

time for me to call up C-5 as a substitute for Amendment No. 24?

THE CHAIRMAN: What was the number?

DELEGATE CHABOT: C-5—CF, I am sorry.

DELEGATE CLAGETT: Mr. Chairman.

THE CHAIRMAN: The Chair believes that the amendment CF may be offered as a substitute. For what purpose does Delegate Clagett rise?

DELEGATE CLAGETT: A point of personal privilege, Mr. Chairman.

THE CHAIRMAN: State the privilege.

DELEGATE CLAGETT: Present in the chamber and over the rostrum is the charming wife of the champion on the floor of the Judicial Committee, Mrs. F. DeSales Mudd. I would like to welcome her to the Convention.

THE CHAIRMAN: We are delighted to have her.

*(Applause.)*

THE CHAIRMAN: The Chair believes the amendment may be offered as a substitute. Will the pages please distribute amendment No. 25. It will be offered as a substitute for Amendment No. 24. The Clerk will read the amendment.

READING CLERK: Amendment No. 25 to Committee Recommendation JB-1 by Delegate Chabot: On page 4 section 5.14 Nomination and Appointment in lines 38 through 42, inclusive, strike out the sentence beginning with the words "The governor" in line 38 down to and including the word "commission", in line 42 and insert in lieu thereof the following: "The governor shall fill a vacancy on the Court of Appeals on the Intermediate Appellate Court by appointing one person from a list of no fewer than three nor more than five eligible persons nominated by the Appellate Courts Nominating Commission. The governor shall fill a vacancy on the superior court or on the district court by appointing one person from a list of no fewer than two nor more than five eligible persons nominated by the Trial Courts Nominating Commission authorized to make nominations for that vacancy."

THE CHAIRMAN: Before submitting the amendment the Chair would inquire of Delegate Adkins whether he desires to stand on his amendment or would accept the substitute.

DELEGATE ADKINS: I would not accept the substitute if the Chair please.

THE CHAIRMAN: Is the proposed substitute Amendment No. 25 seconded?

DELEGATE CHILD: I second it.

THE CHAIRMAN: Delegate Child seconds. The Chair recognizes Delegate Chabot to speak to Amendment No. 25 offered as a substitute for Amendment No. 24.

DELEGATE CHABOT: I apologize for the apparent length of the amendment. It takes out one sentence, puts in two in its place, and its purpose simply is to recognize the objections that Delegate Adkins made and limit the purpose of the original decision of the Committee on the Judicial Branch. That is, it recognizes the problem of small counties, such as Garrett, in finding adequate numbers of people at some times at least for inclusion on the nominating list, and so requires that in the case of the trial courts, both of the levels of the trial courts, the minimum number of people on the list be two.

I would hope that in those areas where there are large numbers of attorneys the nominating commission would take cognizance of the fact and would include in their lists an adequate number of people, and not have the minimum number necessary.

However, the problem of those small counties does not apply when we come to those courts that will operate on a statewide level, and on which circuits and not individual counties will be represented, and so this amendment would provide in those cases where we come to the appellate courts the minimum number of people on a list will be created.

It also clears up one small theoretical problem that might exist in the wording of 5.14, as expressly before you, in that it makes clear that the nomination may be made only from a list, prepared by the nominating commission which is authorized to make a list for that particular vacancy.

This is perhaps only a theoretical matter and the substance of the amendment is simply to take care of the two and three problem.

THE CHAIRMAN: The Chair recognizes Delegate Mudd. For what purpose does Delegate Sherbow rise?

DELEGATE SHERBOW: I would like to address a question to Delegate Chabot which may aid the debate.