

MINUTES OF THE MEETING  
OF  
THE NEBRASKA JUDICIAL RESOURCES COMMISSION  
October 17, 2017

A meeting of the Nebraska Judicial Resources Commission was held on the 17th day of October, 2017, in Room 1510, State Capitol Building, in Lincoln, Nebraska, with Commission members attending by telephonic conference as provided by law.

Justice Stacy called the meeting to order in Room 1510 at the hour of 10:00 a.m. Roll call by the acting Secretary:

PRESENT

Justice Stephanie Stacy, Chair  
Judge Robert O'Neal  
Judge John Samson  
William Dittrick  
Timothy Engler  
Robert Parker  
Mark Sipple  
Robert Slovek  
Coby Mach  
Lori Scherer  
Darlene Starman

ABSENT

Judge Patrick McDermott  
Michael McCarthy  
Stephen Bader  
Brian Phares  
Christopher Nielsen  
Charles Conrad

The Chair identified and received into the record Exhibits 1 through 5.

The Chair called for approval of the minutes of the meeting of June 27, 2017. It was moved by Timothy Engler and seconded by Lori Scherer that the minutes be approved. Voting yes, all present, with exception of John Samson who abstained.

The Chair announced that the purpose of the hearing was to determine whether a judicial vacancy exists in the District Court of the 2<sup>nd</sup> Judicial District as a result of the retirement of Judge William B. Zastera, effective October 1, 2017.

The Chair called for testimony. There was no testimony in either support of or opposition to the vacancy. It was moved by Robert O'Neal and seconded by John Samson that the vacancy in the office of District Judge of the 2<sup>nd</sup> Judicial District be filled with its primary office to be at Papillion, Sarpy County, Nebraska. Voting yes, all present. Motion carried.

There being no further business to come before the Commission, the Chair asked whether there was any objection to adjourning the meeting. There being no objection, the meeting was adjourned.

Respectfully submitted:

  
Stephanie F. Stacy  
Chair

**AGENDA**  
**JUDICIAL RESOURCES COMMISSION**

October 17, 2017 - 10:00 a.m. (central time)  
Room 1510, State Capitol, Lincoln, Nebraska  
TELEPHONE CONFERENCE HEARING

- I. Roll call of members by secretary.
- II. Approve the minutes of the meeting held on June 27, 2017.
- III. Due to the retirement of Judge William B. Zastera, effective October 1, 2017, the Commission will determine, pursuant to Neb. Rev. Stat. § 24-1204 and § 24-1206, whether a judicial vacancy exists in the office of district court of the 2nd Judicial District, and if so make a recommendation to the Supreme Court as to the primary place of office of said vacancy.
- IV. Any and all other business that may come before the meeting.
- V. Adjournment.

MINUTES OF THE MEETING  
OF  
THE NEBRASKA JUDICIAL RESOURCES COMMISSION  
June 27, 2017

A meeting of the Nebraska Judicial Resources Commission was held on the 27<sup>th</sup> day of June 2017, in Room 1510 and Room 1525, State Capitol Building, in Lincoln, Nebraska, with some Commission members attending by video conferencing locations in Omaha, Grand Island and North Platte, Nebraska.

Justice Stacy called the meeting to order in Room 1510 at the hour of 10:00 a.m., but because the videoconferencing technology was not working in Room 1510 and could not timely be repaired, the Chair recessed the meeting in Room 1510, and instructed all commissioners and members of the public in attendance to move to Room 1525, where the meeting was reconvened and the videoconferencing function was restored. Roll call by the acting Secretary:

PRESENT

Justice Stephanie Stacy, Chairperson  
Judge Patrick McDermott  
Judge Robert O'Neal  
Timothy Engler  
Darlene Starman  
William Dittrick  
Michael McCarthy  
Robert Parker  
Mark Sipple  
Stephen Bader  
Coby Mach  
Brian Phares  
Lori Scherer

ABSENT

Judge John Samson  
Robert Slovek  
Charles Conrad  
Christopher Nielsen

The Chairperson identified for the record exhibits 1 through 32. All Exhibits are attached hereto and made part of the minutes.

The Chair called for approval of the minutes of the April 3, 2017 meeting. No objections being made, the minutes were accepted.

The Chair announced that the purpose of the hearing was to consider whether or not vacancies should be declared in:

1. The county court of the 2<sup>nd</sup> Judicial District, due to the appointment of the Honorable Stefanie Martinez to the district court bench, effective April 18, 2017.

2. The district court of the 12<sup>th</sup> Judicial District, due to the retirement of the Honorable Randall Lippstreu, effective February 28, 2017.

3. The county court of the 8th Judicial District, due to the retirement of the Honorable Alan Brodbeck, effective March 31, 2017.

The Chair first called for consideration of the position in the County Court of the 2<sup>nd</sup> Judicial District. Testimony in favor of finding a vacancy was received by the Commission. There was no testimony in opposition. It was moved by Judge Robert O'Neal and seconded by Timothy Engler that a vacancy exists in the office of County Court of the 2<sup>nd</sup> Judicial District, and the primary office should be in Papillion, Sarpy County, Nebraska. Voting yes, all present. Motion carried.

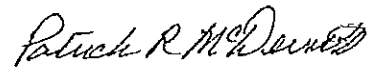
The Chair next called for consideration of the position in the District Court of the 12<sup>th</sup> Judicial District. Testimony in favor of finding a vacancy was received by the Commission. There was no testimony in opposition. It was moved by Michael McCarthy and seconded by Brian Phares that a vacancy exists in the office of District Court of the 12<sup>th</sup> Judicial District and the primary office should be in Gering, Scotts Bluff County, Nebraska. Voting yes, all present. Motion carried.

The Chair next called for consideration of the position in the County Court of the 8<sup>th</sup> Judicial District. Testimony in favor of finding a vacancy was received by the Commission, as was testimony in favor of delaying consideration of the matter pending the results of a 6-month workload equalization study. There was no testimony in opposition. It was moved by Timothy Engler and seconded by Mark Sipple that a vacancy exists in the office of County Court of the 8th Judicial District and the primary office should be in O'Neill, Holt County, Nebraska. During discussion of the original motion, a subsidiary motion was made by Judge Patrick McDermott and seconded by Michael McCarthy to table the pending motion until the Commission's annual meeting in December. Voting yes on the subsidiary motion 6, and voting no 7, the subsidiary motion failed. A motion to reconsider the subsidiary motion was made by Timothy Engler but failed for want of a second. Further discussion was held on the original motion. Voting yes 10, and voting no 3, the motion carried.

Justice Stacy informed the Commission that the annual meeting of the Judicial Resources Commission has been scheduled for December 4, 2017, at 1:00 p.m., in Room 1510, State Capitol Building, Lincoln, Nebraska. She requested that Commissioners clear their calendar for the day and make every effort to attend the meeting in person.

There being no further business to come before the Commission, the Chair asked whether there was any objection to adjourning the meeting. There being no objections, the meeting was adjourned at approximately 1:45 p.m.

Respectfully submitted:

A handwritten signature in cursive script, reading "Patrick R. McDermott".

