

I don't think that judges are holy. I don't think the judiciary is sacred. I think it should be accorded a high degree of respect based upon the qualifications and competency of the practitioners and on the kind of job that the judiciary is to perform. However, I don't think that procedures relative to their discipline should be enshrined in the Constitution. Another issue relates to the secrecy of certain types of discipline to be imposed on a judge. Suppose a judge does something which is openly and notoriously discussed in the community and this commission decides that there should be something very minor done which would allow it to be done in secret, a private reprimand. You will find that on, I think the second page of the committee amendment. If the reprimand is private, the public has no way of knowing that the complaint was even acted on. The judge could be under a cloud of suspicion and if a judge has done something worthy of a reprimand, he or she ought not be exempt from public disclosure as a politician or any other public official would not be exempt. If a situation arises which is so serious in terms of a judge's fitness to serve that he or she would be suspended from the bench for six months, I think there would be a serious eroding of public confidence in that judge's qualification to serve at all. So either there should be no punishment involving a suspension for six months or if it is a serious enough situation to require suspension, then the judge ought to be removed. Now we have on the last page of the amendment that a judge if he pleads guilty or is found guilty of a felony, then that judge can be suspended without salary and will only be in the state of suspension until such time as an appeal is taken and the conviction is upheld or an appeal is taken and the conviction is reversed, but if a judge pleads guilty or no contest, I don't see how suspension would be the appropriate thing and I am going to read the language so it is in the record, on this subdivision four and I wish, at least, the lawyers would look at this. "An addition to the procedure set forth in subsections 1 and 2 of this section, on recommendation of the commission on judicial qualification or on its own motion, the Supreme Court may suspend a justice or a judge of the Supreme Court or other judge from the office without salary when in any court in the United States such justice or judge pleads guilty or no contest to or is found guilty of a crime punishable as a felony." Now I would like to ask one of the attorneys... Senator Beutler, have you been following this bill?