

The intermediate appellate court shall be composed of no fewer than five judges, it being recognized that the legislature in its wisdom may find it necessary to enlarge and expand the jurisdiction of their court beyond that now delegated to it.

The jurisdiction of the superior court as well as that of the district court is such as is prescribed by law, but it must be uniform at both of these courts within the trial level.

With respect to section 5.08 and 5.10 dealing with composition of the superior court and composition of the district court, may I call your attention to the addition made by the Committee Recommendation to add this language in both instances; namely, functional divisions may be established in any county as prescribed by rule.

In the view of the majority of the Committee, this is flexibility that well may be needed to accommodate the four-tier court structure to the needs of a particular jurisdiction.

In our view, such a functional division might be a juvenile court. Such a functional division by rule might likewise continue the distinction they now have in Baltimore City at the court of limited jurisdiction where the municipal court I believe handles the criminal jurisdiction and the people's court the civil jurisdiction.

Section 5.11 of this area deals with the appointment of commissioners and the general duties assigned to commissioners is comparable to that now performed by the committing magistrates.

The draft section proposed by the Committee Recommendation is that these commissioners shall exercise the powers prescribed by rule and be appointed by the judge of the district court.

The next subject matter in the Recommendation is that covered by section 5.12 through 5.24 dealing with selection and tenure. In this regard may I remind you of my previous statement that in the view of the Committee this section is detailed.

It provides that the manner prescribed in this Recommendation applies to selection and tenure of judges at all levels, that is, the highest court, intermediate appellate court, superior court and the district court.

The draft of these sections follows substantially the draft of the Study Commission.

With respect to eligibility, however, we have added the requirement that a nominee

to be eligible for appointment shall have been a citizen for five years rather than, as the Commission study recommended, only that he be a citizen at the time of appointment.

In the appellate court's nominating section the only change recommended by the Majority Report is that one of the judges of the Court of Appeals and not the chief judges be a member of the nominating commission.

With respect to the trial court's nominating commission, the number and composition, and terms of their office shall be prescribed by law, composed of an equal number of lay and lawyer members and one judge. Substantially it is the same as the commission draft.

In section 5.19 dealing with the judicial member of the nominating commission, there has been a slight change in the Committee Recommendation and that is that the judicial member of the appellate court nominating commission shall be appointed by the Court of Appeals. Previously by commission draft it was provided as prescribed by law.

Section 5.20, providing the rules governing nominating commissioner, has been made somewhat more restrictive than the draft proposed by the Study Commission. A non-judicial member of the Commission may not hold any public office in the Committee Recommendation as distinguished from state or local office in the Commission draft. Also, our recommendation is that a non-judicial member of the nominating commission shall not be eligible to hold a judicial office for two years immediately following his service on the Commission and he shall not be eligible to hold any other public office for profit for one year immediately following his service.

Section 5.21, dealing with terms of office, except for changes in style and drafting is substantially the same as the recommendation of the Study Commission.

Section 5.24, the last section dealing with this subject matter, restriction of non-judicial activities, have been enlarged in the Committee Recommendation. The language which we have added is that no retired judge while engaging in the practice of law or running for elective office or holding any public office of profit shall be paid any pension for his judicial services.

The next subject matter covered in the Committee Recommendation is that dealing with removal and retirement of judges and