

Nebraska State Bar Association
"Helping lawyers help people"

August 10, 2007

To the Editor, Scottsbluff Star Herald:

COURTS OUT OF CONTROL?

Too often, when people disagree with a judge's decision, they claim that our courts are "out of control." Nothing, in fact, is further from the truth. Judges are accountable in a number of ways. Our Founders made courts one of three equal branches of our government – along with the legislative and executive branches – and each branch limits the powers of the others. Like all of us, judges must obey the Constitution and other laws – they must follow the rules. Judges apply the laws written by the legislature. If the legislature does not like the way old laws affect the public, it, not judges – can change them or write new laws.

When someone disagrees with a judge's decision, they can ask a higher court to examine whether a court followed the rules. If the lower court deviated in a material way from the rules, the lower court will be reversed.

Judges are like referees. They must make tough decisions and enforce the rules, even if the decision is unpopular. Judges' decisions on high profile issues often elicit differing opinions sparking public debate and comment. Like referees, we do not want judges who can be bought, bullied or fired when someone is unhappy with a decision. If judges were subject to these kinds of outside pressures they would no longer be fair and impartial.

Everyone has a right to fair and impartial justice. That means that, not only must the court be free of these pressures, it must also examine all facts and information available to it. The court must apply the law fairly to all of the facts. When our courts are attacked unjustly, it is often because the attackers do not have access to all of the facts and information which the judge considered.

When a court is *unfairly* criticized we must act to defend our judicial system – even if we disagree with a particular decision – so that the system will remain able to protect our rights. If we do not, when it is our turn to be in court, we might find a far different judicial system than the one envisioned by our Founders. When it is our turn to seek justice, we will wish we had spoken out to keep our courts fair and impartial.

Linda Crump, Lincoln
President

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Howard Olsen
Scottsbluff
Past President

Views >>>>

Guest Opinion

Study shows Cevava made wise ruling

Your most recent editorial, "Rushing to Judgment", describing Judge Kristine Cevava as someone "with a raging dose of dumb, or an openness that borders on carelessness..." inspired me to respond.

I have known Judge Cevava since we started law college together 33 years ago this month. She excelled both there and in her subsequent career (where she spent much of her time as a prosecutor) before being appointed to the bench approximately 20 years ago. Although judges are human, and like the rest of us, capable of making comments that we later regret, "dumb" is simply too offensive of an adjective not to respond.

That being said, I have to concede that your editorial made a lot of good points.

In our judicial system, judges are charged with examining the facts and applying the law. From time to time, we may not like their ultimate decision, but the outcome of a case is not a reason to attack a judge.

In increasing numbers, both across this nation and within this state, judges are being attacked personally and professionally for merely performing their constitutional duties.

At this time last year, Nebraska was embroiled in a media frenzy when the public, the press and opportunistic politicians expressed disapproval for this judicial decision. The media firestorm has had little to do with the facts of the case or the opinions of the court.

Unfortunately, what inflamed the media was a single out-of-context comment regarding Thompson's (short) stature. Absent from the public debate has been the Pre-Sentence Investigation Report (PSI) findings or the forceful language used by the Judge when sentencing Thompson.

Last month, a unanimous Nebraska Court of Appeals affirmed Judge Cevava's decision. Largely missing from the public debate concerning those two court decisions are the actual words of the two courts.

As the Court of Appeals stated, "Thompson's physical stature, although specifically mentioned, was but a minor point in the trial court's sentencing decision."

The factors that were considered by this court, and all courts, in sentencing a convicted criminal defendant are found in the exhaustive analysis of the Pre-Sentence Investigation report, which contains background information, criminal history, the probation officer's report, psychological tests, mental health professionals' analysis and other information that gives the court a clear picture of the criminal defendant and his victim.

According to the PSI in this case, Thompson scored as a low-risk on 4 out of 6 pertinent categories on the "Sexual Adjustment Inventory" (SAI). After the SAI, the district probation officer stated, "... it does not appear a term of imprisonment at the Nebraska Correctional Complex would be required; rather [Thompson] may benefit from services that could be provided during a term of Intensive Supervised Probation." This was supported by a psychologist who administered yet another mental health inventory and concluded that "[Thompson] was not a pedophile..." and that these sexual offenders are best managed by "long term probation."

