

**MINUTES OF THE ANNUAL PUBLIC HEARING  
OF  
THE NEBRASKA JUDICIAL RESOURCES COMMISSION  
December 10, 2021**

The annual public hearing of the Nebraska Judicial Resources Commission was held on the 10<sup>th</sup> day of December, 2021, in Room 1510, State Capitol Building, in Lincoln, Nebraska. Justice Stacy called the meeting to order at 1 p.m. The meeting included a WebEx videoconferencing option for Commission members and for the public.

Roll call by the Secretary:

PRESENT

Justice Stephanie Stacy, Chair  
Judge Matthew Kahler  
Judge Anne Paine  
Judge John Samson  
Timothy Engler  
Kenneth Hartman  
Roxanne Kracl  
Nancy McCabe  
Michael McCarthy  
Christopher Nielsen  
Brian Phares  
Lori Scherer  
Darlene Starman  
Ron Temple  
Jacqueline Tessendorf  
Maria Whitmore

ABSENT

Meagan Spomer

The Chair confirmed that all Commission members had received and reviewed the minutes from the last quarterly meeting on September 10, 2021. On an oral vote, commissioners accepted the minutes of September 10, 2021. Maria Whitmore abstained.

The following exhibits were examined and considered by the Commission during either the Annual Hearing portion of the agenda, or when considering the judicial retirement portion of the agenda:

- Exhibit 1: Annual Meeting Agenda
- Exhibit 2: Minutes of meeting of September 10, 2021
- Exhibit 3: Judge Illingworth retirement letter
- Exhibit 4: NSBA Letter in support of declaring vacancy
- Exhibit 5: Letter J. Harder in support of declaring vacancy

- Exhibit 6: Letter J. Masteller requesting consideration of 18<sup>th</sup> district court judgeship in 4<sup>th</sup> Jud. Dist.
- Exhibit 7: FY2021 District Court Weighted Caseload Report

All exhibits listed above are attached to these minutes, with the exception of the Weighted Caseload Report which is published and available on the Nebraska Supreme Court website.

Supportive data for the 2021 Annual Hearing was provided to the Commission via a PowerPoint presentation, a copy of which is attached to these minutes. The presentation included:

- Data from the FY2021 Annual Caseload Reports and Weighted Caseload Reports;
- Caseload trends in the district, county, and separate juvenile courts;
- Other data impacting judicial resources including the continued expansion of problem solving courts, the significant increase in self-represented litigants, the number of Nebraska counties with no practicing attorneys, the increasing need for language interpreters in court proceedings, statewide population changes, disparities in courthouse bandwidth across the state, and the use of remote technology in court proceedings;
- The judicial retirement forecast for the next 5 years; and
- Historical data on the number of judicial districts in Nebraska from 1911 to the present.

The Commission next received and considered public testimony. Nebraska State Court Administrator Corey Steel, and Nebraska State Bar Association Executive Director Liz Neeley, both testified in support of declaring a vacancy due to retirement of Judge Illingworth from the district court bench in the 10<sup>th</sup> judicial district. Douglas County District Court Judge Jeffrey Lux testified in support of recommending the addition of an 18<sup>th</sup> district court judgeship in the 4<sup>th</sup> Judicial District. The Commission received no specific recommendations or requests to recommend reducing a judgeship in any court. Nor were any recommendations received to change any judicial district boundary or to change the number of judicial districts.

It was moved by Judge Matthew Kahler and seconded by Brian Phares that the Commission recommend the creation of an 18<sup>th</sup> district court judgeship position in the 4<sup>th</sup> Judicial District. On a roll call vote, the motion passed unanimously.

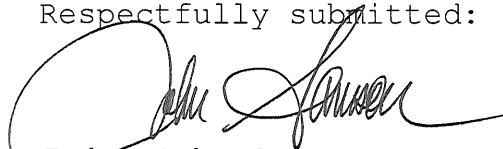
It was noted that the current number of judicial districts has remained unchanged for several decades. Minutes from last year's Annual Hearing reflect ongoing discussion about how the Commission can better facilitate and encourage the development of specific recommendations in advance of the Annual Hearing. It was moved by the Chair and seconded by Darlene Starman that the Commission request specific data from the State Court Administrator bearing on the optimal number and configuration of county and district court judicial districts, with the expectation that such data will be presented and discussed at regular quarterly Commission hearings throughout 2022, and any recommendations which may result can be placed on the agenda for the 2022 Annual Hearing. On a roll call vote, the motion passed unanimously.

It was moved by Michael McCarthy and seconded by Judge Anne Paine that the Commission declare that a judicial vacancy exists in the 10<sup>th</sup> Judicial District due to the retirement of Judge Stephen R. Illingworth from the district court bench, and recommend the primary office location of such vacancy be in Hastings, Adams County, Nebraska. On a roll call vote, the motion passed unanimously.

The Chair provided the following tentative quarterly meeting dates for 2022: February 18, 2022 at 10 a.m.; June 3, 2022 at 10 a.m.; September 9, 2022 at 10 a.m.; December 9, 2022 at 1 p.m. It is anticipated that all quarterly meetings will be held in-person at the Nebraska State Capitol and will include the option of videoconferencing via WebEx.

There being no other matters brought before the Commission, the Chair asked whether there was any objection to adjourning. There being none, the meeting was adjourned.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "John Samson", written over a large, loopy initial "J".

Judge John Samson  
Secretary

**MEETING AGENDA**  
**JUDICIAL RESOURCES COMMISSION**  
**December 10, 2021 – 1 p.m. CST**  
**Room 1510, State Capitol, Lincoln, Nebraska**  
**Proceedings include virtual conferencing VIA WEBEX**

- I. Call meeting to order; roll call of members by secretary.
- II. Approve minutes from meeting held September 10, 2021.
- III. Identify/receive exhibits to be considered by Commission.

NOTE: Copies of exhibits received by the deadline of December 7, 2021, will be available in the hearing room during the meeting, and will be linked electronically here just prior to the meeting.

- IV. 2021 Report on Judicial Caseloads, Trends, and Resources.
- V. Conduct Public Hearing on:
  - a. Judicial Retirement in 10<sup>th</sup> Judicial District
  - b. Annual Meeting items
- VI. Determine whether a judicial vacancy exists in the office of the District Court, 10th Judicial District, due to the retirement of Judge Stephen R. Illingworth effective November 30, 2021, and if so recommend a primary office location.
- VII. Take up Annual Meeting items:
  - a. Determine whether a new judgeship is appropriate in any judicial district.
  - b. Determine whether a reduction in judgeships is appropriate in any judicial district.
  - c. Determine whether the judicial district boundaries or the number of judicial districts should be changed for the district or county courts.
  - d. Determine whether, based on an examination of current caseload statistics, the Commission should make any recommendations for the more balanced use of existing judicial resources.
- VIII. Other Items
  - (a) Virtual conferencing update
  - (b) 2022 quarterly meeting agenda
- IX. Adjournment





MINUTES OF THE MEETING  
OF  
THE NEBRASKA JUDICIAL RESOURCES COMMISSION  
September 10, 2021

A public hearing and public meeting of the Nebraska Judicial Resources Commission was held on the 10<sup>th</sup> day of September, 2021, in Room 1510, State Capitol Building, in Lincoln, Nebraska, with some Commission members attending by WebEx conference as provided by law. The proceedings included virtual conferencing via WebEx.

The Chair called the meeting to order in Room 1510 at the hour of 10 a.m. Roll call by the Secretary showed the following members in attendance:

PRESENT

Justice Stephanie Stacy, Chair  
Judge Matthew Kahler  
Judge Anne Paine  
Judge John Samson  
Timothy Engler  
Roxanne Kracl  
Nancy McCabe  
Michael McCarthy  
Christopher Nielsen  
Robert Parker  
Brian Phares  
Darlene Starman  
Jacqueline Tessororf

EXCUSED

Charles Conrad  
William Ditttrick  
Robert Slovek

ABSENT

Lori Scherer

On a voice vote, the minutes of the June 4, 2021 meeting were approved, with all present voting yes.

