

the present Constitution in this regard that there be a superior court judge in every county and that requirement continues.

Under the proposed committee recommendation, the legislature creates the districts in which the district courts shall operate. We were encouraged to believe that the legislature in its wisdom will provide a district court for every county where the legislature can be persuaded that the need exists.

On the contrary, in the areas where the need does not seem to require such a court in every county, we are confident that the legislature can group these counties in a district that can serve a useful and efficient function in the administration of justice for those areas.

We do by way of digression remind you again, as I did before, that the committee recommendation does require in effect a district court facility in every county because of the requirement that there be a district court clerk in every county.

In other words, as the Committee conceives it there will be the office of a district court in every county with a clerk present at all times.

Therefore, within those recommendations, perpetuating as we propose the Court of Appeals as it is, and the court of special appeals under its new name which we recommend be the intermediate court of appeals, and with the superior court with a judge in every county and district court to be arranged, and with the manpower provided by the legislature, we are confident that within this court structure and the jurisdiction to be prescribed by the legislature operating in functional divisions as the Court of Appeals may provide by rule that the State of Maryland will have in our humble view an improved and more efficient judicial system.

I would be glad to answer any questions I can.

THE CHAIRMAN: Are there any questions of the committee chairman for purposes of clarification of the Committee Recommendation with respect to court structure, section 5.01 to 5.11?

Delegate Chabot?

DELEGATE CHABOT: Delegate Mudd, in view of the stress which you and the Committee Report have put on the flexibility that is available by the use of separate parts or separate divisions in the su-

perior court, could you explain or perhaps if I missed it, could you explain again what the need is for having a separate fourth tier? It would seem that any functions of this fourth tier could also be handled by the flexible separate parts or divisions.

DELEGATE MUDD: We gave some consideration to that thought in connection with a three-tier rather than a four-tier structure, Delegate Chabot.

Probably the compelling reason was that with the maze of courts of limited jurisdiction we have too many, and with the limited manpower at the superior or circuit court level, that to absorb into a fourth tier, namely the district level, all of the courts of limited jurisdiction now operating in the State, in many instances with part-time nonlawyer judges, made the fourth tier almost a must to accommodate the transfer of all of that judicial activity into a unified uniform integrated court system. There was this further view: that the courts of limited jurisdiction in Maryland now have varying jurisdictions, several jurisdictions in some instances being no more than a hundred to \$300, in others \$3,000.

Hopefully the legislature would prescribe jurisdiction for the district court probably at the top figure enjoyed by any peoples' court. To that extent it would relieve the case load and constantly increasing case load at the superior or circuit court level.

Does that answer your question?

DELEGATE CHABOT: I must confess it does not really, because it would seem, unless there is something in it that I missed, that the same people whom you would call district court judges would handle this complex case load, which is now handled by the varying courts of limited jurisdiction in the State and could just as well be separated off and handled far more flexibly as separate parts of the circuit court which I suppose could be divided by amount of money in issue as well as by specialized type of case in issue into separate divisions.

DELEGATE MUDD: I think what you are suggesting is that we did not adopt the so-called three-tier system. But the compelling reason for the fourth tier, as I have attempted to explain, but apparently not too well is that it appeared to us to be too much to try to absorb in the existing third tier we have, the circuit court. It would probably require doubling judicial manpower at this level and increasing the