While judges should be held accountable to uphold the law, the strength and integrity of our judicial system depends on the independence which we give those we empower to interpret the law and pronounce judgments. The whimsical outcries of some of the media and some seeking elected office do not advance our judiciary, but only confuse the universal objective of justice.

If citizens wish to change the law, they need to get the attention of their state senators.

- Terry Waite, Attorney-at-law, North Platte.

You really

My wife, the Queen, loves to travel; I do not. Consequently, she goes quite a few places without me. This summer she has made three trips (with another yet to come) like that.

We have been married for 32 years and have always done it that way. Blackie, my much-married/divorced kaffeeklatsch buddy, says, "Heck, if I could've gotten any one of my wives to travel without me, like yours, I'd probably still be married, too."

Recently the Queen took a trip to New York City. Because she went on big silver bird she left her car here at home. It has air conditioning and an automatic transmission, two things that my old pickup lacks, so I took advantage of her absence to drive around in ease and comfort.

Because of the price of gasoline and my propensity to do things routinely, even my local travels are pretty much limited. The routes to and from the few places that I frequent are direct and short. Truth is, I don't deviate from my rut all that much.

Then last week's Bulletin (08/01/07) ran a feature on

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I can count on one hand the letters to the editor I have written. Your most recent Editorial, "Rushing to Judgment", though, describing Judge Kristine Cecava as someone "with a raging dose of dumb, or an openness that borders on carelessness, . . ." inspired me to respond. I have known Judge Cecava since we started law college together 33 years ago this month. She excelled both there and in her subsequent career (where she spent much of her time as a prosecutor) before being appointed to the bench approximately 20 years ago. Although Judges are human, and like the rest of us, capable of making comments that we later regret, "dumb" is simply too offensive of an adjective not to respond. That being said, I have to concede that your Editorial made a lot of good points.

In our judicial system, judges are charged with examining the facts and applying the law. From time to time, we may not like their ultimate decision, but the outcome of a case is not a reason to attack a judge. "Rushing to Judgment" without considering or even knowing all of the facts is a mistake.

In increasing numbers, both across this nation and within this state, judges are being attacked personally and professionally for merely performing their constitutional duties. Your Editorial does show what others have lacked, i.e. a good understanding of the differing roles of the prosecutors, defense attorneys and judges as well as that of the legislature.

At this time last year, Nebraska was embroiled in a media frenzy when the public, the press and opportunistic politicians expressed disapproval for this judicial decision. The media firestorm has had little to do with the facts of the case or the opinions of the Court.

Unfortunately, what has inflamed the media and caught your attention and that of a lot of journalists, was a single out-of-context comment regarding Thompson's stature. Absent from the public debate has been the Pre-Sentence Investigation Report (PSI) findings or the forceful language used by the Judge when sentencing Thompson.

Last month, a unanimous Nebraska Court of Appeals affirmed Judge Cevava's decision. Largely missing from the public debate concerning those two Court decisions are the actual words of the two Courts and the law that governs their decisions.

As the Court of Appeals stated, "Thompson's physical stature, although specifically mentioned, was but a minor point in the trial court's sentencing decision." The factors that were considered by this Court, and all Courts, in sentencing a convicted criminal defendant are found in the exhaustive analysis of the Pre-Sentence Investigation Report, an in depth report that contains background information, criminal history, the probation officer's report, psychological tests, mental health professionals' reports and analysis, and other information that gives the Court a clear picture of the criminal defendant and his victim.