The Chair announced that the purpose of the public meeting was to consider the following: (1) Whether a judicial vacancy exists in the District Court of the 4<sup>th</sup> Judicial District, due to the retirement of Judge Gregory M. Schatz effective July 1, 2021, and if so to make a recommendation to the Supreme Court as to the primary office location of such vacancy; (2) whether a judicial vacancy exists in the District Court of the 11<sup>th</sup> Judicial District, due to the retirement of Judge David W. Urbom effective August 31, 2021, and if so to make a recommendation to the Supreme Court as to the primary office location of such vacancy; (3) whether a judicial vacancy exists in the County Court of the 11<sup>th</sup> Judicial District, due to the resignation of Judge Kent Turnbull effective August 31, 2021, and if so to make a recommendation to the Supreme Court as to the primary office location of such vacancy; (4)



whether a judicial vacancy exists in the District Court of the 9<sup>th</sup> Judicial District, due to the retirement of Judge Mark J. Young effective September 1, 2021, and if so to make a recommendation to the Supreme Court as to the primary office location of such vacancy; and (5) whether a judicial vacancy exists in the District Court of the 4<sup>th</sup> Judicial District, due to the retirement of Judge Thomas A. Otepka effective September 10, 2021, and if so to make a recommendation to the Supreme Court as to the primary office location of such vacancy.

A public hearing was conducted to receive testimony regarding the five judicial retirements/resignations appearing on the meeting agenda. Exhibits 1-16 were identified and received for purposes of the hearing. Oral testimony was offered by Judge Michael Piccolo and by Corey Steel in support of declaring five vacancies; no testimony was offered in opposition to declaring a vacancy. After receiving testimony, the public hearing was closed.

The commission first took up whether a judicial vacancy exists in the District Court of the 4<sup>th</sup> Judicial District, due to the retirement of Judge Gregory M. Schatz. It was moved by Judge Matthew Kahler and seconded by Brian Phares that a vacancy be declared in the office of District Court of the 4<sup>th</sup> Judicial District, and that the commission recommend a primary office location in Omaha, Douglas County, Nebraska. Voting yes, all present. Motion unanimously carried.

The commission next took up whether a judicial vacancy exists in the District Court of the 11<sup>th</sup> Judicial District, due to the retirement of Judge David W. Urbom. It was moved by Brian Phares and seconded by Christopher Nielsen that a vacancy be declared in the office of District Court of the 11<sup>th</sup> Judicial District, and that the commission recommend the primary office location be in McCook, Red Willow County, Nebraska. Voting yes, all present. Motion unanimously carried.

The commission next took up whether a judicial vacancy exists in the County Court of the 11<sup>th</sup> Judicial District, due to the resignation of Judge Kent Turnbull. It was moved by Brian Phares and seconded by Christopher Nielsen that a vacancy be declared in the office of County Court of the 11<sup>th</sup> Judicial District, and that the commission recommend the primary office location be in North Platte, Lincoln County, Nebraska. Voting yes, all present. Motion unanimously carried.

The commission next took up whether a judicial vacancy exists in the District Court of the 9<sup>th</sup> Judicial District, due to the retirement of Judge Mark J. Young. It was moved by Judge Matthew Kahler and seconded by Judge Anne Paine that a vacancy be declared in the office of District Court of the 9<sup>th</sup> Judicial District, and that the commission recommend the primary office location be in Grand Island, Hall County, Nebraska. Voting yes, all present. Motion unanimously carried.

Finally, the commission took up whether a judicial vacancy exists in the District Court of the 4<sup>th</sup> Judicial District, due to the retirement of Judge Thomas A. Otepka. It was moved by Judge Matthew Kahler and seconded by Brian Phares that a vacancy be declared in the office of District Court of the 4<sup>th</sup> Judicial District, and that the commission recommend the primary office location be in Omaha, Douglas County, Nebraska. Voting yes, all present. Motion unanimously carried.

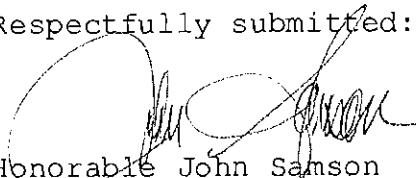
Under "Other business" the commission discussed available formats for videoconferencing. It was agreed that the WebEx format is (1) easier for IT to set up and support, (2) is far more convenient for commissioners and for members of the public than driving to one of several regional videoconferencing sites across the state. The commission agreed that, at least for the foreseeable future, when public hearings and public meetings are to include virtual conferencing, the commission will use WebEx rather than regional videoconferencing sites.

The commission was briefed on recent amendments to the statutes that authorize videoconferencing and telephone conferencing in connection with commission hearings/meetings. Leslie S. Donley, Assistant Attorney General, provided an overview of the statutory changes ushered in last session by L.B. 83, and answered questions regarding how those amendments impact the public hearings/public meetings of the Judicial Resources Commission.

Commissioners were reminded that the Annual Meeting is set for Friday, December 10, 2021. The standard meeting agenda was discussed, and commissioners were advised that if they have additional topics they would like to see included on the Annual Meeting agenda, they should advise the chair.

There being no objection to adjournment, the Chair thanked commissioners for their attendance and the meeting was adjourned.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'John Samson', written over a large, faint circular stamp or watermark.

Honorable John Samson  
Secretary

# District Court of Nebraska

*Tenth Judicial District*

STEPHEN R. ILLINGWORTH  
DISTRICT JUDGE  
ADAMS COUNTY COURTHOUSE  
500 WEST 4TH STREET, ROOM 200  
HASTINGS, NEBRASKA 68901  
E-MAIL: [dcbailliff@adamscounty.org](mailto:dcbailliff@adamscounty.org)

TELEPHONE: (402) 461-7255  
FAX: (402) 461-7183

EMILY M. JURANEK, Bailiff/Secretary

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

RECEIVED

AUG 16 2021

The Chief Clerk

Dear Governor Ricketts:

Re: Retirement

I wish to inform you that I have submitted my Retirement Application to the Nebraska Public Employees Retirement System. My last day of Judicial Service to the State of Nebraska will be November 30, 2021. I especially wish to thank Governor Kay Orr for the appointment and opportunity to serve the citizens of the State of Nebraska and the Tenth Judicial District since October 7, 1988.

Very truly yours,

  
Stephen R. Illingworth

CC: Honorable Michael G. Heavican





# Nebraska State Bar Association

*"Helping lawyers help people"*

December 1, 2021

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

Dear Justice Stacy:

As the President of the Nebraska State Bar Association ("the NSBA") I wish to convey to the members of the Judicial Resources Commission the NSBA's recommendation regarding the vacancy in the District Court of the 10<sup>th</sup> Judicial District, due to the retirement of Judge Stephen R. Illingworth.

The members of the NSBA's Judicial Resources Committee ("the Committee"), reviewed the Judicial Weighted Caseload Reports ("Judicial Workload Assessment") which includes statistics through September 2021. This report shows that there is a need for 2.2 judges in the District Court of the 10<sup>th</sup> Judicial District and the current number of judges is 2.0 and based upon this determination, the Committee concluded that the State's justice system will not have adequate judicial resources available in the District Court of the 10<sup>th</sup> Judicial District unless the current vacancy is filled expeditiously.

Therefore, the NSBA recommends that the current vacancy in the District Court of the 10<sup>th</sup> Judicial District be filled, with the principal office in Hastings, Nebraska.

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 for your December 10th meeting.

