

1 THE CHAIRMAN: Judge Adkins?

2 JUDGE ADKINS: This may be in the category
3 of what my friend Dick Case has called nit-picking, but
4 in the last sentence on Page 31, I think it is stated
5 too broadly; in the event of conflict between such a rule
6 and any provision of any act of the General Assembly --
7 I'm aware of the self-imposed restraint by the Rules
8 Committee in deciding what is procedure and what is
9 substance. It seems to me that the word provision ought
10 to be modified by the word procedural, to indicate clearly
11 that if a rule should happen to be substantive rather than
12 procedural, that it will not prevail over a provision of
13 any act of the General Assembly.

14 THE CHAIRMAN: Judge Adkins, I don't know that
15 that method of meeting the point would suffice. It would,
16 as to Part 1 of this Section, but certainly not as to
17 Part 2.

18 JUDGE ADKINS: Let me say that I simply flag
19 the point. I won't propose the specific language, but I
20 do think it ought to be clear that the rule prevails only
21 in cases which the Rules Committee itself is authorized to