

Nebraska Judicial Qualifications Commission

The following information is provided for your benefit in connection with the operation of the Judicial Qualifications Commission. This information does not comprise all of the laws with regard to the Nebraska Judicial Qualifications Commission and is intended simply to give you some general information. Should you have more specific questions with regard to the Judicial Qualifications Commission, you should contact: Commission Secretary, P.O. Box 98910, Lincoln, NE 68509; phone (402) 471-3730.

Article V, Section 28, of the Nebraska Constitution provides for the creation of a Commission on Judicial Qualifications.

Chairperson: Chief Justice Michael G. Heavican, Nebraska Supreme Court

Article V, Section 30, of the Nebraska Constitution and Nebraska Revised Statute Section 24-722 (Reissue 1989) specifically set out the grounds for which a judge may be reprimanded, disciplined, censured, suspended without pay for a definite period of time not to exceed six months, or removed from office. The grounds are the following: (1) willful misconduct in office, (2) willful disregard of or failure to perform his or her duties, (3) habitual intemperance, (4) conviction of a crime involving moral turpitude, (5) disbarment as a member of the legal profession licensed to practice law in the State of Nebraska, or (6) conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

The Commission is not authorized to review decisions made by a judge or to grant any form of relief arising out of a lawsuit except to the extent that the actions of the judge in the case constitutes a violation of one of the grounds set out above.

Upon receiving the complaint, the Commission is authorized to make such investigation as it deems appropriate under the circumstances and upon a finding of probable cause, may reprimand the judge or may order a formal hearing to be held before it concerning the reprimand, discipline, censure, suspension, removal, or retirement of such judge. After a formal hearing, the Commission must find that the charges are established by clear and convincing evidence. If it finds that such charges are established by clear and convincing evidence, it then recommends to the Supreme Court what action should be taken. The Supreme Court then reviews the record and makes such determination as it finds just and proper.

All papers filed with and proceedings before the Commission, prior to any formal open hearing, are confidential and all testimony given before the Commission is deemed a privileged communication.

NO PARTICULAR FORM NEED BE USED WHEN FILING A COMPLAINT. THE ATTACHED FORM IS PROVIDED FOR YOUR CONVENIENCE. YOU NEED NOT FILL IT OUT IF YOU DESIRE NOT TO AND MAY MAKE COMPLAINT BY SIMPLY SENDING A HANDWRITTEN LETTER TO THE COMMISSION OR ANY MEMBER THEREOF.

NEBRASKA COMMISSION ON JUDICIAL QUALIFICATIONS

Complaint or Request Form

C O N F I D E N T I A L

TO: Commission on Judicial Qualifications

FROM: _____

DATE: _____

Please consider this form to be: (select one)

_____ A complaint against a judge of the State of Nebraska regarding his or her acts, activities, or qualifications.

_____ A request that the Commission consider the qualifications of a judge of the State of Nebraska.

1. Name of the Judge: _____

2. Name of Court: _____

3. City: _____

4. Date of incident: _____

5. Time of incident: _____

(If not a specific incident, dates and times of the activity that cause the complaint or request.)

6. Location of incident: _____

7. The information you provide in this statement should be based on facts and not on personal conjecture.

This complaint or request is being filed against Judge _____ because:

(Attach additional pages if necessary.)

8. Please list all known witnesses' names, addresses, and phone numbers:

(Attach additional pages if necessary.)

Dated this _____ day of _____, _____.

Signature

Type or Print Full Name

Street Address

City, State, Zip

Office Phone: _____ Home: _____

ANY OTHER PERSON DESIRING TO SIGN THIS COMPLAINT OR REQUEST SHOULD ATTACH A SIGNATURE BLOCK SIMILAR TO THE ABOVE FORMAT.

Please mail in an envelope marked CONFIDENTIAL to:

Commission on Judicial Qualifications
ATTN: Secretary
Nebraska Supreme Court
P.O. Box 98910
Lincoln, NE 68509

The Commission on Judicial Qualifications shall follow the provisions of Nebraska Revised Statutes, Sections 24-715 through 24-728, in the disposition of this complaint or request.