According to the PSI in this case, Thompson scored at a low risk on 4 out of 6 pertinent categories on the "Sexual Adjustment Inventory" (SAI). After administering and reviewing the SAI, the district probation officer stated, "With regards to the sentence in this case, it does not appear a term of imprisonment at the Nebraska Correctional Complex would be required, rather [Thompson] may benefit from services that could be provided during a term of Intensive Supervised Probation." This was supported by a psychologist who administered yet another mental health inventory and concluded that "[Thompson] was not a pedophile..." and that these sexual offenders are best managed by "long term probation." The opinion, itself which may be found at <http://court.nol.org/opinions/2007/july/jul17/a06-612.pdf>, explained the Court's reasoning as follows:

We have taken great care for a specific reason to detail information in the PSI, which information has not been, and would not otherwise be, available to the public and media.

...
Of far greater consequence is the fact that the examination by a clinical psychologist and the results of the SAI all strongly indicate that Thompson is neither pedophile nor a sexual predator, but, rather, that his crimes stemmed from poor judgment and a lack of impulse control. Of equal importance is the fact that the probation officer recommended the sentences imposed by the trial judge. By saying this, we by no means minimize the seriousness of the crimes or the pain and damage which Thompson has inflicted upon his victim. Nonetheless, the PSI reveals that he is unlikely to reoffend—and the terms of his probationary program are strictly structured to ensure that this does not happen—and he was told in no uncertain terms that he would be treated harshly if he fails probation.

While judges should be held accountable to uphold the law, the strength and integrity of our judicial system depends on the independence which we give those we empower to interpret the law and pronounce judgements. The whimsical outcries of some of the media and some seeking elected office do not advance our judiciary, but only confuse the universal objective of justice.

We should not allow disagreements with a judicial decision to undermine a fair and impartial judiciary. If citizens wish to change the law, they need to get the attention of their state senators.

Terry Waite
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North Platte, NE 69103

TOO IRRESPONSIBLE

On July 19, 2007, this paper printed its "view" regarding the Nebraska Court of Appeals affirming the criminal sentence of Richard Thompson to 10 years of "intensive supervised probation" which was originally imposed by the Honorable Kristine Cecava. This paper utilized the heading of "*Too Lenient*." The first sentence of the editorial was that "[i]t's fine by the Nebraska Court of Appeals if a Sidney man gets probation for molesting a 13-year-old girl." Much to the Star-Herald's chagrin, apparently, the case no longer garners national media attention. Such blatant inaccuracies, though, clearly aimed at the bottom line of selling newspapers and attempting to recreate further unwarranted nationwide publicity, is appalling and indefensible. *Too* sensational.

Undoubtedly, this paper will be the first to defend and cloak itself with the Constitution, the Bill of Rights, the First Amendment and, specifically, the "freedom of the press." The media or "the Fourth Estate" is, of course, one of the "checks and balances" on the judiciary. At the same time, however, the "institutional autonomy of the press" needs to be exercised responsibly. Despite any assertions by the Star-Herald to the contrary, the Nebraska courts did not go "awry" or "lose sight" of anything. Judge Cecava was affirmed in a 27-page opinion authored by the Honorable Richard Sievers. *Too* slanted.

Noticeably lacking from the "*Too Lenient*" viewpoint, for example, would be a recitation to any of the facts actually set forth in the ruling and succinctly summarized by the following excerpt taken from the Nebraska Court of Appeals' opinion:

"We have taken great care for a specific reason to detail information in the PSI, which information has not been, and would not otherwise be, available to the public and the media."

This paper turned that exercise of "great care" into a snippet that the Defendant was "[b]ig enough to molest a child, apparently, but not big enough to pay the usual penalty." Who exactly went "awry"? *Too* pretentious.

The Nebraska Court of Appeals, rather than solely focusing on the Defendant's physical stature, further stated in its 27-page opinion as follows:

Of far greater consequence is the fact that the examination by a clinical psychologist and the results of the SAI all strongly indicate that Thompson is neither a pedophile nor a sexual predator, but, rather, that his crimes stemmed from poor judgment and a lack of impulse control. Of equal importance is the fact that the probation officer recommended the sentences imposed by the trial judge. By saying this, we by no means minimize the seriousness of the crimes or the pain and damage which Thompson has inflicted upon his victim.

