

DELEGATE MUDD: Yes, Mr. Chairman.

THE CHAIRMAN: Delegate L. Taylor.

DELEGATE L. TAYLOR: I am concerned about the usage of the words "rights and privileges" in line 16 on page 8. Why do you use the words "rights and privileges" flowing from his judicial service?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: It only has reference to his retirement benefits, as I interpret it, Delegate Taylor.

THE CHAIRMAN: The answer to your question, as I understand it, Delegate Taylor, is that that is the Committee's way of saying "pension."

DELEGATE L. TAYLOR: What I am trying to find out is if the judge has certain rights to retirement benefits, then the rights are circumscribed by the fact that it says "only as prescribed by removal."

THE CHAIRMAN: What is your question?

DELEGATE L. TAYLOR: Is this a right? Is this really a right?

DELEGATE MUDD: In answer to your question, Delegate Taylor, it seems to me that a judge's entitlement to retirement upon leaving the bench is a right, and a privilege. Now if he is removed for cause, then what we are saying, that those rights and privileges shall thereafter be as the court decides they are warranted under the circumstances. They may be reduced or eliminated completely in the case of a judge removed for cause.

THE CHAIRMAN: Do you have a further question?

DELEGATE L. TAYLOR: My question is directed to a clause in the committee recommendation. If you determine to remove the judges from retirement without a pension, you are really causing him an economic hardship, and this would be violating the rights we have stipulated in the Personal Rights section.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: I would say it is the sense of the Committee that a judge who was removed for cause warranted forfeiture of some of the rights and privileges possible under his retirement.

DELEGATE L. TAYLOR: Does he have a right to the benefits of his labor? The pension deducted from his salary?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: No. The judicial pension is contributed entirely by the State, with no restive right from contributions by the judge.

THE CHAIRMAN: Delegate Pullen.

DELEGATE PULLEN: May I ask Delegate Mudd a question?

THE CHAIRMAN: Does Delegate Mudd yield to a question?

DELEGATE MUDD: Yes, Mr. Chairman.

THE CHAIRMAN: Delegate Pullen.

DELEGATE PULLEN: I would feel a little easier if you would define "cause." For several years I was Chairman of the State Teachers Retirement System, and this situation came before us on several occasions.

THE CHAIRMAN: What word do you refer to, Delegate Pullen?

DELEGATE PULLEN: The word "cause."

THE CHAIRMAN: Where?

DELEGATE PULLEN: In other words, does it mean a criminal act?

THE CHAIRMAN: The word "cause" where?

DELEGATE PULLEN: C-a-u-s-e.

THE CHAIRMAN: Where in the section is the word to which you refer?

DELEGATE PULLEN: I am referring to where it relates to "spouse." I am trying to get the right title. Delegate Mudd, you stated if a man or judge were removed for cause, that there was a possibility that his pension rights might be eliminated. Now, the question that I have is this: What are those causes? For instance, a man might become sick and commit a criminal act and lose his pension. Now, I would feel a little easier if his rights were protected by a better definition.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: When I use the word "cause," Dr. Pullen, in my explanation, it is not a word that is in this section; but I used "cause" as a descriptive of the three facets of conduct, namely, misconduct while in an office, persistent failure to perform the duties of his office, or conduct prejudicial to the proper administration of