

MINUTES OF THE MEETING
OF
THE NEBRASKA JUDICIAL RESOURCES COMMISSION
October 23, 2018

A meeting of the Nebraska Judicial Resources Commission was held on the 23rd day of October, 2018, in Room 1510, State Capitol Building, in Lincoln, Nebraska, with Commission members attending by video conferencing with locations in Omaha, North Platte, McCook and Hastings, as provided by law.

Justice Stacy called the meeting to order in Room 1510 at the hour of 10:00 a.m. The following commissioners attended either in person or by videoconference:

PRESENT

Justice Stephanie Stacy, Chair
Judge John Samson
Judge Robert O'Neal
Judge Anne Paine
Charles Conrad
Michael McCarthy
Coby Mach
Robert Parker
Brian Phares
Lori Scherer
Mark Sipple
Robert Slovek

ABSENT

Timothy Engler
Stephen Bader
William Dittrick
Christopher Nielsen
Darlene Starman

Due to a technology failure involving the videoconference site in North Platte, the two commissioners using that location were unable to actively participate in the hearing. Despite this, there was a quorum and the meeting proceeded accordingly.

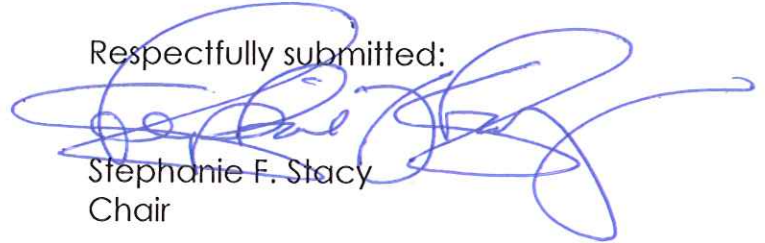
The Chair called for approval of the minutes of the meeting of August 21, 2018, as corrected to accurately reflect attendance. It was moved by Lori Scherer and seconded by Hon. Robert O'Neal that the corrected minutes be approved. Voting yes, all present.

The Chair announced that the purpose of the hearing was to determine whether a judicial vacancy exists due to the retirement of Judge William T. Wright, effective September 30, 2018. The Chair identified and received into the record Exhibits 1 through 5. The Chair then called for testimony. Testimony was offered in support of declaring a vacancy by Liz Neeley. There was no testimony offered in opposition to the vacancy.

It was moved by Hon. John Samson and seconded by Coby Mach that a vacancy be declared in the office of the District Court of the 9th Judicial District and that the primary office be in Kearney, Buffalo County, Voting yes 10, voting no 0. 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:

A handwritten signature in blue ink, appearing to read 'Stephanie F. Stacy', is written over the typed name. The signature is highly stylized and cursive.

Stephanie F. Stacy
Chair

AGENDA
JUDICIAL RESOURCES COMMISSION

October 23, 2018 - 10:00 a.m. (central time)
Room 1510, State Capitol, Lincoln, Nebraska
VIDEO CONFERENCE HEARING

- I. Roll call of members by secretary.
- II. Approve the minutes of the meeting held on August 21, 2018.
- III. Due to the retirement of Judge William T. Wright, effective September 30, 2018, 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 9th 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.

AMENDED MINUTES OF THE MEETING
OF
THE NEBRASKA JUDICIAL RESOURCES COMMISSION
August 21, 2018

A meeting of the Nebraska Judicial Resources Commission was held on the 21st day of August, 2018, in Room 1510, State Capitol Building, in Lincoln, Nebraska, with Commission members attending by video conferencing with locations in Omaha, North Platte, McCook and Grand Island, as provided by law.

Justice Stacy called the meeting to order in Room 1510 at the hour of 10:00 a.m. The meeting was recessed for several minutes to address technological problems with the videoconferencing, but reconvened when the problems were resolved. Roll call by the Chair:

PRESENT

Justice Stephanie Stacy, Chair
Judge Robert O'Neal
Judge Anne Paine
Michael McCarthy
Christopher Nielsen
Brian Phares
Lori Scherer
Mark Sipple
Robert Slovek
Charles Conrad
Darlene Starman

ABSENT

Judge John Samson
Timothy Engler
Robert Parker
Coby Mach
Stephen Bader
William Dittrick

The Chair identified and received into the record Exhibits 1 through 11.

The Chair called for approval of the minutes of the meeting of July 25, 2018. It was moved by Charles Conrad and seconded by Robert O'Neal that the minutes be approved. Voting yes, all present.

The Chair announced that the purpose of the hearing was to determine whether:

1. A judicial vacancy exists due to the appointment of John R. Freudenberg to the Nebraska Supreme Court, effective July 6, 2018.
2. A judicial vacancy exists due to the retirement of Judge Donald E. Rowlands, effective July 31, 2018.

3. A judicial vacancy exists due to the death of Judge W. Mark Ashford on August 1, 2018.

The Chair called for testimony. Testimony offered in support of declaring a vacancy by the following: (1) Honorable Timothy Phillips; (2) Honorable David Urbom; (3) Bill Troshynski; and (4) Liz Neeley. There was no opposition to any vacancy.

It was moved by Robert O'Neal and seconded by Darlene Starman that a vacancy be declared in the office of the County Court of the 3rd Judicial District and that the primary office be in Lincoln, Lancaster County, Voting yes 11, voting no 0. Motion carried.

It was moved by Michael McCarthy and seconded by Charles Conrad that a vacancy be declared in the office of the District Court of the 11th Judicial District and that the primary office be in North Platte, Lincoln County, Nebraska. Voting yes 11, voting no 0. Motion carried.

It was moved by Robert Slovek and seconded by Lori Scherer that a vacancy be declared in the office of the District Court of the 4th Judicial District and that the primary office be in Omaha, Douglas County, Voting yes 11, voting no 0. 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:

Justice Stephanie F. Stacy
Chair

District Court

NINTH JUDICIAL DISTRICT OF NEBRASKA
WILLIAM T. WRIGHT, JUDGE
JOHN H. MARSH, JUDGE
P.O. BOX 520
KEARNEY, NE 68848
PHONE 308-236-1246

SHARON K. MAULER,
CLERK OF THE DISTRICT COURT

RECEIVED

JUN 20 2018

Office of the Chief Justice

June 14, 2018

Governor Pete Ricketts
Office of the Governor
PO Box 94848
Lincoln, NE 68509

Chief Justice Michael Heavican
Nebraska Supreme Court
PO Box 98910
Lincoln, NE 68509

RE: Retirement of Judge William Thomas Wright

Dear Governor Ricketts and Chief Heavican:

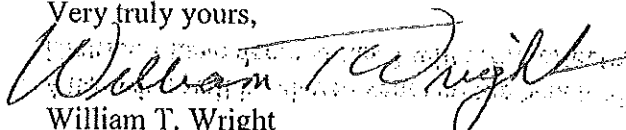
After what will be eleven years on the bench of the District Court of the 9th Judicial District, I have decided that I will retire effective September 30, 2018.

