

DELEGATE MITCHELL: If you envisioned more than one, how many?

DELEGATE MUDD: Without knowing how many judges and how many districts were going to be created by the legislature, we did not project our thinking to that phase of the matter and left it to the wisdom of the legislature. They may divide the State into divisions as they see fit, larger in some areas, smaller in others. It is just a detail we did not feel we should deal with.

THE CHAIRMAN: Delegate Mudd, if the Chair may restate the question posed by Delegate Mitchell, I think she is asking something like this. Under the plan, it is contemplated that the legislature will create districts for the district court. She understands that the legislature will provide the number of nominating commissions. She asks whether our Committee contemplated that in fulfilling these duties, the legislature would necessarily provide a trial court nominating commission for every district it provided.

DELEGATE MUDD: Yes.

THE CHAIRMAN: Delegate Mitchell.

DELEGATE MITCHELL: Will that accompany your report? It seems to me without that as a part of the report, we might wind up with just one trial court nominating commission as we have just one appellate court nominating commission, which would be unfair to the various districts.

DELEGATE MUDD: I agree it would seem unfair to me and it just never occurred within the discussion in our Committee that such a situation would result as you think possible.

THE CHAIRMAN: Delegate Mitchell, the Chair suggests that part of your purpose may be accomplished by reason of the fact that the language used is in the plural, it refers to commissions, not commission. Delegate Sollins.

DELEGATE SOLLINS: Delegate Mudd, with regard to section 5.13, what was the Committee rationale with regard to prohibiting a man who has his office and practice in one county but resides in another from being eligible to be a candidate for judge?

DELEGATE MUDD: You mean why did we eliminate qualifications of practicing law in the area as making him eligible for appointment?

DELEGATE SOLLINS: If he resides in the other county.

DELEGATE MUDD: My recollection of the view of the Committee was that the judge sitting in an area should reflect the culture perhaps of the area for which he was administering justice and that the limitation of residence was more realistic and practical than the possible double eligibility rule of residence or principal office.

THE CHAIRMAN: Delegate Sollins.

DELEGATE SOLLINS: What consideration did the Committee give to a lawyer perhaps who practiced in one county for many years, having great knowledge of the area, all his clients coming from that particular county, yet, nevertheless, residing in another county?

DELEGATE MUDD: We recognized and it was pointed out to us rather persuasively that under those circumstances you indicated the bench in some instances could be deprived of talent of a very capable lawyer. But, nevertheless residence was a more practical requirement.

THE CHAIRMAN: Delegate Sollins.

DELEGATE SOLLINS: Delegate Mudd, another question in regard to section 5.17. Did the Committee give any consideration to providing for election of lawyers to the nominating commission by secret ballot.

DELEGATE MUDD: No, I do not recall that the matter of secret ballot was ever suggested in connection with the election of the lawyers for the nominating commission.

THE CHAIRMAN: Delegate Sollins.

DELEGATE SOLLINS: Do you know what the practice is in other states that have this method?

DELEGATE MUDD: No, I do not recall any information our Committee obtained which would suggest that there was any secret ballot used in this matter.

THE CHAIRMAN: Delegate Sollins, the Chair is not sure he understood either your question or the answer and is interested in only having the record straight. Would you restate it? Did the Committee consider—

DELEGATE SOLLINS: My question was with regard to section 5.17, the lawyer members of the nominating commission. I wanted to know what consideration the Committee gave to having the lawyer members elected by secret ballot.