Sincerely,



William J. Mueller  
NSBA President

Cc: Corey Steel  
Liz Neeley  
Jason Doele



District Court of Nebraska  
*Tenth Judicial District*

TERRI S. HARDER  
DISTRICT JUDGE  
KEARNEY COUNTY COURTHOUSE  
P.O. BOX 208  
MINDEN, NE 68959

JACKIE J. QUEEN, Court Reporter  
KELLY A. HARTMAN, Bailiff / Secretary

TELEPHONE: 308-832-1038  
FAX: 308-832-0636

December 7, 2021

Ms. Dawn Mussman  
[Dawn.Mussman@nebraska.gov](mailto:Dawn.Mussman@nebraska.gov)  
Judicial Resources Commission

RE: 10<sup>th</sup> Judicial District Vacancy

Dear Judge Stacy and Members of the Judicial Resources Commission:

An agenda item for your upcoming meeting involves consideration of whether or not the vacancy in the 10<sup>th</sup> Judicial District, due to the resignation of the Honorable Stephen R. Illingworth, should be filled. As I am sure you are aware, the recent Weighted Caseload Report finds that the 10<sup>th</sup> Judicial District has a need of 2.2 judges. I am currently the only district judge serving the 10<sup>th</sup> Judicial District. I respectfully request that the committee vote to declare a vacancy so that judicial services can adequately be delivered to the citizens of the district.

Thank you for your consideration.

Very truly yours,



Terri S. Harder  
District Court Judge







State of Nebraska  
**District Court of Nebraska**  
Fourth Judicial District

**JUDGE JAMES M. MASTELLER**  
HALL OF JUSTICE  
OMAHA, NEBRASKA 68103-0410  
402.444.7011  
FAX 402.996.8164

**LISA ARROWSMITH**  
BAILIFF  
**CHELSEY TEGELER, RPR**  
COURT REPORTER

December 7, 2021

Judicial Resources Commission  
c/o Dawn Mussmann  
State Capital Building  
P.O. Box 98910  
Lincoln, NE 68509  
Dawn.Mussmann@nebraska.gov

RE: Public Testimony

Dear Justice Stacy and Members of the Commission:

Please accept this letter as written testimony in support of the request of the District Judges of the Fourth Judicial District (Douglas County) that the Judicial Resources Commission determine that it would be appropriate to add an 18<sup>th</sup> District Judge to the Fourth Judicial District.

Since the Judicial Resources Commission's last hearing on September 10, 2021, I am pleased to report that Governor Pete Ricketts has appointed Jeffrey J. Lux, LeAnne M. Srb, and Molly B. Keane as District Judges in our district. Although these recent appointments have brought the total number of District Judges in our district to 17, caseload statistics reflect the continued need for additional judicial resources to adequately meet the needs of the Fourth Judicial District.

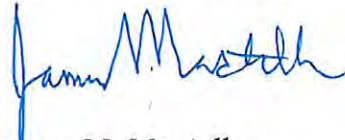
The October 2020 Final Report of the Nebraska Judicial Workload Assessment conducted by the National Center for State Courts concluded that the District Court of the Fourth Judicial District has **an implied need for 20.68 judges**. As of October 31, 2021, there were a total of **8,338 cases pending** in our district, 3,588 of which are family law cases. Despite our best efforts, I am concerned that the heavy caseloads assigned to the District Judges may be impacting our ability to progress cases as expeditiously as is called for by the Supreme Court's Case Progression Standards. See Neb. Ct. R. § 6-101.

Accordingly, the District Judges of the Fourth Judicial District respectfully request that the Judicial Resources Commission determine that it would be appropriate to add an 18<sup>th</sup> District Judge to the Fourth Judicial District.



Thank you for your consideration. Please do not hesitate to contact me should you have any questions. I remain

Very Sincerely Yours,



James M. Masteller

CC: Judge Timothy P. Burns  
Judge Duane C. Dougherty  
Judge W. Russell Bowie  
Judge Tressa M. Alioth  
Judge Marlon A. Polk  
Judge J. Michael Coffey  
Judge Kimberly Miller Pankonin  
Judge Horacio J. Wheelock  
Judge J Russell Derr  
Judge Leigh Ann Retelsdorf  
Judge Peter C. Bataillon  
Judge Jeffrey J. Lux  
Judge Shelly R. Stratman  
Judge T. Olon Engleman  
Judge LeAnne M. Srb  
Molly B. Keane  
Sheri K. Larsen

Nebraska Judicial Branch

Weighted Caseload Report

District Courts

Reporting Period  
Fiscal Year 2021

July 1, 2020 to  
June 30, 2021



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# Weighted Caseload Report

## Nebraska District Courts Weighted Caseload Report

Nebraska has a district court in each of its 93 counties, organized into 12 Judicial Districts. Pursuant to Neb. Rev. Stat. § 24-301.02, the Legislature determines the number of district court judges who serve in each judicial district, and the geographic boundaries of each judicial district. An objective assessment of judicial workload allows informed decisions about district boundaries and the number of judges needed to timely resolve the cases in each judicial district.

To assist in evaluating judicial workloads, Neb. Rev. Stat. § 24-1007(1) requires the Nebraska Administrative Office of the Courts and Probation (AOCP) to compile judicial workload statistics based on caseload numbers weighted by category of case. These weighted caseload statistics are used by the Judicial Branch, the Judicial Resources Commission, and the Legislature to evaluate judicial need, and guide decisions and recommendations on how best to allocate judicial resources across the state.

To ensure the validity, uniformity and accuracy of the AOCP's judicial workload statistics, a statewide judicial time study was conducted in 2019-2020 under the direction and leadership of the National Center for State Courts. For a full description of the judicial time study and the recommended weighting methodology and standards, see *Nebraska Judicial Workload Assessment Final Report* (October 2020) on the Nebraska Supreme Court Website. Because this Weighted Caseload Report utilizes the methodology and standards from the 2020 workload assessment, direct comparison to archived reports is not recommended.

No quantitative judicial workload assessment method, including the weighted caseload method, can determine the exact number of judges needed within each judicial district. But weighted caseload statistics can approximate the number of judges needed to handle the current caseload in each judicial district. When weighted caseload statistics are examined in conjunction with other important influencing factors it provides an objective and standardized way to assess judicial need and to fairly allocate judicial resources among judicial districts.



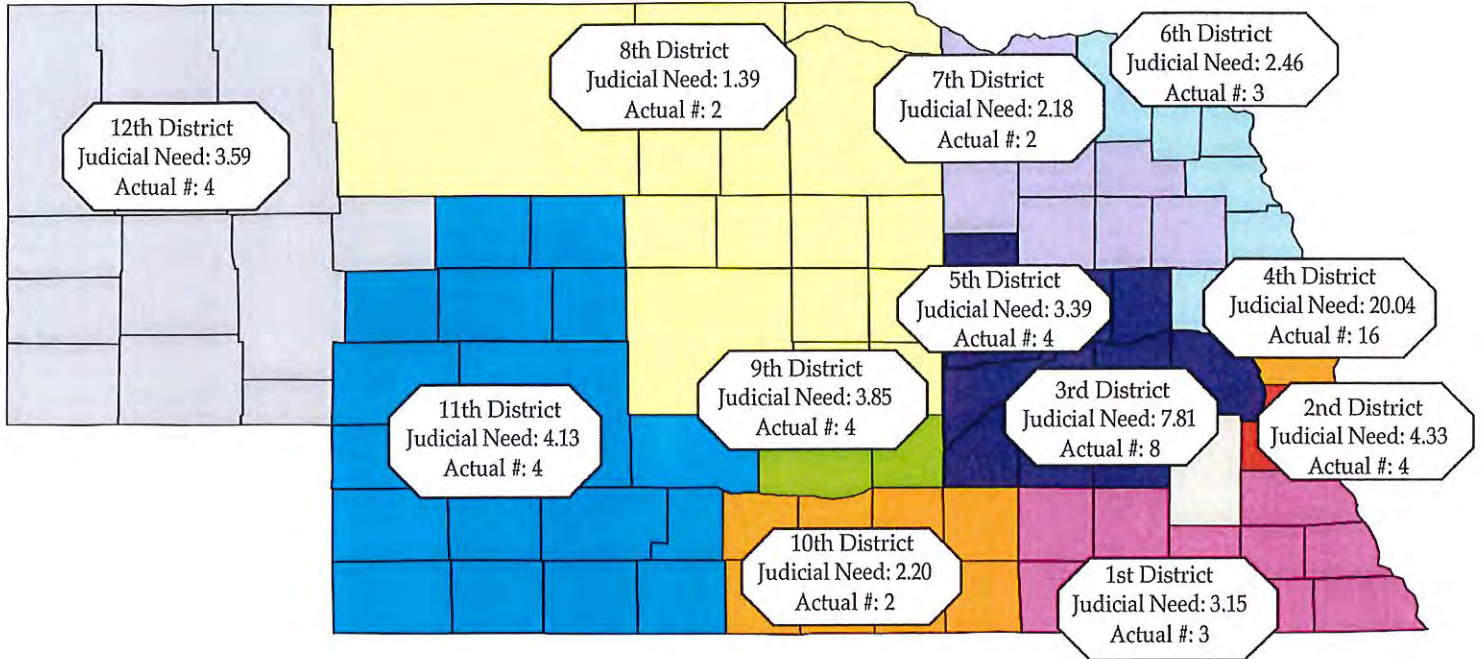
**Corey R. Steel | Nebraska State Court Administrator**  
**Nebraska Supreme Court**  
**Administrative Office of the Courts & Probation**

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)

# Weighted Caseload Report

## Nebraska District Court Judicial Needs

Fiscal Year 2021 (July 1, 2020 – June 30, 2021)



Differences between the total District Court Need for Judges and the sum of individual counties is due to rounding to the nearest one-hundredth.



