the Maryland Judiciary and includes a salary for a part-time legal specialist and administrative expenses such as phone and postage.

III. Standards

MDJCCC formulated Standards for campaign conduct and applied them during the 2006 and 2008 election seasons. The Standards were revised slightly in 2010 to comply with the

Maryland Court of Appeals order, effective July 1, 2010, that eliminated Canons and replaced them with Rules and Comments. The Standards were continued without further revision during the 2012 election season.

The Standards were compiled in a bound booklet titled “Standards and Commentaries for 2012 Judicial Elections.” In addition to the Standards, the booklet includes a history of MDJCCC and its creation and a description of the Committee members. It also includes a Candidate Acknowledgement Form that restates the Standards and provides a place for judicial candidates to indicate their willingness to abide by the Standards during the election. The full text of the Standards is posted on the Committee’s website.¹

The Committee asked that all judicial candidates for the Circuit Court – incumbents and challengers alike – adhere to the Standards during their campaigns. The Standards are set forth in the following box:

STANDARD I. *Maryland’s Rules.* A candidate for judicial office shall be familiar with, and subscribe to, the Maryland Code of Judicial Conduct (in particular Rules 2.3 and 4.4) and the Maryland Rules of Professional Conduct (in particular Rule 8.2).

STANDARD II. *Campaign Communications – Impartiality.* A candidate for judicial office shall not make any statement concerning his or her views that might reasonably be understood to compromise his or her impartiality and objectivity with respect to a case that may come before the court.

STANDARD III. *Campaign Communications – Truthfulness and Dignity.* A candidate for judicial office shall not knowingly make a false or misleading representation about his or her own qualifications, record or experience, or those of any other judicial candidate. A candidate shall communicate in a dignified manner and shall refrain from making inflammatory, sensational or abusive statements. A candidate shall not authorize or encourage such communication by others and shall promptly and publicly disavow such communication should it be made by individuals or organizations that act in cooperation or coordination with the candidate’s campaign.

STANDARD IV. *Campaign Communications – Misrepresentation of Title.* A candidate for judicial office shall not use the title of an office not currently held by the candidate in a manner that implies that the candidate currently holds the office.

STANDARD V. *Campaign Communications – Appeals to Bias and Prejudice.* Campaign communications shall not suggest that an opponent is not qualified or competent to serve as a judge because of the opponent’s race, sex, gender, religion, national origin, ethnicity, sexual orientation or socioeconomic status, nor shall campaign communications invoke invidious stereotypes to suggest that age or disability, in and of themselves, constitutes a lack of competence or qualification.

STANDARD VI. *Campaign Communications – Visual Materials.* A candidate must take particular care to insure that visual campaign materials conform to the foregoing Standards and comport with the dignity and integrity of judicial office.

¹ Thanks to invaluable assistance from Thomas Wilhelmy and Theresa Thomas from the Maryland Judiciary Office of Communications and Public Affairs, MDJCCC continued the website created in 2006 (www.mdjccc.org).

STANDARD VI. *Financial Contributions*. A judicial candidate must not only abide by Maryland’s election laws governing campaign fundraising but must take all reasonable steps to ensure that campaign fundraising does not undercut the dignity or impartiality of judicial office.

IV. Education

Candidate Education

Between November 1, 2011 and January 11, 2012, all individuals who filed with the State Board of Elections to be a candidate for Circuit Court judge in any of Maryland’s eight judicial circuits received a letter from MDJCCC inviting voluntary compliance with the Committee-adopted Standards. The letters were accompanied by a booklet titled Standards and Commentaries for 2012 Judicial Elections and requested that the candidate sign a “Candidate Acknowledgement Form” if he or she agreed to abide by the Standards. The letter also informed the candidates that the Committee would publicly identify those candidates who agreed to adhere to the Standards. As new candidates filed certifications of candidacy with the State Board of Elections, MDJCCC sent the Committee’s Standards booklet and letter of invitation to sign onto the Standards. The website maintained an up-to-date listing of all filed candidates with an indication of whether each candidate had signed the Candidate Acknowledgement Form.

