

March 4, 1980

LB 82

most minor to the most serious. There is really no need to put in this restriction on flexibility and I would oppose it. Thank you, Mr. President.

PRESIDENT: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I would like to ask Senator Chambers a question.

PRESIDENT: Senator Chambers, will you respond?

SENATOR NICHOL: Senator Chambers, what do you consider physical impairments or whatever your terminology was there? What does that include? Does it include amputation of a limb or a mental disorder or a drinking problem? What do you include in your terminology in this amendment?

SENATOR CHAMBERS: Senator Nichol, the reason I didn't define all the things that would constitute a physical disability is because I do want there to be some flexibility by the commission when it makes a judgment, but I don't think we ought to allow a judge to engage in improper conduct serious enough to warrant a six month suspension. So what I am trying to get away from with this amendment is allowing improper conduct serious enough to warrant the rascal being removed from the bench for any period of time, then allowed to come back and judge the same public who has seen him handled in this fashion. But I think any judge who has a physical impairment, whatever it might be, that would be of a temporary nature, should not be prohibited from being a judge forever.

SENATOR NICHOL: Thank you, Senator Chambers.

PRESIDENT: Any further discussion on the Chambers amendment? Senator Chambers, you may close.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I have to just address one thing that Senator Hoagland said and again, I am not too clear on what he meant by it other than he was trying to oppose this amendment. I am not trying to tie the hands of the commission. If you listen or recall the things that I have said and the types of amendments that I have offered, they go toward enhancing the image of the judiciary in the eyes of the public. I can't think of anything that would be more damaging than for a commission to have to come out and say, this judge has misbehaved to such an extent that he or she is unfit to sit the bench but after six months the judge then will return to fitness.