

1 me to prohibit in the Constitution, and use of retired
2 judges by the highest court of the State or by appointment
3 of the highest court of the State makes no sense to me
4 whatsoever. I don't, although I certainly acknowledge
5 that this fear on the part of the Bar exists, my own
6 opinion is, and I think the opinion of the majority of the
7 Committee, is that this fear is not well founded, and I
8 don't think we ought to give recognition to a fear that
9 is not well founded.

10 THE CHAIRMAN: Any further comment? Mr. Sykes?

11 MR. SYKES: First of all, the flexibility is
12 given by the very fine provisions of this Article that
13 allow the chief justice to be the administrative head
14 of the system. It is important that maximum use be made
15 of the judges who are able physically and chronologically
16 to serve. I am afraid of giving this power exclusively
17 to the majority of the highest court of the State because
18 they do not necessarily have intimate knowledge of the
19 capabilities and present capacities of retired trial
20 judges, while they may very well have and do have the
21 retired appellate judges. I am a little bit concerned