



Nebraska State Bar Association

“Helping lawyers help people”

“Judging Our Judges” Guidelines

In deciding whether to vote “yes” or “no” to retain a Nebraska Supreme Court, Court of Appeals, District, County or Juvenile Court Judge, the Nebraska State Bar Association recommends that you consider a multitude of factors. It is important that your decision is not based upon the outcome in a single case. Those factors include:

Integrity: A judge should possess high moral character, honesty, industry and diligence.

The integrity of the judge is, in the final analysis, the keystone of the judicial system. It is integrity that enables a judge to disregard personalities, special interests and partisan political influences and enables him or her to base decisions solely on the facts and the law applicable to those facts. It is therefore, imperative that a judge’s integrity and character with regard to honesty and truthfulness be above reproach.

Experience: A judge should demonstrate exposure to legal issues and substantial and diverse experience with the justice system.

Under our system of merit selection, individuals who wish to serve as judges are screened before appointment by a Judicial Nominating Commission composed of lawyers and members of the public. The Commission evaluates a lawyer’s professional legal experience before their names are sent to the Governor for appointment.

The important consideration is the depth and breadth of the professional experience before and after the judge was appointed to the bench, and the competence with which he or she has performed. This may include the quality and clarity of written opinions, orders or decrees.

An appellate court judge should have professional experience that involves scholarly research and the development and expression of legal concepts.

Legal Knowledge and Analysis: A judge should possess a high degree of intellect, knowledge of the law, writing and analytical ability, judgment and courtroom experience.

A review of a judge’s scholarly record, participation in continuing education forums, legal writing and reputation among judges and lawyers who have had first-hand dealings with the judge will be helpful in evaluating legal knowledge and analysis.

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Judicial Temperament and Demeanor: A judge should be unbiased, courteous, open-minded, understanding, fair and committed to the rule of law.

Respect for lawyers, parties, witnesses and jurors are the hallmark of a judge's temperament. The judge should treat all persons equally, without regard to race, gender, age, national origin, religion, disability, sexual orientation or economic status. The judge's communication with all parties should be appropriate. There should be an absence of undue personal observations or criticisms of litigants, other judges or lawyers, either from the bench or in written opinions. The judge's actions do not appear to be affected by an outside influence or the nature of the case.

Diligence: A judge should be diligent, attentive and punctual.

Diligence is defined as a constant and earnest effort to accomplish what has been undertaken. While diligence is not necessarily the same as industriousness, it does imply the elements of constancy, attentiveness and perseverance.

Appearance in court in a timely manner, controlling the activity in the courtroom and the management of a trial are important skills. The judge should be attentive to arguments of counsel and the testimony of witnesses. The judge completes his or her work in a timely manner.

Public Service: A judge should demonstrate a commitment to justice for all.

Participation in public service and activity that supports and improves the administration of justice adds another dimension to the quality of the judge. The degree to which a judge participates in the work of community organizations, judicial associations and other law-related activities may be seen as favorable.

[Background Information](#)

[Judicial Results](#)

Judicial Profiles
(click on the following link to view Judges Profiles)
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[**BACK TO COVER LETTER**](#)

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