

urge the removal of a judge as a member of the nominating commission at that level.

What does the minority report propose to do? It provides, I submit, substantially the Niles plan as it was presented in its original form some years ago and in many respects surpasses it. In detail it provides that the judges on the two highest courts will be appointed from a nominating commission, and a single nominating commission, if you will, where the best lawyers and the best citizens would be gathered together for deliberation.

We also provide that these appellate court judges of the entire State should run in a non-competitive election on a state-wide basis. For reasons stated in the minority report, we find the appellate courts divisible from the trial courts, and we can recommend without hesitation that a different method be used for selection and retention of these jurists who perform a valuable but far different judicial function than the judges on the trial court level.

On the trial court level, that is, the superior court and the district court in this unified judicial system, we propose retention of appointment by the governor, who will be solely responsible for his selection, and we repeat this because it is very important, that the governor will be solely responsible for his selection, and that the nominee will stand in an open election at least after serving two years.

The election we would suggest should be non-partisan in nature, and the appointed judge could be designated in our opinion as "incumbent" on the voting machines, while running for a term of fourteen years on the superior court level, and ten years on the district court level.

If you would be kind enough to turn to page 4 of the majority recommendation with respect to these sections, I will itemize very briefly the amendment we will propose with respect to the Majority Report on these sections.

We have a very brief suggestion under 5.13. We are going to amend 5.13 to provide that judges in Maryland be at least thirty years of age. This has been the situation in Maryland for a long time. We advocate the retention of that, that thirty would be a minimum age for a lawyer to serve as judge in this great State.

Under section 5.14 we will come to what will probably be the real test or real fight, if there is one, concerning the nomination and appointment system. Section 5.14 in

the majority report proposes to set up a section that will take care of nomination and appointment by way of a commission on all levels of the judiciary.

Because this section is so broad it covers all the levels of the state judicial system. We therefore ask by way of an amendment for a necessary revision in the title and in some of the verbiage so that it would reflect an appellate court nominating commission. We would also delete—I will not go into any detail now; I believe some of this was commented upon in questioning to Chairman Mudd—we would delete the last portion of that section beginning on line 45, "If the Governor fails . . ." In the opinion of the minority it is absolutely silly to presume that the governor will not do that which the Constitution tells him to do. We are appalled at the prospect that he may avoid doing this if he so chooses, or that a chief judge who has a colleague on the nominating commission, if that were in fact adopted, could name another colleague to serve with him.

Under section 5.15 dealing in the majority report, on page 5, with the Appellate Court Nominating Commission, our only amendment would be to remove the judge from the nominating commission. The reasons were explained in our minority report, together with my initial presentation yesterday.

I might add if I might repeat myself, by saying if you in fact want to have an independent nominating commission, then a judge of the court, or in the judicial system should not be a member of that nominating commission.

If our position is adopted by the Committee of the Whole, we can delete section 5.16 since it pertains to trial courts nominating commissions not contemplated under the minority report.

Section 5.17 can easily be amended and shortened to be retitled "Appellate Lawyers Nominating Commission," and we would urge after the word "State" on line 34, that all the rest be deleted, inasmuch as we would only be talking about one appellate court nominating commission.

The same would hold true, generally speaking, with respect to section 5.18, where we propose there be an appellate laymen nominating commission. On line 47, after the word "state", we would delete the rest.

On page 6 under section 5.19, if what we propose is adopted, we can remove section