

tant. I think adoption of this amendment is a tremendous step forward in gaining the confidence of the people of this State; and we need that confidence.

THE CHAIRMAN: Does any other delegate desire to speak in opposition to the amendment? Delegate Rosenstock.

DELEGATE ROSENSTOCK: Mr. Chairman, I thought I would share with our fellow delegates some information I have found out.

In Alabama, judges sit on the lower courts' nomination committee. In Florida they do likewise; also in Iowa; in Alaska, the judge of the supreme court is an ex officio member and chairman of the committee. In Colorado, he serves as an ex officio member. In Iowa he serves as chairman. In Missouri he serves as chairman.

We believe that one judge will not corrupt or influence the nomination commission, and we think he brings helpful information as to the candidates under consideration for nomination by the governor as judge to fill the vacancy.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment? Delegate Wheatley.

DELEGATE WHEATLEY: Mr. Chairman, I have a question, if this is the appropriate time.

THE CHAIRMAN: To whom is the question addressed?

DELEGATE WHEATLEY: To the Chairman of the Committee.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment first? Delegate Carson.

DELEGATE CARSON: Mr. Chairman, perhaps no person has any greater respect for the judiciary than I. I had the pleasant experience of serving two years as law clerk at the nisi prius and one year as a law clerk at the Court of Appeals of Maryland, and I have enjoyed by association as an employee and subsequently as an attorney at both levels as well as in other courts in the State; but I think it would be packing these commissions to place a judge as a member of them. I think the judges present would tend to carry the vote of all the lay members, and I think the pernicious effect would be probably, or possibly to impose upon the lay members the impression or the opinion that the judge would have.

Now, I had about a year ago the most unfortunate experience of trying in orphans court in this State a case against a sitting judge of this State. I do not think he should have been there, but he was. I objected to his presence, and I objected to his arguments. Needless to say, I lost; and I had lost before I had begun. I do not think it appropriate that a judge of this State sit with six lay members and six attorneys on such a commission and I think it would be demeaning of the judiciary to place one in this position.

THE CHAIRMAN: Do you yield to a question?

DELEGATE MUDD: Yes.

THE CHAIRMAN: Delegate Wheatley.

DELEGATE WHEATLEY: Delegate Mudd, would these commission meetings be open meetings?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: I had not thought about it. It may be that there would be a vote-type. It may be the commission would wish to interview someone who was receptive and then maybe go into executive session afterwards to determine. I just had not thought about the matter, but it is conceivable that there might be both open and closed meetings.

THE CHAIRMAN: Delegate Wheatley.

DELEGATE WHEATLEY: One other question, Mr. Chairman, if the Chairman will yield.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Yes, sir.

THE CHAIRMAN: Delegate Wheatley.

DELEGATE WHEATLEY: Would there be a record of the commission report in that the nomination would be supported with an opinion or an expression of the nominating commission's feelings in the matter? Has that been envisioned?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: No, it was not discussed in the Committee, and it never occurred to me that there would be any supporting memoranda in favor of those nominated.

THE CHAIRMAN: Are there any further questions of Delegate Wheatley?

DELEGATE WHEATLEY: No further questions.