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Mr. Chair and members of the committee,

I am a practicing attorney from Loudoun County, Virginia. I respectfully submit the following for your consideration today.

Being selected as a judge at any level requires both intellect, emotional intelligence, patience and respect for the people who come before you and his/her designated representative. But what safeguards are in place to protect the public and the legal profession from judges who do not feel compelled to honor our legal canons? Even if a person is aware he/she can make a complaint to JIRC what are the chances of it being heard or validated? Practically none. What options does the legislature have before it to even the playing field?

A comprehensive selection of qualified candidates needs to be instituted. The selection of a judge should not be a political prize for supporting a party platform. Candidates must be bipartisan and go through a rigorous process would include the ability to think critically, be well versed in at least three areas of the law, have extensive trial experience and have peer recommendations and support. This is not a snap decision for a party favorite but a commitment toward excellence.

When a judge does not make a sound legal decision, we all suffer the consequences. While the mechanism for reporting this to JIRC is sound, it is fraught with obvious problems. The most glaring being retaliation, the second being minimization of the complaint. Why make a complaint if it going to cause retaliation in the future against the lawyer and his/her client and secondly, why make a complaint if nothing is going to happen?

A safe, sensible, economical and efficient venue needs to be established through the legislative process to ensure that there are protections afforded those who do complaint and that those complaints will be properly vetted.

Respectfully submitted,

Deborah D. Piland