

record. There are many judges, however, who have a judicial temperament, honesty and ability, and I do not understand some of the lawyers here who can condemn the present judges. I recall a judge was appointed out of the office of the delegate from the third district, and similarly a judge for Baltimore County had a lawyer who was appointed out of his office. Are we to condemn those men? They are good men, and qualified men.

I would say a majority would like to promote qualified lawyers, lawyers who have a good reputation to the Court of Appeals to get them out of their hair.

THE CHAIRMAN: You have one minute.

DELEGATE DELLA: Lawyers do not control the bar association, not the lawyers with small offices. If you look at the nominating committee nominations on judicial appointments you can almost point to the large offices that make those nominations.

THE CHAIRMAN: Your time has expired. You may finish your sentence.

DELEGATE DELLA: I hope this amendment is approved.

THE CHAIRMAN: Delegate Marvin Smith.

DELEGATE M. SMITH: I am not from a large office. Up until last spring I was a solo practitioner. I did not go to Harvard. I am a graduate of Maryland University and my roots go as far back in Maryland as anyone here.

I would hope the common goal was to produce the best possible judicial system. It can not be any better than its judges.

To say that we have had good judges in Maryland is no answer. The real questions are, could we have had better judges? Will our present system produce the best judges?

All of us who have familiarity with the problems in the present system are reluctant to give examples, because we do not want to reflect adversely upon present and past personalities. Yet many of us know that there have been instances in which people have become judges who were not the best qualified persons available. Sometimes this has been the fault of the electorate. Sometimes this has been the fault of the governor and a bar association. We know politicians have participated in deals relative to judicial elections. We know poli-

ticians have attempted to put pressure on judges seeking reelection. We know capable judges have been defeated. We know that many good men have been unwilling to become judges because they were unwilling to risk defeat at the polls and face the problem of rebuilding a law practice. Do not let it be said that a law practice can easily be rebuilt. I knew one distinguished lawyer who entered the army representing all but one of the banks and all but one of the towns in his county. Upon his return he got back one bank and no towns.

At the present time, the nominations to the governor come from many different bar associations. Their committees are appointed by their presidents.

Now consider what is here proposed: All the lawyers in the affected area would elect the lawyer representatives. The governor would appoint the lay representatives. All members, lawyer and lay, would have staggered terms. These people would submit the list to the governor, a list intended to consider a man's fairness and judicial temperament and integrity, in addition to his intelligence. The governor would be obliged to appoint from that list. The lawyers of the area would be polled secretly —

THE CHAIRMAN: You have one-half minute, Delegate Smith.

DELEGATE M. SMITH: The poll results would be published.

I ask you, deep down in your hearts, do you not really and truly believe that the Committee proposal will produce better judges than the present system?

THE CHAIRMAN: Does any other delegate desire to speak in favor?

Delegate Darby.

DELEGATE DARBY: Yes, Mr. Chairman and delegates. I am not an attorney and I am overwhelmed by some of the legal talent here.

I am not qualified so I hesitate to say one system is better than another. When I look at the individuals that are here, I think that they would not have been put into office as a result of being looked upon as investments by any politicians or anyone else.

I think that of course if we are looking for the best in the judiciary by the way of nominating commissions that we should do the same in the executive and also in the legislative.