In Maryland’s eight judicial circuits, there were thirty-one candidates (including incumbents and challengers) for election to the Circuit Court. Twenty-two of those candidates – 71 percent – signed the Candidate Acknowledgement Form, agreeing to abide by the MDJCCC standards. This reflects a decline in the participation rate from the 2010 election, during which 87 percent of candidates signed the Acknowledgement Form, the highest participation rate since MDJCCC’s inception. During the 2006 election, there were thirty-five candidates; twenty-five of those candidates – 71 percent – signed the Candidate Acknowledgement Form. In 2008, participation dropped to 53 percent — of the 28 candidates overall, 15 (all incumbents) signed the Candidate Acknowledgement Form. Prior to the 2014 election cycle, MDJCCC will investigate this decline in participation and consider how to encourage candidate participation.

The table below lists the 2012 candidates by Judicial Circuit:

Candidates who have filed for election to judicial office	Candidates who have signed the Candidate Acknowledgement Form, agreeing to abide by the MDJCCC Standards
First Judicial Circuit (Dorchester, Somerset, Wicomico, and Worcester)	
Seaton, Leah J.	Seaton, Leah J.
Shockley, Brian D.	Shockley, Brian D.
Second Judicial Circuit (Caroline, Cecil, Kent, Queen Anne's and Talbot)	
Baynes, Keith A.	Baynes, Keith A.

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Murray, Jane	Murray, Jane
Smigiel, Michael D.	Smigiel, Michael D.
Third Judicial Circuit (Baltimore and Harford)	
Andrews, H. Edward III	
Bowen, M. Elizabeth	Bowen, M. Elizabeth
Purpura, Nancy M	
Scheinin, Steven J.	
Fourth Judicial Circuit (Allegany, Garrett, and Washington)	
No Candidates	
Fifth Judicial Circuit (Anne Arundel, Carroll, and Howard)	
Ahlers, Clarke F.	
Gelfman, Lenore R.	Gelfman, Lenore R.
North, Pamela L.	
Tucker, William V.	Tucker, William V.
Sixth Judicial Circuit (Frederick and Montgomery)	
Albright, Anne K.	Albright, Anne K.
Mason, Michael D.	Mason, Michael D.
Nicklas, William Rogers Jr.	Nicklas, William Rogers Jr.
Scrivener, Louise G.	Scrivener, Louise G.
Seventh Judicial Circuit (Calvert, Charles, Prince George's, and St. Mary's)	
Alves, Krystal	Alves, Krystal
Clagett, Marjorie Lynn	Clagett, Marjorie Lynn
Cotton, DaNeeka Varner	Cotton, DaNeeka Varner
Davey, John P.	Davey, John P.
Densford, David W.	Densford, David W.
El-Amin, Hassan Ali	El-Amin, Hassan Ali
Krauser, Sherrie L.	
Stanalonis, Joseph Michael	
Eighth Judicial Circuit (Baltimore City)	
Ausby, Kendra Y.	Ausby, Kendra Y.
Hong, Jeannie J.	
Peters, Charles J.	Peters, Charles J.
Reed, Michael W.	
Tanner, Yolanda A.	Tanner, Yolanda A.
Young, David W.	Young, David W.

There were four contested elections for Circuit Court judge in 2012:

- In the Second Judicial Circuit (Caroline, Cecil, Kent, Queen Anne’s, and Talbot Counties), state delegate Michael Smigiel ran against recently-appointed incumbents Judge Keith A. Baynes and Judge Jane Murray in Cecil County. Judge Baynes and Judge Murray won the primary election and were not challenged in the general election.
- In the Third Judicial Circuit (Baltimore and Harford Counties), H. Edward Andrews III and Steven J. Scheinin ran against incumbent Judge M. Elizabeth Bowen in Harford County. Judge Bowen won the primary elections and was not challenged in the general election.
- In the Fifth Circuit (Anne Arundel, Carroll, and Howard), Clarke F. Ahlers ran against Howard County incumbents Judge Lenore Gelfman and Judge

William V. Tucker. Judge Gelfman and Judge Tucker won the primary election and were not challenged in the general election.

