

1 don't think it ought to be exclusive.

2 THE CHAIRMAN: Does any other delegate desire
3 to speak in opposition?

4 Delegate Henderson.

5 DELEGATE HENDERSON: I would like to say that
6 perhaps Mr. Bamberger is not aware of the present form
7 of section 5.31, I believe it is, the rule making power,
8 which differs from the Convention draft. It is now left
9 to concurrent power so that the last one who speaks on the
10 subject would have the final say. That could lead to an
11 endless chain, of course, but it is hoped that this would be
12 able to be worked out; but the situation, if the legislature
13 should prescribe the panels, I think it would be in the
14 first place a rather delicate matter for the Court of
15 Appeals to tell them no, and if they did tell them no, the
16 legislature would have the option of changing it back
17 and putting in the panels.

18 Now, in a field which is so primarily a matter
19 of judicial administration and convenience, it seems to
20 me that we should trust the rules of the Court of Appeals
21 and its rule making power to do this sort of thing.