

in another, he should not be prohibited from being considered for the bench. This will insure that anyone nominated to the judiciary will be a resident of or has practiced in the area where the vacancy has occurred. This will broaden the number of candidates and assure the knowledge of the courts and the people in the particular area affected.

I hope that you will support this amendment.

THE CHAIRMAN: Does any delegate desire to speak in opposition?

DELEGATE MUDD: Mr. Chairman and ladies and gentlemen of the Committee: Delegate Proposal No. 5 was referred to our Committee and representing the Commission draft did include provisions identical with that obtaining in Amendment No. 21. The discussion in our Committee was that the inclusion of this provision of eligibility of residence or principal office in fact gave some attorneys a double opportunity for appointment to the bench compared with those who lived and worked in the same district.

By a vote of 14 to 4, 14 against this proposal, we excluded it from our Recommendation and adopted the requirement that residence and not place of principal office be the qualification.

Accordingly, consistent with the majority view of our Committee, we urge that this amendment be defeated.

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

DELEGATE LORD: I have a question for the maker of the amendment.

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

DELEGATE SOLLINS: Yes, I will.

THE CHAIRMAN: Delegate Lord.

DELEGATE LORD: Why have you not extended this to the Court of Appeals judgeships and intermediate court judgeships?

DELEGATE SOLLINS: As I understand it, the circuits are much larger than are the areas involved in the appointment to superior and district court.

THE CHAIRMAN: Delegate Lord?

DELEGATE LORD: It is my understanding that Baltimore City is a separate

appellate circuit from Baltimore County. You would have the same problem there, I think.

THE CHAIRMAN: Delegate Sollins.

DELEGATE SOLLINS: My personal opinion is I have no affection for any kind of residency requirement. We should get the best possible legal talent. If all the judges lived on the same street, it would concern me.

THE CHAIRMAN: Delegate Lord.

DELEGATE LORD: I just wanted to clarify your position.

DELEGATE SOLLINS: All right.

THE CHAIRMAN: Does any delegate want to speak in opposition? Delegate Mason.

DELEGATE MASON: Mr. Chairman, in marked contrast to my good friend Delegate Finch, I have only submitted one delegate proposal to this Convention. I hasten to add that this proposal that I submitted was the only proposal that was adopted by the Committee on the Judicial Branch. My proposal is that the superior court judge and the district court judge should be a resident of the area where the vacancy occurs.

In the Commission draft, they proposed that the judge be appointed either from the area where the vacancy occurred if he had his principal law office there, or if his residence was in that area. Significantly enough, nothing was said about the appellate courts where the appellate judges are statewide.

I think if we do away with residency requirements it should be at the appellate level and not at the superior or district court level. I asked the reporter for the Convention why they made the exception for the superior court and he advised me that this was a Ruxton amendment.

Now, Ruxton is a community outside of Baltimore City where, apparently, a lot of Baltimore City residents have moved, but they still desire to become judges in Baltimore City.

I think we have gone on record as having a district court for each county, a superior court for each county, and I would hope that this Committee of the Whole would see to it that when we have a superior court vacancy or a district court vacancy, that the residents would have the first opportunity to fill the vacancy. I urge this Com-