Judge Patrick McDermott  
Secretary

# District Court of Nebraska

SECOND JUDICIAL DISTRICT

Judge William B. Zastera

Sarpy County Courthouse  
1210 Golden Gate Drive, Suites 3090-3127  
Papillion, Nebraska 68046-2887

Bailiff  
TERESA LIESEMEYER  
402-593-5951

Court Reporter  
BEVERLY HUERTER  
402-593-5952

June 30, 2017

Honorable Pete Ricketts  
Governor of State of Nebraska  
P.O. Box 94848  
Lincoln, NE 68509-4848

GOVERNOR'S OFFICE

JUL - 3 2017

RECEIVED

**RE: RETIREMENT**

Dear Governor Ricketts:

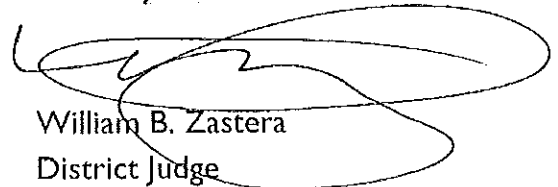
This letter is sent to you pursuant to Nebraska Statute to advise you I will be retiring as a Judge of the District Court of 2<sup>nd</sup> Judicial District effective October 1, 2017.

It has been my pleasure to serve the citizens of the State of Nebraska for the last 26 years as both a County and District Judge.

It has also been my pleasure of serving with what I consider to be the finest judiciary on both the County and District Court benches.

My observation of the Nebraska judiciary over the last 26 years leads me to believe that I am leaving a judiciary second to none.

Sincerely,



William B. Zastera  
District Judge

CC: Michael Heavican  
Chief Justice

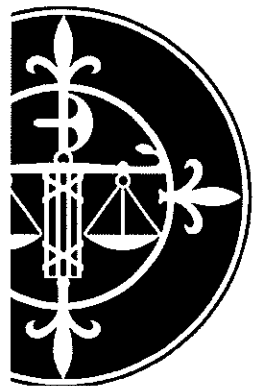
Nebraska Judicial Branch

# Weighted Caseload Report

## District Courts

**Reporting Period**  
**Fiscal Year 2017**

July 1, 2016 to  
June 30 2017



July 1, 2016 - June 30, 2017



# Nebraska District Courts Weighted Caseload Report

## Fiscal Year 2017 (July 1, 2016 - June 30, 2017)

This Weighted District Court Caseload Report contains statistics for Nebraska's 93 District Courts, grouped into twelve Judicial Districts. The judiciary of Nebraska currently assesses the need for judicial positions using a weighted caseload method based on cases opened. Weighted caseload systems provide objective, standardized determinations of resource needs.

*No quantitative judgeship assessment method, including a weighted caseload system will determine the exact number of judges required within a judicial district. But quantitative methods, such as weighted caseload can approximate the need for judgeships and provide a point of reference or standard for comparing relative need among judicial districts. Other measures, both qualitative and quantitative, may be used in conjunction with the weighted caseload standard calculation to support the assessment of judicial need. In particular, should the standard calculation show the need for a fractional judge (less than the full-time equivalent), additional assessments as to the relative workload per judge within a district and travel per judge may be useful. Also, other useful measures may include analyses of budget constraints, population trends, and other factors that may differentially affect the need for judges across districts.*

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### **Mission of the Nebraska Administrative Office of the Courts:**

Under the direction of the Nebraska Supreme Court, the Administrative Office of the Courts' mission is to ensure the public has equal access to justice, using leadership, education, technology, and administrative services to implement consistent, efficient, and effective court practices.



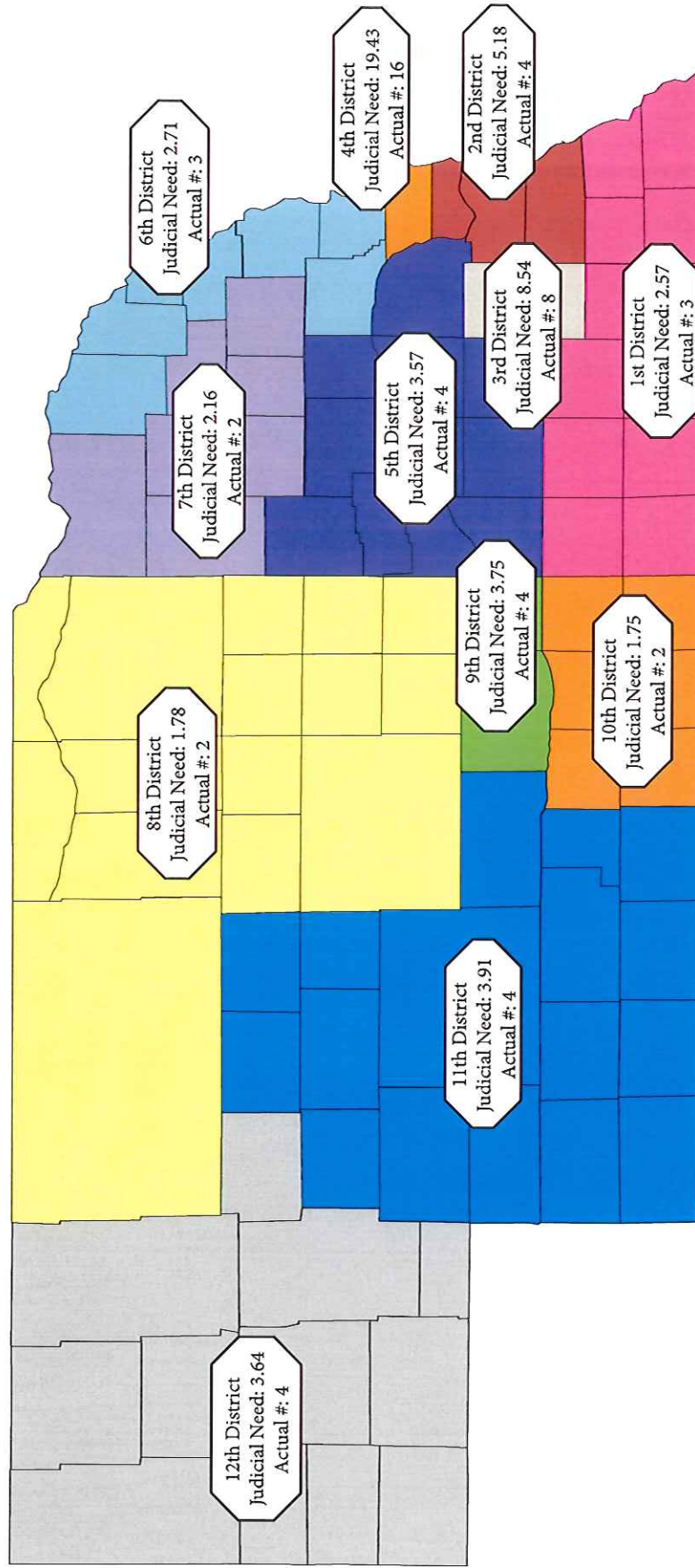
**Corey R. Steel | Nebraska State Court Administrator  
Nebraska Supreme Court**

Rm. 1213 State Capitol | P.O. Box 98910 | Lincoln, NE 68509  
T 402.471.3730 | F 402.471.2197  
[www.supremecourt.ne.gov](http://www.supremecourt.ne.gov)

July 1, 2016 - June 30, 2017

# Nebraska District Court Judicial Needs

Fiscal Year 2017 (July 1, 2017 - June 30, 2017)



