

must be eliminated and the lower courts must have full-time salaried jobs."

I respectfully suggest to the ladies and gentlemen of this Convention that his number one requirement has already been adopted by a majority vote of this Committee of the Whole. He has two other recommendations which are yet to be submitted by our majority report to this Committee of the Whole, but other recommendations, he says, are essential, are these: first, merit the selection of judges, divorced from politics must be instituted; second, a compulsory retirement system with adequate retirement compensation; third, a system for assigning retired judges, and finally, a method of impeachment for the removal of the incompetent or incapacitated judge.

We respectfully suggest that the Recommendation of your Committee on the Judicial Branch has adopted in substance, particularly with reference to the subject matter now presented to the Committee of the Whole for consideration, the essentials which the president of the American Bar Association has determined from his extensive study and review are most essential in the modernization and improvement of our court system and in the administration of justice.

I feel that the details of the Recommendation of the Committee with respect to selection and tenure are set out in language which should be clear and understandable to the lay as well as the law members of this Convention. I will, therefore, not detail the component parts of the overall plan. This is not technical language. It should be meaningful to every member of this Convention.

I will be happy to answer any questions that are required to clarify the plan and I hope that these few words have given you the essentials sufficient for you to understand our proposal, but if not, I will be happy to answer any questions.

*(Second Vice-President William James assumed the chair.)*

DELEGATE JAMES (PRESIDING): Are there any questions for the purpose of clarification? Delegate Schloeder.

DELEGATE SCHLOEDER: Chairman Mudd, I notice in section 5.21, lines 49 and 50, with regard to the poll by secret ballot of the lawyers of the area in which the judge is required to stand for election, and so forth, whether or not the judge would be seeking election. I just wonder what the

thinking of the Committee was. I am thinking of a situation where a judge might not want to stand for re-election or election and want quietly to disappear. There does not seem to be any provision here that would enable him to do that.

DELEGATE MUDD: It was certainly not our intention to require that the poll be taken with respect to any incumbent judge who did not desire to seek re-election and if any improvement in the language is necessary to clarify that situation, we would certainly not resist it. I can assure you it was not our intention to require an incumbent judge to stand or to allow this poll to be taken if he did not desire to seek re-election.

DELEGATE SCHLOEDER: Thank you.

*(President H. Vernon Eney resumed the chair.)*

THE CHAIRMAN: Are there any further questions of the Committee Chairman? Delegate Burdette?

DELEGATE BURDETTE: Mr. Chairman, I have two related questions of the Chairman of the Committee. Might I ask, please, sir, what the definition or intent of the Committee may be with respect to the word "lawyer", as used in these paragraphs?

DELEGATE MUDD: The definition of "lawyer"?

DELEGATE BURDETTE: As here intended.

DELEGATE MUDD: I would say it intends to be a lawyer admitted to practice before the Court of Appeals of Maryland.

THE CHAIRMAN: Delegate Burdette.

DELEGATE BURDETTE: May I ask the related question: are the members — I am not quite sure of all the legal facts — is a member of the judiciary within the category of lawyer?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Yes.

DELEGATE BURDETTE: In that case, would I conclude correctly that the lawyers for the nominating commission might elect a very considerable body of the judiciary if they should so desire?

DELEGATE MUDD: Within the definition I have just given you of lawyer, including judge, that is possible, but that was not the intention of the committee recommendation.