- In the Seventh Circuit (Calvert, Charles, Prince George’s and St. Mary’s), Assistant States Attorney Joseph M. Stanalonis ran against recently appointed incumbent Judge David Densford. Both candidates earned enough votes in the primary election to proceed to the general election, and, in the only contested judicial general election in the state, Judge Densford won.

Public/voter Education

The Committee continued its public outreach program utilizing a pamphlet in which the gist of the MDJCCC Standards and program were combined with sample candidate questions into a three-fold, four-color brochure aimed at the voting public.² MDJCCC’s goal was that the pamphlets would help educate the voting public about the unique role that judges play in our society and the importance of appropriate conduct by candidates seeking judicial office. In addition, the Committee intended that the pamphlets would not be candidate- or time-specific, which would allow the brochures to be distributed during future elections.

In the months leading up to both the primary election on April 3, 2012 and the primary election on November 6, 2012, MDJCCC distributed brochures as follows:

- 50 each to 4 law libraries in Howard, St. Mary’s, Cecil, and Harford counties: 200
- 25 each to 31 judicial candidates: 775
- 50 each to 13 public offices in St. Mary’s county: 650
- Total: 1625

In addition, a digital .pdf version of the brochure was placed on the Committee’s website (www.mdjccc.or) where it remains available for downloading.

V. Complaints

Complaint protocol/process

During the 2012 elections, the Committee continued the internal protocol used during the 2006, 2008 and 2010 elections for considering alleged violations of the Standards for the Conduct of Contested Judicial Elections:

1. Complaints alleging violations of MDJCCC’s Standards may be received from

² With generous and invaluable assistance from graphic artist Mary Brighthaupt and editor Molly Kalifut in the Office of Communications and Public Affairs of the Maryland Judiciary.

judicial candidates or members of the public.

2. Complaints must be in writing using the form available on MDJCCC's website or from the committee, accompanied by any and all supporting material, signed by the complainant and mailed or faxed to the committee.

3. Complaints may also be received in person, by phone at the Committee's hotline (410-456-1909) or email (committee@mdjccc.org) on the Committee's website (www.mdjccc.org). In that event the recipient of the complaint shall inform the complainant to sign and submit the complaint as described above but shall also immediately bring the complaint to the attention of the Chair, who shall proceed as described below. The Chair may designate these functions to Committee members, as necessary.

4. If, after receiving a complaint, it is the judgment of the Chair in consultation with such Committee members as she deems necessary, that there is no adequate basis for further inquiry, the complainant shall be promptly notified that no further action shall be taken. The Chair shall promptly inform the full Committee of this determination.

5. If the Chair determines that there is an adequate basis for further inquiry, the Chair shall promptly notify the full Committee of the substance of the complaint, and shall designate one or more Committee members to conduct such further inquiry. The Chair or her designee on the Committee may request additional information from the complainant but, in any case, shall notify the respondent of the complaint and request a prompt written response.

6. Upon completion of the inquiry, the Committee member(s) assigned to a particular complaint shall report findings to the Chair and the full Committee.

7. The Committee shall confer promptly to discuss the complaint and findings. Committee members who are unable to attend in person may consult by conference call and/or e-mail.

8. A finding that the conduct in question violates the Standards requires a vote of a majority of the Committee. Committee members may abstain from voting for any reason.

9. The decision of the Committee shall be communicated promptly to the complainant and the respondent. A written decision shall be provided.

10. The deliberations of the Committee shall be confidential.

11. The complaint and request for investigation, the candidate's response (if any), and the findings and action of the Committee, however, shall be available to the public and may be disclosed to any persons or entities, including the media.

