

December 18, 1981  
NYS Senate + Assembly Judiciary  
Committee Hearing NYS Commission  
Judicial  
Circuit

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appearing today and submitting a statement, as I have done, and providing a brief summary of that statement to you this morning.

It was just about four years ago when we met in Albany, almost on a daily basis, as I recall, during the months of December and March and April of 1978; that is, December of 1977, as part of a task force of representatives of the judiciary and the Commission, meeting with your respective committees to discuss new legislation to implement the recently adopted Constitutional Amendment.

We spent a great deal of time together and came up with legislation which is now Article 2-A and, based upon the nearly three and a half years of experience the Commission has had with this legislation, the Commission has asked me to appear today and take a very strong position in telling you that this -- the legislation has worked extremely well. It was the product of a few hectic months of consideration and consideration of a wide range

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of views concerning judges' rights and the powers of the Commission. It is an excellent piece of legislation. It has worked well, and we recommend that no changes be made on balance in the legislation.

Obviously, when examining legislation, we can make recommendations on commas and phrases, but the Commission believes that that should not be done. The Commission has recommended in its annual report, and has alluded in three determinations to the power of suspension which is not in the Constitution at the present time, and believes that, if there were an additional power to suspend a judge following full due process, that that would be an added sanction that is worthwhile in the State of New York.

We recognize that that is a long-term project. You might wish to put that on the back burner until there is other reason to amend the Constitution, but I do refer to the previous recommendations by the Commission along

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