

There is nothing in section 5.10, as reported by the Committee on the Judicial Branch, which would prevent the legislature from establishing a district contiguous with the county, thereby requiring, if the legislature saw fit, that there be a district court judge resident in each county; but all of the evidence we heard from those people most familiar with the problems of caseload and for the best court administration told us—not just the study of the Maryland State Bar Association, but also the study of the Institute for Judicial Administration, and Mr. Fred Inverness, Director of the Administrative Office of the Courts—that there was not now a need for a district court judge in each county.

To mandate that into the constitution would be unwise when the legislature, if it so desired, could provide it next year, five years from now, or at any time thereafter.

THE CHAIRMAN: Delegate Adkins.

DELEGATE ADKINS: Mr. Chairman and ladies and gentlemen of the Convention:

I rise with considerable reluctance in this matter, because I have wrestled with it in my own mind since the report of the Case Commission of the Bar Association was first given at Atlantic City at the Convention.

I am just as concerned about efficiency in the administration of justice as any member of the majority. I am just as concerned with keeping the expenses of the government at the barest possible minimum in order to do an effective job as any member of this assembly. But I have a more overriding interest, and that is to see that justice is properly served to the people of this State, and I suggest to this Convention that justice is not a matter of statistics. It is not a matter of caseload. It is not a matter of whether or not a judge is busy full time or part time. I concede that all of these matters are significant. The most important single question here, however, is what type of courts can we devise in which the people will have the greatest confidence.

Law can only be administered by a court system in which the people have confidence. The lowest system of the lowest court in this four-tier system is the court which has the most direct influence, the most direct image making power to the people of our State, and it is for that reason, and for that reason alone that I feel it is absolutely critical. I finally come to this

conclusion, reluctantly, I might say, that we should have in each of our counties a judge who is a resident of that county, not necessarily because he knows the mores of the community any better, as Mr. Smith has suggested, but simply because he will, by virtue of being a neighbor, instill in the people of that county a sense of fairness and dignity of the court system.

It is important that the people feel that they are being judged by their peers. That is a long, old, established Anglo-Saxon rule. It is, I suggest a matter of considerable importance that a judge be so viewed in the county where he is attempting to administer justice.

Despite the statistics, I ask you to defeat the motion to reconsider.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: Mr. Chairman, I would like to direct a question if I could to Chairman Mudd, if he would yield.

THE CHAIRMAN: Let me first inquire, for what purpose does Delegate Frederick rise?

DELEGATE FREDERICK: If possible, I would like to ask a question of the sponsor of the motion to reconsider.

THE CHAIRMAN: Delegate Mudd do you yield to a question from Delegate Byrnes?

DELEGATE MUDD: Yes, Mr. Chairman.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: Did the Committee contemplate the possibility that we would decide, the Committee of the Whole, that a judge would be paid, say, \$30,000 for doing very definitely part time work during the week and would be paid the same amount as a judge working full time and perhaps overtime in the urban areas? Did you have a uniform salary scale in mind, or did you consider the possibility of adjusting for less work performed?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Our Committee assumed that every judge appointed in the four-tier system would be a full time lawyer-judge, a legal judge, with no part time judges. We did not consider in any detail the matter of salaries, except that we felt it would be uniform throughout each tier. There was no suggestion in our Committee that I recall that a district