

DELEGATE JAMES: A point of inquiry. What happens if they do not submit the lists? Would Delegate Henderson answer that question? Would it mean you have to get a judicial interpretation to the effect that the governor can appoint when a list is not made in a timely manner? I would like to have that question answered.

THE CHAIRMAN: The Chair would like to address an inquiry to Delegate Clark. I doubt that the Committee of the Whole has the power to cause the amendment to be laid over. Certainly, the Chair has no such power. Would you be willing to withdraw the amendment from consideration at this time, with the assurance from the Chair that you would be able to offer it tomorrow morning?

DELEGATE J. CLARK: Yes, sir. That would be satisfactory to me.

I just think that this is an area that should be covered, and that is the only reason I offered the amendment. I think if we do not cover it, we will regret it.

THE CHAIRMAN: The amendment is withdrawn on the assurance of the Chair that Delegate Clark will have the opportunity to submit the amendment to the Committee of the Whole tomorrow morning.

I think we are now ready — for what purpose does Delegate Bamberger rise?

DELEGATE BAMBERGER: Mr. Chairman, I rise to move that this house reconsider its vote on Amendment No. 43.

THE CHAIRMAN: Amendment No. 43, a motion to reconsider by Delegate Bamberger. Is the motion seconded?

*(Whereupon, the motion was duly seconded.)*

The motion being seconded, the Chair recognizes Delegate Bamberger to discuss the motion to reconsider the vote by which Amendment No. 43 was rejected. Amendment No. 43 pertains to section 5.21. Does every delegate have it?

*(There was no response.)*

So that you may know the amendment, in case you don't have it available, it would strike out the sentence in lines 43 through 50, which is the sentence that "the Court of Appeals shall prescribe by rule for the taking of a poll by secret ballot of the lawyers of the area in which the judge is required to stand for election as to whether he should be continued in office for a full or additional term and for publication of the results thereof".

The Chair recognizes Delegate Bamberger to speak to his motion to reconsider a vote by which that amendment was rejected. Delegate Bamberger.

DELEGATE BAMBERGER: This amendment was offered at the beginning of this afternoon's session by Delegate Bennett. The purpose of it is very simple, as stated by the Chair.

The Committee's proposal mandates that there shall be an election of constitutional dignity by the lawyers to pass upon, or at the very least to advise the electorate about the qualifications of the judges.

THE CHAIRMAN: Delegate Bamberger, pardon the interruption of the Chair. Will the Clerk please ring the quorum bell?

Delegate Bamberger, you may proceed.

DELEGATE BAMBERGER: I think we all have shared some concern about the detail in this particular article. I do think some of that detail is necessary. I think when we are considering a plan for the selection of judges, that we must give it some period of reasonable time in which to operate, to know whether it does, in fact, improve the quality of justice in this State.

But I think we have gone much too far when we mandate in the constitution that lawyers have some special prerogative to advise the electorate, and what I think concerns me more, some special prerogative to place what must inevitably be some blemish upon the character of a judge.

Let me state the two things which concern me most. First, for those who in this room are not lawyers, to not entertain the presumption that every lawyer knows the judges. I would venture to say that in the large metropolitan counties in the State, a minority of the lawyers in the City practice before the City courts with enough regularity to say that they really know the judges there.

I would even be willing to wager that a majority of the lawyers in Baltimore City cannot name for you all of the members of the supreme bench of Baltimore City.

I am absolutely certain in Baltimore City, because that is the jurisdiction in which I live and practice, that a majority of the lawyers have not been inside the Baltimore City court house for years.

I am also concerned with what I am told is an inevitable fact, that in any election there are a fixed percentage or a guaranteed percentage of no votes.