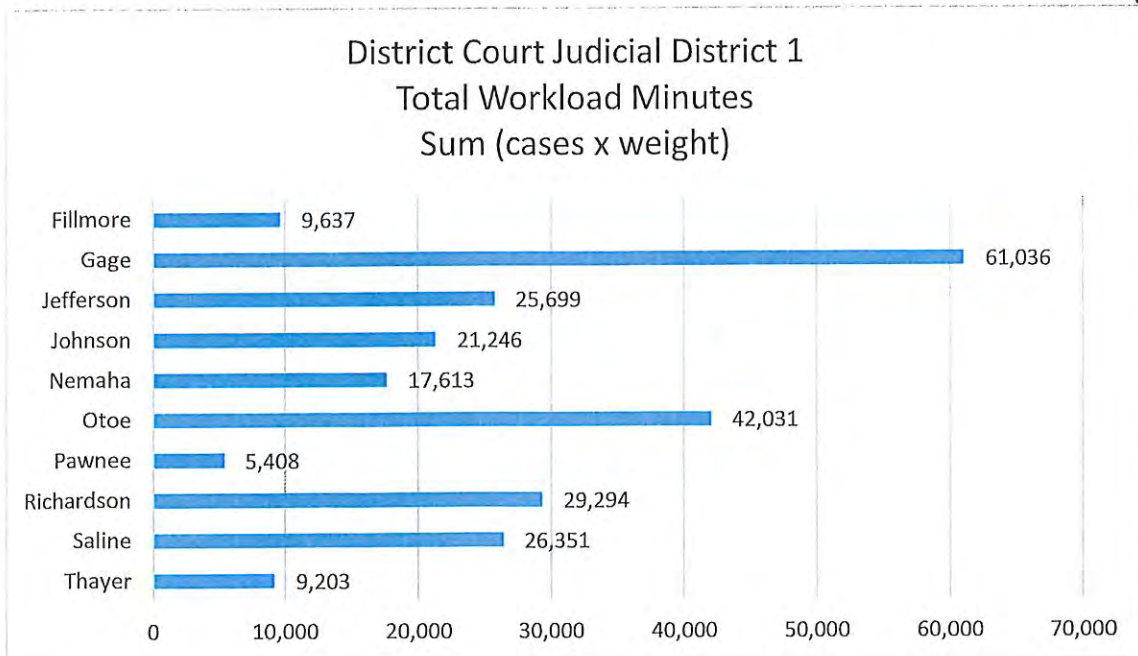
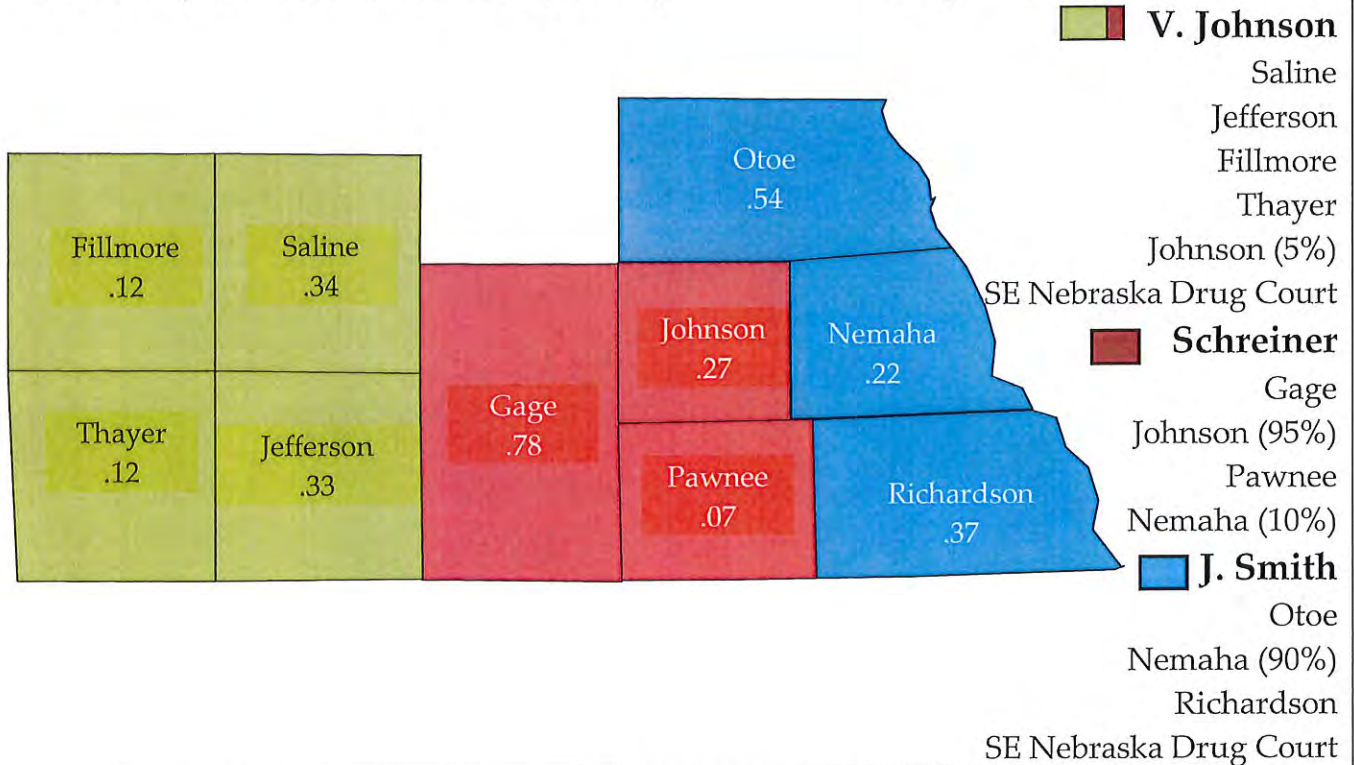
# Weighted Caseload Report

## 1<sup>st</sup> Judicial District – District Court

District court need for judges: 3.15  
 Current number of judges: 3  
 Workload per judge: 1.05

