

1 court, to adopt these rules and it would not do it, as
2 I recall it, without legislative action. Personally, I
3 have always felt it is a judicial function, and shouldn't
4 be a matter of legislative concern at all.

5 JUDGE PROCTOR: The difficulty is some of
6 these new uniform laws are procedural proceedings. We
7 ran into that in the arbitration.

8 THE CHAIRMAN: That was one reason, and of
9 course, now it can be a ping-pong. The Court of Appeals
10 can pass the rule and the Legislature changes it.

11 JUDGE CLAPP: That should be avoided.

12 THE CHAIRMAN: I don't think there has been
13 any real difficulty with that up until now, as far as I
14 know.

15 JUDGE BRUNE: You are entirely correct, sir.
16 There never has been. I think that is largely because the
17 Rules Committee has consistently taken the position that
18 it wanted to avoid conflict, and the Court of Appeals has
19 gone along with that same view.

20 JUDGE PROCTOR: We also are policing it now.

21 MR. INVERNIZZI: Our disciplinary proceeding