I would implore both of you to take timely steps to avoid a potential crisis in the 9th Judicial District. As you know, Judge Teresa Luther also intends to retire on December 31, 2018.

The current policy which seeks to save money by delaying the solicitation of applicants for replacement district judges for as much as six months following the retirement of a district judge, will slow the judicial process in the 9th Judicial District to a crawl if not bring it to a standstill. At the very least, you should allow available retired judges to cover.

Your consideration for my concerns would be greatly appreciated.

Very truly yours,



William T. Wright
District Judge 9th Judicial District

cc: Judge Teresa Luther
Judge Mark Young
Judge John Marsh

Nebraska Judicial Branch

Weighted Caseload Report

District Courts

Reporting Period
Fiscal Year 2018

July 1, 2017 to
June 30, 2018



July 1, 2017 - June 30, 2018

Nebraska District Courts Weighted Caseload Report

Calendar Year 2018 (July 1, 2017 - June 30, 2018)

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.

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.



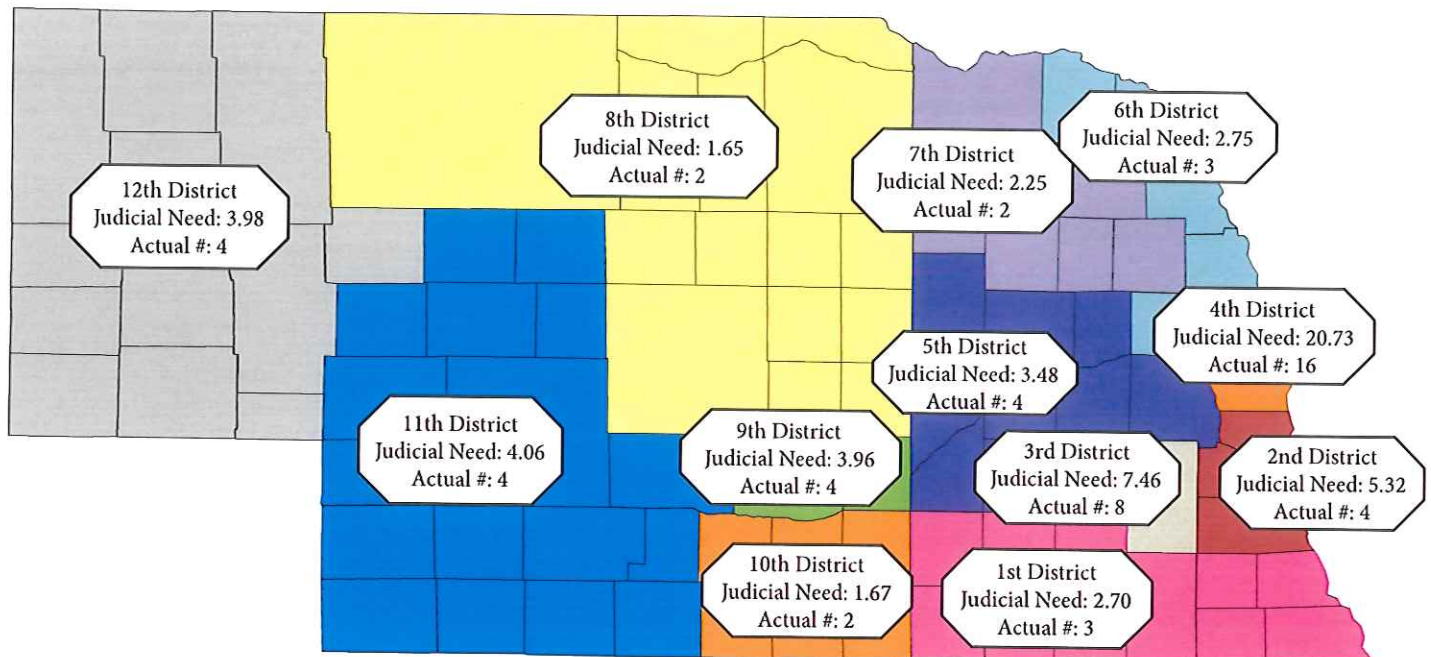
**Corey R. Steel | Nebraska State Court Administrator
Nebraska Supreme Court**

Rm. 1213 State Capitol | P.O. Box 98910 | Lincoln, NE 68509
T 402.471.3730 | F 402.471.2197
www.supremecourt.ne.gov

July 1, 2017 - June 30, 2018

Nebraska District Court Judicial Needs

Fiscal Year 2018 (July 1, 2017 - June 30, 2018)



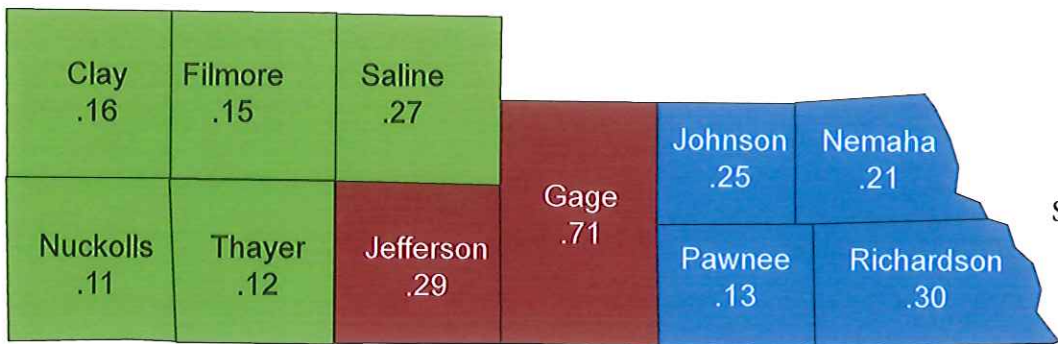
Changes in district boundaries due to LB 697 are effective July 19, 2018 and will be reflected in the Calendar Year 2018 report.

Weighted Caseload Report

1st Judicial District - District Court

District court need for judges: 2.70
 Current number of judges: 3

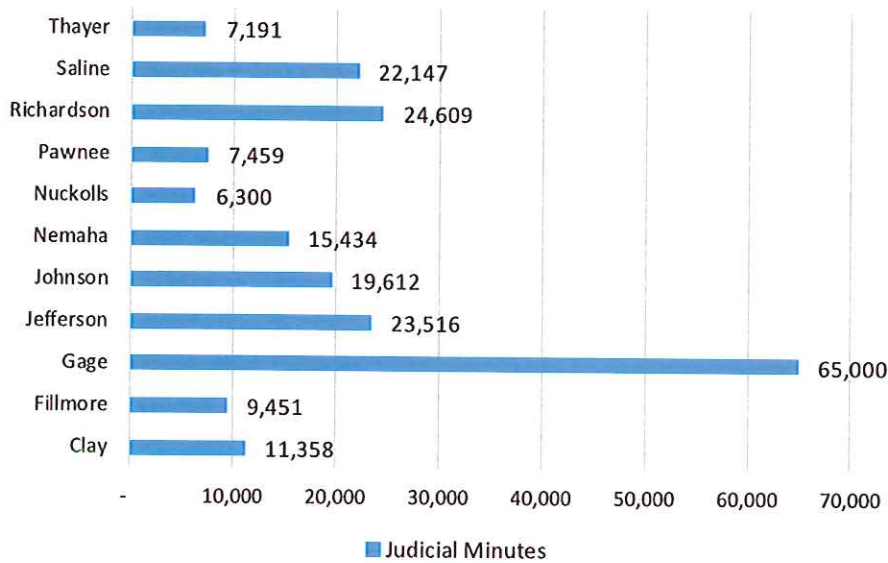
Predicted judicial resources need by county



