

March 4, 1980

LB 82

reprimand, discipline, censure, suspension. Okay, so the alternatives before the commission under the bill, if it finds probable cause are two, to privately reprimand or to go ahead with more serious proceedings. If you take out the private reprimand, let me tell you what is going to happen in fact. What is going to happen in fact is that there will be fewer occasions when the commission will find probable cause. They will not find probable cause and then somebody on the commission will get on the phone and call the judge and say, hey, you are right on the brink. You are right on the brink. We didn't find probable cause this time but, in effect, he is probably going to end up on the phone giving him a private reprimand but the problem with that system is that the private reprimand isn't on the record. If you allow the court system to have an official private reprimand, then that reprimand will be on the record and if subsequent to that time at some point in time there are other proceedings against this judge, then that private reprimand will be part of that record and part of the consideration of the commission. So if you pass this amendment you are not going to end the private reprimand. In fact, you are simply going to make a worse record and make it harder, I think, in the end to convict the judges who are doing wrong. So please consider the practicalities of the situation. I might also mention that the private reprimand is in accordance with the A.B.A. standards, with their latest reform on judicial review. Thank you.

PRESIDENT: The Chair recognizes Senator Lewis.

SENATOR LEWIS: Mr. President, I find myself in a rather peculiar situation. I am going to agree with the lawyers and Mother is going to forgive me for that. I think, first of all, that I want to make some comments and put it in perspective that I think is reflective of the thinking of many members of this body. First of all, in response to those that talked about the salary bill. I voted for that and I certainly think that was an excellent idea. I also think we have an extremely qualified judiciary system. I think we have some excellent judges and the tone and tenor here today is that all of them, sometimes it is like people accuse the Legislature of being, all of them are in disrepute and not doing their job. I think the process is clear that certainly if there are serious charges that the process would be involved. There is a question of case load in Omaha which is a judgment situation and I think the idea of the Chief Justice of the court carrying out his functions which we have charged

7686