

## Politics Aside, Del. Arnick's Appointment to District Court May be Blessing, Lawyers Say

The appointment was "pure politics," but Baltimore County attorneys say Del. John Arnick's selection for the county's district court bench may turn out to be a blessing.

Several veterans of the legal communities in Towson, Essex and Dundalk predict that Arnick, D-Baltimore County, will become a solid member of the district court because of his experience as a trial lawyer and his familiarity with the people of the eastern half of the county.

"He may have gotten to the bench because of pure politics, but once he gets there I think he'll do okay," says one eastern Baltimore County attorney who is a longtime veteran of the district courts.

"He has the tools he needs to do the job. He's spent a fair amount of time practicing in that court, he's familiar with the procedure, and he knows the kinds of cases and people he's going to see," added the lawyer, who spoke on the condition he not be named. "The only thing he's going to have to work on is his judicial temperament."

Gov. William Donald Schaefer last week tapped Arnick, of Dundalk, to replace Baltimore County District Court Judge Gerard Wittstadt, who stepped down in November to return to private law practice.

Along with Arnick, Schaefer also added Maryland Assistant Attorney General Alexander Wright Jr. to the Baltimore County District Court and Martha G. Kavanaugh to the Montgomery County District Court.

But the most controversial appointment was Arnick, a five-term member of Maryland House of Delegates who didn't even make the list of finalists for a district court opening late last year.

Arnick's absence from that list caused some political headaches for Schaefer and House Speaker R. Clayton Mitchell, D-Eastern Shore, who wanted a graceful way to move Arnick out of his powerful position as chairman of the House Judiciary Committee.

During the 1992 Maryland General Assembly session, Arnick had been one of the conservative lawmakers to oppose Schaefer's and Mitchell's call for an \$800 million tax increase to cover the state's budget deficit. Mitchell vowed to retaliate against any legislative leaders who did not support the tax bill.

Had Arnick made the list for District Judge John P. Rellas' seat, Annapolis watchers contend he would have been a shoo-in for the job because of the Mitchell's and Schaefer's agendas.

When Wittstadt's seat opened up, Arnick reapplied to the Baltimore County Judicial Nominating Committee and emissaries of the governor and the speaker worked quietly behind the scenes to convince commissioners Arnick was qualified.

In November, the commission put Arnick among the nine finalists sent to Schaefer for Wittstadt's seat. The governor named him to the \$82,300 post last week-end.

One Towson litigator familiar with the politics of judicial selections in the county, notes that the machinations around Arnick's appointment reminded him of the elevation of state Sen. John C. Coolahan, D-Arbutus, to the Baltimore County District Court in 1989.

Coolahan, known in the Statehouse as the "Lion of Halethorpe," was an iconoclastic figure who battled with both Mitchell and Schaefer during his 16 years in the House.

"Just like Coolahan, Arnick got kicked upstairs. This time, the governor was just helping out his old and loyal friend, the speaker of the House," says the politically connected attorney. "That was the motivating factor in this appointment."

For his part, Arnick says that while politics played a role in his appointment "to some degree," he believes he got the nod because of his qualifications and experience.

"I know the governor would not appoint me solely because of politics. I believe that he thought I was one of the two best qualified people for these openings," Arnick said.

And even if he'd not gotten the appointment, Arnick says reports of a rift between he and the speaker of the House were overblown.

"I firmly believe had I not been put on the bench, I would have still been chairman of the House Judiciary Committee," Arnick contends. — *Jef Feeley*



JOHN ARNICK