Judges Serving the 1st District District Court

- **Johnson**
 Clay
 Fillmore
 Nuckolls
 Saline
 Thayer
 SE Nebraska Drug Court
- **Schreiner**
 Gage (80%)
 Jefferson
- **J. Smith**
 Gage (20%)
 Johnson
 Nemaha
 Pawnee
 Richardson

Weighted Cases by County

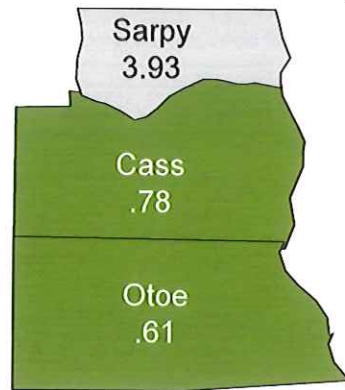


Weighted Caseload Report

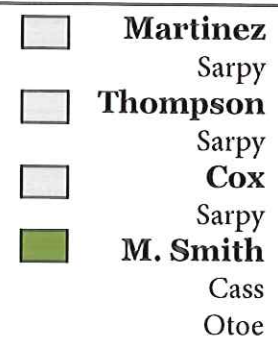
2nd Judicial District - District Court

District court need for judges: 5.32
 Current number of judges: 4
 Child Support Referee: 0.49

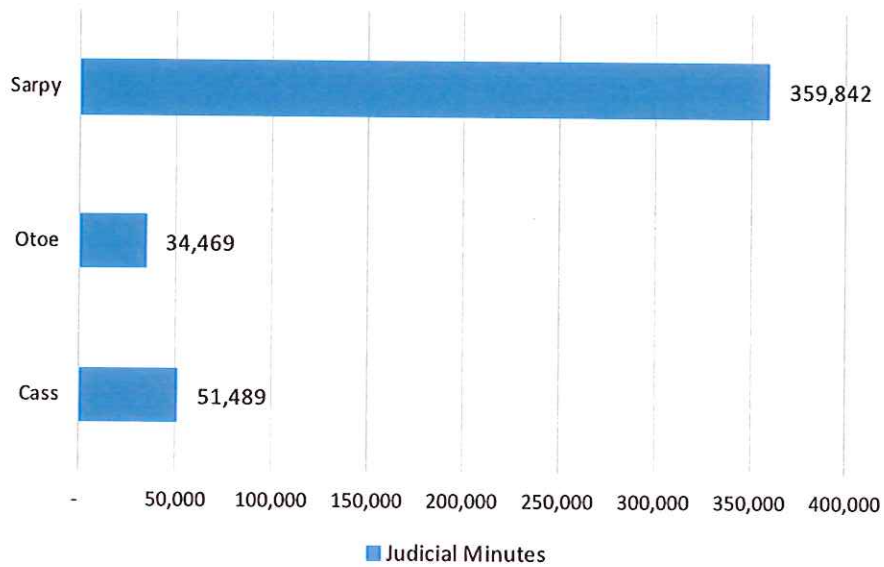
Predicted judicial resources need by county



Judges Serving the 2nd District District Court



Weighted Cases by County

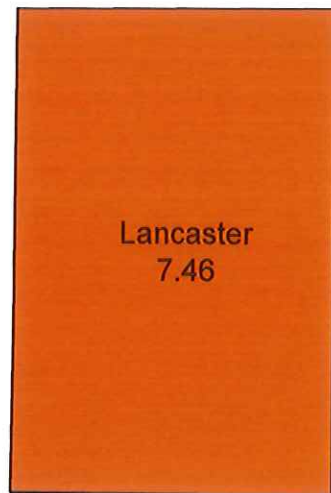


Weighted Caseload Report

3rd Judicial District - District Court

District court need for judges: 7.46
 Current number of judges: 8
 Child Support Referee: 1.00

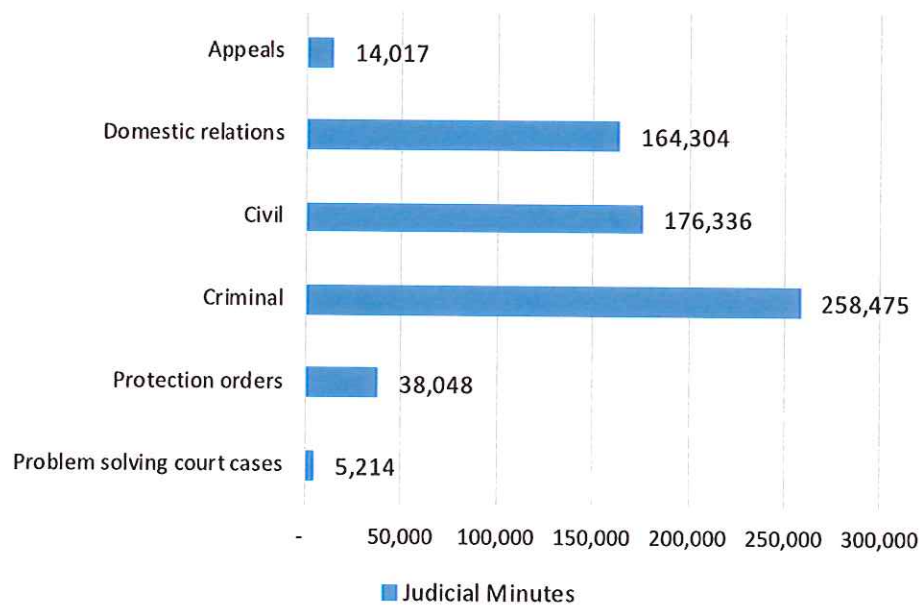
Predicted judicial resources need



Judges Serving the 3rd District
District Court

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

Weighted Cases by Case Type

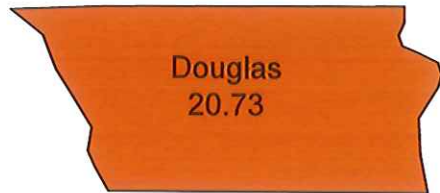


Weighted Caseload Report

4th Judicial District - District Court

District court need for judges: 20.73
 Current number of judges: 16
 Child Support Referee: 2.00

