

March 4, 1980

LB 82

SENATOR REUTZEL: Mr. President and members of the body, I have passed out to you a summary sheet of what LB 82 does as opposed to the present constitutional provisions and I think if we would just briefly go through that I think it would lay out the bill in pretty fair order. First of all, the Commission on Judicial Qualifications which is responsible for investigating complaints against the judges and recommending disciplinary action to the Supreme Court is presently composed of seven judges, two attorneys and two lay persons. LB 82 is going to provide a more balanced membership and eliminate the judicial majority on the commission by providing for four judges, three attorneys and three lay persons. The chairperson under LB 82 would be the Chief Justice of the Supreme Court and this is consistent with the 1970 constitutional amendment which placed the general administrative authority over all courts in the Supreme Court and named the Chief Justice as the executive head of the courts. It should be noted that the Chief Justice will be the only member of the Supreme Court on the commission compared to the present requirement of two Supreme Court judges. As far as sanctions, the only disciplinary action currently authorized by the constitution against a judge who is guilty of misconduct is removal from office. LB 82 would authorize several alternative sanctions which are less severe for those instances which removal is not deemed appropriate. Now in addition to removal from office LB 82 provides that a judge may be reprimanded, disciplined, censured or suspended without pay for a definite period of time not to exceed six months, and the bill also retains the option of retirement for judges suffering from permanent physical or mental disability. LB 82 fills another gap in the present system by allowing certain judges to be taken off the bench pending final disciplinary action. So a judge can be disqualified from the Supreme Court, from acting as a judge without loss of salary when a felony charge is filed against the judge or when the commission has recommended the judge be removed or retired from office. The Supreme Court may also impose an interim suspension with the loss of salary to the judge when the judge is convicted of a felony and if the conviction is finalized, the suspension becomes permanent. If the conviction is reversed upon appeal, however, the suspension terminates and the judge is entitled to back salary. Commission disciplinary proceedings can go forward even though the Supreme Court imposes an interim suspension or the felony conviction is reversed. Grounds for removal from office currently authorized by the Constitution are willful misconduct in office, willful disregard or failure to perform duties, habitual intemperance, conviction of a crime involving moral turpitude and disbarment.

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