

sary for a judgeship in the federal system. I think that we, too, should at least know all about the judges that we appoint.

THE CHAIRMAN: Delegate Scanlan.

DELEGATE SCANLAN: In speaking against the amendment, may I be permitted, as Mr. Mason did, to give you an analogy from federal experience. The Bar Association of the District of Columbia has a Judicial Selections Committee. I was privileged to serve on that committee for two years, during the course of which we were called upon many times to give our recommendations as to persons being considered for the federal bench, although of course the Bar Association's recommendations, as they are in Maryland, are advisory.

In one instance at one meeting, a distinguished lawyer had been recommended for promotion to the highest Court of Appeals in the District of Columbia. At that meeting one of the members of the committee brought up information about a person who was at one time a partner of this man. There was no question that as far as the partner was concerned, he had been guilty of grossly unethical conduct. The way the matter was presented at the first meeting, it looked like this happened at a time when this man was a partner of the man being considered for the federal judgeship. The committee, however, did not decide that day, and sought more information. At the next meeting we were provided with information that made it perfectly clear that when the man acted unethically, he was no longer a partner of the person who was being considered for the federal bench. If that first meeting had been public, not only would the professional reputation of a distinguished lawyer been smeared and perhaps fatally impaired, he would not have been appointed, I am sure, to the high office that he was appointed to and where he serves now with the greatest distinction.

I cannot think of anything worse than opening up the meeting of these commissions to the press. I think that many lawyers, however, whatever their integrity, whatever their past, would be very disinclined to permit their name to be submitted to such commission to have it bandied about and their life history bandied about in a public meeting. They would prefer to continue to practice law and forego the judgeship.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: I rise to support the amendment. First of all, we are not

talking about bar association meetings, and I presume the bar association could still make its recommendation to the commission. For this reason, I do not think the reasons advanced by Delegate Scanlan are absolutely controlling. If a man does not want to be considered for a judgeship, it would be very simple to indicate so to the commission. If a man's life cannot come up to complete scrutiny, he should not aspire to the office of judge. You must remember that these people that we are picking in the commission will be the selection. The governor has only a ministerial duty of appointing one of the group that is given to him. He is given no leeway.

I point out to you the situation in the federal government where the nominations for the federal bench are given very careful scrutiny by the Senate before their confirmation. This would simply provide that once a man has indicated that he would aspire to a judgeship, that he is willing to have his life put on the line, then I think that his record should be available for public comparison with the record of the other people. If a man does not want to do this, it would be a very simple matter for him to indicate he does not wish to be considered.

THE CHAIRMAN: The Chair recognizes Delegate Bard to speak in opposition to the amendment.

DELEGATE BARD: Before speaking in opposition to the amendment, Mr. Chairman, may I ask Delegate Mudd a question?

THE CHAIRMAN: I do not think so inasmuch as there are several other people seeking the floor to talk. I will recognize you at the proper time. Delegate Hargrove.

DELEGATE HARGROVE: Mr. Chairman, if we were to pass the amendment, I think we should then suggest an amendment whereby the executive or a committee of the legislature which considers executive appointments should have those meetings open to the public. As I understand it, they are generally closed sessions. We should also offer amendments to the provision on disability of judges, because in a sense we do the same thing there.

I would suggest that the federal analogy is an extremely poor one, because in the federal system, the judge is selected, and it is then that he is open to the scrutiny of the Senate. We are not talking about the same thing. We are talking about the process of selecting one man. This is done by the American Bar Association and several committees, and this information cer-