

DELEGATE JOHNSON: Mr. Chairman and fellow delegates: As indicated by my opening remarks, and complementing, I hope, what has been the actions of the Committee of the Whole with respect to curtailing some unfortunate extension of judicial power, I feel that the matter now before you is essentially one of logic and practicality.

If it makes any sense to have the governor designate a chief judge of the Court of Appeals of Maryland and to give a judge a term so that he will be chief judge as long as he remains on the Court of Appeals, or until he resigns the position, and then have that appointed chief judge appoint other chief judges who serve at his pleasure, if that makes sense to you, then you will, of course, vote against our amendment.

But if you believe as we that a system will work, and work better if the appointing governor will also designate the chief judge of the appellate court, superior court and the district court, and that they will also have a term similar to the chief judge, and that this is the democratic and proper way of doing something, then you will vote for our amendment.

Our amendment does not in any way affect the power of the chief judge of the Court of Appeals to be and remain the administrative head of the entire judicial court system.

Our amendment does not change in any way the fact that the chief judge may designate other administrative judges, but the matter of chief judge, we submit, is different, and we submit his importance, and I urge you to adopt this amendment.

THE CHAIRMAN: The Chair recognizes Delegate Mudd.

DELEGATE MUDD: Mr. Chairman, may I yield three minutes to Delegate Henderson, please?

THE CHAIRMAN: Delegate Henderson.

DELEGATE HENDERSON: Mr. Chairman, fellow delegates, I think the position of the minority is based to some extent, perhaps, on a misconception of just what this section is intended to do.

We are talking now about the chief judge appointing the three keymen in a statewide judicial system. We are not talking now about the county levels. We are talking about designating, naming chief judges who will be in effect his administrative assistants.

Now, the purpose of giving the title of chief judge to these people that he selects, he selects them from among the judges who are already in office, so that the purpose is that he would be sure, he wants to assure himself, that the person who is selected as he selects or names, designates as the chief judge, shall be a person who possesses administrative ability.

It is not every judge who possesses that kind of talent. We are extremely fortunate here in Maryland that our present chief judge is a great administrator and he has a great administrator in the person of Fred Invernizzi to assist him.

That is a very healthy thing, but on the Rules Committee we had some research done on what a chief judge really is.

We found a good many authorities throughout the country which hold that a chief judge is merely a presiding judge. He is not necessarily an administrator.

To go one step further back, this section really does not change anything under the present setup. The Court of Appeals only six months ago passed a rule which gave in effect the authority to the chief judge of the Court of Appeals to name as an administrative judge in each county one other than the existing chief judge.

I believe he has exercised that only in two cases. In both of those cases the chief judge requested that he name someone other than himself as the administrative judge.

THE CHAIRMAN: You have one-half minute, Delegate Henderson.

DELEGATE HENDERSON: The report of the Commission in the draft of the constitution contains some significant reasons why they thought it was necessary that he possess the power to name the chief judge, because it was felt that by giving him the title of chief judge this administrative judge would have more authority, and the other judges might listen to him on account of his office.

For that reason, I strongly urge that we adopt this provision.

THE CHAIRMAN: Delegate Johnson, you have eight minutes you can allocate.

DELEGATE JOHNSON: Mr. Chairman, I would just reserve about three minutes for the close, if you do not mind.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Mr. Chairman, I would like to yield three minutes to Delegate Marvin Smith.