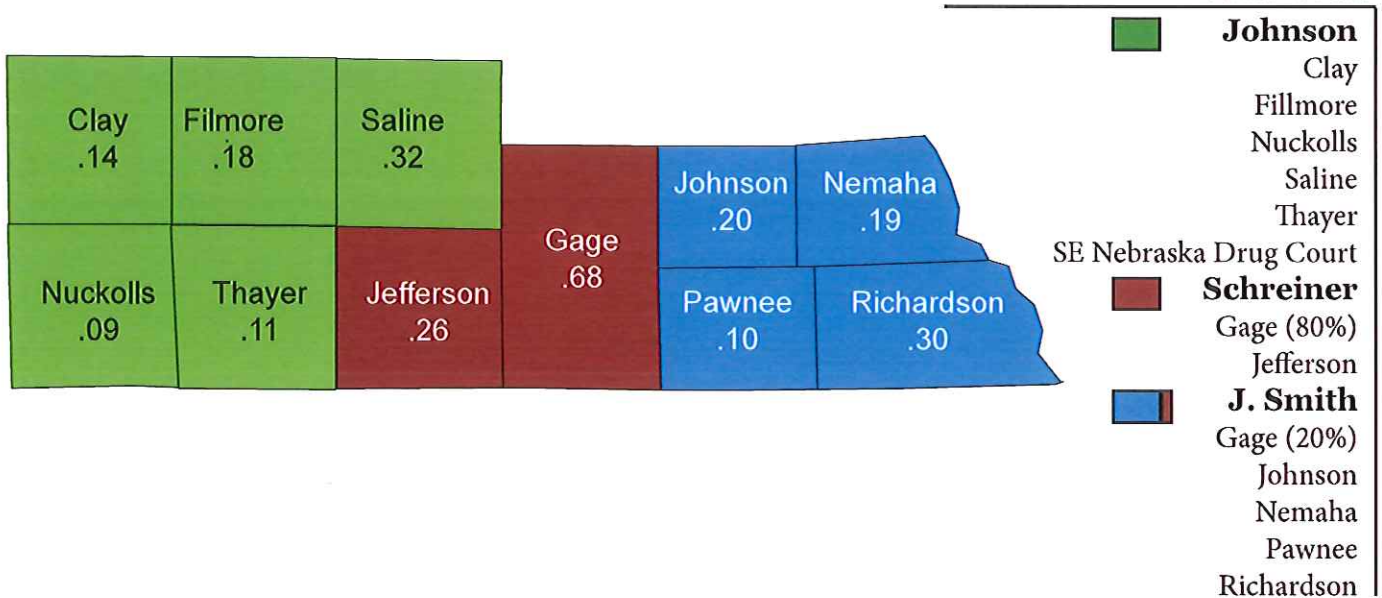
Statewide Child Support Referees 3.98 FTE.

# Weighted Caseload Report

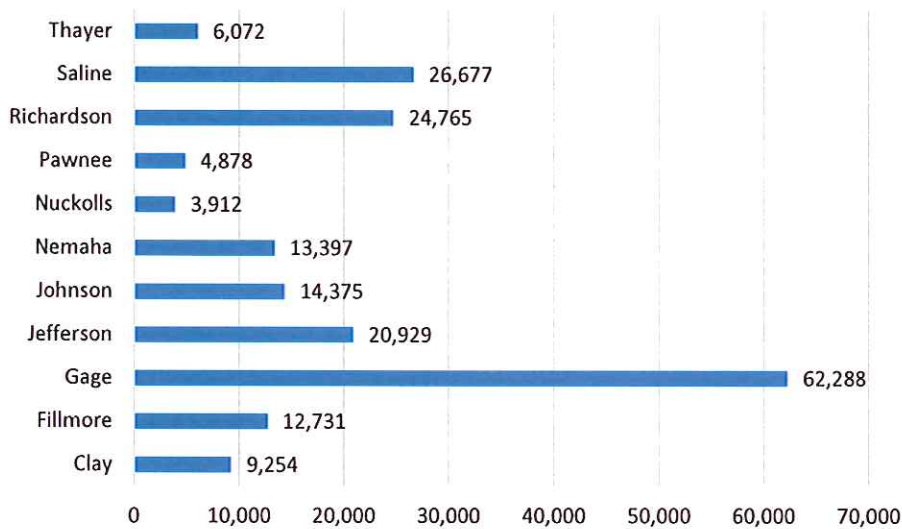
## 1st Judicial District - District Court

District court need for judges: 2.57  
 Current number of judges: 3

Predicted judicial resources need by county



Weighted Cases by County

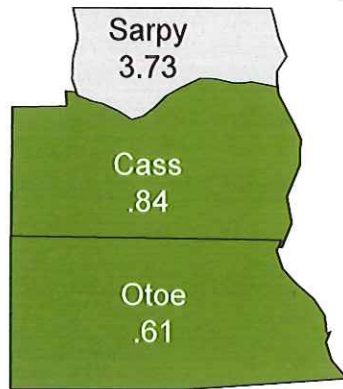


# Weighted Caseload Report

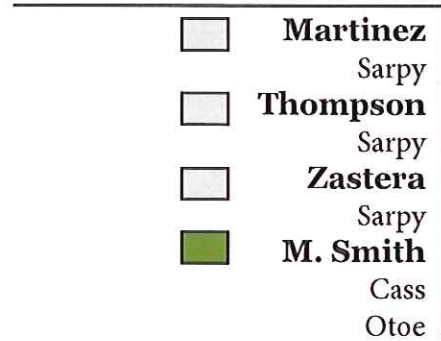
## 2nd Judicial District - District Court

District court need for judges: 5.18  
 Current number of judges: 4  
 Child Support Referees: 0.49

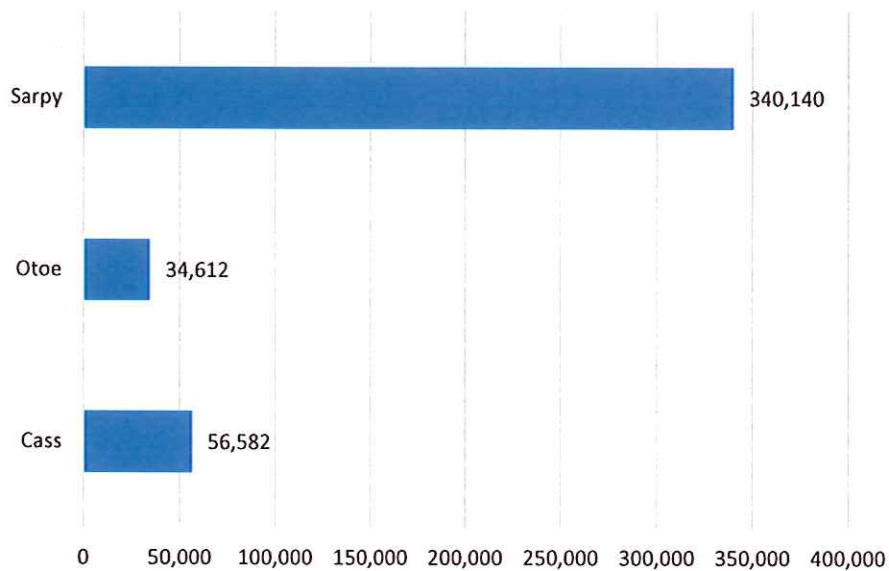
Predicted judicial resources need by county



Judges Serving the 2nd District District Court



Weighted Cases by County

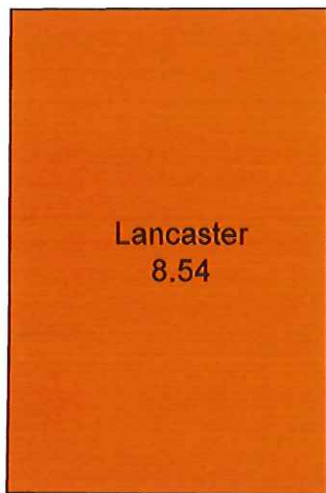


# Weighted Caseload Report

## 3rd Judicial District - District Court

District court need for judges: 8.54  
 Current number of judges: 8  
 Child Support Referees: 1.00

