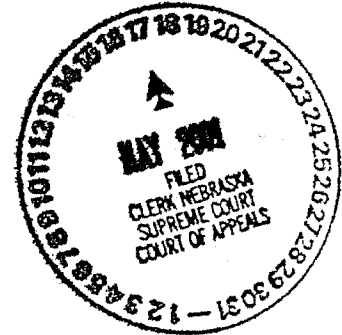


BEFORE THE NEBRASKA COMMISSION ON JUDICIAL QUALIFICATIONS

In the matter of)
)
)
JANE H. PROCHASKA,)
County Judge of the Fourth Judicial)
District of Nebraska)

No. JQ 00-16

REPRIMAND



The Nebraska Commission on Judicial Qualifications, pursuant to the authority under Article V of the Nebraska Constitution and Neb. Rev. Stat. §§ 24-715 et. seq. (Reissue 1995), following waiver of formal hearing and pursuant to stipulation, hereby reprimands Judge Jane H. Prochaska.

Jane H. Prochaska is and was at all material times a duly-appointed judge of the County Court of Douglas County, Nebraska. On the morning of March 2, 2000, in her official capacity, Judge Prochaska presided over criminal misdemeanor sentencings. During those proceedings, Judge Prochaska was asked by a defendant to review a sentence she had earlier imposed. One of the prosecutors advised Judge Prochaska that a specific fellow judge had taken action with respect to the case on the previous day. Judge Prochaska then made the following remarks in open court, directed to a prosecutor, about the other judge:

"Would you please pass the word? This is the second one of my show cause sentences that [the fellow judge] has set aside and rescheduled for hearing in front of me, and I don't like it and I don't want [that judge] touching [my cases].

"I don't want any other judge -- once I've pronounced sentence, has no business changing one of my sentences . . . [The other judge] had no authority to touch this case."

Judge Prochaska then addressed the defendant and his counsel, referring to their appearance in front of the fellow judge the day before:

"I'm not quite sure how you pulled that off. I'm angry, as you can tell. . . . Canceling the warrant was entirely inappropriate. In effect it was setting aside a sentence and, in essence by canceling the warrant, [the other judge] set aside my sentence."

These remarks were made aloud in the presence of members of the public and courtroom staff, and were generally understood by the lawyers and courtroom staff present to be critical of the specific judge, who was not present in the courtroom. The Commission makes no findings with respect to whether the action of the other judge was or was not proper; however, the Commission acknowledges Judge Prochaska believed this other judge had taken inappropriate action on the file, and that belief formed the context of her statements.

Judge Prochaska does not contest the Commission's findings. The Commission finds that neither the prosecutor nor anyone else in the courtroom should have been asked to "pass the word," or have been subjected to Judge Prochaska's public criticisms of that fellow judge.

Present in the courtroom during the above remarks was a lawyer waiting for a case to be called who is also a relative of the fellow judge. During a lull in the proceedings, at the relative's request, Judge Prochaska granted a private meeting in her adjacent chambers behind closed doors. Judge Prochaska did not know what the meeting would be about. The private meeting lasted a few moments during which time the relative confronted Judge Prochaska about her remarks criticizing the fellow judge. They returned to the courtroom and furthered the conversation, at Judge Prochaska's insistence, by going "on the record." An angry exchange then occurred between the relative and Judge Prochaska, on the record and in front of those who remained in the courtroom waiting for resumption of the morning's proceedings. The statements made in open court were tape-recorded and transcribed, providing the parties both the content and the tone of the remarks and public exchange.

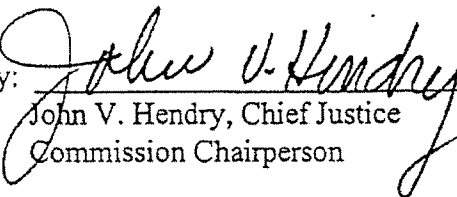
It is Judge Prochaska's position that she felt provoked during the private meeting in her chambers, was taken aback by the relative's approach, and felt the relative had behaved toward her in a contemptuous manner. The Commission makes no findings with respect to whether the relative's behavior was or was not proper.

Notwithstanding her belief at the time that she was justified and provoked, Judge Prochaska does not contest the Commission's findings that her insistence on making a heated private conversation public, and participation in an angry dispute in open court, were inappropriate.

Thus, Judge Prochaska's statements and conduct on March 2, 2000, constitute conduct prejudicial to the administration of justice that brings the judicial office into disrepute, under Neb. Rev. Stat. §24-721 (Reissue 1995).

Dated this 17th day of May, 2001.

COMMISSION ON JUDICIAL QUALIFICATIONS

By: 
John V. Hendry, Chief Justice
Commission Chairperson