

prescribes the method authorized for the election of judges, and does not authorize the solicitation of objections to the election of judges."

Further, I would like to say that Judge Prendergast appeared before the Committee on the Judicial Branch and presented the consensus of judges of the supreme bench in Baltimore City, and in dealing with that section, this is the consensus of the judges of the supreme bench, he said,

"There is another provision in section 5.21 which we believe to be objectionable"—

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

DELEGATE HARKNESS:

"It provides that provision shall be made for a poll on the lawyers in the area where a judge is required to stand for election. As to whether he should be retained in office and for publication of the results, not infrequently a very capable judge is not popular with the bar. No less a person than the great Chief Justice Marshall was a highly controversial figure and would have suffered if subjected to a popularity poll such as recommended."

I suggest that this poll would be nothing but a popularity contest, and do nothing to promote official administration of justice in this State.

THE CHAIRMAN: The Chair recognizes Delegate Darby.

DELEGATE DARBY: Would you yield to a question, Delegate Mudd?

THE CHAIRMAN: Do you yield to a question, Delegate Mudd?

DELEGATE MUDD: Yes.

THE CHAIRMAN: Delegate Darby.

DELEGATE DARBY: Did you consider what would be able to be proven by secret ballot? Would just members of the bar association be able to vote?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: I think it is to be carried out and implemented by rules, and the attorneys qualified would be determined by rule.

One suggestion that was made by our Committee was that all attorneys who would contribute to the client security fund would be one method to determine

the lawyers qualified to vote. Of course, that would be prior to the State having a unified bar, which we do not have.

THE CHAIRMAN: Delegate Darby.

DELEGATE DARBY: But it is actually possible if just members of the bar association are included it could exclude a number of attorneys who might be practicing in Baltimore City and residing in Baltimore County?

THE CHAIRMAN: Would you restate your question?

DELEGATE DARBY: If the rule was by members of the bar association, that the ballot would be only by members of the bar association, if the Supreme Court should require that, it is possible to exclude an attorney who practices in Baltimore City and resides in Baltimore County?

THE CHAIRMAN: Do you understand the question?

DELEGATE MUDD: I think so.

THE CHAIRMAN: The question is if the Court of Appeals should proscribe by rule that only members of the bar association could vote, would this perhaps disenfranchise members of the bar residing in one county and practicing in another?

Is that your question?

DELEGATE DARBY: That is correct.

THE CHAIRMAN: Delegate Mudd?

DELEGATE MUDD: I assume it is possible, but highly improbable. I think there is a possibility that the lawyers living in Baltimore County would have a right to vote with respect to vacancies in Baltimore County when, in fact, their practice was almost exclusively Baltimore City. I think that is a more realistic possibility.

DELEGATE DARBY: It is possible, of course, that they would have the right to vote in either place?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: I cannot imagine under what rule that would develop.

THE CHAIRMAN: Delegate Darby.

DELEGATE DARBY: I will take your word for it.

THE CHAIRMAN: The Chair suggests the lawyers disenfranchised could claim they were denied equal rights.

The Chair recognizes Delegate Schloeder to speak in favor of the amendment.