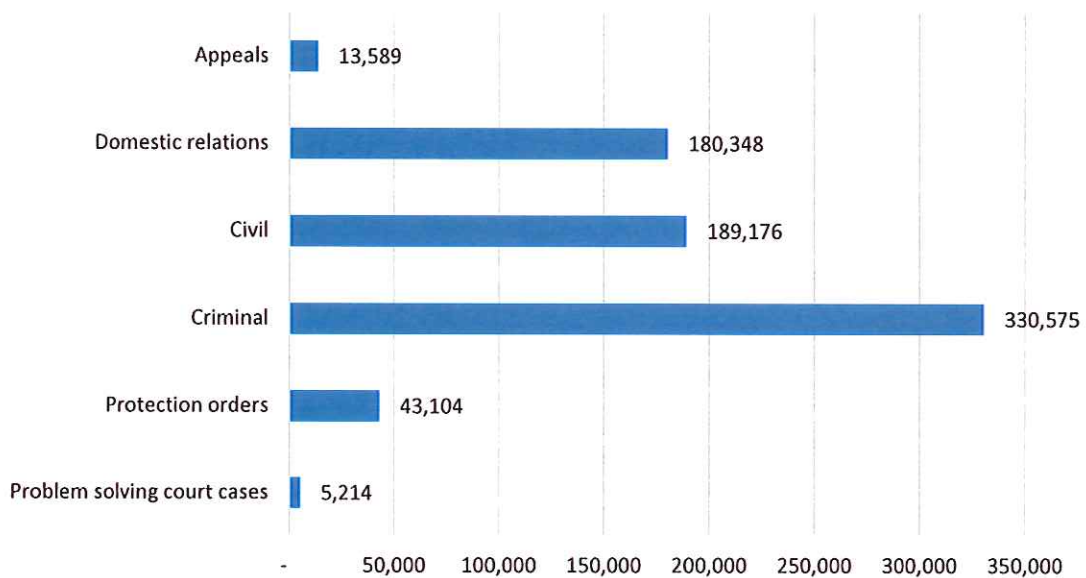
Predicted judicial resources need



Judges Serving the 3rd District  
District Court

- Colborn
- Ideus
- Jacobsen
- Maret
- McManaman
- Nelson
- Otte
- Strong

Weighted Cases by Case Type

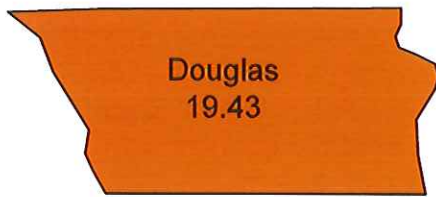


# Weighted Caseload Report

## 4th Judicial District - District Court

District court need for judges: 19.43  
 Current number of judges: 16  
 Child Support Referees: 2.00

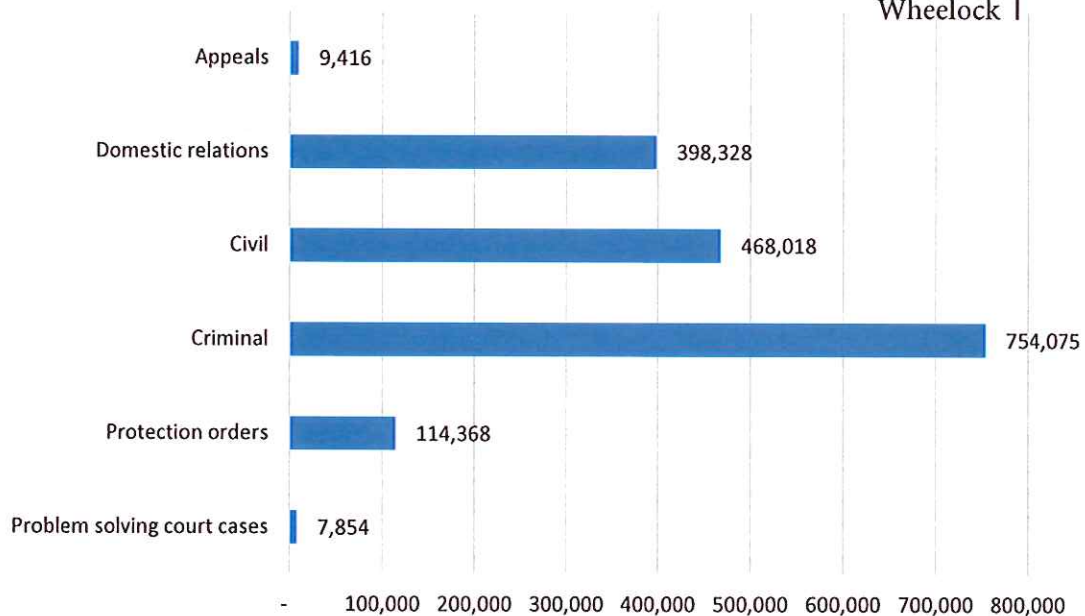
Predicted judicial resources need



Judges Serving the 4th District  
District Court

- Ashford
- Bataillon
- Bowie
- Burns
- Coffey
- Derr
- Dougherty
- Gleason
- Miller
- Otepka
- Polk
- Randall
- Retelsdorf
- Schatz
- Stratman
- Wheelock

Weighted Cases by Case Type



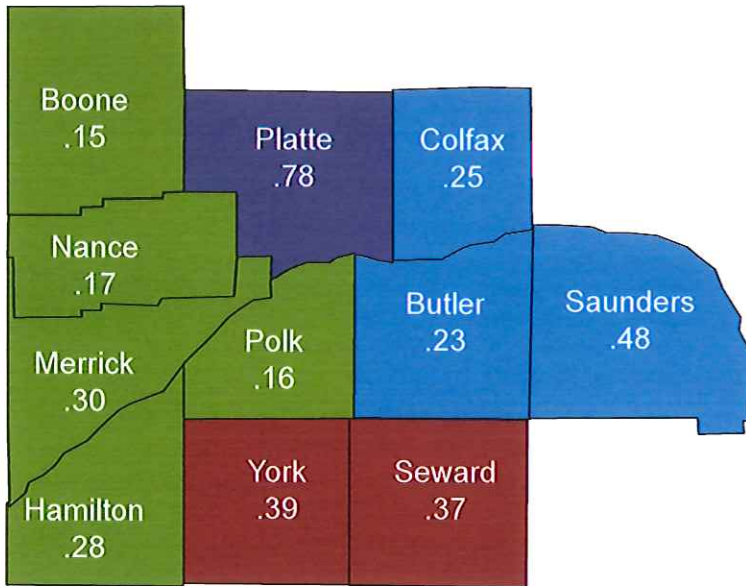


# Weighted Caseload Report

## 5th Judicial District - District Court

District court need for judges: 3.57  
 Current number of judges: 4  
 Child Support Referees: 0.08

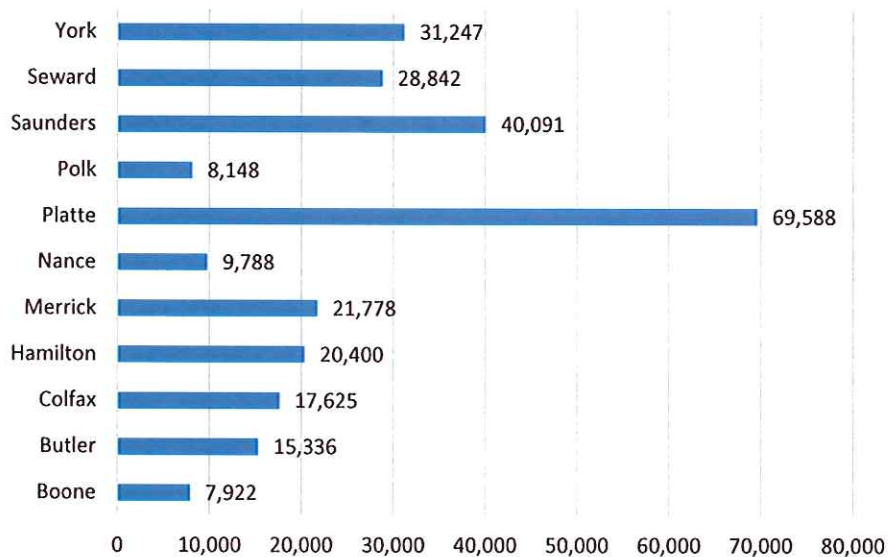
Predicted judicial resources need by county



