

The Sun

District Court now missing 2 of 4 judges
Latest vacancy comes from Gelfman election to Circuit Court bench
'There will be a slowdown'
Glendening may wait for new nominee list before filling openings
SERIES -- LENORE R. GELFMAN. Second of two parts

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As Judge Lenore R. Gelfman begins her new job on the Howard County Circuit bench today, she leaves a District Court bench at half-strength -- raising concerns that a backlog of cases and a pile of postponements are looming.

And some members of the local legal community say they fear permanent relief could take months.

Gelfman's move to Circuit Court after defeating Judge Donna Hill Staton last month creates a second vacancy on the four-member District Court. A list of nominees for the first vacancy -- created by the fall retirement of Judge R. Russell Sadler -- has been before Gov. Parris N. Glendening since September.

Chief Judge Martha F. Rasin of the District Court of Maryland, who oversees the state's lower courts, said: "Any time there is a vacancy we are concerned. And when there are two vacancies, we are twice as concerned."

Every day, Howard's district judges handle 50 criminal cases, 200 traffic cases, about 40 driving-while-intoxicated cases and about eight contested civil cases, said Nancy E. Mueller, administrative clerk for Howard and Carroll counties' district courts.

To help ease the crowded dockets, visiting judges -- who are retired or are active in other counties -- routinely have been brought in.

Some days, judges have taken more than one docket of pending cases.

With the loss of two judges, "there will be a slowdown, and a buildup" of cases, said Judge James N. Vaughan, administrative judge for Howard and Carroll counties' district courts. Vaughan one day handled three dockets.

"We're doing the best we can," he said.

Political observers and members of the legal community say the governor is delaying the first appointment for two reasons: He has vowed to open doors for women and minorities on the state's male-dominated benches, and the first list sent to him by the Howard County judicial nominating commission was dominated by white males.

He likely is gun-shy after his first Howard judicial appointments -- Hill Staton and Diane O. Leasure, to Howard's Circuit Court -- fractured the legal and political communities.

A wait for both slots?

Glendening could wait to make both appointments at the same time -- as he did when he named Hill Staton and Leasure last year. It would take at least two months before the county's judicial nominating commission prepares a list for the second vacancy, court officials said.

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Such a delay would be unacceptable, some members of the legal community said.

"Often politics and efficiency don't match," Columbia attorney Joel M. Abramson said. "I would hope he would be sensitive to the workload of the two remaining District Court judges."

Columbia attorney Bobbie Fine said holding up the appointments would be inconvenient, but may be necessary to guarantee that a woman or person of color will sit on the District Court.

"There should be diversity on the bench," she said.

There has never been a black district judge in Howard, and the two remaining judges are men.

Five blacks and seven women were among the 16 applicants for the first vacancy. Of the six white men who applied, five were selected as finalists. Two women -- one of them black -- were finalists.

Top candidates

According to some in the legal community, the top contenders include Columbia attorney Neil E. Axel, Assistant State's Attorney Michael A. Weal and Baltimore attorney Constantine James Sfekas, who lives in Ellicott City.

Axel may have a little more leverage, political observers say, because he was the honorary co-chairman for the campaign of Glendening's Circuit Court appointees, Hill Staton and Leasure.

Pamila J. Brown, a black woman who is assistant attorney general and deputy counsel to the state treasurer, and Carol A. Hanson, district public defender for Howard and Carroll counties, also are mentioned as prime contenders.

But many in the legal community were surprised when Alice Gail Clark, an assistant public defender in Howard for six years, was not on the list.

She and Axel received six votes of "highly recommend" from the Howard County Bar Association's judicial selection committee, but the local judicial nominating commission did not submit her name to the governor.

She and Axel also are considered insiders by some members of the Howard legal community.

"People know who they are," said Fred H. Silverstein, immediate past president of the bar group. "They have been here. They have worked hard. They are active in the bar association. They've had a lot of trial work."

'Howard County people'

Added Fine: "It's important for judges to be Howard County people who know the system, the process and all of the attorneys."

Some local lawyers complained that Leasure and Hill Staton -- who live in Howard but worked in Prince George's County and Baltimore, respectively -- were outsiders better known in Glendening-friendly jurisdictions than in Howard.

The county's African American Coalition asked Glendening to reject the list so it could be amended to include Clark and James E. Henson Sr., administrator of the county's Office of Human Rights, who was an assistant county solicitor for 10 years.

Some members of the legal community say Glendening may hold up the appointments to see whether Clark's name is forwarded to him for the second vacancy.

Glendening's spokesman denied last week that the delay has political overtones.

"The governor hasn't been in the office much lately," said Raymond C. Feldmann, who said he did not know whether Glendening would make joint or separate appointments. "Once we get through Thanksgiving, he will get back to making judicial appointments."

As long as the list is on Glendening's desk, said Rasin, chief judge of the District Court of Maryland, an appointment "could be tomorrow or six months from tomorrow, preferably tomorrow."

"I'm assuming he's on top of this," she said. "He understands our need."

In the meantime, the District Court will be tottering along with only two full-time judges.

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"I'm so used to having the District Court run efficiently, it's hard to imagine what would happen" with a halved staff, said Columbia attorney Jo M. Glasco.

"You don't hear of postponements in District Court. Things usually progress along quickly."

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