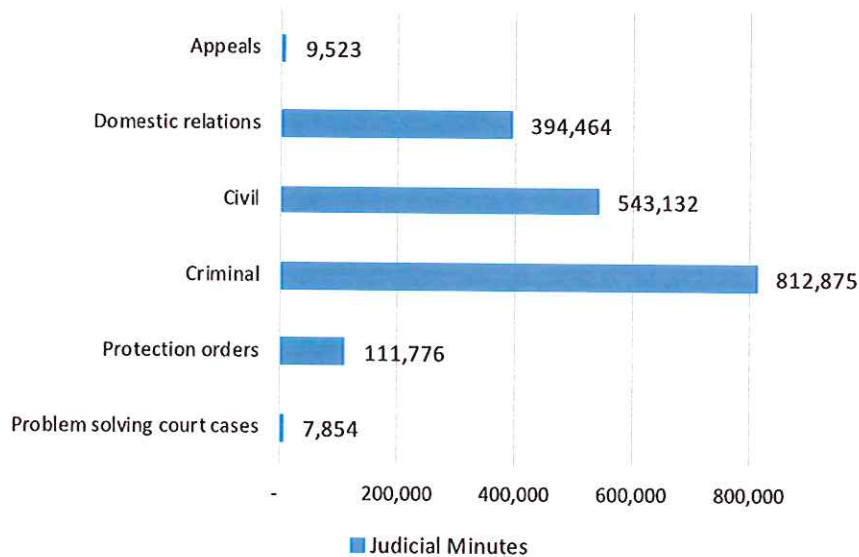
Predicted judicial resources need



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

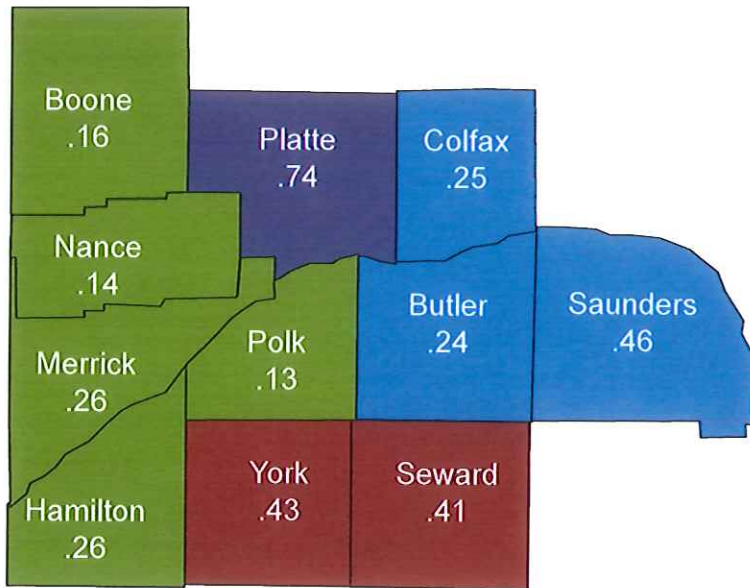


Weighted Caseload Report

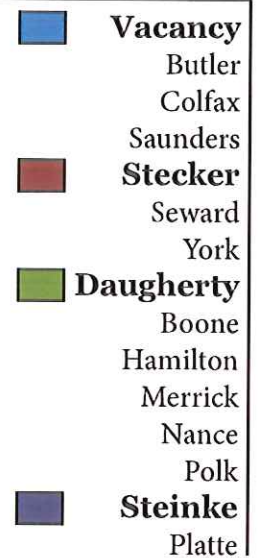
5th Judicial District - District Court

District court need for judges: 3.48
 Current number of judges: 4
 Child Support Referee: 0.08

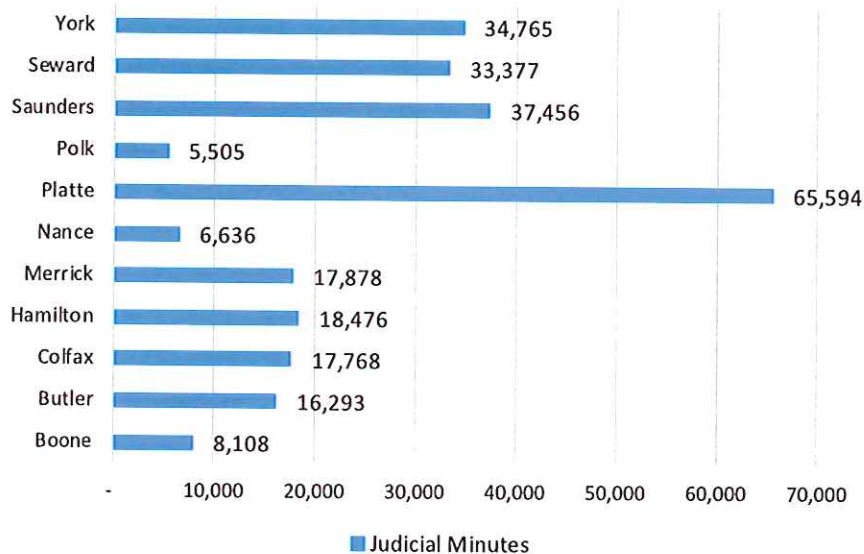
Predicted judicial resources need by county



