

fifteen-year term such as we have in the judiciary today really amounts in a sense to election for life. The average lawyer is in the neighborhood of fifty-five when he is appointed to the bench, and the fifteen-year term really gives him a lifetime service, so that the incentive in a sense for doing a good job is removed because he never has to be responsible to the people again.

My conclusion simply is that the elective aspects of Maryland's judicial system is simply one grand illusion. The law should be adopted to the practice, appointment of running against election and reduction of the term to permit more frequent reviews of that record, and this system would provide an incentive to stimulate energetic judicial service.

Thank you, Mr. Chairman.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: May I yield three minutes to Delegate Gallagher?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman, ladies and gentlemen of the Committee: I think it is important to realize some of the very unfortunate effects that occur when a member of the bar runs against a sitting judge. In many communities, and in Baltimore City, oftentimes the lawyer may appear before the judge during the period of time in which he is conducting his campaign, and regardless of the best intentions on the part of judge and lawyer who is seeking the office, the client, of course, can indulge in some considering wonderment about whether or not his case is being properly considered and properly represented, so that there is this aspect of a reflection on justice and a certain suspicion that falls over litigation which involves the judge and the lawyer who is running against him.

Also it is quite apparent that in these campaigns the lawyer who is running against the sitting judge certainly is not as restricted and confined under the rules of ethics as Senator James has read them to you, and consequently, the lawyer can indulge in a great deal of freewheeling politicking, so to speak; he can afford to go out on the fringes of what is proper and prudent and make public statements that perhaps may be intended only to cast discredit upon the judge against whom he may be running, but ultimately, of course, cast discredit and suspicion upon the judiciary itself. So what you really have, it seems to me in these elections as they are

conducted and as it is suggested they be conducted is a member of the judiciary, both of whose hands are tied behind his back. He cannot honestly and fully present himself to the public. He cannot campaign in the full sense of the word, and yet he has running against him an attorney who has really no limitations placed upon him with respect to the extent to which he can go.

THE CHAIRMAN: You have one-half minute.

DELEGATE GALLAGHER: The question of finances I alluded to yesterday—it is very difficult and unwise, it seems to me, for judges to deal with political leaders, and to pay to be placed upon the ballot, and unfortunately this entire process is one which can only do, and has done, considerable injury to the judiciary.

THE CHAIRMAN: Delegate Mudd, you have one minute.

DELEGATE MUDD: May I yield that to Delegate Needle?

THE CHAIRMAN: Delegate Needle, the Chair recognizes you for one minute.

DELEGATE NEEDLE: Mr. Chairman, this section, along with section 5.14, which was adopted by this body yesterday by a 95 to 42 vote, are the two sections which will provide Maryland with the most qualified judges. They are two companion sections, which must be enacted by this body; and I suggest that we should do so by an even more overwhelming vote with regard to this particular section and reject the amendment.

Let me tell you of a couple of experiences I had during my campaign and since, when I appeared before a couple of political clubs. A number of lawyers, some of whom I knew and some of whom I did not know, indicated that they did not approve of the commission draft with regard to noncompetitive elections because they wanted the opportunity to become judges. They said that they know a nominating commission would never put them before the governor, and so they would never become judges. They knew that they had the backing of their political clubs and politicians in their areas, and they thought they could beat incumbent judges. That is not the way I want my judges selected.

I suggest that there is no reason to provide any different method for the election of trial court judges and appellate court judges, and I refer you to page 15 of the Committee Memorandum of the majority,