

1 interfering with the performance of his duties, which is,
2 or is likely to become, of a permanent character. This
3 might be called the Judge Berry provision of the Consti-
4 tution.

5 The judge may not sit in any proceeding
6 involving his own removal or retirement. The Supreme
7 Court is given the authority by rule or order to implement
8 or enforce this section.

9 This was put in there this way so that the
10 court could by rule establish a commission which would do
11 all of the investigation in the recommendations to the
12 court. We put it in this way rather than following the
13 method that is in the Constitutional amendment which will
14 be voted on this fall. The Constitutional amendment
15 actually establishes a judicial disability commission and
16 decides how proceedings shall be run and how it should
17 make its recommendations and various things like that.

18 We thought that was much too cumbersome to put
19 in here and we just put in this short sentence stating that
20 the Supreme Court shall appoint. We then provide what
21 happens to a judge who retires or is removed.