Judges Serving the 5th District District Court



Weighted Cases by County

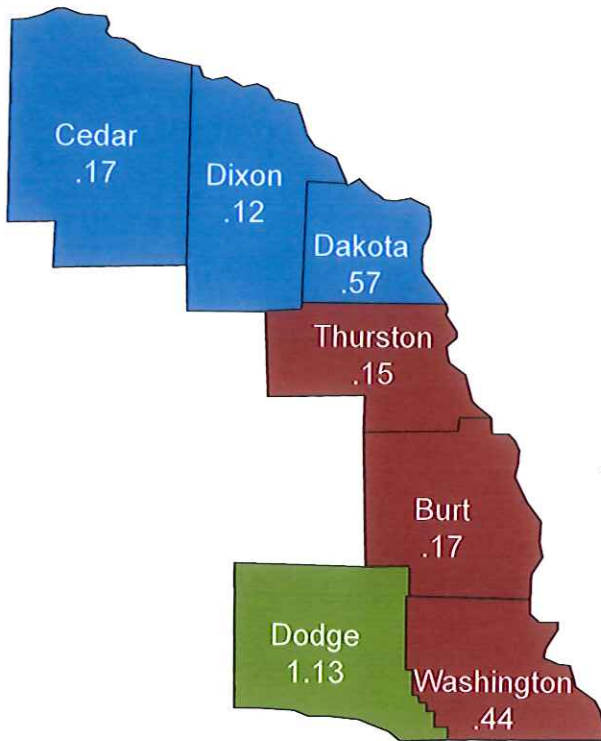


Weighted Caseload Report

6th Judicial District - District Court

District court need for judges: 2.75
 Current number of judges: 3

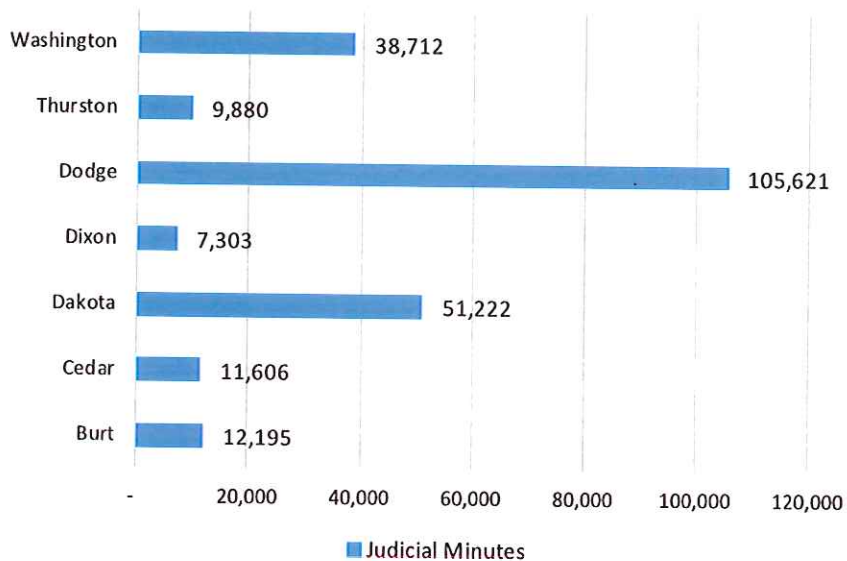
Predicted judicial resources need by county



Judges Serving the 6th District
 District Court

- **Vaughan**
 Cedar
 Dakota
 Dixon
- **Samson**
 Burt
 Thurston
 Washington
- **Hall**
 Dodge

Weighted Cases by County

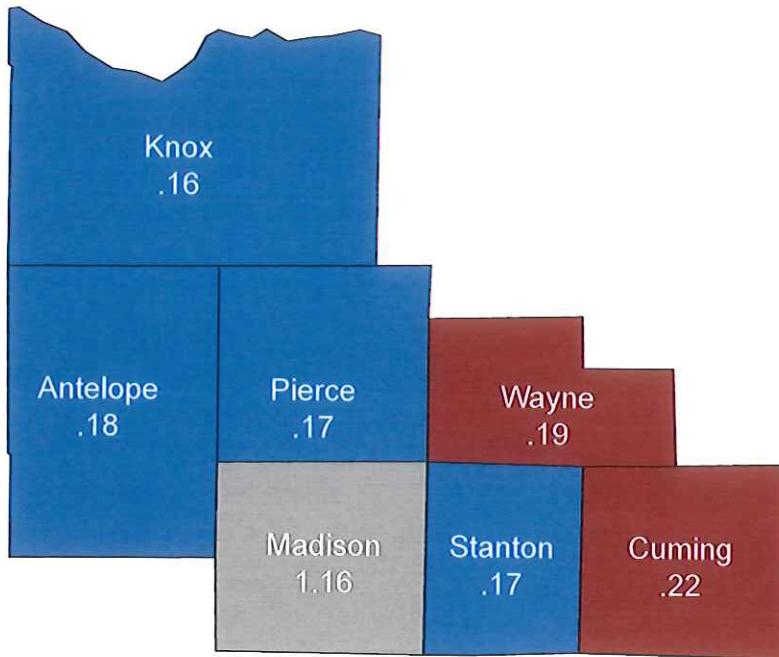


Weighted Caseload Report

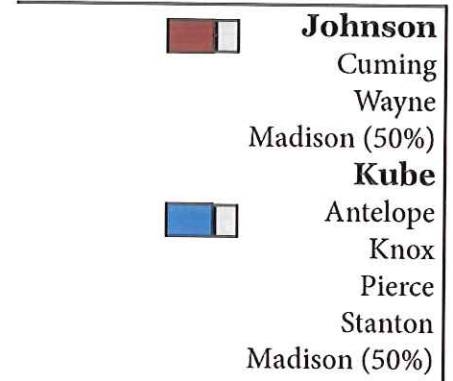
7th Judicial District - District Court

District court need for judges: 2.25
 Current number of judges: 2
 Child Support Referee: 0.07

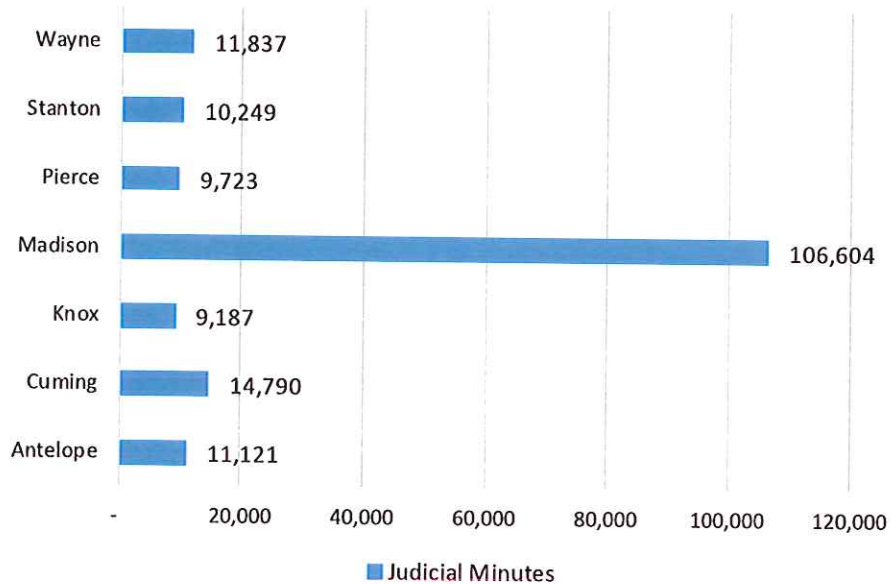
Predicted judicial resources need by county



