

appointed immediately. There is time there, there is leeway there, there is time for thoughtful consideration. There is time for consideration between in what I would hope would be a better body than the Judicial Resources Commission which has historically not worked. So that's all the amendment does, a simple change. It's interesting that Senator Wickersham says these statistics are good enough to divide this group into two piles, one we're going to deal with and one we're not, right? In doing that if you look at the relative workload of districts, he has to distinguish between a district that is at the 20,000 level in weighted caseloads with a district that's at the 22,000 level in weighted caseloads. He can make that distinction, he's willing to make that distinction and Senator Lindsay is in this amendment, but they're unable or unwilling to make distinctions between the lowest work district which is down at the 17,000 caseload and the most work districts which are at the 27 or 28,000 level of workloads. Making comparisons between the upper and lower end of the scale which are the most likely comparisons to be valid cannot be made under these caseload statistics they say. But under this new amendment we can distinguish the district that goes in the top half of the pile from the district that goes in the bottom half of the pile, the two closest districts which are very close to one another, we can distinguish them and put them in different piles. Again, I fear I have not been able to explain to you, but the point is that for one purpose they want to use the statistics and then for another purpose they will not use them. In any event, the amendment that is before you at least brings the decision back to the legislative body rather than leaving it with the Judicial Resources Commission which in my opinion has not worked in the past. Thank you.

PRESIDENT ROBAK: Thank you, Senator Beutler. Senator, your light is next, do you wish to speak again? Senator Lindsay.

SENATOR LINDSAY: Thank you, Madam President and members, I wish I could tell you that Senator Beutler is wrong and that what we're doing is not somewhat hypocritical, but I think to an extent he is correct in that we have made that distinction. I think the wiser policy is to adopt the Beutler amendment, but I'm also a pragmatist and have the feeling that politically it couldn't get done, at least not in this environment. I think we've, as Senator Withem mentioned earlier in a floor remarks, that there have been some recalcitrants at least to put it mildly on the part of the Bar Association which I think wields