

Will the pages please distribute amendment L? This will be Amendment No. 50. The Clerk will read the amendment.

READING CLERK: Amendment No. 50 to accompany Minority Report JB-1 to Committee Recommendation JB-1 by Delegates Johnson, Harkness, Hickman, Kahl, Murphy, Siewierski and Rush: On page 8 in section 5.26 Commission on Judicial Disabilities in lines 28 and 29 strike out "one lay person, and one lawyer" and insert in lieu thereof the following: "two lay persons, and two lawyers".

THE CHAIRMAN: The amendment having been seconded, the Chair recognizes Delegate Johnson to speak to the amendment.

DELEGATE JOHNSON: Mr. Chairman, I yield to Delegate Siewierski.

THE CHAIRMAN: Delegate Siewierski.

DELEGATE SIEWIERSKI: Mr. Chairman, ladies and gentlemen of the Committee—

THE CHAIRMAN: For what purpose does Delegate Sollins rise?

DELEGATE SOLLINS: Mr. Chairman, I do not recall Chairman Mudd reviewing Sections 5.25 to 5.31. Perhaps he did it several days ago, and I may be gathering wool, too, but I do not recall.

THE CHAIRMAN: He has reviewed these sections in connection with his presentation of part 2. Delegate Siewierski.

DELEGATE SIEWIERSKI: Mr. Chairman, fellow delegates, we of the minority of the Committee recommended that this Commission on Judicial Disability be composed of three judges, that is, one judge of the intermediate court of appeals, one judge from the superior court level, one judge from the district court level, in addition to two lawyers and two lay members.

Our amendment differs from that of the majority in that we provide two laymen and two lawyers rather than one layman and one lawyer.

The reasons for making this amendment are several: First of all, we feel that the judges on this commission may not be totally objective. We feel that perhaps they may be somewhat reluctant to study the situation objectively for fear that a complete investigation might bring discredit to the bench on which they are sitting. Secondly, we feel that they may not be very objective for the fact that perhaps one of

the members themselves might be before this Judicial Commission and would want their colleagues to remember them as being sympathetic or accommodating.

We recommend also that an efficient lawyer would perhaps bring a different point of view to the commission. He would present a point of view, which would perhaps balance those of the judges.

We suggest that a lawyer knows more judges or knows the judges better than do the other members of the bench.

We recommend the addition of a second lay person to the commission for these reasons: First of all, we feel that this person will be completely unbiased when he comes to the commission. He will have had no previous contact with either the judge or with the lawyer. We feel that perhaps this balance of the three judges and only two non-judicial members of the commission could present an imbalance.

We want you to realize that this commission, once it does make a recommendation, recommends action to the Court of Appeals; so in this respect we could see that the judges are actually getting a double shot or getting two chances to judge one of their own members or judge one of their colleagues.

We feel that more non-judicial members would create a better balance and would ask your support of this amendment.

THE CHAIRMAN: Before calling on Delegate Mudd, the Chair would like to have the attention of Delegate Sollins.

It has been called to the Chair's attention that he misunderstood your inquiry. Was your inquiry directed to sections 5.29 to 5.31 or to sections 5.12 to 5.28?

DELEGATE SOLLINS: My comments were directed to sections 5.25 to 5.31. I do not recall Delegate Mudd discussing those sections and the delegates having an opportunity to ask him any questions about it.

THE CHAIRMAN: Sections 5.25 to 5.28 were discussed by Delegate Mudd. Sections 5.29 to 5.31 have not yet been presented, either by Delegate Mudd or by the minority. They will be as soon as we conclude consideration of section 5.28.

The Chair recognizes Delegate Mudd.

DELEGATE MUDD: Mr. Chairman, may I say that my presentation and explanation of the section dealing with the