Judges Serving the 7th District District Court



Weighted Cases by County



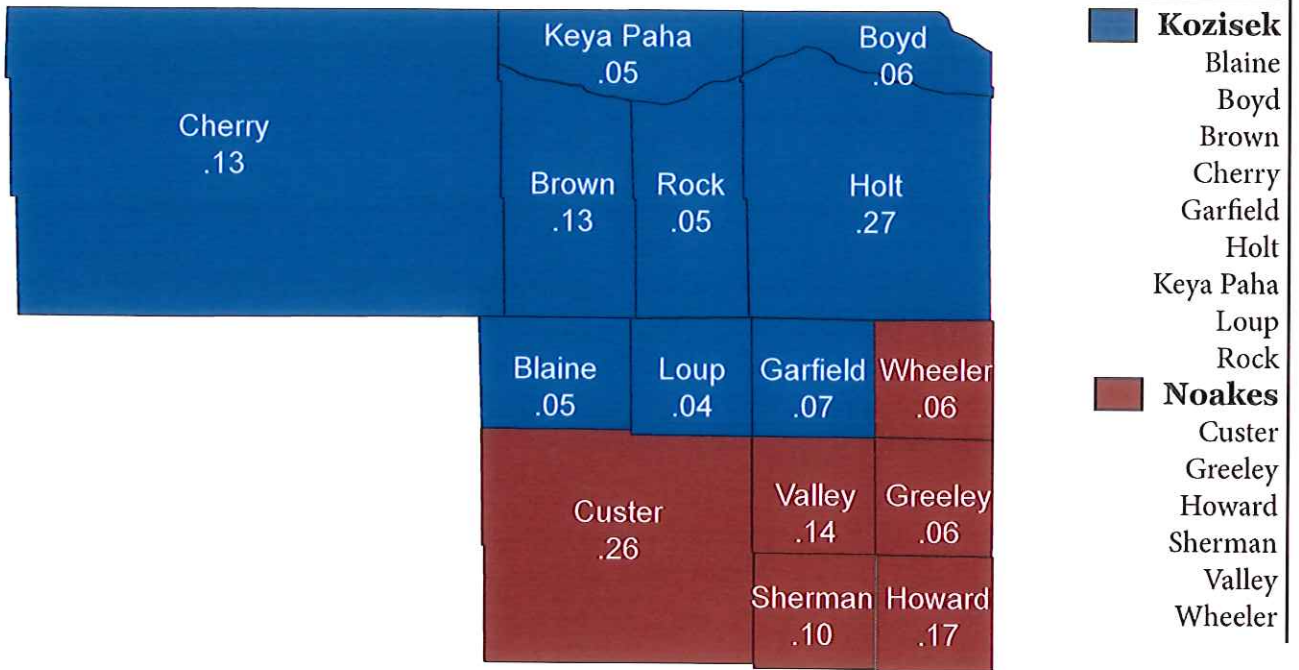
Weighted Caseload Report

8th Judicial District - District Court

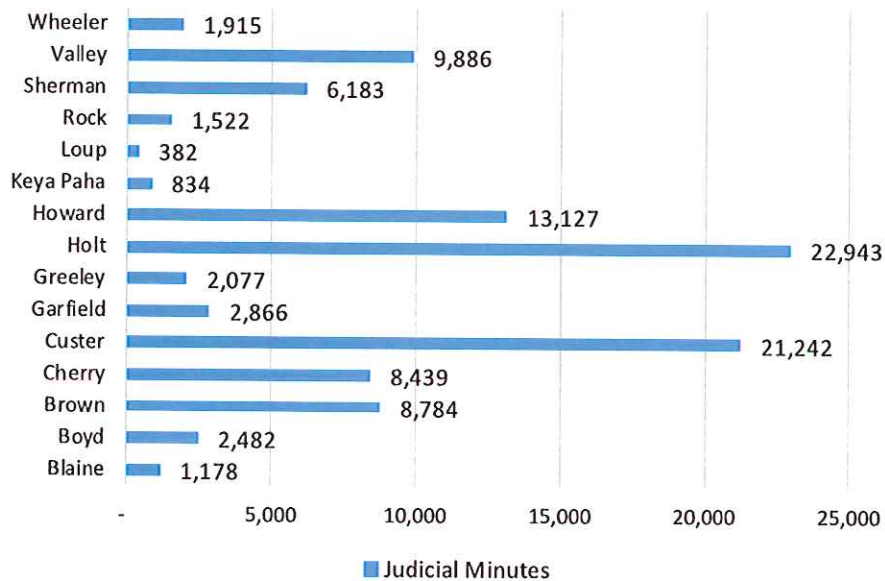
District court need for judges: 1.65
 Current number of judges: 2

Predicted judicial resources need by county

Judges Serving the 8th District
 District Court



Weighted Cases by County

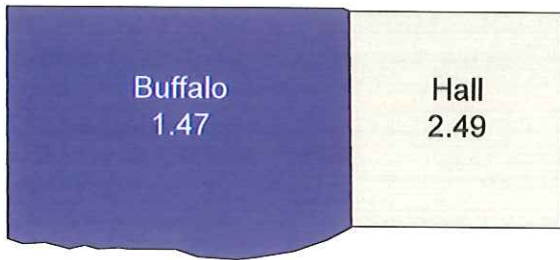


Weighted Caseload Report

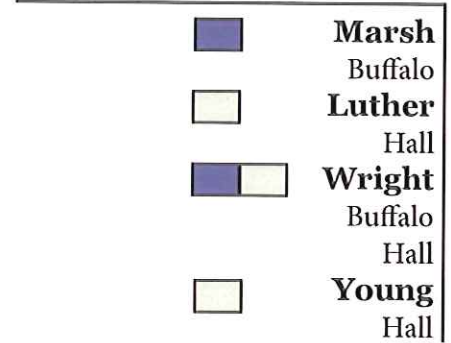
9th Judicial District - District Court

District court need for judges: 3.96
 Current number of judges: 4
 Child Support Referee: 0.23

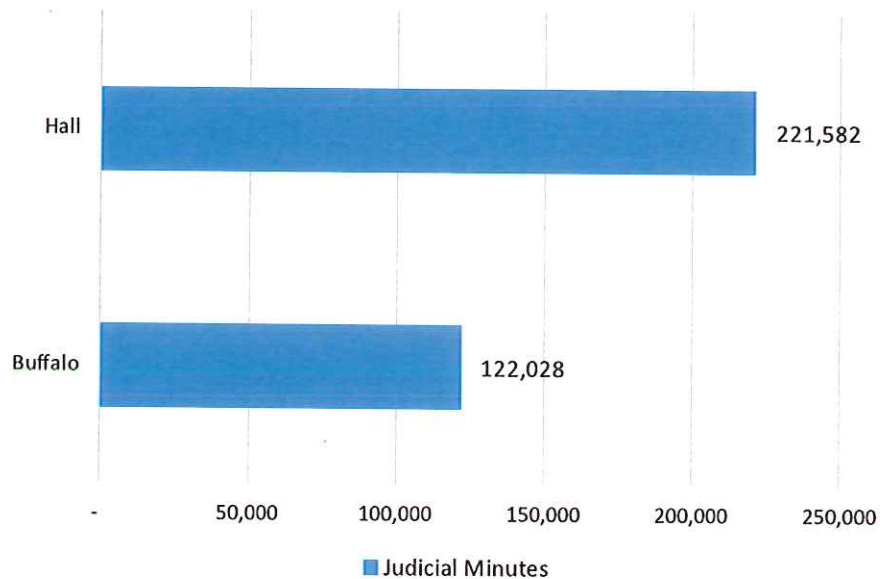
Predicted judicial resources need by county



