

SENATOR HOAGLAND: That is correct, Senator Chambers.

SENATOR CHAMBERS: And if it takes a majority of those voting to arrive at any action and the lay people felt a certain way, there is no way they, as lay people, would be in the majority. Is there, being three out of nine?

SENATOR HOAGLAND: What is important, Senator Chambers, is that judges are in a minority and that is a fundamental change from the current commission where the judges dominate the entire commission.

SENATOR CHAMBERS: Senator Hoagland, when I made remarks earlier about lawyers, some lawyers being worried about their participation in the activities of the Judicial Nominating Commission being made public because of the relationship it could create between them and judges, was that statement true or false, that there are lawyers worried about that? Is that true or is that false?

SENATOR HOAGLAND: Senator Chambers, that is not the purpose of permitting the commission to make certain minor corrections in judicial conduct in private. The purpose of that is not to protect the complainants. The purpose of that is to make sure that those corrections are made.

SENATOR CHAMBERS: No, that is not what I asked you. Here is what I asked you, and let me make the question more direct. Are there lawyers who fear to allow judges to know what decisions they have made relative to those judges because they may have to appear before them?

SENATOR HOAGLAND: There are lawyers who would prefer not to have their complaints made public and if you require they made public, those complaints are going to dry up, Senator Chambers. They are not going to be made at all.

SENATOR CHAMBERS: Well, Senator Hoagland, let's deal with the commission. Now you read the book, The Brethren. Didn't you?

SENATOR HOAGLAND: Yes.

SENATOR CHAMBERS: And you saw how the judges maneuvered behind the scenes to be in a majority so they could do various things they wanted to with the decision. Now do you think that if there is a judge who is being considered for a very harsh type of discipline and the three lay people are for it, that the lawyers might wait to see exactly how it is going to come out before they cast a vote?