

report to this Convention rather than partial reports covering component parts of the article.

The compelling reason for the one report is the interdependence of the component parts of the article. Divisions by subject matter cannot properly be evaluated except in relation to the final recommendation of the Committee in other areas.

For instance, if the legislature in some area should provide for a multi-county district court, as it is allowed to do by section 5.10, its operation and function cannot be properly evaluated except in relation to Section 5.30, which requires a clerk of the district court in each county.

As I have indicated, during recent years much thought and effort has been devoted to improvement of the judicial system of Maryland.

Judges, lawyers and laymen are agreed that improvement is necessary to meet the changing circumstances and new conditions which generate an ever-expanding caseload.

In some areas improvement cannot be accomplished without reform and reform requires a break with tradition. There probably cannot be a model judiciary article until we first have the model state to adopt it.

The recommended judiciary article does not in some instances follow the desired general approach in drafting that we might prefer, and as is contained in the U. S. Constitution. On the other hand, it avoids the completely detailed approach of Article IV of the present Maryland Constitution.

The majority view of my Committee could not be presented to this Convention by the simple framework for an improved, unified and uniform judicial system without mandating some reform and guidelines.

At the same time, flexibility is not restricted. The legislature has the power to prescribe the jurisdiction of the several courts and to provide the judicial manpower. Likewise, power is reserved to the court to provide for functional divisions, to adopt rules of practice and procedure and temporary assignment of judges, to provide added flexibilities in accommodating the needs within the unified court structure.

In the reform area is the recommendation that the State assume full and complete financial responsibility for the proper administration of justice. This is a de-

parture from the existing system by which this responsibility is shared with the political subdivisions.

It may have been practical at other times for state and local governments to share financial responsibility for the courts, but the concept of a unified judicial system for the State requires that the State assume the full financial burden; otherwise, improvements would be stifled and expansion of facilities prevented.

In that part of the recommendation dealing with selection and tenure of judges the Committee has departed from the general constitutional approach and embodied in its proposed Article V the essential characteristics of the Missouri plan, sometimes referred to as the American Bar Association or merit plan and in Maryland as the Niles plan.

At the close of the 1966 session of the General Assembly, it had pending before it proposals by the Maryland State Bar Association and the Maryland Judicial Selection Council for amending the Maryland constitution with regard to the method of selecting judges.

Some of these proposals were embodied in the bill which passed the House of Delegates but was not passed in the Senate. Instead the Senate sent the bill back to its Committee on Judicial Proceedings in order that it might be referred to the Constitutional Convention Committee for its study and consideration.

Therefore, in considering this phase of its work your Constitutional Convention Committee on the Judicial Branch had before it House Bill No. 418 with its legislative history as well as the benefits of extensive work of the Study Commission and others in the field of selection and tenure of judges.

It was the legislative history of House Bill No. 418 and the testimony before our Committee of responsible legislative leaders which suggested that the Committee's recommendation in this field of selection and tenure embody the essentials rather than the conventional approach in constitutional drafting if overall improvement in the administration of justice for Maryland is to be achieved as our Committee deems it should.

In the matter of removal and retirement of judges the committee recommendation again includes the essential details of the plan.