

I rise to speak for the amendment. The reason cited for the inclusion of the judge on the commission seemed to be only that he can bring to the commission some knowledge of the lawyers who practice before him. As has been stated by several delegates, that knowledge would be available to all of the commission members who could seek the advice or the information from the judge or from anybody else in the State with whom they wished to speak.

What I am concerned about are the reasons advanced in support of the amendment to exclude the judge, one of those being that the judge will unduly influence the other members of the commission. I do not think you have to believe that to still be for the proposition that he should not be on the commission. As one of the members of the rules committee, which is composed of both lawyers and judges, I will never admit as a lawyer that I am unduly influenced by the judge on a commission. The fact of the matter may be that if people disagree with the legislature, as certainly some people will, they are too likely to say that while the lawyers and the lay people might have supported this man or be against that man, the fact of the matter is that Judge So-and-So who was on there by appointment by the governor really had too much influence, and he told the lawyers and the lay people how they ought to vote. It does not have to be true to have an effect.

I do not think we ought to expose the judiciary to the possibility of that criticism to gain really nothing.

THE CHAIRMAN: Any other delegate? Delegate Johnson.

DELEGATE JOHNSON: How much time does the minority have, Mr. Chairman?

THE CHAIRMAN: You have four and a half minutes, which extend to the group of sections, Delegate Johnson.

DELEGATE JOHNSON: I am sorry, I do not understand the ruling of the Chair.

THE CHAIRMAN: As the Chair understood the debate schedule, the controlled time extended to amendments accomplished this same purpose in sections 5.15, .16, .17, .18 and .19, Delegate Johnson.

DELEGATE JOHNSON: I do not believe that amendments were prepared with respect to sections 5.16 and 5.17. It was the hope, futile though it might be, that we would not be concerned with trial courts and nominating commissions.

THE CHAIRMAN: You may proceed. You have four and a half minutes allocated.

DELEGATE JOHNSON: Would that be with respect to section 5.15, Mr. Chairman?

THE CHAIRMAN: Yes, Delegate Johnson.

DELEGATE JOHNSON: Mr. Chairman, I yield two and a quarter minutes to Delegate Blair.

DELEGATE BLAIR: Mr. Chairman, I have to disagree with Delegate Mudd and also with Delegate Hodge Smith in connection with the conversation apparently that they had with the representatives from Missouri.

They were partial representatives, and apparently they saw the plan in a partial measure and a partial way. In the commentaries of the JOURNAL OF AMERICAN JUDICATURE, however, on the very problems that were presented under the Missouri plan, they referred to the Missouri comment, and indicated that in one of the arguments against it was this very concept that we are talking about: the chief justice of the supreme court having too much power and authority over the nominating commissions.

Now that comes right from the Missouri plan itself, and although the members of the commission, the law members and the chief judge, were the proponents of this thing, we certainly are looking at only a partial area to come to our conclusions.

I think we should take the recommendation coming from a total view of this plan made by the American Juridical Society and consider that in Missouri as a whole it is not acceptable to the attorneys, or the people affected by it.

THE CHAIRMAN: Delegate Mudd, do you desire to allocate any further time to this section?

DELEGATE MUDD: In view of the last comment of the Chair whether we have any other amendments within this controlled debate —

THE CHAIRMAN: The Chair understood Delegate Johnson to say there were no other amendments to this group. I must have misunderstood him because the Clerk tells me that there is an amendment to 5.16 and one to 5.19. Is that correct, Delegate Johnson?