Judges Serving the 5th District District Court

- **Gilbride**  
Butler  
Colfax  
Saunders
- **Stecker**  
Seward  
York
- **Daugherty**  
Boone  
Hamilton  
Merrick  
Nance  
Polk
- **Steinke**  
Platte

Weighted Cases by County

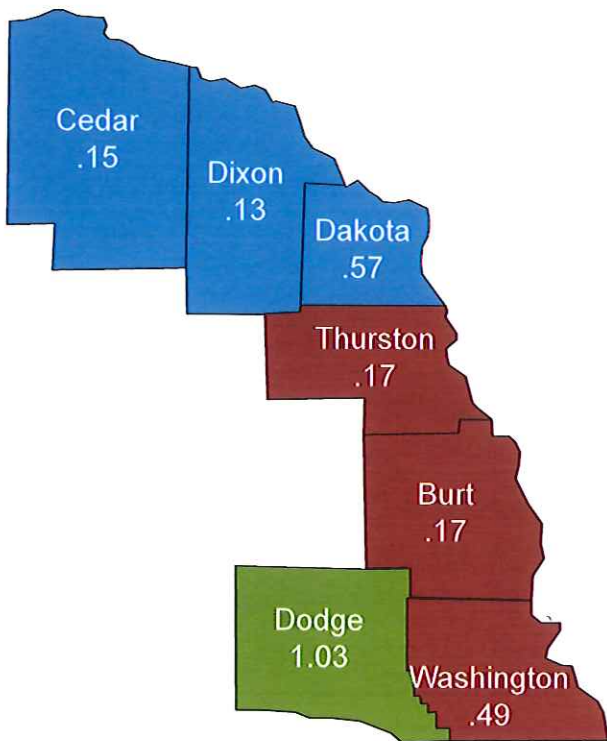


# Weighted Caseload Report

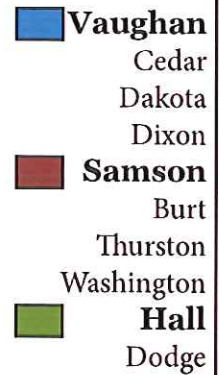
## 6th Judicial District - District Court

District court need for judges: 2.71  
 Current number of judges: 3

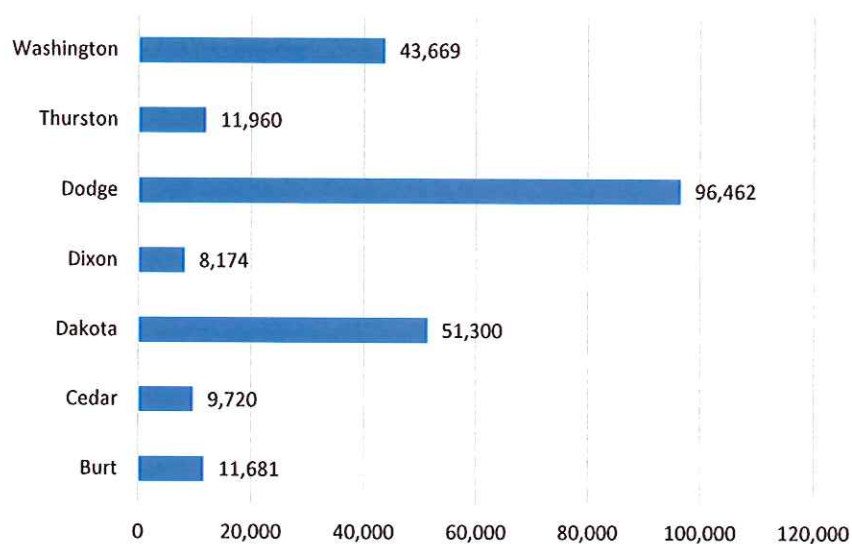
Predicted judicial resources need by county



Judges Serving the 6th District District Court



Weighted Cases by County



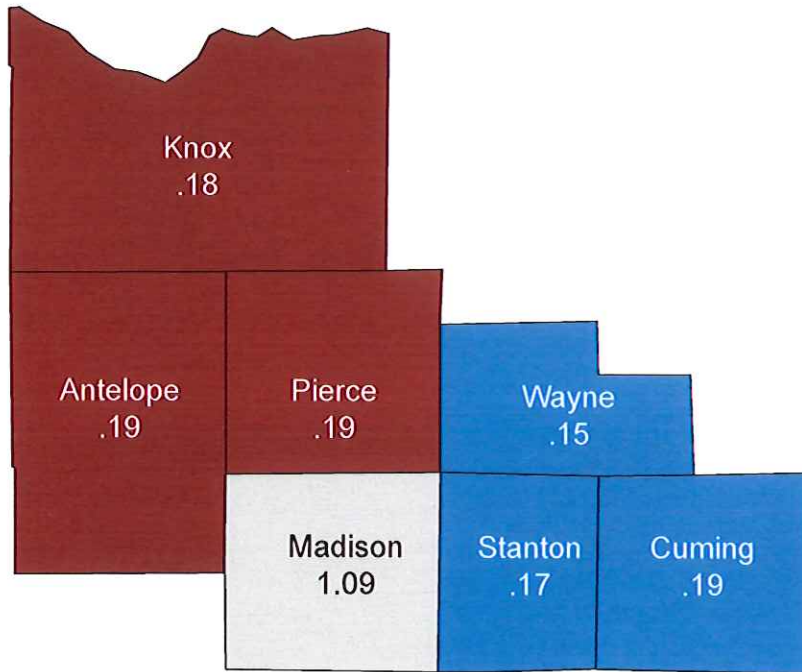


# Weighted Caseload Report

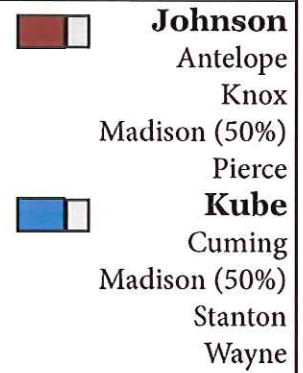
## 7th Judicial District - District Court

District court need for judges: 2.16  
 Current number of judges: 2  
 Child Support Referees: 0.07