### Predicted judicial resources need by county

### Judges Serving the 1st District



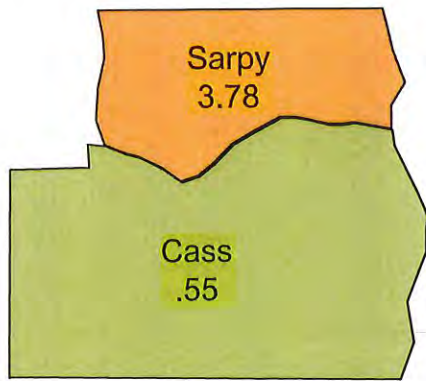


# Weighted Caseload Report

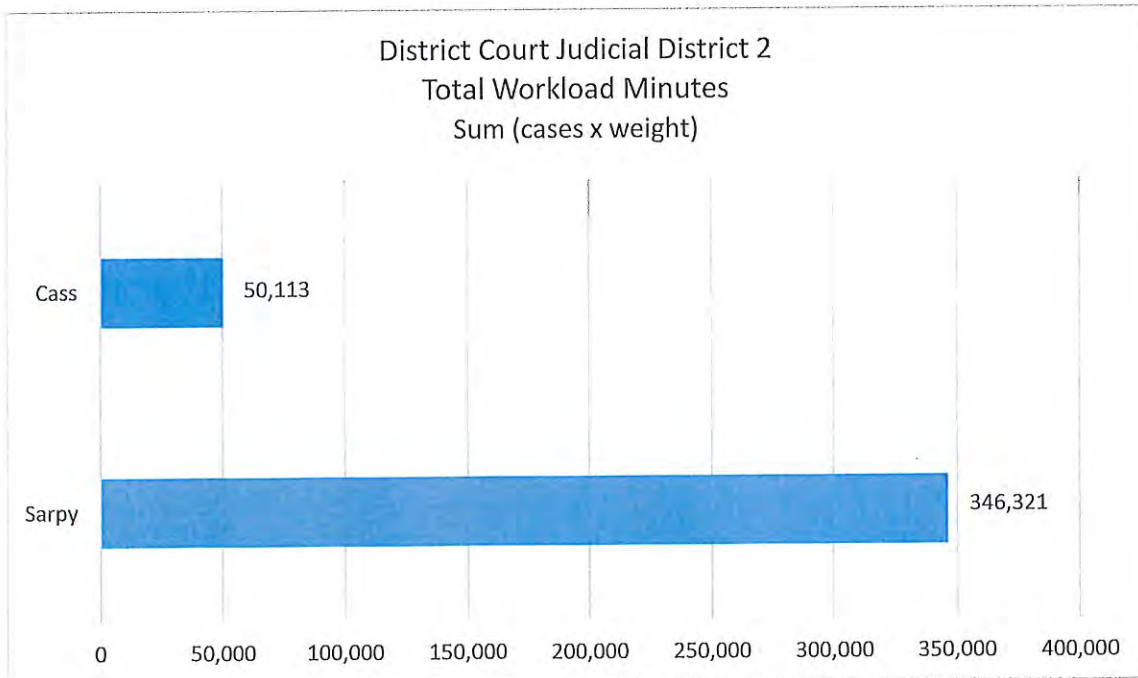
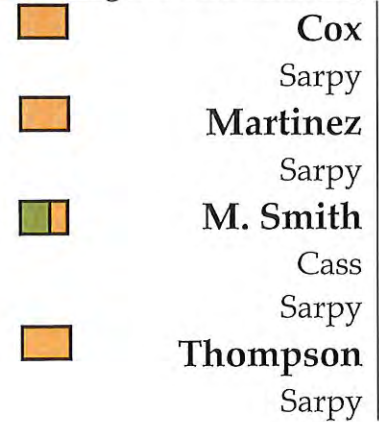
## 2<sup>nd</sup> Judicial District – District Court

District court need for judges: 4.33  
 Current number of judges: 4  
 Workload per judge: 1.08

Predicted judicial resources need by county



Judges Serving the 2nd District

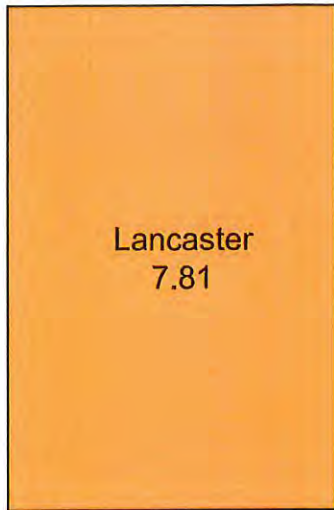


# Weighted Caseload Report

## 3<sup>rd</sup> Judicial District – District Court

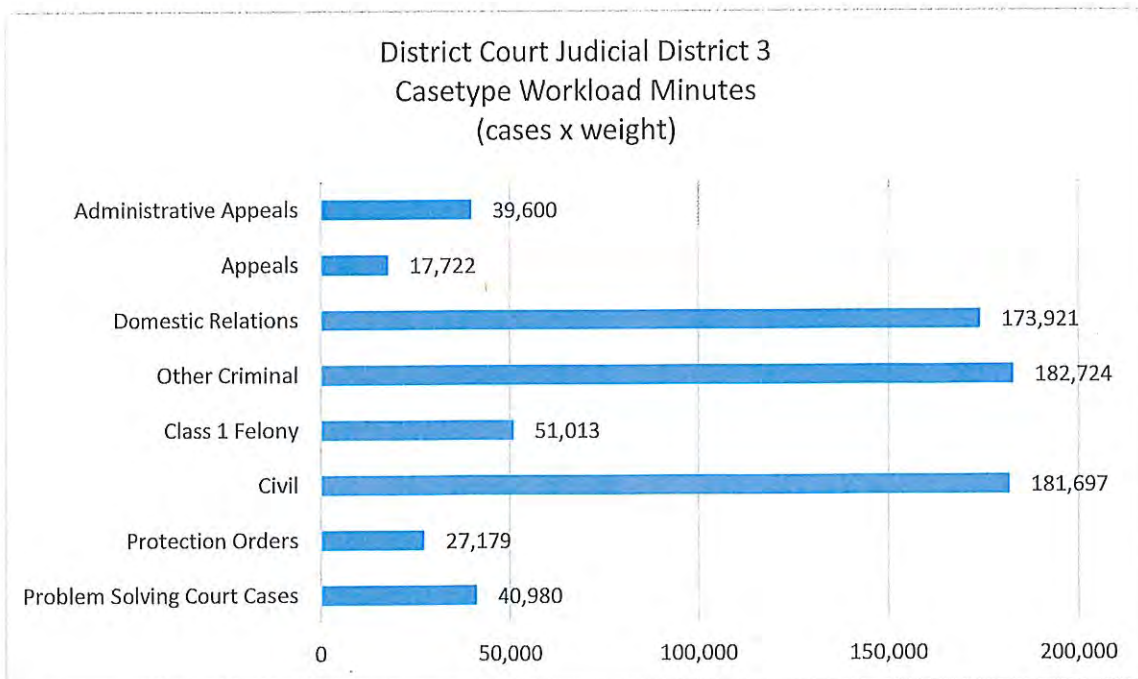
District court need for judges: 7.81  
 Current number of judges: 8  
 Workload per judge: 0.98

Predicted judicial resources need by county



Judges Serving the 3rd District

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



# Weighted Caseload Report

## 4<sup>th</sup> Judicial District – District Court

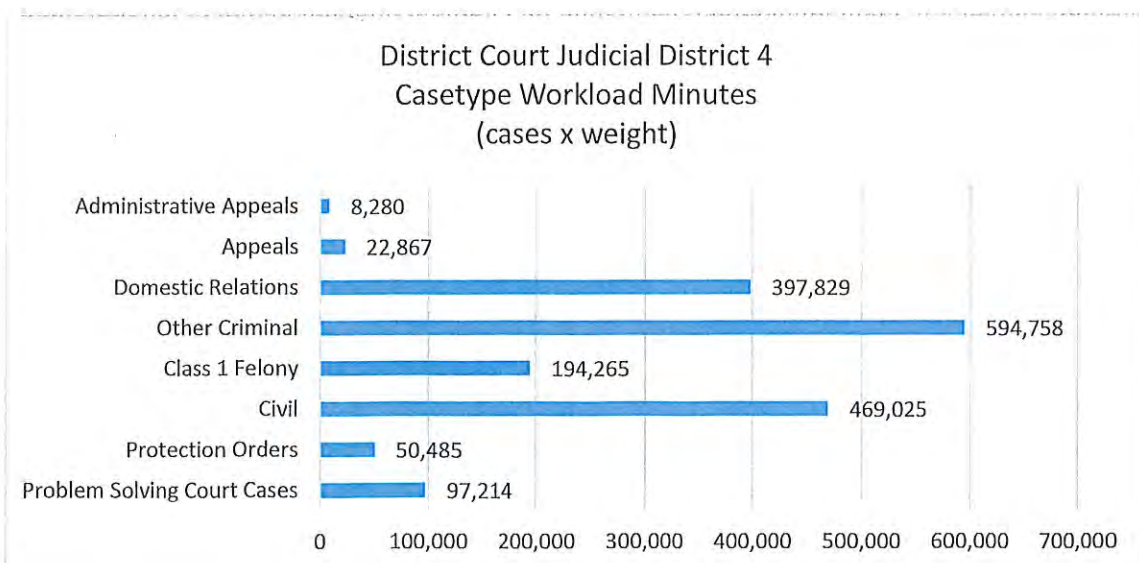
District court need for judges: 20.04  
 Current number of judges: 16  
 Workload per judge: 1.25

