

## EXECUTIVE ORDER OF JULY 6, 1970

## APPELLATE JUDICIAL SELECTION

WHEREAS, The maintenance of strong and independent courts is essential to the protection of the rights and freedom of every citizen of Maryland and is indispensable to the preservation of the judiciary as one of the three equal branches which comprise the government of our State; and

WHEREAS, Under the Constitution of Maryland the Governor is empowered to appoint duly qualified persons to fill vacancies in the courts arising during his term of office; and

WHEREAS, Only the most qualified, conscientious and independent lawyers available should be selected to fill judicial vacancies; and

WHEREAS, I believe that the high quality of our judiciary can best be maintained through using in aid of the discretion reposed in the Governor a non-partisan commission on judicial selection, to be composed of outstanding representatives of both the bar and the public, to make nominations and recommendations of such persons as they deem most qualified to fill such vacancies;

NOW, THEREFORE, I, Marvin Mandel, Governor of Maryland, do hereby create and establish the Governor's Commission on Appellate Judicial Selection, the purpose of which shall be to assist the Governor in carrying out his desire and intent to appoint to appellate judicial offices only those members of the bar who are, by virtue of their learning, experience, character and temperament, best fitted therefor. To that end, the Commission, upon call of the Governor, shall meet to receive, consider and pass upon the qualifications of proposed appointees and to suggest appointees for vacant appellate judicial offices.

The Commission shall be composed of thirteen members, of whom six shall be from the general public appointed by the Governor, six shall be lawyers to be elected by the members of the bar in an election conducted by the Administrative Office of the Courts pursuant to rules governing such election promulgated by the Court of Appeals of Maryland, and a Chairman who shall be appointed by the Governor. Of the six members appointed by the Governor from the general public, one shall be a resident and registered voter in each of the six appellate judicial circuits. None of the members appointed by the Governor from the general public shall be lawyers or elected State officials or full-time State employees. The six lawyers elected by the members of the bar shall have such residency and other qualifications as prescribed in rules promulgated by the Court of Appeals of Maryland. The Chairman of the Commission shall be appointed from the State at large, shall be a resident and registered voter of Maryland, shall not be an elected State official or a full-time State employee, and may be either a lawyer or a layman.

The initial terms of the Chairman and the six lay members appointed by the Governor shall expire with the expiration of the present gubernatorial term in January 1971, and their successors shall serve for terms of four years coexistent with the term of the Governor. The initial terms of the six lawyers elected by the members of the bar shall expire with the expiration of the next gubernatorial term in January 1975, and their successors shall serve for terms of four years coexistent with the term of the Governor. If a vacancy occurs during a term among any of the positions filled by gubernatorial appointees, the Governor shall appoint a person having the same qualifications as the initial appointee to serve for the balance of the term. Vacancies during a term among the positions filled by lawyers elected by members of the bar, shall be filled as prescribed by rules promulgated by the Court