

1 recommendation, but that if it is a closed vote, I
2 think, my understanding is that alternate recommendations
3 are always open to inclusion.

4 THE CHAIRMAN: I don't think I made myself
5 clear. I am not suggesting that the Commission not take
6 a position, but if your motion prevails, that that
7 would be included in the draft and what is here would be
8 in the alternate. If your motion fails, then what is
9 included in the draft would be the recommendation and the
10 subject matter of your motion would be the alternate. Is
11 that acceptable?

12 MRS. BOTHE: Yes.

13 MR. MARTINEAU: Mr. Chairman, I would like to
14 make two comments which are in effect contradictory, but
15 I think it is important that the Commission have both
16 factors before it when it votes.

17 First of all, I don't think there is any point
18 in which the Special Committee of the State Bar Association
19 was more insistent upon than on this point of having appel-
20 late circuits and having residency requirements for Superior
21 and District Court judges.