

Mr. Chairman, I notice that probably due to a typographical error a sentence was deleted from our amendment. I do not think that it is particularly material, but inasmuch as we attempted to adopt everything in the majority except that which pertained to the appointment of the chief judges, I wonder if we could move that a sentence that is in the report of the majority but not of the minority be included?

THE CHAIRMAN: What is the sentence?

DELEGATE JOHNSON: The sentence in the Majority Report, Mr. Chairman, on page 9, at line 33, is "Administrative judges shall perform the duties prescribed by rule" and that —

THE CHAIRMAN: That is the sentence that appears in the committee recommendation on page 9, lines 33 and 34?

DELEGATE JOHNSON: Yes, Mr. Chairman.

THE CHAIRMAN: Where would you put it?

DELEGATE JOHNSON: I would put it on line 21 of the amendment, after the word "rule".

THE CHAIRMAN: Is there any objection to considering the amendment modified to insert in line 21 after the word "rule" a sentence reading, "Administrative judges shall perform the duties prescribed by rule"?

In the absence of objection, the Chair will consider the amendment as having been so modified.

You may proceed, Delegate Johnson.

DELEGATE JOHNSON: Thank you, Mr. Chairman. That is all.

THE CHAIRMAN: Delegate Mudd, you have a little more than one minute.

For what purpose does Delegate Armor rise?

DELEGATE ARMOR: I wonder if Delegate Johnson would yield for a question?

THE CHAIRMAN: Delegate Johnson, do you yield to a question?

DELEGATE JOHNSON: Delegate Armor, state the question.

DELEGATE ARMOR: I am reading from your amendment, line 16: "Each shall serve the remainder of his service on the court", referring to a chief judge of one of the tiers who has been appointed by the governor.

Now, suppose the governor pulls a booboo, and this man cannot quite do the job. How would he get him out?

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: I would say that he would have the same responsibility in getting rid of an unqualified chief judge, as we would an appointed chief judge of the Court of Appeals, if in fact he has performed some misconduct. However, I submit that a judge should not be removed for any other reason than the chief judge of the Court of Appeals could be. Under the majority proposal the chief judge of the Court of Appeals could not be removed either.

THE CHAIRMAN: Delegate Mudd, you have little more than a minute.

DELEGATE MUDD: Mr. Chairman, ladies and gentlemen of the Committee. I think the last question proposed to the spokesman for the minority pointed up the basic weakness in the minority position in this regard, and I can offer nothing more than the reason that the other speakers in opposition to this amendment have advanced. The reason is that if you are going to give the chief judge of the Court of Appeals a job to do, namely, the efficient administration of the court system that we now have adopted for the State, then why run the risk of possibly curtailing or sabotaging him within the operation by giving the governor the power to name his assistants, who might not share his views in the administration of the court system?

I think it is essential to the effective operation of this system that the man who has the responsibility, namely the chief judge of the Court of Appeals have the power to appoint those assistants who will assist him in his administration and not run the risk of appointees who may be unsympathetic with those procedures that he feels so essential to the efficient administration of justice in this State. I therefore urge you to vote against this amendment.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment? Delegate Cardin.

DELEGATE CARDIN: Mr. Chairman, I would like to ask a question of Delegate Mudd if I may.

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

DELEGATE MUDD: Yes, Mr. Chairman.