Judges Serving the 9th District District Court



Weighted Cases by County



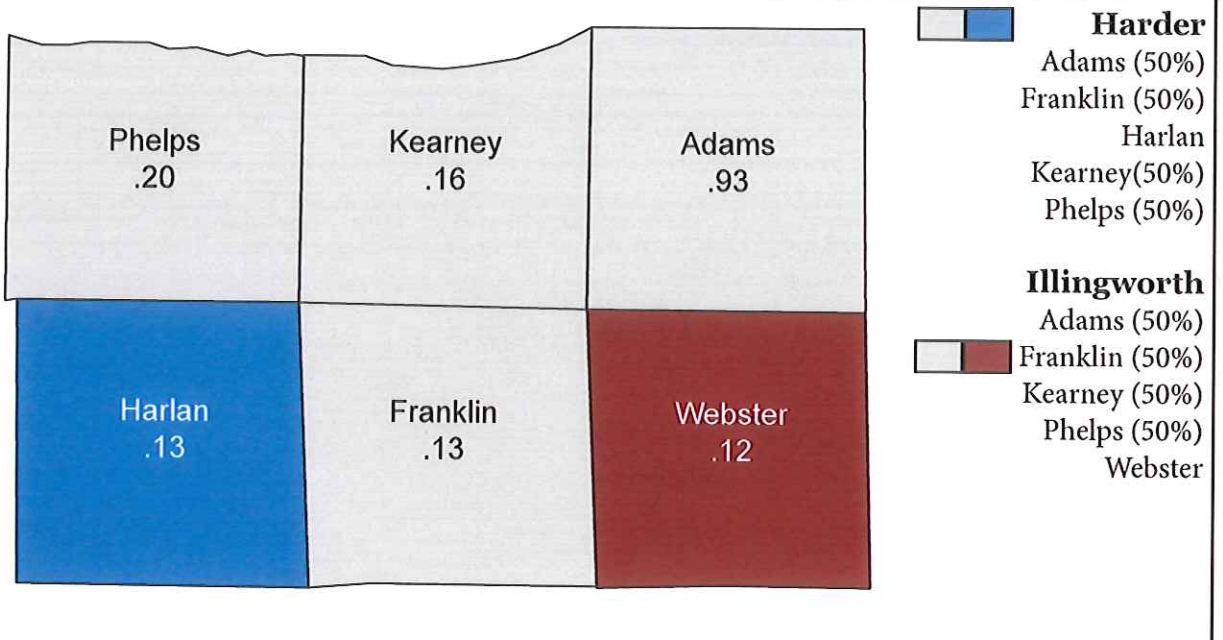
Weighted Caseload Report

10th Judicial District - District Court

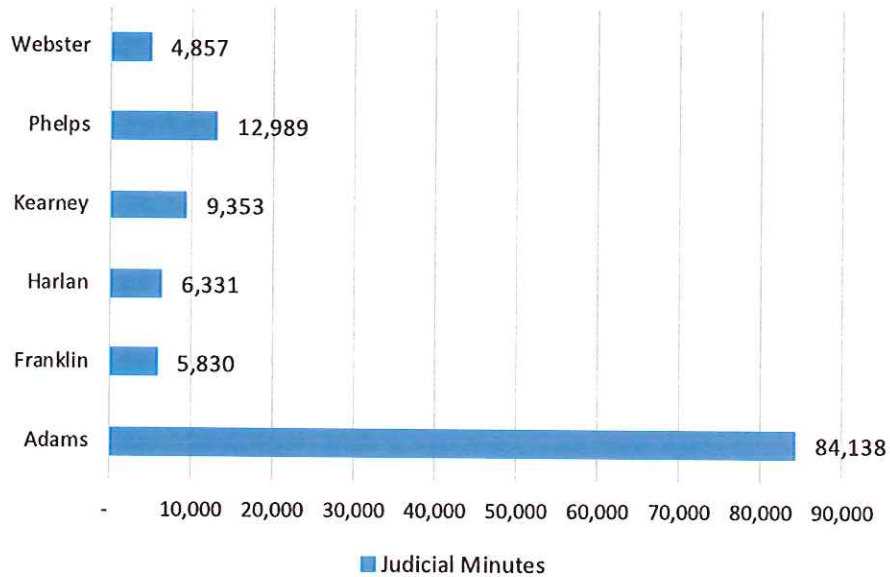
District court need for judges: 1.67
 Current number of judges: 2
 Child Support Referee: 0.11