12. When deemed appropriate by a majority of the entire Committee, complaints may

be referred to the Judicial Ethics Committee or to the Attorney Grievance Commission.

Pursuant to the protocol established by MDJCCC, each complaint that is determined by the Committee Chair to provide an adequate basis for inquiry is assigned to a sub-committee of MDJCCC members, called an “Inquiry Panel.” Members of the Inquiry Panel review the complaint and the evidentiary materials submitted by the complainant(s). The candidate who is the subject of the complaint receives all the complaint materials as well and is asked to provide a written response to the Inquiry Panel within a specified time period (usually one week). In addition, one or more members of the Inquiry Panel, or assigned MDJCCC staff, interview any and all individuals identified in the complaint as having any potential additional information about the matters at issue. Upon review of all the relevant evidentiary materials that are available, the Inquiry Panel develops for the full Committee a written recommendation for disposition of the complaint.

The Committee, upon consideration of the Inquiry Panel’s recommendation, discusses and votes on final action on the complaint. Based on the Committee’s action, a written decision detailing the Committee’s findings is prepared and finalized. The decision is transmitted first to the complainant(s) and the candidate before being released to the public and to the press. All decisions are posted on the Committee’s website.

Overview

MDJCCC received one complaint during the 2012 campaign, summarized below:

- **Subject: Challenger Joseph Stalonis**
 - 4.20.12 – Complaint received from attorney George E. Meng
 - Issues: Standard III (Campaign Communications – Truthfulness and Dignity); Standard II (Campaign Communications – Impartiality); Standard VII (Financial Contributions)
 - Status: Findings issued August 6, 2012

Complaint Details

Joseph M. Stalonis of St. Mary’s County: MDJCCC received a complaint regarding the campaign conduct of St. Mary’s County judicial candidate Joseph M. Stalonis, an Assistant State’s Attorney in that county. The complaint alleged that a campaign flyer distributed by the Stalonis campaign contained misleading statements and images in violation of MDJCCC standards. The Committee also received supplemental documentation from the complainant, which alleged several additional violations. The Committee sent both the original complaint and the amended complaint to Mr. Stalonis and asked that he reply. During its inquiry, the Inquiry Panel conducted research, with Committee staff interviewing the involved parties and making written requests for additional information.

At issue before the Committee were and twelve separate complaints against the Stanalonis campaign involving campaign material, including flyers and signage, distributed by that campaign. After several discussions and review meetings, the Inquiry Panel and the full Committee agreed that, of the twelve complaints, the Standards were violated in six instances. The Committee found, among other violations, that the candidate altered quotations from a newspaper editorial that endorsed his opponent, an impermissible attempt to mislead voters.

Copies of the written decision were distributed to Mr. Stanalonis, Mr. Meng and Judge Densford before it was posted on the Committee's website (www.mdjccc.org.) A link to the full report was included in a press release sent to approximately 300 media outlets statewide.

It should be noted that in the days and weeks following the public release of the final decision, Mr. Stanalonis publicly attacked the political motivations and complaint procedures of the MDJCCC. After several discussions, the Committee decided that, under the circumstances, it would not respond.

VI. Conclusion

As noted in previous reports, deterrence continues to be the primary influence of the MDJCCC. The Committee received just one complaint lodged against candidates during the 2012 election, a significant reduction from the number of complaints received in previous election years.

During the 2012 election cycle, the Committee received a query from a Maryland attorney about the appropriateness of one of the questions identified as acceptable questions to ask judicial candidates. Prior to the 2014 election cycle, MDJCCC will review this particular portion of the brochure for possible editing

The Committee also saw a drop in participation rate among candidates who agreed to abide by MDJCCC Standards. One explanation may be that the Acknowledgment Form was included inside of the 2012 booklet. Participation appears to increase when the Acknowledgment Form is a separate element sent to candidates with a stamped return envelope.

The Committee recommends that MDJCCC be continued in preparation for the 2014 elections.