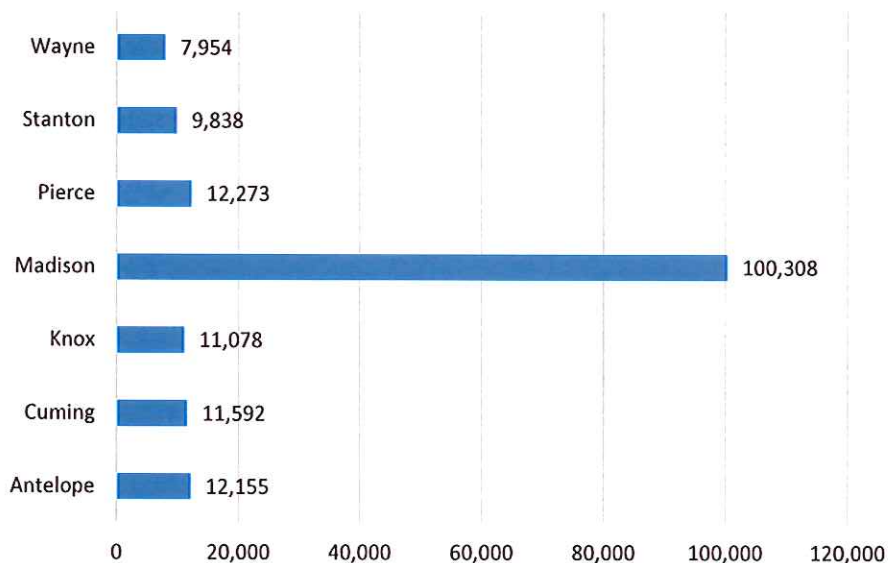
Predicted judicial resources need by county



Judges Serving the 7th District District Court



Weighted Cases by County



# Weighted Caseload Report

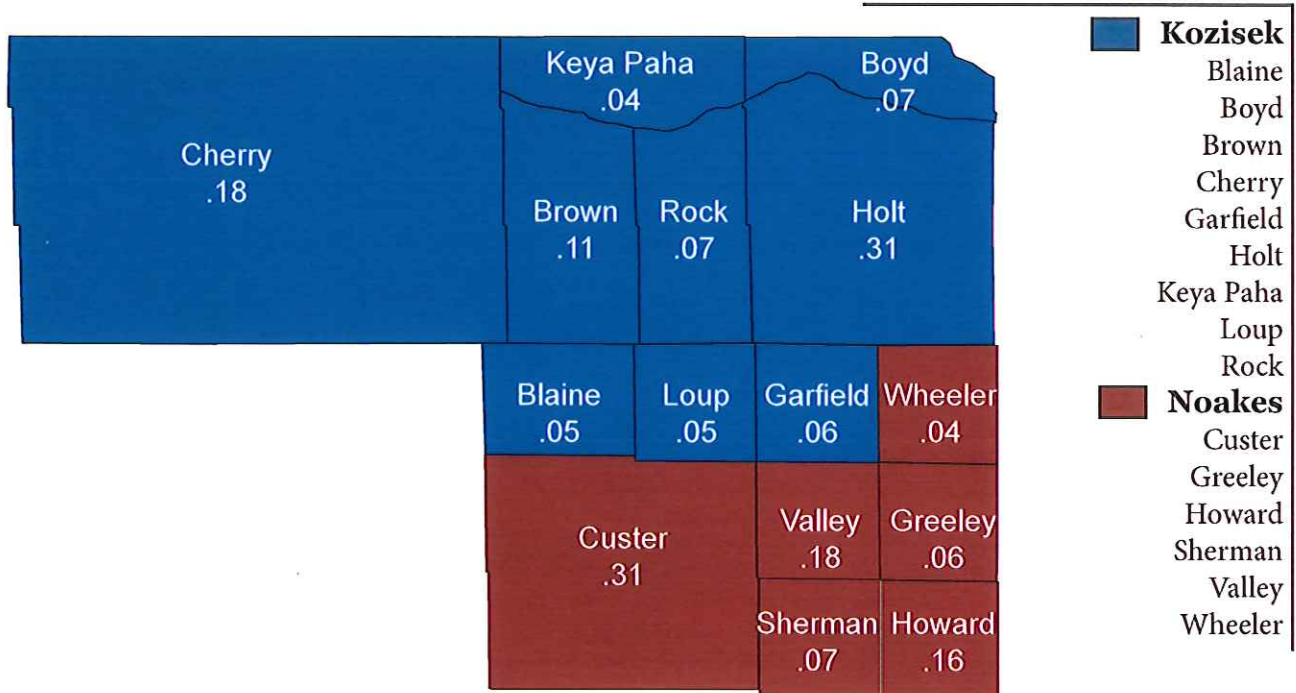
## 8th Judicial District - District Court

District court need for judges: 1.78

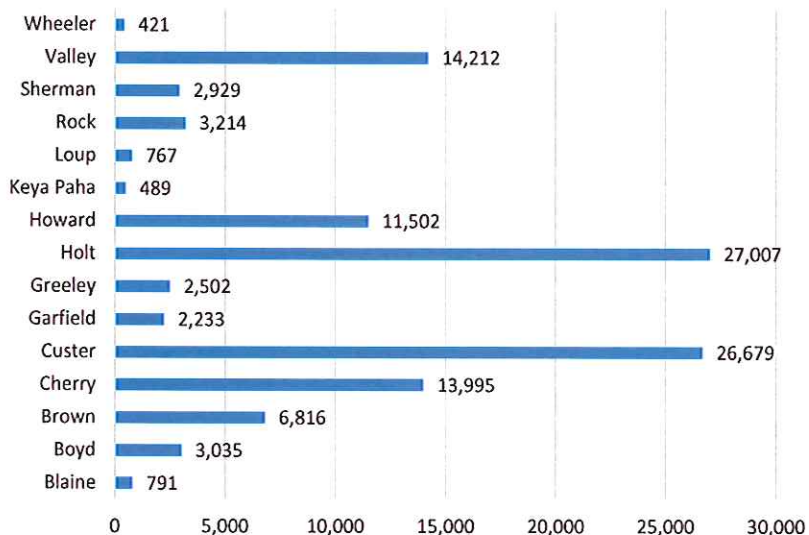
Current number of judges: 2

Predicted judicial resources need by county

Judges Serving the 8th District  
District Court



Weighted Cases by County

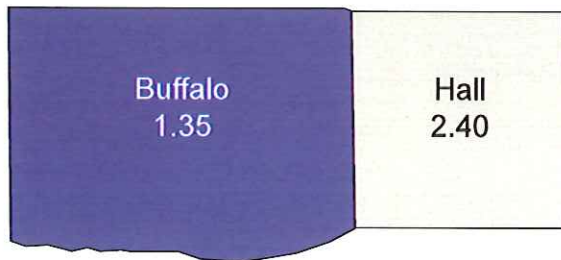


# Weighted Caseload Report

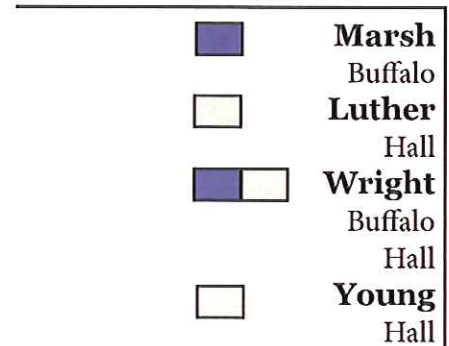
## 9th Judicial District - District Court

District court need for judges: 3.75  
 Current number of judges: 4  
 Child Support Referees: 0.23