Predicted judicial resources need by county

Judges Serving the 10th District District Court



Weighted Cases by County

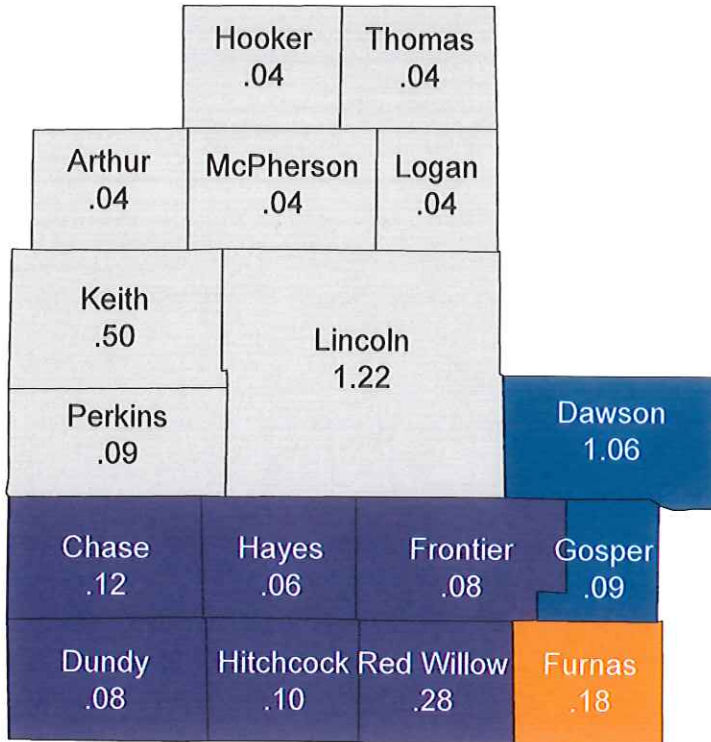


Weighted Caseload Report

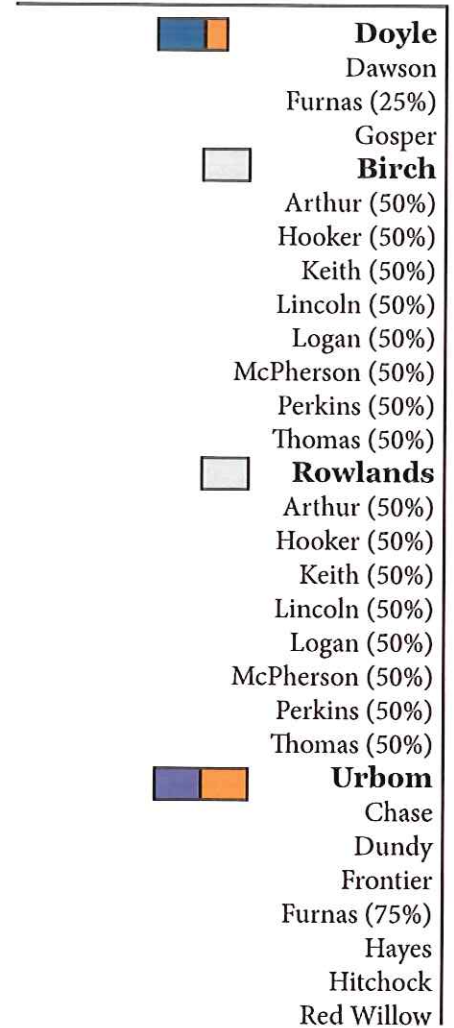
11th Judicial District - District Court

District court need for judges: 4.06
 Current number of judges: 4

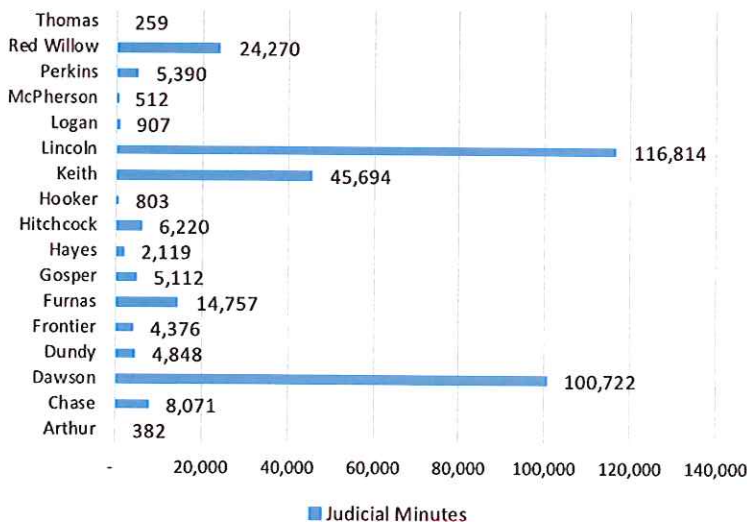
Predicted judicial resources need by county



Judges Serving the 11th District District Court



Weighted Cases by County

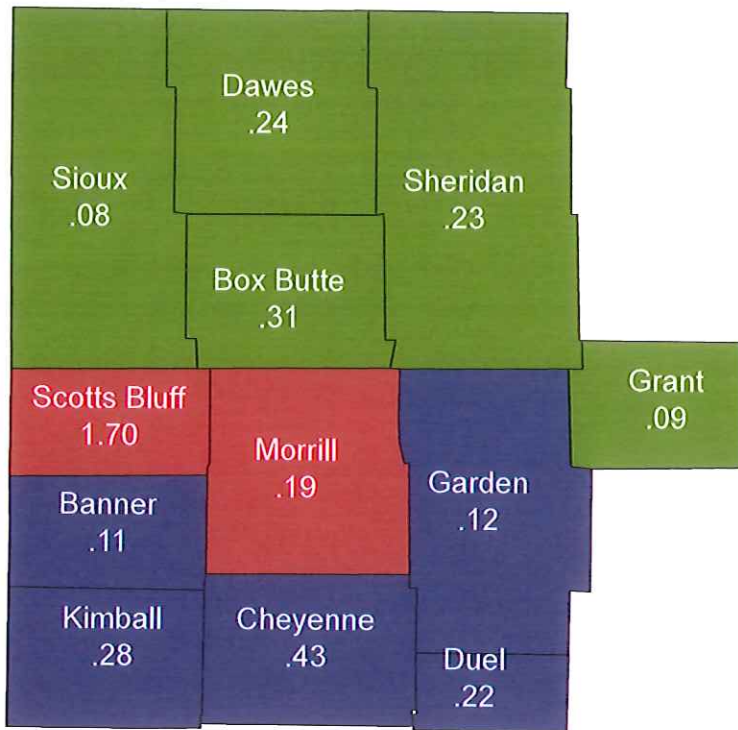


Weighted Caseload Report

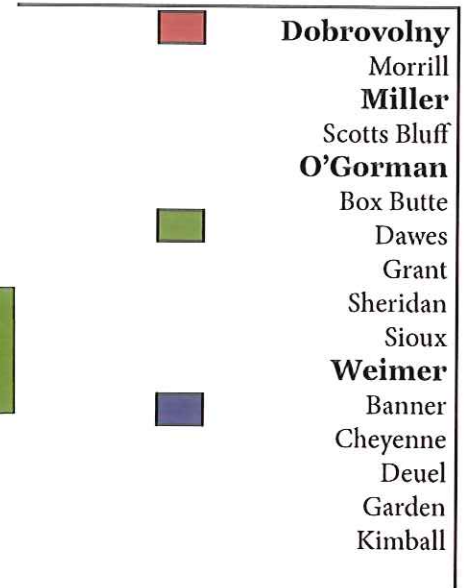
12th Judicial District - District Court

District court need for judges: 3.98
 Current number of judges: 4

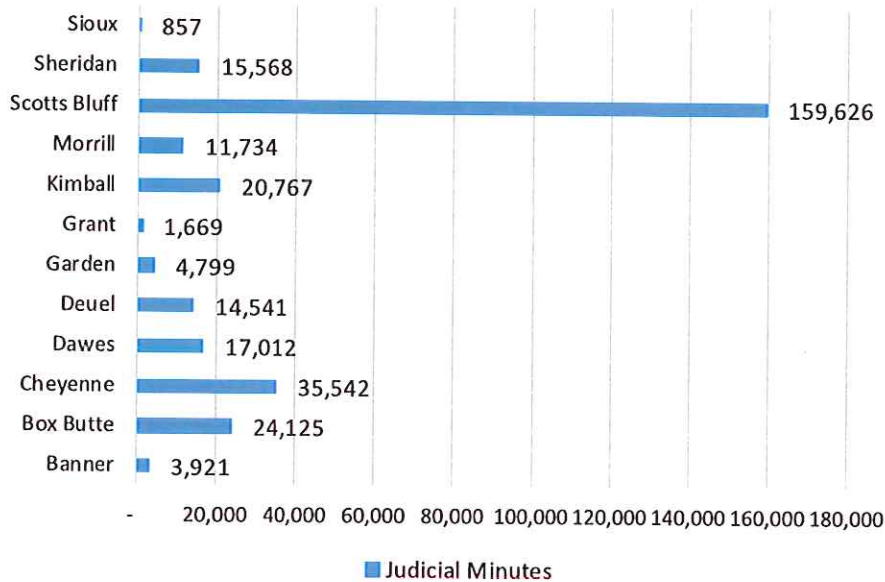
Predicted judicial resources need by county



Judges Serving the 12th District District Court



Weighted Cases by County



Nebraska State Bar Association

"Helping lawyers help people"

October 10, 2018

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

Dear Justice Stacy:

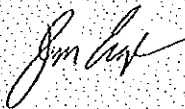
On behalf of the NSBA Judicial Resources Committee ("the Committee"), I wish to convey to the members of the Judicial Resources Commission our recommendation regarding the vacancy in the District Court, 9th Judicial District due to the retirement of Judge William T. Wright.

The Committee met on October 9th 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 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, 9th Judicial District be filled, with the principle office in Kearney.

Thank you for your consideration of the recommendations set forth herein. Please include this letter with the materials provided to the members of the Judicial Resources Commission ahead of your October 23rd meeting.

Sincerely,



Timothy R. Engler
NSBA President

CC: Corey Steel
Liz Neeley