

THE CHAIRMAN: Delegate Burdette.

DELEGATE BURDETTE: But not the intention to exclude it?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: I would say, yes, it was our intention to exclude lawyers who were judges in the category of lawyers for the purpose of these nominating commissions.

DELEGATE BURDETTE: Thank you.

THE CHAIRMAN: Delegate Willoner.

DELEGATE WILLONER: Mr. Chairman, I was wondering how you contemplate the nominating commissions to be set up under 5.16? Under 5.15 you, of course, have it set up in the exact manner, but under 5.16 you leave it up to the legislature to develop the nominating commission.

Could you explain to the body how you expect this provision to operate?

DELEGATE MUDD: You mean how I anticipate the legislature will set them up?

DELEGATE WILLONER: Yes, sir.

DELEGATE MUDD: Well, my most reasonable expectation would be they would set up a district nominating commission, or at least that was my thinking before this morning, but it is left to the wisdom of the legislature. I do not think it contemplates or did not contemplate in Committee necessarily a commission for each county, if that is responsive to your question.

THE CHAIRMAN: Delegate Willoner.

DELEGATE WILLONER: Yes, I assume then the contemplation is that these commissions would be set up at least on a regional basis?

DELEGATE MUDD: That would be my expectation of the manner in which the legislature would handle it, yes.

THE CHAIRMAN: Delegate Fox?

DELEGATE FOX: Chairman Mudd, I am just wondering what would be the status of a retired judge as far as being a lawyer member of the commission? It might be of some significance particularly in a small county. In Garrett County, we heard about six lawyers, and if two of them were nominated judges there would be not many left.

DELEGATE MUDD: That is a good question, Delegate Fox, and we have some distinguished or retired judges who are

members of this Convention. I might say it would be my view and I would assume the view of the majority of the Committee, that when we said lawyers we contemplated lawyers in active practice and not retired judges who had not resumed the practice of law.

THE CHAIRMAN: Delegate Fox.

DELEGATE FOX: They would then be barred from serving either as lawyer members or as lay members?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Within that interpretation they could be barred, yes.

THE CHAIRMAN: Delegate White.

DELEGATE WHITE: Chairman Mudd, I am interested in the qualifications for becoming a judge of the supreme bench, or the supreme court of Maryland. Does the fact that a judge has been divorced have any adverse bearing on his eligibility to become a member of a supreme bench?

DELEGATE MUDD: You are speaking of which supreme bench, Delegate White?

DELEGATE WHITE: I am speaking of the supreme bench as it existed some time in the past.

THE CHAIRMAN: Are you talking about the supreme bench of Baltimore City or are you talking about the Court of Appeals of Maryland?

DELEGATE WHITE: Baltimore City. Does the fact that a judge is the victim of a divorce have any adverse bearing on his eligibility to become a member of the bench or court?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Certainly not, in the language of eligibility used in our recommendation, Delegate White.

THE CHAIRMAN: Delegate White.

DELEGATE WHITE: A recent experience I had in Baltimore City suggested that a judge is autonomous once he takes the bench. In your concept of the new constitution, how autonomous will a judge be and what can we do about it when it works to the detriment of a citizen appearing before him?

DELEGATE MUDD: I think, Delegate White, the section of our recommendation beginning on page 7 dealing with removal or retirement of judges is decidedly the