

NEBRASKA COMMISSION ON JUDICIAL QUALIFICATIONS

FILED

In the matter of)
STEPHEN M. SWARTZ,)
County Judge for the)
Fourth Judicial District)
of Nebraska.)

No. S-35-000003
JQ 99-30

SEP 08 2000

REPRIMAND

CLERK
NEBRASKA SUPREME COURT
COURT OF APPEALS

Pursuant to the authority of Article V of the Nebraska Constitution, and Neb. Rev. Stat. §§ 24-715 et seq. (Reissue 1995), and following waiver of a formal hearing, the Nebraska Commission on Judicial Qualifications hereby reprimands Judge Stephen M. Swartz:

The Commission finds that on or about April 22, 1999, while performing his official duties as judge of the county court for Douglas County, Nebraska, Judge Swartz violated Canon 3B(4) of the Nebraska Code of Judicial Conduct requiring

A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity

in his sentencing of a defendant in his court by shouting and behaving in a hostile, excessively angry and demeaning manner toward said defendant.

The Commission further finds that this was not an isolated incident; rather, Judge Swartz' extreme tone of voice, demeanor, and language similar to the behavior he displayed on April 22, 1999, were representative of courtroom behavior at certain sentencings, for a period of years preceding 1999, when he

routinely hollered and berated defendants well beyond any bounds of acceptable decorum and judicial temperament.

Moreover, Judge Swartz' hostile courtroom behavior and disrespectful language were known and discussed among lawyers who worked in and around the Douglas County Court. Judge Swartz thereby developed a reputation of having a hostile and unreasonable disposition during certain criminal courtroom proceedings.

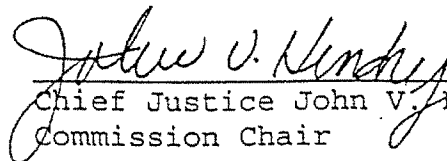
The Commission further finds Judge Swartz' behavior as set forth above is conduct prejudicial to the administration of justice that brings the judicial office into disrepute as set forth in Article V, Section 30 of the Nebraska Constitution and Neb. Rev. Stat. § 24-722 (Reissue 1995). It is behavior in violation of the Code of Judicial Conduct requiring patience, dignity and courtesy in a judge's official capacity.

Although the Commission has determined that Judge Swartz' behavior warrants discipline, it finds mitigating circumstances do exist, specifically, that Judge Swartz has not been subject to prior discipline by the Commission, that he has acknowledged the impropriety of his behavior, and that he has taken affirmative steps to remedy and control his courtroom behavior, thereby warranting no greater discipline than this public reprimand.

Dated this 8th day of September, 2000.

COMMISSION ON JUDICIAL QUALIFICATIONS

by


Chief Justice John V. Hendry
Commission Chair