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A better way to run the courts

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IF BALTIMORE COUNTY Circuit Court Judge Thomas J. Bollinger Sr. were serving in a unified court, rather than Maryland's local system of Circuit Courts, he would have better help in managing the crisis that flared after The Sun reported that he had erased the conviction of a man who had badly beaten his wife.

Were a similar crisis to envelope a District Court judge, Martha F. Rasin, chief judge of the District Courts, would serve two valuable functions -- counseling the judge and explaining his behavior to the public. If his conduct was defensible, the public would be told how and why. If his behavior was reprehensible, the chief judge could take appropriate action, and the public would have assurances that the judicial system is dealing with the problem.

But facing public anger about his decision as well as his subsequent efforts at damage control, Judge Bollinger fell victim not just to outrage over the cavalier treatment of domestic violence cases in many courtrooms, but also to an antiquated Circuit Court system.

His nominal boss is Chief Judge Robert M. Bell who, as chief of the Court of Appeals, also heads the state's judicial system. But in cases like Mr. Bollinger's, Judge Bell's hands are partly tied, since his court can end up as the final arbiter of cases taken to the Commission on Judicial Disabilities.

True, the Circuit Court system has administrative judges. But their authority is diffused and weak. Meanwhile, the funding of these courts, based in part on local resources, is uneven and, too often, so are the decisions handed down. Depending on where their case is heard, Marylanders who commit the same crime can get very different punishments.

Point to the fact

Poor Judge Bollinger. There was no one in authority who could appeal for calm, or who could point to the fact that, unlike the majority of domestic-violence cases, the defendant in this one actually served time on work-release before the judge restored his clean record. The decision to erase the conviction may still have been wrong, but it was not as unusual as many people think.

Neither was there anyone to point out to Judge Bollinger that his attitudes toward victims -- specifically his belief that the victim should have no role in the proceedings -- is outdated, now that Maryland has a constitutional amendment recognizing that victims should be taken into account in sentencing.

It's no secret that Maryland's Circuit Court system is unwieldy and uncoordinated and that individual judges in effect have no boss. Not surprisingly, most judges like it that way. Only rarely does a predicament like Judge Bollinger's reveal the drawbacks for judges as well as for the public.

As distasteful as it may be to see women legislators threatening to hold a judicial pay raise hostage, the legislature does have *responsibility for approving pay levels for judges*. If there are few ways of holding judges accountable for their performance, the judiciary shouldn't be surprised when legislators resort to threats they have the power to carry out.

In its final report last fall, the Commission on the Future of Maryland Courts offered a suggestion that is not new, but that has always been considered politically impossible -- the consolidation of the state's Circuit Court system. As local jurisdictions find it more difficult to come up with funding, the promise of state funding of these courts makes the prospect somewhat more palatable.

Judges and other traditionalists will probably continue their resistance -- unless they recognize that trading off their autonomy can bring a smoother, more efficient system that better serves the public. When resources for the courts and the justice dispensed from

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various benches varies from jurisdiction to jurisdiction, as it does now in Maryland's Circuit Courts, it is more difficult to maintain public confidence in the judicial system. It is also more difficult for free-lance judges to deal with the kind of reaction Judge Bollinger has encountered.

Maybe there is a silver lining in the Bollinger cloud -- a reason for judges to reconsider old prejudices that favor a Circuit Court based on a patchwork of local funding and control, rather than a centralized system with more equitable funding and more even-handed justice across the state.

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