The Star-Herald managed to turn those specific concerns addressing "equal" or "greater consequences" into snide comments that judges generally "lose sight" of the victim and that the

Nebraska Court of Appeals somehow patronized the "silly people" of Sidney as not capable of "understand[ing] the nuances of the law." Who exactly went "awry" again? *Too* fictitious.

The Star-Herald's marketing strategy continued by then inexplicably equating this case to the Omaha case of Amber Harris. To say the least, in the words of the Star-Herald, that is a "monstrous miscalculation." *Too* embellishing.

It is far easier for the Star-Herald to launch a general attack on "the legal system." It is far more eye-catching for the Star-Herald to accuse a "bunch of judges" as attempting to look "clever for their legal bretheran." The Star-Herald simply admitting that, perhaps, the torrent of publicity was unfair, inaccurate and incomplete and that the opinion of the Nebraska Court of Appeals was meaningful, insightful and well-reasoned lacks circulation potential and calls squarely into question the Star-Herald's predisposition and credibility. Most importantly, however, it would be far *too* apologetic to further admit and acknowledge that Judge Cecava's decision was supported, justified and within her judicial discretion. Unfortunately, at this juncture, for the Star-Herald to have the wherewithal to even consider assuming such a penitent position would be *too* little, *too* late.

Keith A. Harvat
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Nebraska State Bar Association
"Helping lawyers help people"

June 14, 2006

Mr. Geitner Simmons, Editorial Page Editor
Omaha World Herald
World-Herald Square
Omaha, NE 68102

Dear Editor:

As President of the Nebraska State Bar Association, I want to thank the World Herald for its willingness to reassess its editorial position regarding Judge Kristine Cecava's recent sentencing of Richard Thompson and for its willingness to temper that position as more facts have become available. This willingness on the part of the World Herald was reflected in the editorial printed by the Omaha World Herald on June 2, 2006 in which the World Herald acknowledged that Judge Cecava made only a single passing reference to Mr. Thompson's physical stature during the sentencing hearing. This comment was only a small part of a broader narrative provided by Judge Cecava of the many factors she considered in arriving at her sentencing decision. In fact the statement may well have been a particularly graphic reminder to the defendant of difficulties he might encounter in prison.

In its editorial the World Herald, while continuing to express the view that the reference to Mr. Thompson's physical stature at the sentencing was not a wise decision on Judge Cecava's part, appeared to acknowledge that, having had the opportunity to review the full transcript of the sentencing hearing, and, and as a result of having had certain additional facts brought to its attention by Lincoln Attorney Bernie Glaser, it and other representatives of the press may have initially attributed more significance to the Court's comment regarding Mr. Thompson's physical stature than was justified. In that editorial the Omaha World Herald, although it did not support the sentence, also appeared to acknowledge that the sentence imposed on Mr. Thompson contained many facets designed to protect the victim and the public from future risk of injury by Mr. Thompson. Further, the sentence could, in fact, be an effective means of punishing Mr. Thompson for his past acts and as well as an effective means of rehabilitation given that treatment was required as a part of the sentence. (The defendant is also scheduled to serve 30 day sentences of incarceration every January during his probation, unless motions for departure are made by the probation office.)

This acknowledgment that not all of the material facts which were or could have been available to the press had been considered by the press prior to publishing their initial comments on the

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sentence imposed by Judge Cecava was refreshing and welcomed. Regrettably the damage to the reputation of Judge Cecava was already done by the time the press examined the full array of facts surrounding this sentencing.

The large question looms as to whether the press would have taken a more reasoned look at this sentencing were it not for Lincoln attorney Bernie Glaser having taken the time to assemble the facts and present them to the World Herald in a well reasoned letter to the editor that the World Herald also published on June 2, 2006. For that reason I am grateful to Bernie Glaser for his carefully reasoned presentation of the facts surrounding this sentencing.

It is my hope that we can all learn valuable lessons from this event. Myself, the Court, and I am sure the citizens of this state have all learned much from this event. I am certain that as we watch Judge Cecava continue to perform incredibly valuable services as a Nebraska District Court Judge, we will "judge the judges" after obtaining as much information as is reasonably available. I have again personally re-learned from Bernie Glaser that it is important for lawyers to take the reasoned approach to issues of Judicial competence and to publicly present that reasoned approach so as to assist both the press and the public in arriving at a rational judgment regarding judges' decisions and their devotion to duty.