### Predicted judicial resources need by county



### Judges Serving the 4th District

- Alioth
- Bataillon
- Bowie
- Burns
- Coffey
- Derr
- Dougherty
- Engleman
- Masteller
- Miller Pankonin
- Otepka
- Polk
- Retelsdorf
- Schatz
- Stratman
- Wheelock



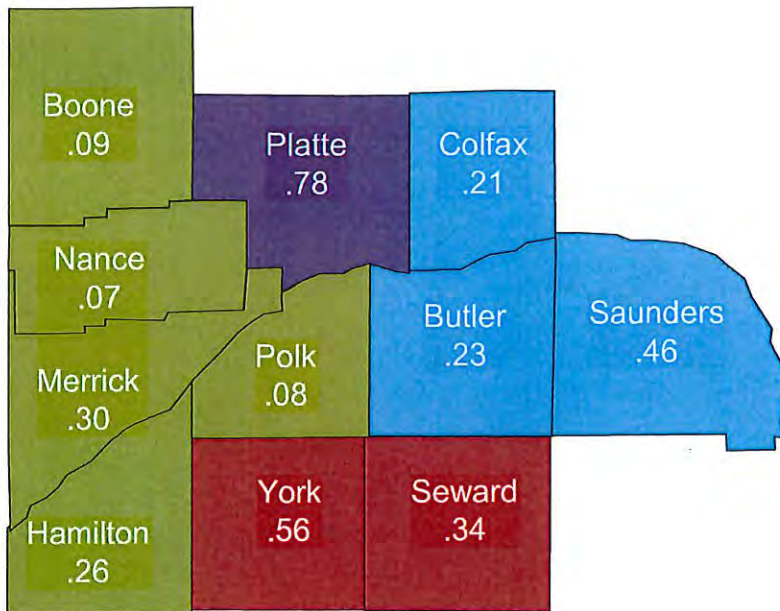


# Weighted Caseload Report

## 5<sup>th</sup> Judicial District - District Court

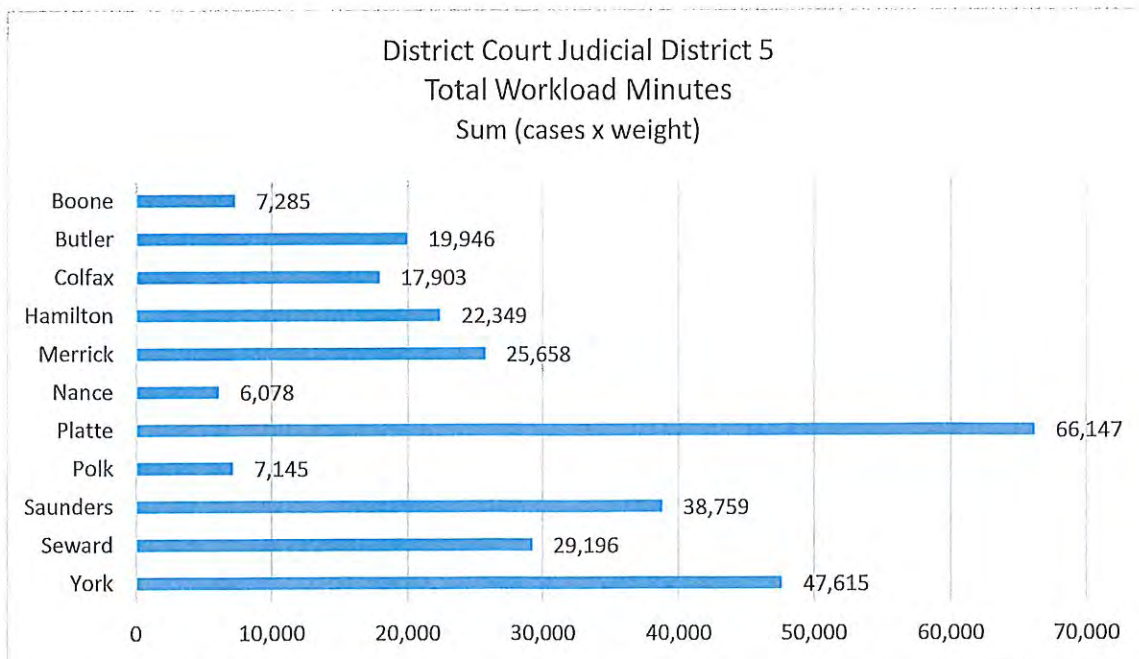
District court need for judges: 3.39  
 Current number of judges: 4  
 Workload per judge: 0.85

Predicted judicial resources need by county



Judges Serving the 5th District

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

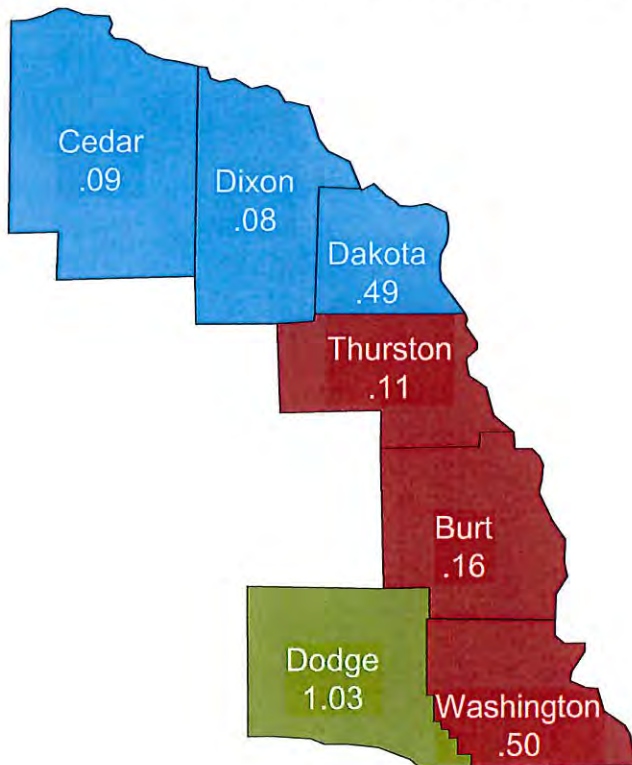


# Weighted Caseload Report

## 6<sup>th</sup> Judicial District – District Court

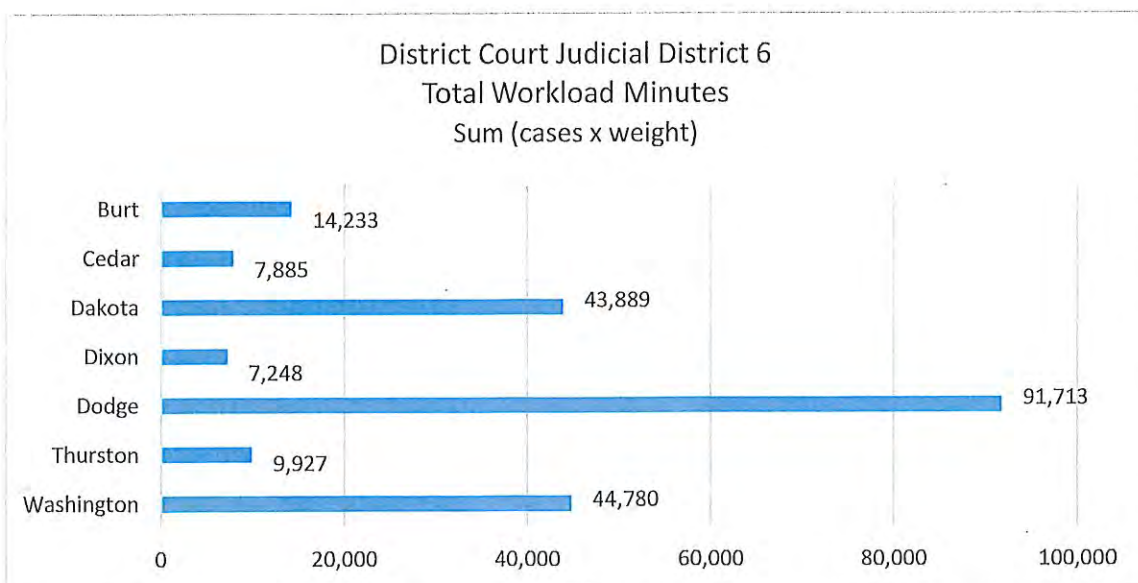
District court need for judges: 2.46  
 Current number of judges: 3  
 Workload per judge: 0.82