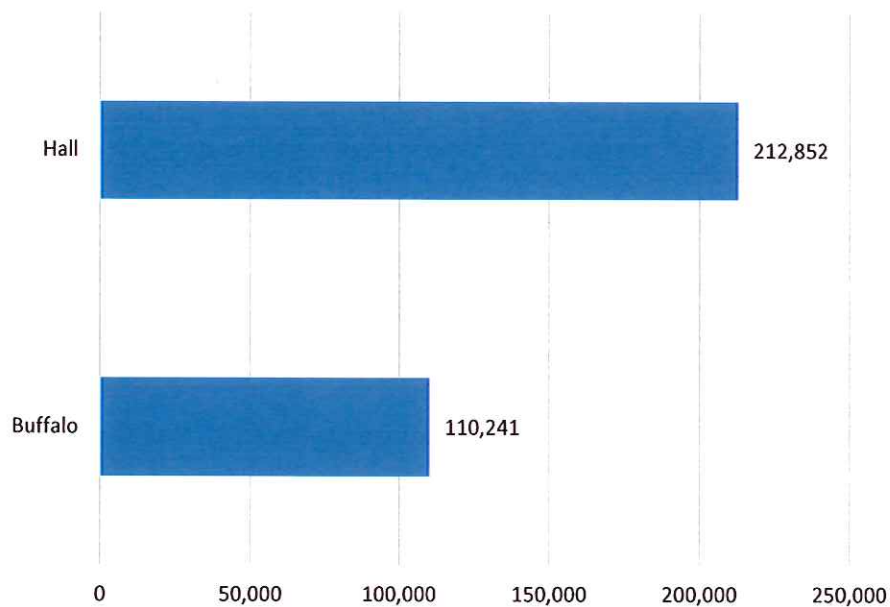
Predicted judicial resources need by county



Judges Serving the 9th District District Court



Weighted Cases by County

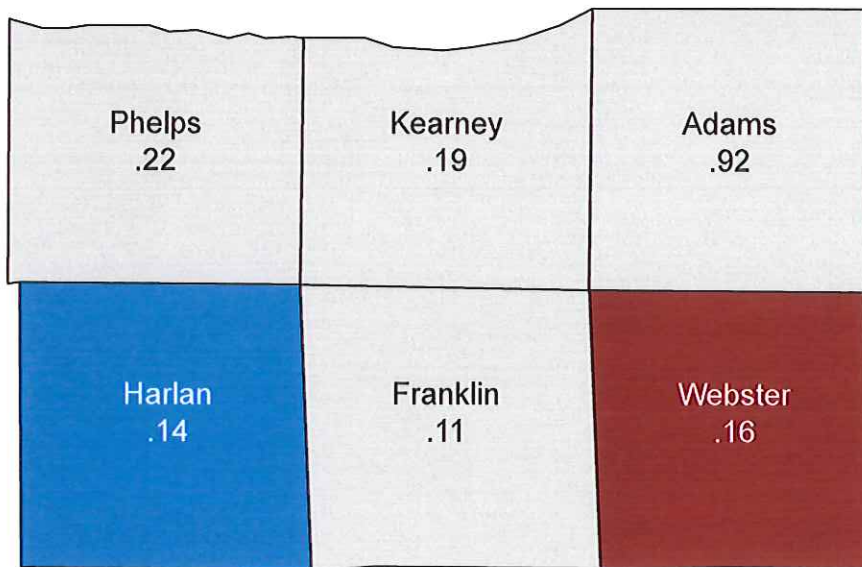


# Weighted Caseload Report

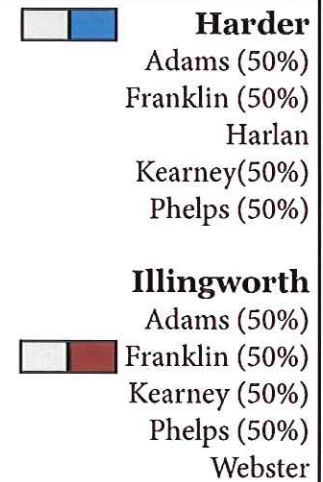
## 10th Judicial District - District Court

District court need for judges: 1.75  
 Current number of judges: 2  
 Child Support Referees: 0.11

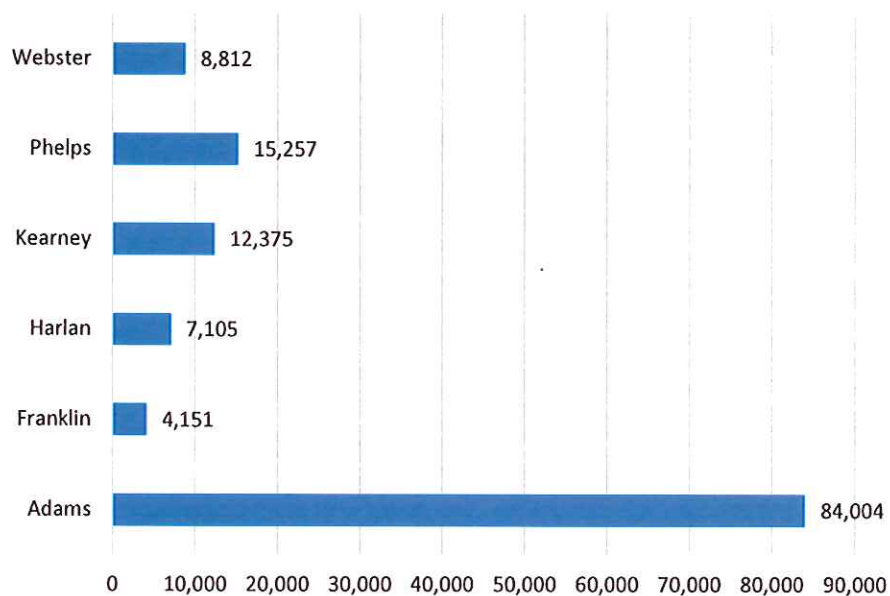
Predicted judicial resources need by county



Judges Serving the 10th District District Court



Weighted Cases by County



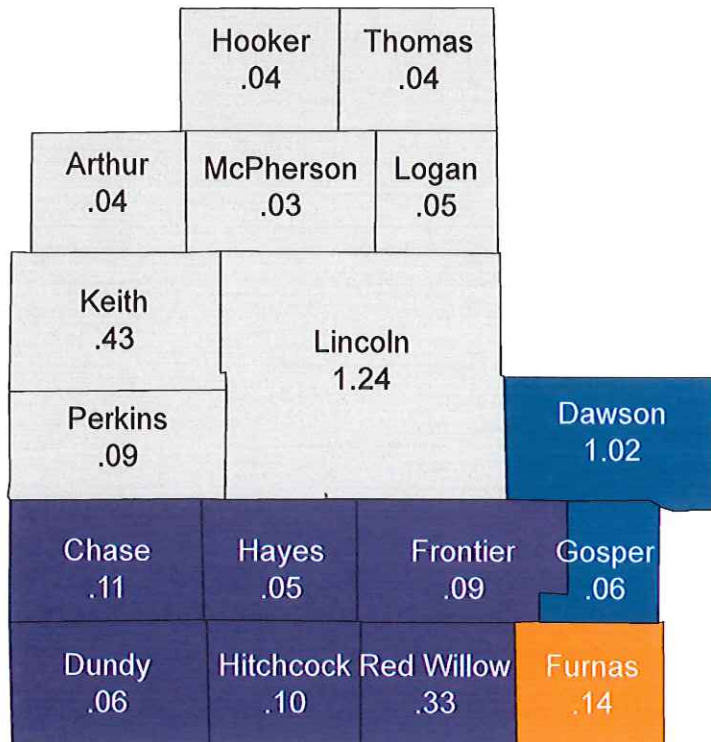


# Weighted Caseload Report

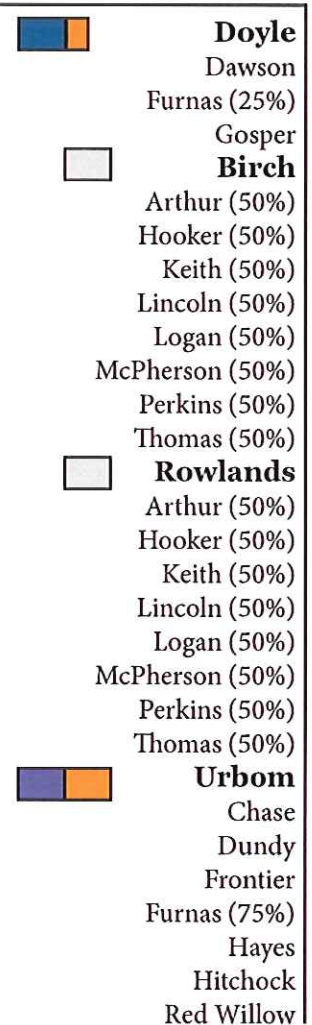
## 11th Judicial District - District Court