Roscoe Pound, noted legal scholar and Nebraska lawyer said in an address to the American Bar Association in 1906, one of the causes of dissatisfaction with the administration of justice is "public ignorance of the courts due to ignorant and sensational reports in the press." That quote addressed journalism as he found it in the early 1900s. The World Herald's continued coverage and editorial reviews displayed again the importance of a thorough and analytical review. It is reassuring to see at least one paper learning, pursuing, reviewing, and learning more as it continues its coverage. The importance of gathering full information when addressing a public servant's good faith effort to perform their constitutional obligations is critical to "responsible citizenship".

It is my hope that, through this dialogue, the public will come to a better understanding of the difficult decisions which confront our Nebraska judges on a daily basis, and, that the public will in the future, resist the temptation to rush to the judgment that a judge is radically deficient on the basis of what is reported in the press concerning a single comment by that judge which, on the face of things, seems to fly in the face of our expectations.

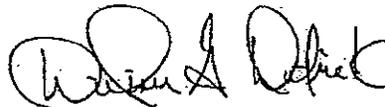
Our freedom under our constitutional form of government is dependant on a strong and independent judiciary willing to examine all aspects of a case and be bound by the law as it undertakes the awesomely difficult task of dispensing justice. This often times means that, for reasons not known to us, a judge will make a decision that on its face may seem to be unjustifiable. In this regard and as respects the sentencing of a person convicted of a crime or of a person who has entered a plea of guilty to a crime, our constitutional form of government as implemented by our laws requires that a judge, charged with the responsibility to impose sentence on an offender, give careful consideration to all of the information available in arriving at a sentence which will, in the opinion of the judge serve to both protect the public and punish and rehabilitate the offender. In carrying out his or her responsibility in this regard the judge works in concert with all of the officers of the court and particularly the probation office to determine the appropriate sentence. Much of the information provided to the judge for use by him or her in determining an appropriate sentence is confidential and is known only to the judge and the probation officer with whom the court is working. Because the judge cannot comment

on the sentence imposed so as to justify his or her decision, and because the judge cannot disclose this confidential information, it often may appear at first blush that the sentence imposed is too lenient, or, depending on your relationship to the person being sentenced, too harsh.

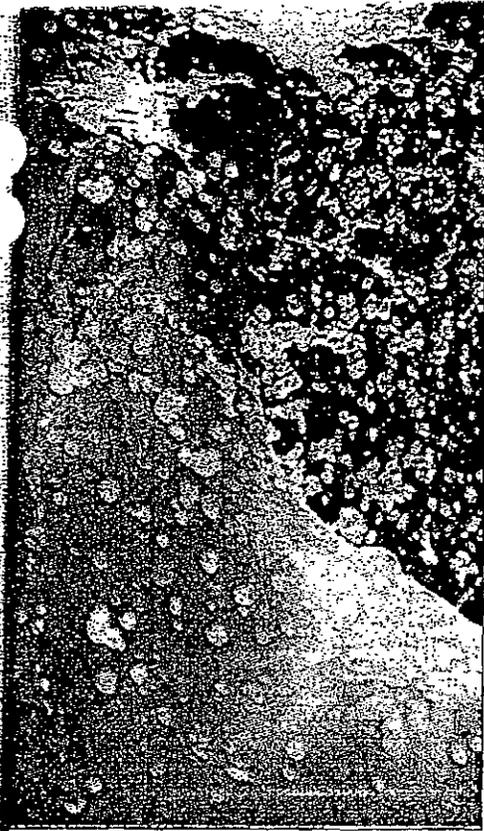
Therefore I urge the public to use rational restraint in judging the performance of our Nebraska judges. I also urge the public to consider the importance of judges maintaining their independence so that they are willing to make what may be unpopular decisions. I urge the public to avoid judging the performance of a Nebraska judge on the basis of a single comment or decision with which they have strong disagreement. Rather, I ask that the citizens of this great state look at the judge's performance over the course of his or her time as a judge, at his or her dedication to the integrity of the system, and at his or her overall character.

