

NOTICE OF COMMENT PERIOD

The Nebraska Supreme Court considered proposed new rules, Neb. Ct. R. § 5-201 et seq., entitled “Judicial Ethics Committee.”

The Nebraska Supreme Court invites interested persons to comment on the proposed rules. Anyone desiring to submit a public comment for the Supreme Court’s consideration should do so via email to joshua.shasserre@nejudicial.gov, with the following text listed in the email subject line: **Neb. Ct. R. § 5-201 et seq.** Comments will be accepted through November 3, 2025.

The full text of the proposal is available below. To obtain a paper copy, please call the Clerk’s Office at 402-471-3731.

CHAPTER 5: JUDGES

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Article 2. ~~{Reserved.}~~ Judicial Ethics Committee.

§ 5-201. Committee.

The Nebraska Supreme Court shall appoint a Judicial Ethics Committee consisting of seven members. Terms shall be 7 years and shall be staggered. Two members shall be appointed from each of the county and district courts and one from the Court of Appeals. The remaining members shall be judges appointed from any affected courts, but not from the Nebraska Supreme Court. The Supreme Court shall designate one of the members as chair and one member as vice chair who may serve in the event of disqualification or unavailability of the chair. At no time shall the terms of the chair and vice chair expire at the same time. No member of the committee shall serve consecutive 7-year terms, but may, however, be reappointed to membership on the committee after a lapse of 1 year. Each existing member shall continue to serve his or her existing term.

Members of the committee may be reimbursed for travel and other expenses incidental to the performance of their duties.

§ 5-202. Authority.

The Judicial Ethics Committee so established shall have authority to:

(A) By the concurrence of a majority of its members, express its opinion on proper judicial conduct with respect to the provisions of the Revised Code of Judicial Conduct, Chapter 5, Article 3; and

(B) Make recommendations to the Nebraska Supreme Court for amendment to the Revised Code of Judicial Conduct.

§ 5-203. Process for requests.

(A) Opinions may be requested from the committee: by the committee on its own initiative, at the request of a judge or candidate for judicial office, at the request of the Director of Nebraska Judicial Branch Education or the Nebraska Judicial Branch Education Advisory Committee, or at the request of a court or the Nebraska Commission on Judicial Qualifications, provided that an opinion may not be issued on a matter that is pending before a court or before the commission except on request of the court or commission.

(B) Those requesting an opinion pursuant to this rule shall send the inquiry to the State Court Administrator, who shall then forward the matter to the chair of the committee. The request shall be confidential, but any request for an opinion that is made anonymously shall not be considered. The chair shall forward the request to the committee for its deliberation and opinion, and the committee shall render its opinion within 90 days, unless the time shall be extended by majority vote of the committee. When the committee has come to a determination and the opinion is agreed to by the majority of the committee, the chair shall send the opinion to the State Court Administrator for distribution as provided for in § 5-204. The State Court Administrator shall keep a file of the requests and opinions, which shall be confidential.

§ 5-204. Confidentiality and publication.

An opinion issued pursuant to this rule shall be filed with the State Court Administrator. Such an opinion is confidential and not public information unless the Nebraska Supreme Court otherwise directs. However, the State Court Administrator shall cause an edited version of each opinion to be prepared, in which the identity and geographic location of the person who has requested the opinion, the specific court involved, and the identity of other individuals, organizations, or groups mentioned in the opinion are not disclosed. Opinions so edited shall be published periodically in the manner the Supreme Court deems proper. A copy of the original opinion shall be sent to the original requestor, but that opinion shall remain confidential and not further distributed publicly.

§ 5-205. Effect of advisory opinion.

A judge or candidate for judicial office as defined in the terminology section of the Revised Code of Judicial Conduct who has requested and relied upon an opinion may offer the opinion in a disciplinary proceeding based on conduct conforming to that opinion.

Article 3: Nebraska Revised Code of Judicial Conduct. (Effective January 1, 2011.)

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Appendix A. Judicial Ethics Committee.

~~(A) The Nebraska Supreme Court shall appoint a Judicial Ethics Committee consisting of seven members. Two members shall be appointed from each of the county and district courts and one from the Court of Appeals. The remaining members shall be judges appointed from any affected courts, but not from the Nebraska Supreme Court. The Supreme Court shall designate one of the members as chair and one member as vice chair who may serve in the event of disqualification or unavailability of the chair. When the committee is first appointed, all members shall commence their service forthwith and serve until December 31, 1992, and thereafter one of such members shall be designated to serve for a term of 1 year expiring December 31, 1993, and in like manner, one for a term of 2 years, one for a term of 3 years, one for a term of 4 years, one for a term of 5 years, one for a term of 6 years, and one for a term of 7 years, and thereafter all regular terms shall be 7 years. No member of the committee shall serve consecutive 7-year terms, but may, however, be reappointed to membership on the committee after a lapse of 1 year.~~

~~(B) The Judicial Ethics Committee so established shall have authority to:~~

~~(1) By the concurrence of a majority of its members, express its opinion on proper judicial conduct with respect to the provisions of this Code, either on its own initiative, at the request of a judge or candidate for judicial office, at the request of the Director of Nebraska Judicial Branch Education or the Nebraska Judicial Branch Education Advisory Committee, or at the request of a court or the Nebraska Commission on Judicial Qualifications, provided that an opinion may not be issued on a matter that is pending before a court or before the commission except on request of the court or commission;~~

~~(2) Make recommendations to the Nebraska Supreme Court for amendment of this Code; and~~

~~(3) Adopt rules relating to the procedures to be used in expressing opinions, including rules to assure a timely response to inquiries.~~

~~(C) A judge or candidate for judicial office as defined in the terminology section of this Code who has requested and relied upon an opinion may offer the opinion in a disciplinary proceeding based on conduct conforming to that opinion.~~

~~(D) An opinion issued pursuant to this rule shall be filed with the State Court Administrator. Such an opinion is confidential and not public information unless the Nebraska Supreme Court otherwise directs. However, the State Court Administrator shall cause an edited version of each opinion to be prepared, in which the identity and geographic location of the person who has requested the opinion, the specific court involved, and the identity of other individuals, organizations, or groups mentioned in the opinion are not disclosed. Opinions so edited shall be published periodically in the manner the Supreme Court deems proper.~~