

**BEFORE THE NEBRASKA COMMISSION ON
JUDICIAL QUALIFICATIONS**

In the matter of)	
J. MICHAEL COFFEY,)	Case No. S-34-060003
District Court Judge for)	
the Fourth Judicial)	PUBLIC REPRIMAND
District of the State 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), hereby publicly reprimands Respondent J. Michael Coffey.

1. Judge Coffey is and was at all material times a duly-appointed judge of the district court for the Fourth Judicial District of the State of Nebraska.

2. During 2005, Judge Coffey agreed to participate in a fundraising event for the National Multiple Sclerosis Society, Nebraska Chapter (MS Society), by serving as honorary co-chair of a dinner to be held on December 8, 2005, an event designed to raise funds for and to increase the membership of the MS Society.

3. Judge Coffey became involved in the fundraising event when a close friend was proposed by the MS Society to be honored at the dinner. Judge Coffey was asked whether he would approach the friend to consider being honored, and he agreed to do so. The friend in turn agreed to be honored, but on the condition that Judge Coffey introduce him at the dinner.

4. By the time Judge Coffey approached his friend, he had become aware that the honoree would be required to make a financial contribution to the MS Society. The Commission notes approaching anyone to participate in an event that raises funds or solicits membership is prohibited by the Nebraska Code of Judicial Conduct, which makes no exception for friendship.

5. On October 14, 2005, letters were mailed to members of the general public concerning the fundraising dinner, identifying "Judge J. Michael Coffey" as one of the senders. These letters included a solicitation of funds for the MS Society. In late October 2005, invitations to the fundraising dinner were mailed to members of the general public, identifying "Judge J. Michael Coffey" as one of the honorary co-chairs of the dinner.

6. The Commission finds, and the evidence is clear, these documents were mailed directly by the MS Society without Judge Coffey's prior approval, and Judge Coffey was not advised in advance that his name and judicial position would be included. However, by the time of the mailings, Judge Coffey had become aware of the details of the dinner and he had approached the prospective honoree.

7. Although Judge Coffey may not have discovered the specific contents of the letter and invitation until after they were mailed, he took no steps to advise the MS Society that he was unable to participate in any fundraising or solicitation efforts, or that neither his name nor his judicial position

could be used. Moreover, after he became aware of the contents of the mailings, Judge Coffey attended the fundraising dinner on December 8, 2005, where he was introduced as co-chair and identified as a judge, where he introduced his friend the honoree, and where the dinner programs identified him by name and judicial position.

8. The Commission determines that under the circumstances Judge Coffey should have declined to participate in any capacity as soon as he became aware he was involved in a fundraising undertaking; if Judge Coffey was unaware of what might be entailed as co-chair, it was incumbent upon him to learn the details. Judge Coffey should have declined to approach anyone, friend or otherwise, to participate in a fundraising activity, particularly when a donation would be required in order to participate. Judge Coffey should have immediately advised the MS Society that neither his name nor his judicial position could be used in any such effort. Failing that, Judge Coffey should have declined to become further involved in the dinner once he learned his name and position were being used to advertise it, since by then he should have known his attendance and participation were being used in conjunction with a fundraiser.

9. Under the circumstances, the Commission finds that Judge Coffey "participated personally in the solicitation of funds or other fund-raising activities" and "permitted the prestige of judicial office to be used for fund raising or membership solicitation," in violation of Canon 4c(3)(b) of the Nebraska Code of Judicial Conduct.

10. The Commission recognizes it was not Judge Coffey's intent to abuse his judicial position, but even when a judge does not intend to do so, Canon 4c(3)(b) serves to preclude the judge from activities which have even the appearance of impropriety and serves to protect the judiciary from criticism that any judge may be using his position improperly.

11. The Commission is aware that Judge Coffey's own family is affected by multiple sclerosis. However, the Code prohibits Judge Coffey's conduct, regardless of how the Commission became aware of it, or how worthy the cause, or how sympathetic the circumstances.

12. Judge Coffey has cooperated fully with the Commission during its investigation of this matter, has been open and candid in his responses to the Commission's inquiries, and has no history of prior discipline. Thus it is the Commission's determination that discipline no more severe than this public reprimand is appropriate.

Dated this 29th day of September, 2006.

THE COMMISSION ON JUDICIAL
QUALIFICATIONS

John V. Hendry

By: _____
John V. Hendry, Chair