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### Fellow judges slam Goetzke, reverse two decisions

By ERIC HARTLEY Staff Writer

Circuit Court Judge Paul G. Goetzke ignored the law by unilaterally altering an agreed-upon order and fining a defense attorney this spring, a panel of his fellow judges said in a blistering ruling yesterday.

The three Circuit Court judges, who reversed two rulings by Judge Goetzke, said they were most concerned by his fining Annapolis attorney Drew Cochran \$10 after he questioned a ruling in a juvenile case.

Allowing that fine to stand would have a "chilling effect," making attorneys afraid to question judges' rulings and fight for their clients, the panel said in ruling that Mr. Cochran did nothing wrong.

"A judge's power is not unbridled," Judges Nancy Davis-Loomis, Paul A. Hackner and Ronald A. Silkworth wrote in a 12-page opinion. "It is controlled by statutes, rules and case law. To ignore those constraints undermines the confidence of attorneys and the public in the impartiality and fairness of the judiciary. Litigants have a right to expect well-reasoned decisions based on the law and should not fear sanctions for pursuing their arguments."

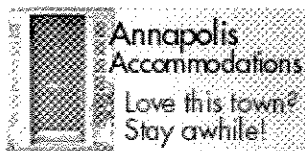
For Mr. Cochran, the ruling was a vindication.

"The reason why I took action over a \$10 fine wasn't the fact that I didn't want to give up 10 bucks," he said yesterday. "It was about the fact that he was wrong."

In an interview last night, Judge Goetzke said he couldn't comment on the specifics of the opinion because juvenile cases are sealed by law.

"I do what I think is right in every case before me," he said. "This is part of being a judge. From time to time, you make a decision that's reversed by other judges."

Judge Goetzke, 45, has been controversial among county lawyers since well before he was elected last year. In a sometimes heated



campaign, he criticized other judges as too lax on criminals and promised to be "tough but fair."



Many attorneys said it was unfair for the former Annapolis city attorney and counsel to the mayor, who had little experience in criminal law and wasn't vetted by the Judicial Nominating Commission, to try to boot a sitting judge from the bench.



Circuit Court judges make \$123,352 a year and are elected to 15-year terms.



Months ago, county public defenders started asking Judge Goetzke to recuse himself in every criminal case that comes before him, arguing he can't be impartial because of his campaign comments about being tough. He has declined each time.

And at a hearing in October before the three-judge panel, a number of attorneys publicly supported Mr. Cochran, with one calling Judge Goetzke "nothing but a bully."

Asked about the possible effects of yesterday's decision on his relationships with lawyers, Judge Goetzke said he didn't want to comment.

Lawyers say other judges have privately tried to counsel him about his actions. Asked about his relationship with his colleagues, Judge Goetzke said, "The atmosphere among the judges is fine. I have lunch with judges on a regular basis."

Mr. Cochran's legal battle started in January, when he represented a boy who'd shot some marbles out of a paintball gun and damaged a car. In March, the boy and a prosecutor agreed that he would pay \$500 in restitution to the car's owner.

A Circuit Court master, one of the judicial officials who oversee juvenile cases, signed off on the deal. But every master's order must be approved by a judge. That's often a formality, but not when Judge Goetzke gets the case.

In April, Judge Goetzke crossed out the \$500 on the order, wrote in \$750 and signed it, saying the extra money was for the victim's time and inconvenience. The panel said yesterday there's no legal basis to order restitution on that basis.

And after a hearing in June when Mr. Cochran protested the change, Judge Goetzke said Mr. Cochran had misrepresented facts and fined him and his client \$10.

"If Judge Goetzke's imposition of sanctions under these circumstances were permitted to stand, it would cause a chilling effect among attorneys and litigants in bringing legitimate claims or defenses before the court or conscientiously representing their clients," the panel wrote.

Mr. Cochran, who already wrote a check for \$20 to the law library

fund - \$10 each for himself and his client - said he doesn't want the money back. But he hopes the ruling will have a long-term impact.

"I would hope that in the future we all learn something from this - and Judge Goetzke as well - that we do live in a society that has rules and doesn't operate by favoritism or our gut reaction," he said.

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- No Jumps-

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