

BEFORE THE NEBRASKA COMMISSION ON JUDICIAL QUALIFICATIONS

In the matter of

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No. JQ: 99-29
No. JQ: 99-77

S-35 00002

JOHN D. HARTIGAN, JR.,
District Judge of the Fourth Judicial
District of Nebraska

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REPRIMAND

Pursuant to the authority of Article V of the Nebraska Constitution, and Neb. Rev. Stat. §24-715 (1995) et. seq., and following waiver of formal hearing, the Nebraska Commission on Judicial Qualifications hereby reprimands Judge John D. Hartigan, Jr.

The Commission finds that on or about March 31, 1999, while performing his official duties as judge of the District Court of Douglas County, Nebraska, Judge Hartigan, in response to uncooperative conduct on the part of an attorney, used a profane word while conducting an off-the-record discussion with counsel in chambers about the scheduling of a pending matter.

The Commission further finds that Judge Hartigan spoke in low tones; his behavior was not discriminatory; his statement took place in his chambers with two lawyers present but outside the presence of any court personnel, litigants, witnesses or other members of the public; and he recused himself from the pending matter promptly upon request and within a few hours of the incident.

The Commission further finds that said misconduct is an isolated incident. Judge Hartigan's complete cooperation, and his ready admission and recognition that such profanity in these circumstances is inappropriate and unbecoming to a judicial officer, are mitigating circumstances which justify discipline no more severe than this public reprimand.

The Commission further finds that Judge Hartigan's use of this profane word in this context is conduct prejudicial to the administration of justice that brings the judicial office into disrepute as set forth in Article V, Section 30 of the Nebraska Constitution and Neb. Rev. Stat. §24-722 (1995).

Dated this 12th day of May, 2000

COMMISSION ON JUDICIAL QUALIFICATIONS

FILED

MAY 12 2000

CLERK
NEBRASKA SUPREME COURT
COURT OF APPEALS

BY:

John V. Hendry

John V. Hendry, Chief Justice
Commission Chair