Predicted judicial resources need by county



Judges Serving the 6th District

- Hall
- Dodge
- Meisner
- Cedar
- Dakota
- Dixon
- Samson
- Burt
- Thurston
- Washington

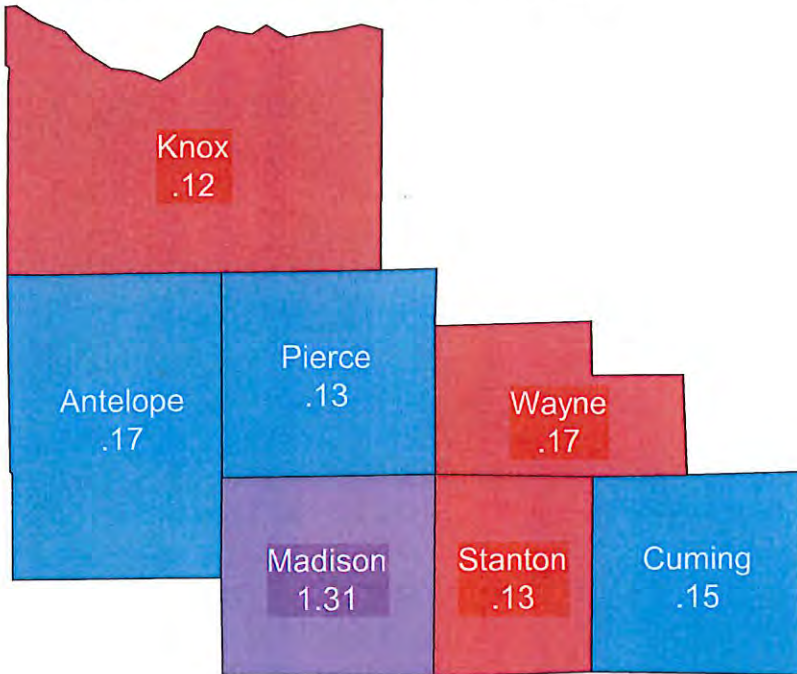


# Weighted Caseload Report

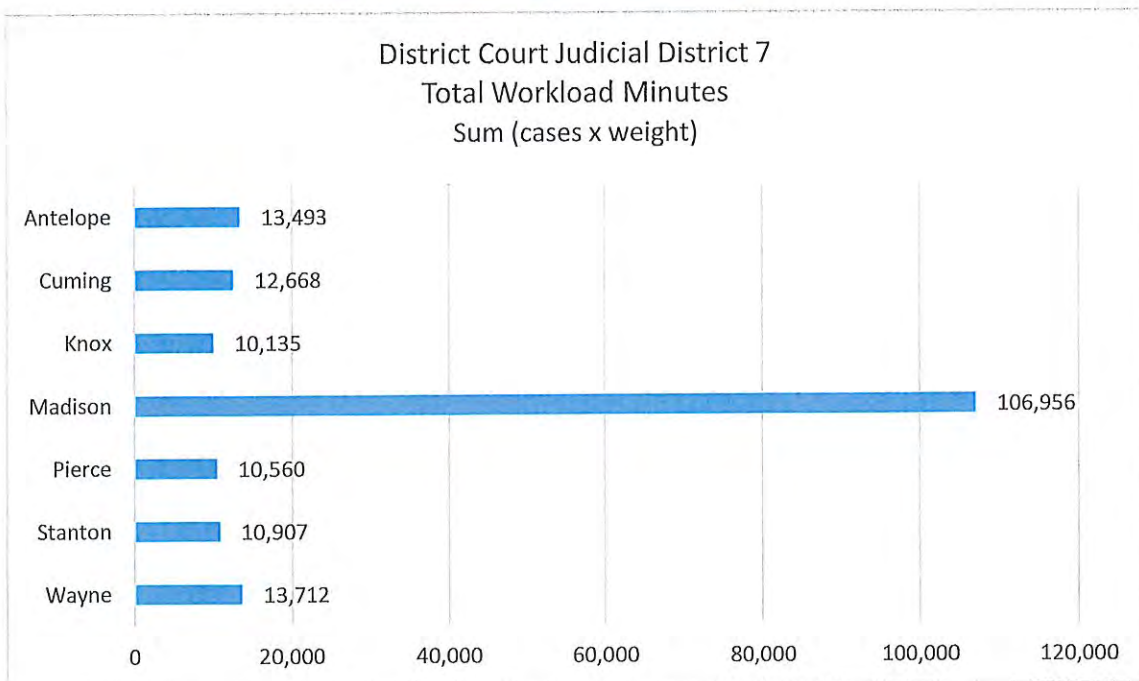
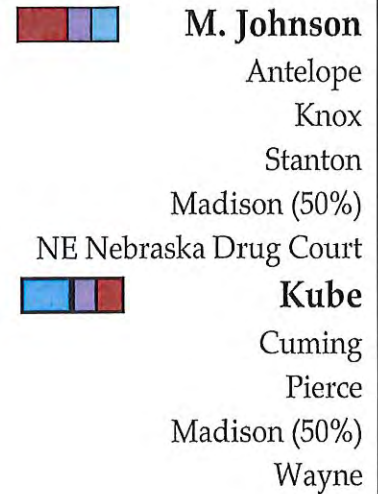
## 7<sup>th</sup> Judicial District – District Court

District court need for judges: 2.18  
 Current number of judges: 2  
 Workload per judge: 1.09

