

BEFORE THE NEBRASKA COMMISSION ON JUDICIAL QUALIFICATIONS

FILED

5-35-050003

In the matter of

JQC No. 2004-047

JOHN E. HUBER,

AUG 11 2005

County Judge for the Fourth

Judicial District of the

State of Nebraska.

CLERK )  
NEBRASKA SUPREME COURT  
COURT OF APPEALS

PUBLIC REPRIMAND

The Nebraska Commission on Judicial Qualifications, pursuant to its authority under Article V of the Nebraska Constitution and Neb. Rev. Stat. § 24-715 et seq. (Reissue 1995), hereby publicly reprimands Respondent John E. Huber.

1. John E. Huber is and was at all material times a duly-appointed judge of the County Court for Douglas County, Nebraska, and at all material times was acting within his official capacity.

2. On or about May 5, 2004, while presiding over the case of *Paterson Real Estate v. Patrick Kenny, et al.*, CI04-7253, Judge Huber generally displayed impatience, rudeness, and inappropriate judicial demeanor in his statements and tone of voice, including statements in which he prefaced administration of the oath to witness Paterson by saying, "Sir, do you know what the truth is? . . . I hope you plan on telling it here today," in a tone of voice which suggested he did not anticipate the witness would tell the truth. Judge Huber expressed impatience and displayed snideness in his tone of voice to witnesses and parties throughout the course of the trial without any apparent provocation from the parties or counsel, all of whom remained courteous to the court. Judge Huber's temperament caused one of the litigants to cry, and even

after the case had been resolved Judge Huber berated her for doing so, stating, "Stop it. Grow up. That doesn't make me feel bad for you in any way."

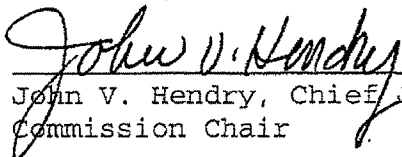
3. Judge Huber's statements and tone of voice were rude, arrogant, and injudicious. The statements violated the Nebraska Code of Judicial Conduct, specifically Canon 3B(4), which requires a judge to "be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity." Said conduct constitutes conduct prejudicial to the administration of justice that brings the judicial office into disrepute in violation of Article V, Section 30 of the Nebraska Constitution and Neb. Rev. Stat. § 24-722 et seq. (Reissue 1995).

4. During the course of its investigation of this matter, Judge Huber cooperated fully with the Commission. In addition, Judge Huber has taken steps to correct his conduct, has demonstrated improvement in his disposition, and has expressed remorse. As a result, it is the Commission's determination that discipline no more severe than this public reprimand is appropriate.

Dated this 11<sup>th</sup> day of August, 2005.

THE COMMISSION ON JUDICIAL QUALIFICATIONS

By:

  
John V. Hendry, Chief Justice  
Commission Chair