

PRIOR TO QUALIFICATION FOR JUDICIAL OFFICE, A JUDGE MAY AGREE WITH HIS FORMER LAW FIRM, OR HIS SUCCESSOR IN PRACTICE, THAT THE JUDGE MAY RECEIVE OVER A REASONABLE PERIOD OF TIME ONE OR MORE PAYMENTS REPRESENTING THE REASONABLE LIQUIDATED VALUE OF HIS INTEREST IN HIS FORMER PRACTICE AS OF THE DATE OF THE TERMINATION OF PRACTICE. THE AGREEMENT SHALL BE IN WRITING AND A COPY SHALL BE FILED WITH THE SECRETARY OF THE MARYLAND JUDICIAL CONFERENCE. IN DETERMINING REASONABLE LIQUIDATED VALUE, THE JUDGE'S INTEREST IN CONTINGENT FEES WITH RESPECT TO MATTERS THEN PENDING IN HIS LAW OFFICE MAY BE TAKEN INTO ACCOUNT.

(C) JUDGE NOT TO HEAR CASE INVOLVING FORMER PARTNER. WHILE HE IS RECEIVING PAYMENTS UNDER THIS SECTION, A JUDGE MAY NOT HEAR A CASE IN WHICH A PARTNER OR EMPLOYEE OF HIS FORMER FIRM OR SUCCESSOR IN INTEREST IS AN ATTORNEY OF RECORD.

REVISOR'S NOTE: The Commission originally intended to set forth the substance of subsections (a) and (b) of Art. 26, §144 in subtitle 6, dealing with the District Court, transferring the compensation and reimbursement provisions to subtitle 7. Those provisions do indeed appear in subtitle 7.

However, upon further consideration, the Commission concluded that it was unnecessary to set forth provisions pertaining to qualifications of judges. These appear in Art. IV, §§2, 14, 24, 41C, and 41D of the Constitution, and do not require statutory supplementation.

The Commission also decided that the provisions of Art. 26, §144(b), prohibiting the practice of law by District Court judges, should be applied to every judge as defined in §1-101(d). This prohibition, while applied expressly to District Court judges, is commonly understood to apply to all judges, as defined; compare Articles 33 and 35, Declaration of Rights. Art. 10, §29 provides that a judge may not "act as attorney or solicitor in any court of law or equity in this State" while he occupies judicial office. As to judges of orphans' courts, see Art. 93, §2-109 and Art. 10, §30. Md. Rule 1231, adopting the Canons of