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 2 PUBLIC HEARING :
 3 RE: :
 4 DRAFT RULES GOVERNING JUDICIAL :
 5 CONDUCT AND DISABILITY PROCEEDINGS: : U.S. Courthouse
 6 : Brooklyn, New York
 7 :
 8 -----X : TRANSCRIPT OF PROCEEDINGS
 : September 27, 2007
 : 10:00 a.m.

9
 10 BEFORE:

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 12 HONORABLE RALPH K. WINTER, Chair
 13 Committee on Judicial Conduct and Disability

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 15 SPEAKERS:

16 ARTHUR D. HELLMAN
 17 RICHARD CORDERO
 18 FRANCIS C.P. KNIZE

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 25 Proceedings recorded by mechanical stenography.
 Transcript produced by Computer-Assisted Transcription.

1 THE COURT: This is a public hearing concerning the
 2 draft rules that have been published for public comment, the
 3 rules governing judicial conduct in disability proceedings
 4 undertaken pursuant to 28 U.S.C. Section 351-364. We have
 5 three witnesses scheduled. Professor Friedman originally was
 6 scheduled. Professor Monroe Friedman was originally scheduled
 7 to testify, but was unable to make it, but he did submit a

Exhibit S-8

8 prepared statement that will become part of the record of
9 these proceedings.

10 These proceedings will be published in one form or
11 another, probably on line, and will be available to the other
12 members of the committee as well as myself. We will transmit
13 the prepared statements of each of the witnesses to the
14 committee immediately so you can be assured even though the
15 other members of the committee were unable to make it here
16 today they will be aware of the statements and testimony
17 given.

18 I want to call first Professor Arthur D. Hellman. I
19 would ask that each of the witnesses give a summary of their
20 views on these rules that last around ten minutes and I will,
21 where appropriate, engage in dialogue with the witnesses.
22 Each of the witnesses' prepared statements -- I may have said
23 this already -- each of the witnesses' prepared statements
24 will be part of the record.

25 Okay, so I call Professor Hellman.

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1 PROFESSOR HELLMAN: Is this mike working? Yes.

2 THE COURT: Yes.

3 PROFESSOR HELLMAN: Thank you, Judge Winter, for
4 inviting me to express my views at this hearing. I'm going to
5 be submitting a supplemental statement that will deal with
6 some matters of drafting primarily involving the organization
7 of the rules.

8 THE COURT: We would be very, very happy to receive
9 that. I think that the rules need a considerable amount of
10 drafting work and style work and perhaps some substantive
11 work, but we will be happy to receive that.

12 PROFESSOR HELLMAN: Thank you, I appreciate it.

13 I think it is important that this document be user
14 friendly and I appreciate the -- that the initial document was
15 prepared under some time pressure and it will be perhaps now
16 time for some not just drafting, tweaking, but maybe even a

20 on and on and my next step is file some complaints with the
21 judicial council and I wonder what's going to happen.

22 So, on that note, I thank you very much. Thank you.

23 If you have any other questions, I would be glad to
24 answer them.

25 THE COURT: Thank you. Thank you very much.

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1 MR. KNIZE: Thank you, Justice winters.

2 THE COURT: That concludes the hearing.

3 UNIDENTIFIED SPEAKER: would you permit further
4 testimony from the public? I requested three-and-a-half weeks
5 ago to be permitted to testify. I wish to address
6 specifically the rules --

7 THE COURT: I know of no such request.

8 UNIDENTIFIED SPEAKER: I have it right here, E-mailed
9 from the Administrative Office.

10 THE COURT: If you will listen to me. Anyone who
11 feels that they asked to testify, I would like to see the
12 documents in which you asked to testify and see that they were
13 filed in a timely fashion.

14 Thank you.

15 UNIDENTIFIED SPEAKER: I have it right here.

16 THE COURT: You can send it to me.

17 UNIDENTIFIED SPEAKER: I have a draft statement
18 addressed to the rules, specifically the violations of the
19 statute reflected in the rules with respect to merits
20 related --

21 THE COURT: The comment period on the rules is still
22 open. It is open until October 15th. If you would like to
23 comment on the rules, please, do so.

24 UNIDENTIFIED SPEAKER: How?

25 THE COURT: I'm not here to get in an argument

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1 with the audience. I will have the room cleared if it
2 starts.

3 Thank you. The meeting is concluded.

4 (Proceedings concluded.)

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