

BEFORE THE NEBRASKA COMMISSION ON JUDICIAL QUALIFICATIONS

In the matter of) JQC 2004-114 & 2004-118
)
Gary B. Randall,) PUBLIC REPRIMAND
District Judge of the)
Fourth Judicial District of Nebraska)

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), following waiver of formal hearing, hereby finds probable cause to reprimand the Respondent, Gary B. Randall:

1. Gary B. Randall is and was at all material times a duly-appointed judge of the Fourth Judicial District of Nebraska, on the District Court of Douglas County, Nebraska.
2. On October 20, 2004, Judge Randall was driving a vehicle in Douglas County, Nebraska, under the influence of alcohol, when he crashed the vehicle. His blood alcohol content exceeded the legal limit;
3. On December 9, 2004, Judge Randall, pursuant to a guilty plea, was convicted of first offense driving under the influence of alcohol;
4. Judge Randall's conduct as set forth above violated Nebraska law, and constituted a danger to himself and to the public;
5. Judge Randall's conduct as set forth above constitutes a violation of the Nebraska Code of Judicial Conduct, specifically:
 - a. CANON 2 – A Judge Shall Uphold the Integrity and Independence of the Judiciary
 - A. An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining and enforcing high standards of conduct, and should personally observe those standards so that the integrity and independence of the judiciary will be preserved. The provisions of this Code shall be construed and applied to further that objective.
 - b. CANON 2 – A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All the Judge's Activities
 - A. A judge shall respect and comply with the law and shall act in all times in a manner that promotes public confidence in the integrity ... of the judiciary.

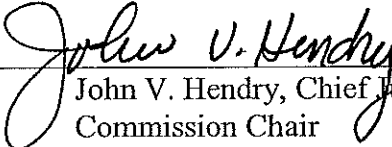
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4. Judge Randall's conduct is prejudicial to the administration of justice and brings the judicial office into disrepute, pursuant to Neb. Const. art. V Sec. 30 and Neb. Rev. Stat. § 24-721 (Reissue 1995).
5. The Commission notes Judge Randall's response was exemplary. He has demonstrated since his arrest an attitude of contrition, humility and remorse. He readily admitted his violation of the Code of Judicial Conduct. He was cooperative and complied with the requests of law enforcement personnel during his arrest and in the course of their investigation of the crash. He has participated fully in the conditions and terms of his probation. He has apologized to the Commission for his behavior, for the danger in which he placed the public, and for any embarrassment he caused the Nebraska judiciary by this conduct. He has made no attempt to excuse his behavior or place blame elsewhere. He has not previously been disciplined.
6. Therefore, the Commission determines his conduct does not require discipline more severe than this public reprimand.

Dated this 1st day of February, 2005.



John V. Hendry, Chief Justice
Commission Chair