District court need for judges: 3.91  
 Current number of judges: 4

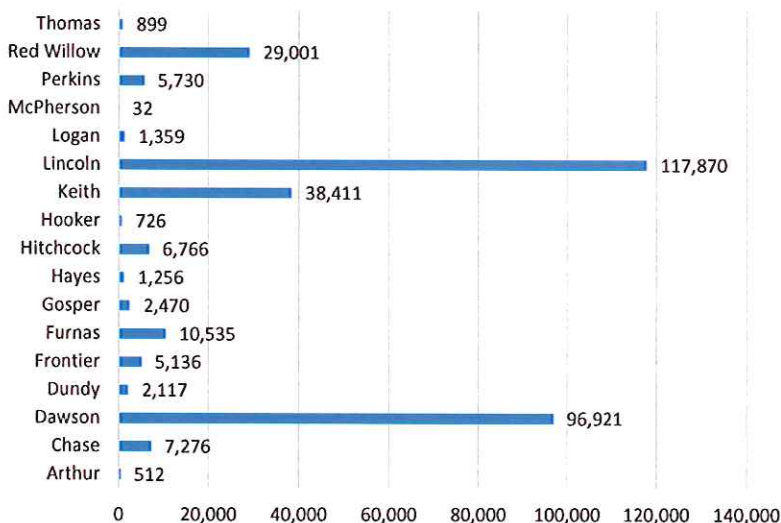
Predicted judicial resources need by county



Judges Serving the 11th District District Court



Weighted Cases by County

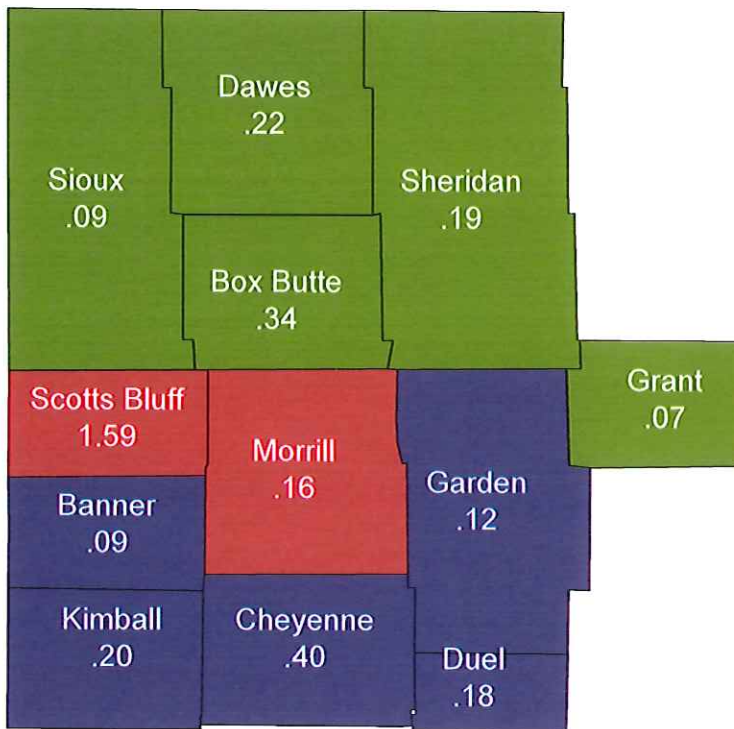


# Weighted Caseload Report

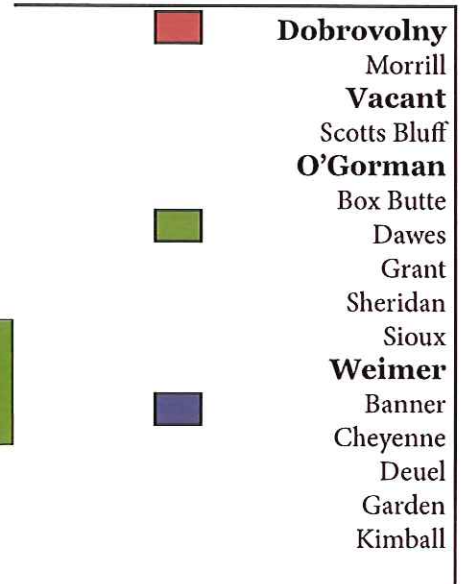
## 12th Judicial District - District Court

District court need for judges: 3.64  
 Current number of judges: 4

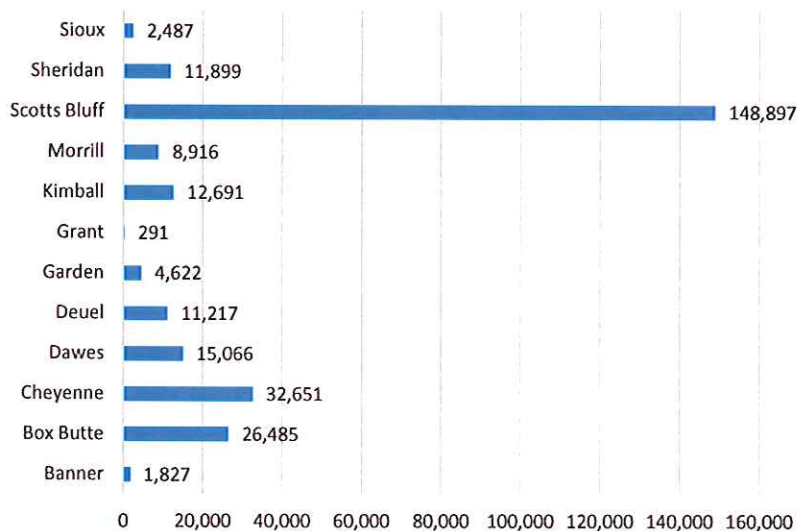
Predicted judicial resources need by county



Judges Serving the 12th District District Court



Weighted Cases by County



# Nebraska State Bar Association

*"Helping lawyers help people"*

September 13, 2017

The Honorable Stephanie F. Stacy  
Nebraska Supreme Court Justice  
State Capitol, #2219  
Lincoln, NE 68509

Dear Justice Stacy:

On behalf of the NSBA Judicial Resources Committee ("the Committee"), I wish to convey to the members of the Judicial Resources Commission our recommendation regarding the vacancy in the District Court, 2nd Judicial District due to the retirement of Judge William B. Zastera.

The Committee met on September 13th and weighed a number of factors including caseload, case types and most importantly, access to the trial courts for Nebraska citizens. The members of the Committee also had available the Judicial Weighted Caseload Reports ("Judicial Workload Assessment") which included statistics through June 2017. Based upon this discussion the Committee concluded that the State's justice system will not have adequate judicial resources available unless the current vacancy is filled expeditiously.

Therefore, the Committee recommends that the current vacancy in the District Court, 2nd Judicial District be filled, with the principal office in Sarpy County.

Thank you for your consideration of the recommendation set forth herein. Please include this letter with the materials provided to the members of the Judicial Resources Commission ahead of your October 17th meeting.

Sincerely,



Hon. Joe Bataillon  
NSBA President

CC: Corey Steel  
Hon. Joe Bataillon  
Liz Neeley