

We the People



Fair and Impartial Courts



NEBRASKA
State Bar Association

What Do We Value?

When you walk into a courtroom and face a judge



... what qualities or characteristics are most important to you?



Characteristics of Judges

What characteristics are most important to you?

- Knowledge of the law
- Impartial/Unbiased
- Fair minded
- Attentive
- Good listener
- Patience
- Respectful/Understanding
- Honesty/Integrity
- Neutral
- Professional demeanor
- Treats all fairly

What Does a Constitution Do?



- ★ sets up the government
- ★ defines the government
- ★ protects basic rights of Americans

The National Mall in Washington, D.C.,
seen from the observation area of the
Washington Monument, circa 1945.

Courtesy of the Library of Congress,
LC-USW81-068713-C.

Three Branches of Government

- ✓ **Legislative Branch** - Makes the law
- ✓ **Executive Branch** - Enforces the law
- ✓ **Judicial Branch** - Interprets and applies the law



“The accumulation of all powers, legislative, executive, and judiciary, in the same hands...may justly be pronounced the very definition of tyranny.”

- JAMES MADISON

What If One Branch Could...

...make the law

...enforce the law

...and interpret and apply the law?



**Total power
in one branch
of the
government**

The Role of the Judicial Branch

- Resolve disputes through a legal process;
- Civil vs. Criminal;
- Determine if a law is unconstitutional;
- Interpret and apply the law;
- Protect the rights of the people.



How are Judges Different From Elected Officials?

Elected officials make decisions based on the needs/desires of constituents or voters, their own beliefs, or their political party's agenda.



Judges must follow the law and should not be influenced by politics, special interest groups, money, public opinion or their own personal beliefs.



Selection of Federal Judges

APPOINTMENTS IN THE FEDERAL COURT SYSTEM

The U. S. Constitution Article III states that federal judges are to be nominated by the President and confirmed by the Senate.

FEDERAL JUDGES

Not elected

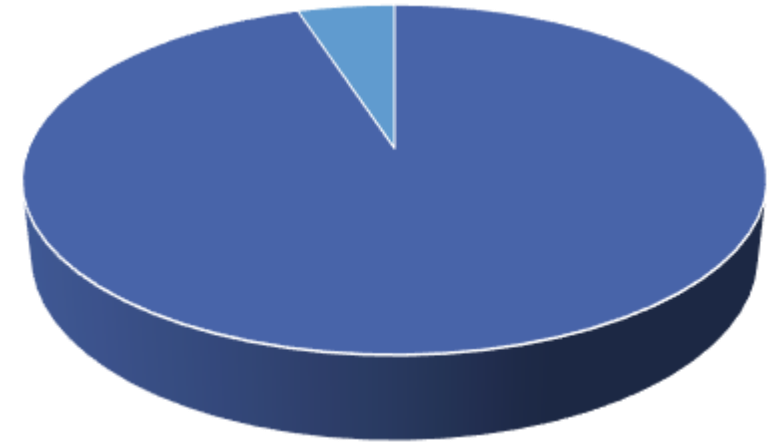
Serve life appointments



Why Care About Nebraska Judges?