God forbid that our judges become so fearful that they could lose their positions as Nebraska judges simply because they decide a case or make a decision that is unpopular with a vocal minority of our citizens or for that matter a decision that may prove to be "wrong." If we ever reach that point, we should all hope that we are never before a judge espousing the sentiment of the minority whom the law protects because, in that event, we will no longer have the luxury of an independent judge willing to protect our rights notwithstanding the unpopularity of that decision.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "William G. Dittrick". The signature is written in a cursive style with a large, prominent initial "W".

William G. Dittrick, President
Nebraska State Bar Association
635 S. 14th St.
Lincoln, NE 68508



JEFF BEIERMANN/THE WORLD-HERALD

...using while serving a stint in the shower booth Sun-

There was a loud sound and the sea pulled right into the ocean. Where there was water became a dry place," said Augusta Uwom, whose younger brother was near the beach at the time

ocean, said residents had little warning. "We only had about one minute, but some people had time to hop in their dugout canoes and paddle into the la-

See TSUNAMI Page 2

EPA Will Fight Ruling On Secondhand Smoke

Washington (AP) — The Environmental Protection Agency is standing by its finding that secondhand tobacco smoke causes cancer despite a federal judge's decision striking down its 1993 report that made the link.

Though lawyers were still reviewing the ruling handed down by U.S. District Judge William Osteen in North Carolina, officials said Sunday an appeal is all but a certainty.

Osteen, acting on a lawsuit filed by the tobacco industry, ruled that the EPA based its 1993 report on inadequate science and failed to demonstrate a statistically significant relationship between secondhand smoke and lung cancer.

"The decision is disturbing," EPA Administrator Carol Browner said Sunday. "We believe the health threats to children and adults from breathing secondhand smoke are very real."

The EPA's controversial 1993 report on environmental tobacco smoke concluded that secondhand tobacco smoke

should be classified as a Class A carcinogen and that it was responsible for more than 3,000 lung-cancer deaths a year.

Although the agency never issued formal regulations to control secondhand smoke, the report has been cited widely in decisions by state and local officials to restrict smoking in public places, including restaurants, airlines, offices and — in California — even bars.

Some of the restrictions could be in jeopardy should the finding Osteen issued late Friday stand. The litigation had been under way for five years.

Asked about the decision on "Fox News Sunday," Health and Human Services Secretary Donna Shalala said: "No one wants to go back to smoking on airplanes, smoking in restaurants. No one wants to go back to polluting indoors."

She said science supports classifying secondhand tobacco smoke as a carcinogen. See EPA Page 2

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LENNIUM Page 8



D.C. "Woody" Bradford

■ **Title:** President of the Nebraska State Bar Association

■ **Age:** 58.

■ **Education:** Benson High School; B.A., religion, Dartmouth College, Hanover, N.H., 1962; LL.B., University of California at Berkeley, 1966.

■ **Career:** Partner in Bradford, Coenen and Welsh law firm. Practiced in Omaha since 1966.

Bar President Explains Judiciary Discipline Role



Omaha lawyer D.C. "Woody" Bradford says lawyers, judges and the public can learn from the State Supreme Court's decision to remove Douglas County Judge Richard M. "Deacon" Jones from the bench. "When you attain the bench," he said, "you have a responsibility to yourself, the public and to your fellow jurists that cannot be breached."

BY JENA JANOVY
WORLD-HERALD STAFF WRITER

Q: What is the Nebraska State Bar Association's role in policing judicial behavior?

A: The association has no mechanism by which it — as an association — polices either lawyers or judges. That doesn't mean that members of the association don't have the right to invoke the process by which the system does police lawyers and judges. Individual members can file complaints, but the bar association doesn't initiate or file complaints

against lawyers and judges.

