

disability commission may have been abbreviated, and I would like to yield three minutes of my controlled time to Delegate Marion.

THE CHAIRMAN: There is no controlled time on this, Delegate Mudd.

DELEGATE MUDD: I beg your pardon. I will be glad to answer any questions preliminarily if Delegate Sollins has any question about any section.

THE CHAIRMAN: No. I gather he just would prefer you to make whatever comment you choose to make about the amendment.

DELEGATE MUDD: Mr. Chairman, ladies and gentlemen of the Convention, basically our recommendation here, as I think—

THE CHAIRMAN: Delegate Mudd, the Chair was in error. There is controlled time of five minutes on this amendment. I am sorry.

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

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Mr. Chairman, our provisions from sections 5.25 to 5.28 dealing with the commission on judicial disability are based upon the California plan for the removal of judges. Virtually every witness who came before our Committee and urged us to include language of this sort in the new Maryland constitution urged us to pattern it after the California plan.

We have sought to do that.

The California commission is a larger commission, because they have a larger State and a larger judiciary. The total size of the commission in California is nine members, but the majority is judges. There are five judges, two from one level of the judiciary, two from another, and one from the lowest level of the judiciary. There are two lawyers and two laymen.

Maryland presently has a Commission on Judicial Disability. It was established by constitutional amendment, adopted by the voters of this State in 1966, and when the California plan was recommended to the State of Maryland, it was recommended wisely that we would reduce somewhat the total size; but the recommendation, which was adopted by the General Assembly as to size and composition, and which was approved by the people, was a five-member commission on judicial disability with three

judges, one lawyer and one layman; so we give you in this recommendation the same composition of the commission on judicial disability which we presently have in Maryland.

Those who are familiar with the California system feel that it is important that the majority be judges. This is really an extension of the judiciary and is a commission which is to advise and make recommendations to the Court of Appeals as the ultimate trier of fact and as the ultimate authority to remove, and since it is a question largely of the judiciary policing its own members, and because it has worked well by all testimony which we have heard in the State of California, where it has been in effect since 1960, I urge that this Convention approve it with the composition which the Committee on the Judicial Branch is suggesting.

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: I will be glad to yield back any time remaining, Mr. Chairman.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: I have no other—I beg your pardon, does Mrs. Cicone wish to say anything on this? I yield to her whatever time I have left.

THE CHAIRMAN: Delegate Cicone.

DELEGATE CICONE: I do not believe I have anything to offer. I think Mr. Marion has said it all. Only one point, perhaps, and that was if you make a commission of this type any larger, it gets rather unwieldy; and we felt that the composition, as was set up, could serve the same purpose here in this section of our article, and that is why we adopted it.

THE CHAIRMAN: Is there any further discussion? Delegate Carson.

DELEGATE CARSON: Mr. Chairman, I would like to ask a question of either Chairman Mudd, or if he desires, of Delegate Marion or anyone else familiar with the sections.

THE CHAIRMAN: Before putting the question, does Delegate Beatrice Miller desire to debate?

DELEGATE B. MILLER: No, Mr. Chairman.

THE CHAIRMAN: To whom do you direct your question, Delegate Carson?

DELEGATE CARSON: I would direct it to Chairman Mudd.