95%

of all cases in the United States are filed in state courts



■ State Courts ■ Federal Courts

**100
MILLION**

cases coming before nearly 30,000 state court judges each year

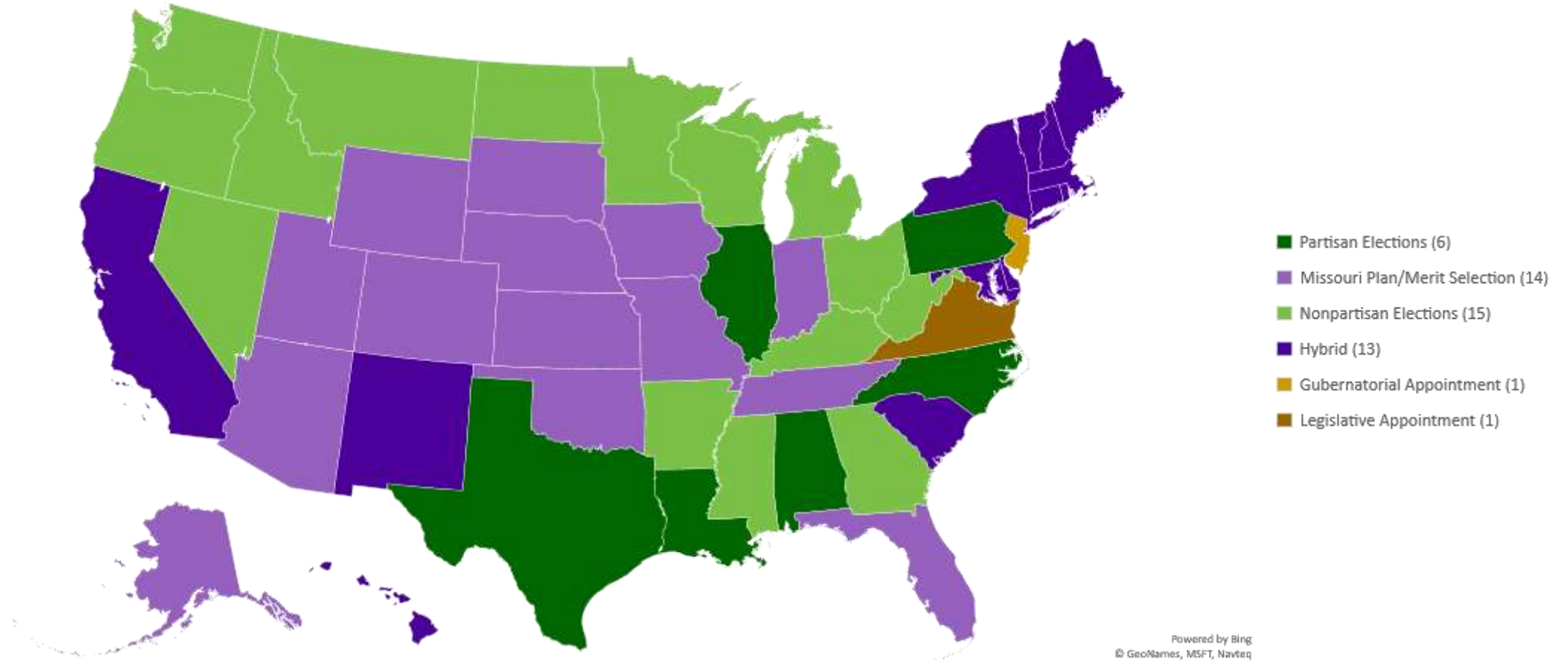
Models Used by States

**Elections –
Partisan or
Nonpartisan**

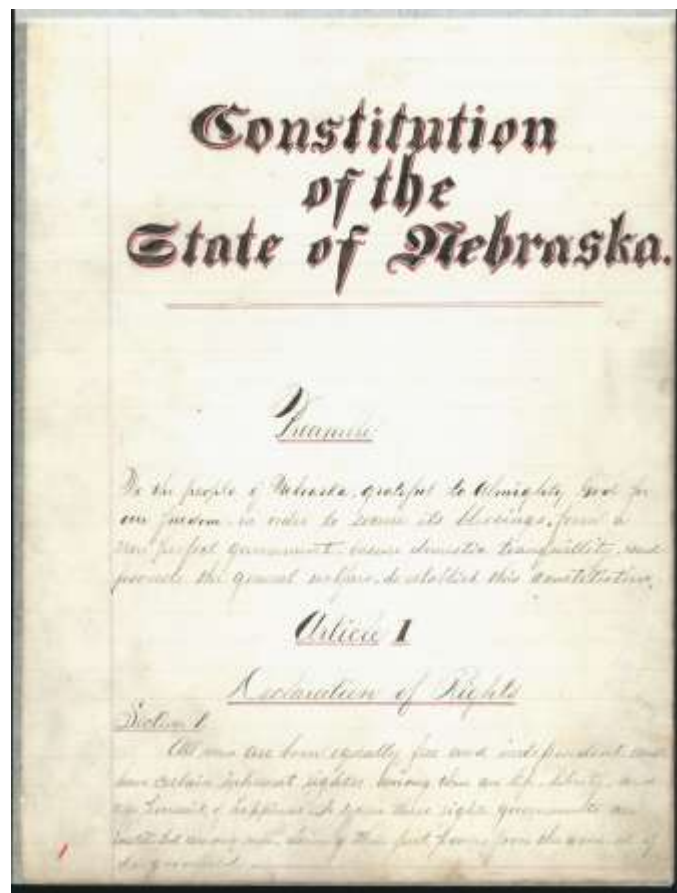
**Gubernatorial
Appointments**

Hybrid models – Merit Selection and Retention

Judicial Selection in the United States



Nebraska's Process



Nebraska's Process

- Person applies
- Investigation of applicants
- Public hearing about applicants
- JNC reviews applicants' merits
- JNC votes
- List of nominees sent to Governor
- Governor makes appointment

Merit Selection Advantages

- *Political pressures*
- *Personal opinions*
- *Popular opinions*
- *Corruption*
- *Other influences*



Nebraska's Courts

- Supreme Court
- Court of Appeals
- District Court
- County Court
- Juvenile Court
- Workers' Compensation Court
- Problem Solving Courts

How Are Judges Accountable?

- Oath of office – sworn to support, protect and defend the US Constitution and Nebraska Constitution
- The appellate process – judicial decisions can be appealed
- Judges must follow the Constitution (US and State), statutes/sentencing guidelines, case law, court rules, etc.

How Else Are Judges Accountable?

- Code of Judicial Conduct
- Reports of misconduct directed to the Judicial Qualifications Commission for investigation
 - JQC is an independent body
- Judges can be disciplined for violations of Code of Conduct
- Retention elections
- Impeachment under the Nebraska Constitution

Nebraska's Judges

NEBRASKA COMMISSION ON JUDICIAL QUALIFICATIONS

Reviews complaints of unethical conduct by judges

May investigate, reprimand, and recommend discipline to Nebraska Supreme Court

JUDICIAL PERFORMANCE EVALUATIONS

Lawyers assess judges' strengths and weaknesses

Helps voters determine whether to retain judges

Take Action

1. Read the Judicial Performance Evaluation at nebar.com/page/JPEResults

2. Vote

3. Support a fair and impartial judiciary