

PRIVATE

May 30, 2005

Commission on Judicial Qualifications
ATTN: Secretary
Nebraska Supreme Court
P.O. Box 98910
Lincoln, NE 68509

Dear Chairman Hendry / Members of the Commission:

I am writing this letter of complaint against District Court Judge George A. Thompson. This judge has a long history of violating the code of conduct and an equally long history of keeping the commission busy and bringing public embarrassment to the judiciary. Though my complaint does not rise to the level of some of the recent complaints your commission has received regarding the good judge (namely the complaint filed by Senator Chambers a few short months ago), nonetheless, it is based on a clear violation of the Code of Judicial Conduct.

On May 25, 2005 I filed an application for modification and a motion to proceed in forma pauperis. On May 26, 2005 I received a copy of an order attached herein denying my motion. In the same order Judge Thompson recused himself and re-assigned the case to Judge Arterburn.

It is no secret that I have been publicly critical of George Thompson in the past. I can certainly understand why he felt the need to step away from this case. That being said, it is important to keep in mind that I did not ask him to recuse himself. He did that of his own volition.

The CJC is quite clear. "A judge shall not participate in any proceeding in which the judge's impartiality reasonably might be questioned". Given the circumstances, it was entirely appropriate that he recuse himself; however, Judge Thompson denied my motion to proceed in forma pauperis and as evidenced by his sua sponte recusal thereby participated in a proceeding in which his impartiality reasonably might be questioned". The judge's ruling was

unnecessary. The motion to proceed in forma pauperis should have been decided by the newly assigned judge.

Had he not recused himself in the very same order in which he denied my motion, there might conceivably be an argument in defense of his actions. Clearly, under the present circumstances, no such argument appears to be possible.

Specifically, Judge George A. Thompson has violated section 3(e) of the Nebraska Code of Judicial Conduct.

Sincerely,

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P.S. Thank you for your
time + attention to this
matter.

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

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Petitioner,

-vs-

ORDER

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Respondent.

David Thompson
SARPY COUNTY
DISTRICT COURT

2005 HY 26 PM 2:36

FILED
SARPY COUNTY
DISTRICT COURT

This matter came on to be heard on the Respondent's Motion to Proceed in forma pauperis. The Court has reviewed the affidavit of the Respondent. The filing fee on a modification is \$15.00 and the costs of a summons to be served out of State.

The Court finds that the Respondent has sufficient funds to pay these costs.

Judge Thompson recuses himself from this case.

IT IS THEREFORE ORDERED:

1. Respondent's motion to proceed in forma pauperis is denied.
- 2 This case is hereby re-assigned to Judge David Arterburn.

DATED: May 26, 2005.

BY THE COURT:

D. A. Thompson

District Judge