

1 and power to summon witnesses and documents and papers
2 and the like. I say I wonder whether that would be a
3 rulemaking power that would be exercised.

4 THE CHAIRMAN: I would think that the Supreme
5 Court could not delegate that power, but perhaps could
6 set up a commission to maybe make recommendations.

7 JUDGE WARNKEN: How would the commission get
8 the facts that they wanted to approve? In the first place
9 the judge complained against would have to have a hear-
10 ing. I think that is pretty deeply rooted now from the
11 Supreme Court decision. He would have to be notified
12 of the things that he is charged with and so on. Now,
13 how would the commission -- would the commission conduct a
14 hearing as sort of a referee? How would it get the facts?
15 How would it summon witnesses who are reluctant to appear
16 and give immunity?

17 JUDGE PROCTOR: The Court of Appeals recently
18 adopted a rule on disbarment which covers all that.

19 JUDGE WARNKEN: On what?

20 JUDGE PROCTOR: Disbarment or disciplinary
21 proceeding rather.