

1 from sitting on the Supreme Court or a judge of the
2 Suprem: Court from trying a case as Judge Hammond used
3 to do frequently?

4 JUDGE CARTER: I don't think it would be good
5 to restrict appellate judges to appellate work and trial
6 judges to trial work. I think there is a danger in what
7 Gil Prendergast said: If you have this thing in a whole-
8 sale permissive shift around that you may get an impres-
9 sion that you are certainly not elevating Circuit Courts.

10 JUDGE PROCTOR: Is this done in other juris-
11 dictions which have the unified court system, New Jersey?

12 THE CHAIRMAN: I think so.

13 JUDGE PROCTOR: New Jersey, Illinois and
14 others?

15 THE CHAIRMAN: I don't know in all of those
16 particular ones that you mentioned, but I think it is
17 true that it is done in the four-tier court States. Isn't
18 that right?

19 MR. MARTINEAU: I believe so.

20 MR. SYKES: Are there any instances of where
21 it has been used to forestall a dissent in the Supreme