

1 MRS. BOTHE: It would require a constitutional
2 amendment under the New York Constitution, in order to do
3 this.

4 THE CHAIRMAN: Well, your answer to Mr. Miller's
5 question, though, is that the Committee, whether for his
6 reason or some other, is recommending that the right to
7 jury trial in civil proceedings be retained?

8 MRS. BOTHE: Actually, let me say this, that if
9 it were taken out of the Constitution, this by no means
10 would mean that the right to a jury trial would be neces-
11 sarily affected in any practical way. I don't think the
12 day after the new Constitution was enacted that our present
13 practices would, with regard to jury trial, be in any way
14 affected.

15 For instance, the Workmen's Compensation Act,
16 which is not protected by constitutional provision, today
17 there are statutory means whereby a jury can be called
18 upon to determine the nature and extent of a workman's
19 disability; but this is purely by statute and he cannot
20 demand this.

21 There are a number of other areas where the