

BEFORE THE NEBRASKA COMMISSION ON JUDICIAL QUALIFICATIONS

FILED

S-35-010004

In the matter of

No. JQ 01-47

RICHARD J. SPETHMAN,
District Judge of the Fourth Judicial
District of Nebraska

NOV 29 2001

REPRIMAND

CLERK
NEBRASKA SUPREME COURT
COURT OF APPEALS

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 reprimands Judge Richard J. Spethman. Judge Spethman has cooperated completely with the Commission in its investigation, has readily admitted his conduct and the violation, and has expressed remorse for his breach of ethics. The Commission finds as follows:

Richard J. Spethman is and was at all material times a duly-appointed judge of the District Court of Douglas County, Nebraska. In May 2001, Judge Spethman engaged in communications with litigants in a domestic relations matter pending before him, concerning the parties' failure to exchange certain personal property. (For confidentiality and clarity, the parties shall hereafter be designated herein as "husband" and "wife.")

In May, 2001, Judge Spethman received a telephone call directly from the husband, who was not represented by counsel, complaining that the wife had failed to return certain personal property. Thereafter, Judge Spethman telephoned the wife directly at her place of business. Judge Spethman asked the wife why she was being uncooperative in returning the husband's personal property; told the wife that he had talked directly to the husband and instructed the wife to "get this resolved here and now." During his phone contact, Judge Spethman expressed anger to the wife and indicated to her that if she did not return the property promptly, she would be "dealing with" Judge Spethman.

The above contacts were made without prior notice to the other party and an opportunity to be heard, and without prior notice to or the participation of the wife's counsel of record. They constitute ex parte communications, in violation of Canon 3B(7) of the Nebraska Code of Judicial Conduct. Said actions constitute conduct prejudicial to the administration of justice that brings the judicial office into disrepute, under Neb. Rev. Stat. §24-721 (Reissue 1995).

Although Judge Spethman may have been frustrated with an apparent failure to cooperate and desirous of handling the matter expeditiously without further litigation, these do not excuse or mitigate his obligation to be impartial, to appear to be impartial, and to comply with the Code of Conduct.

Dated this 29th day of November, 2001.

COMMISSION ON JUDICIAL QUALIFICATIONS

By: John V. Hendry
John V. Hendry, Chief Justice
Commission Chair

Accepted: Richard Spethman
Richard J. Spethman

Date: November 26th, 2001