The bar association isn't set up to file complaints for an important reason: potential conflicts of interest. And here's why a conflict could exist: if the association was allowed to initiate complaints:

The association pays the salary of Dennis Carlson, the Nebraska State Bar Association's counsel for discipline. Carlson reviews complaints against lawyers and judges and de-

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Q&A

Bar's Discipline Raises Questions About Process

Continued from Page 1

cides whether they have merit. If so, then the process can wind its way to the State Supreme Court for a ruling.

If the bar association was allowed to initiate complaints, then the subjects of complaints would argue that they were being treated unfairly. "After all," they might ask, "how could Dennis Carlson disregard the fact that the complaint was by the bar association when he is employed by the bar association?"

The disciplinary system is set up independent of the bar association so a lawyer or judge doesn't feel compromised by having the association actively seeking the discipline.

Q: Does the bar association have a responsibility when it comes to the removal of bad judges?

A: Again, no formal responsibility. We're obviously funding the counsel for discipline. And the mechanism by which lawyers and judges are disciplined is operated by the bar association.

the bar association's job is to make sure that the form and the mechanics work, not to inject itself in the actual process.

Q: Does Nebraska's system for disciplining judges need reform?

A: Based on the number of cases I'm familiar with, it would indicate that the system works. It may take too long, but that is on a case-by-case basis.

Senator (Ernie) Chambers may be concerned about the time, and he's concerned that lawyers and judges that were involved didn't file complaints.

You have to reach into your heart and mind and say, "Am I going to be the one who files that complaint?"

When you're the one stepping forward, you have to ask yourself questions and, obviously in the Judge Jones case, that didn't happen. Everyone who knew about the situation and didn't step forward probably is second-guessing themselves right now.

To that extent, the system broke down because the people who knew about these matters didn't step forward. But that is in the hearts and

minds of all those people. The association is not in a position to make those determinations.

Q: Is there sufficient scrutiny of judicial candidates before their appointment to the bench?

A: That's the big issue here. I certainly believe there is. We have the merit system, and we believe in it. (A bipartisan commission screens the applicants and forwards the names of qualified candidates to the governor, who makes the appointment.) Sure, it's political, but it's a lot better than having elections. We believe that qualified candidates do get their names submitted to the governor, and we feel real strongly about that. From my experience, we have a very solid bench. I realize there have been some problems recently, but overall, the judges in this state are doing a fabulous job.

Q: What assurance does the public have that it is getting good judges?

A: The public right now, in my judgment, is questioning all its institutions, from the public schools to the judicial process. It is important that we as lawyers and the court understand this is an ongoing matter, that we have to continually address the public's concerns as to whether the judicial system is working. And we have done a lot in the bar association to do that.

For example, we have a program in which lawyers and judges go town to town and meet with people. The public gets to hear from judges and lawyers and voice their concerns. We started that about two years ago and it's been successful.

Q: Do judges receive training during their tenure on the bench?

A: Yes. Most judges take advantage of a judge's school in Reno, Nev. And most of them go to it immediately after being appointed. The college is available for judges for refresher courses, and I think the judges who have gone to that have benefited. Almost all have gone, and some continue to go on a regular basis. They're also updated on law all the time.

There are continuing legal-education programs that the bar association offers, and the judges have their own meetings. This fall they'll be meeting in Omaha.

A judge's role has become so much more complicated than it was 20 years ago, particularly in county and district

court relating to the family and juveniles.

Q: Are there other ways judges can improve once they've been appointed?

A: One of the ways is the bar poll. The poll measures the demeanor of the judge and his or her reaction to lawyers and litigants. All the lawyers receive the poll and only those lawyers who have appeared before the judge in the last two years can make a judgment.

Some of the judges I've talked to say it's been very helpful. It is a constant grading process by the bar and the public every two years.

We have a bar poll that is in the process right now. The returns have to be in by Aug. 1.

Q: Does the public have the wrong perception when it comes to the issue of disciplining judges?

A: I would assume the Judge Jones case would have been an educational case for the public. And whatever perceptions they have, they've had a chance to work through them if they have been interested in the case at all.

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trademarks, awakening to their power and value in the marketplace as competition goes increasingly global.

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