

THE CHAIRMAN: All in favor, signify by saying Aye; contrary, No.

The Ayes have it. It is so ordered.

(Whereupon, at 2:18 P.M. the Convention resolved itself into the Committee of the Whole.)

(The mace was removed by the Sergeant-at-Arms.)

COMMITTEE OF THE WHOLE
NOVEMBER 20, 1967—2:18 P.M.
PRESIDENT H. VERNON ENEY,
PRESIDING

THE CHAIRMAN: The Committee of the Whole will please come to order.

The first item under the general orders of the day is a resumption of consideration of Committee Recommendation JB-1.

We concluded consideration of the portion of the committee recommendation dealt with in part 1 of Debate Schedule No. 4, and are ready to take up part 2 of Debate Schedule No. 4. This embraces sections 5.12 to 5.28.

The Chair recognizes Delegate Mudd and requests that he come forward to the speaker's desk to present the Committee Recommendation.

DELEGATE MUDD: We did that Friday.

THE CHAIRMAN: I am sorry. We already had that Friday.

We concluded the question period and the matter now arises under the section-by-section consideration for purpose of amendments.

Are there any amendments to section 5.12? The Chair hears none.

There is a minority amendment with respect to section 5.13. Does the Clerk have the amendment?

The page will distribute the amendment marked C. This will be marked Amendment No. 20. The Clerk will read the amendment.

READING CLERK: Amendment No. 20, to accompany Minority Report JB-1, by Delegates Johnson, Harkness, Hickman, Kahl, Siewierski, and Rush: On page 4 line 18 of section 5.13, Eligibility for Appoint-

ment as Judge after the word "person" add the following words "shall be at least 30 years of age and".

THE CHAIRMAN: The Debate Schedule allows five minutes to Delegate Johnson and five minutes to Delegate Mudd. The Chair recognizes Delegate Johnson.

DELEGATE JOHNSON: I yield the five allotted minutes to Delegate Siewierski, the chairman of the minority.

THE CHAIRMAN: Delegate Siewierski.

DELEGATE SIEWIERSKI: Mr. Chairman and fellow delegates: the minority recommends that we have the minimum age requirement of 30 years for eligibility as a judge for several reasons.

First of all, we place a minimum age requirement on several public officials, for example, our chief executive and legislators. Why should we exclude the judiciary? We submit that five years may not be long enough to obtain the broad legal experience necessary to be a good judge. We submit that the longer a person practices law, the more law he learns and the deeper his understanding of the law becomes.

Some have suggested that perhaps a ten-year minimum of experience at the bar would be desirable. We suggest that a five-year requirement of practice plus a thirty-year age requirement is a just compromise.

Thirdly, we suggest that the public generally feels that an older person is better qualified to sit in judgment. The older judge is often better able to temper mercy with justice.

I would like to point out that the Committee on Judicial Administration of the Maryland Bar Association, which was headed by Delegate Case, recommended that the minimum age requirement of thirty years be required for a district court judge. We would assume that they would recommend an even higher age requirement for judges on the appellate level.

I would further like to point out that twenty-four States have a minimum age requirement, the average age being twenty-six years, seven months, and one day. Sixteen of these twenty-four states had the requirement only on the lower court level, and perhaps this is the level which should have the requirement, because experience has shown that judges appointed to the appellate level are usually around forty years of age and have at least twelve years of experience.