Predicted judicial resources need by county



Judges Serving the 7th District





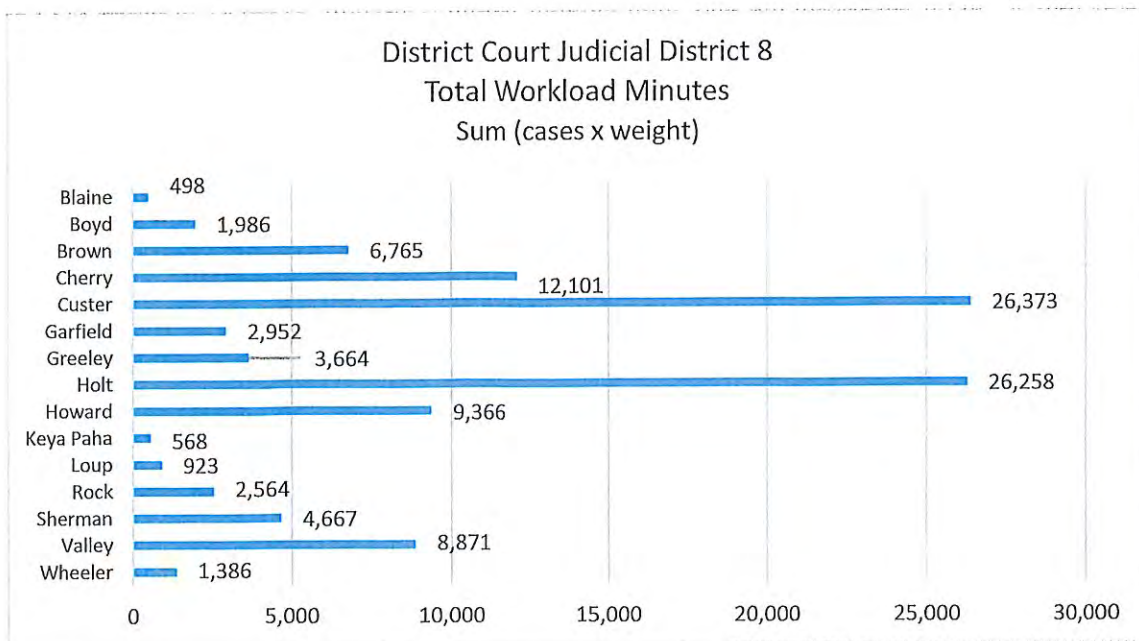
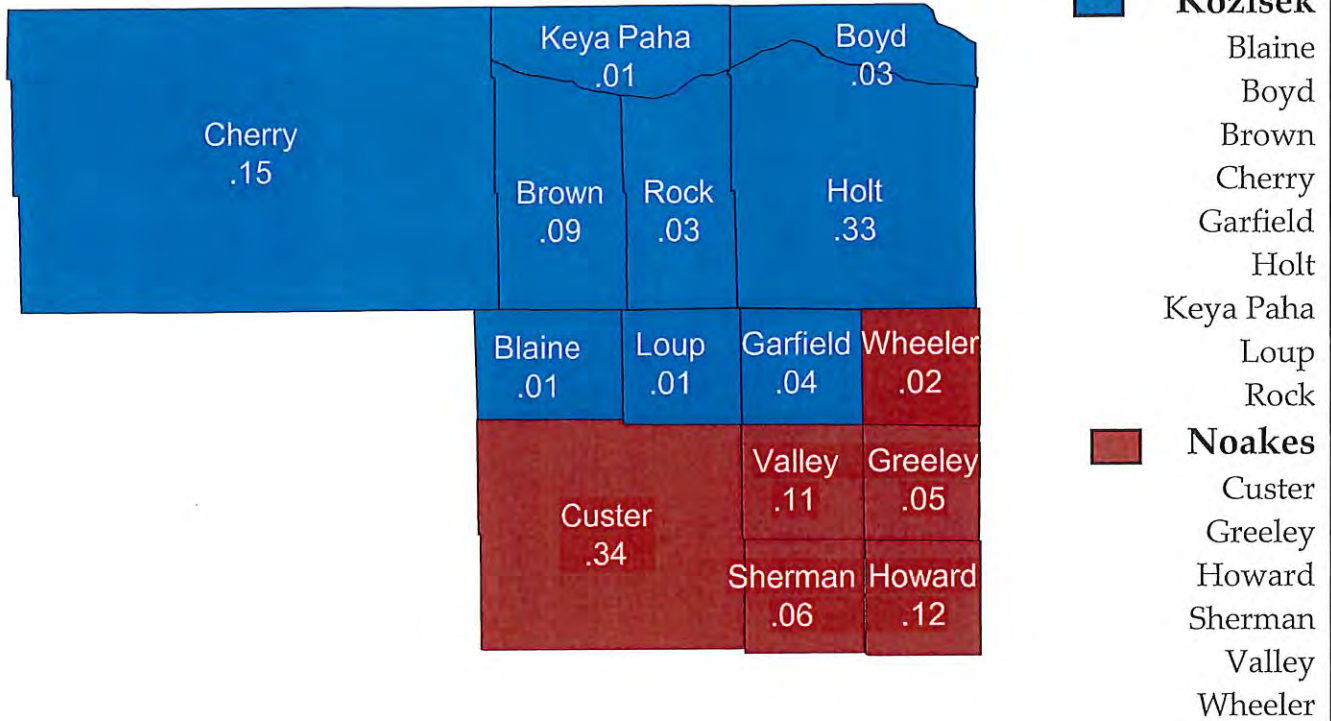
# Weighted Caseload Report

## 8<sup>th</sup> Judicial District – District Court

District court need for judges: 1.39  
 Current number of judges: 2  
 Workload per judge: 0.69

Predicted judicial resources need by county

Judges Serving the 8th District



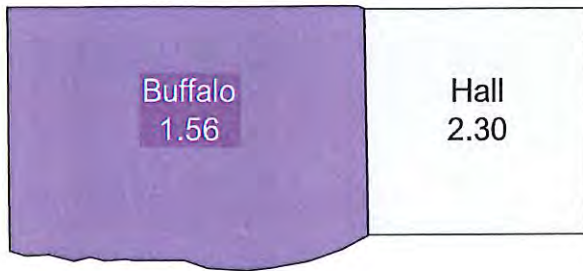


# Weighted Caseload Report

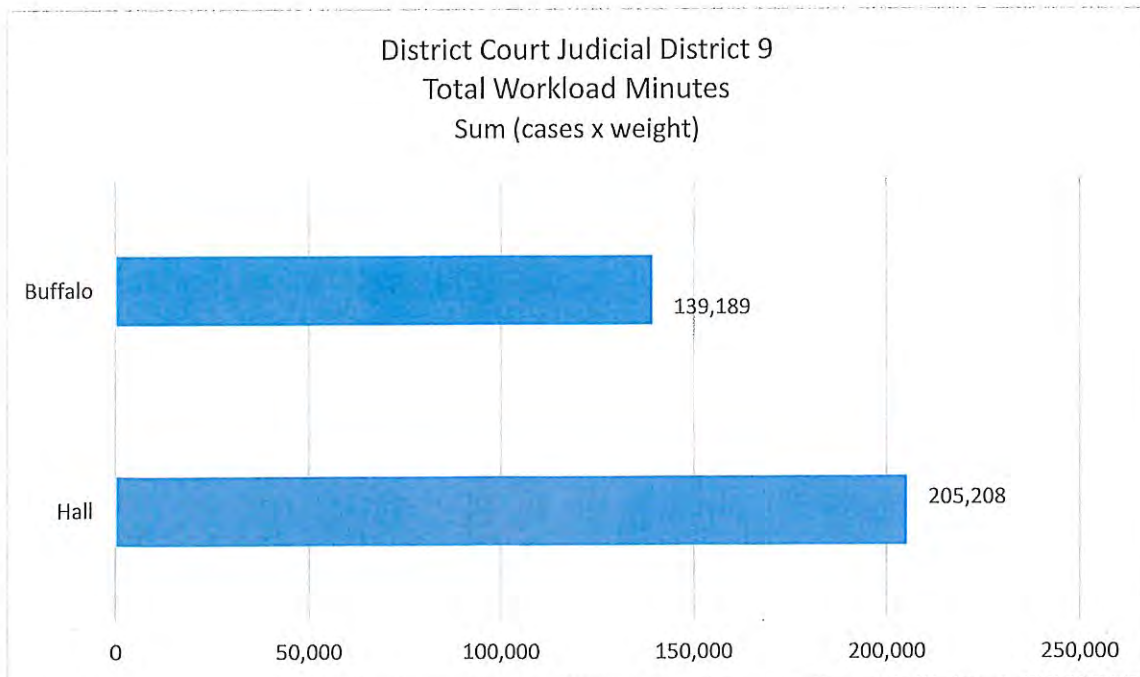
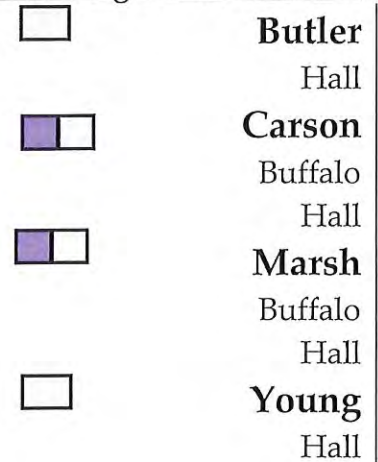
## 9<sup>th</sup> Judicial District – District Court

District court need for judges: 3.85  
 Current number of judges: 4  
 Workload per judge: 0.96

### Predicted judicial resources need by county



### Judges Serving the 9th District



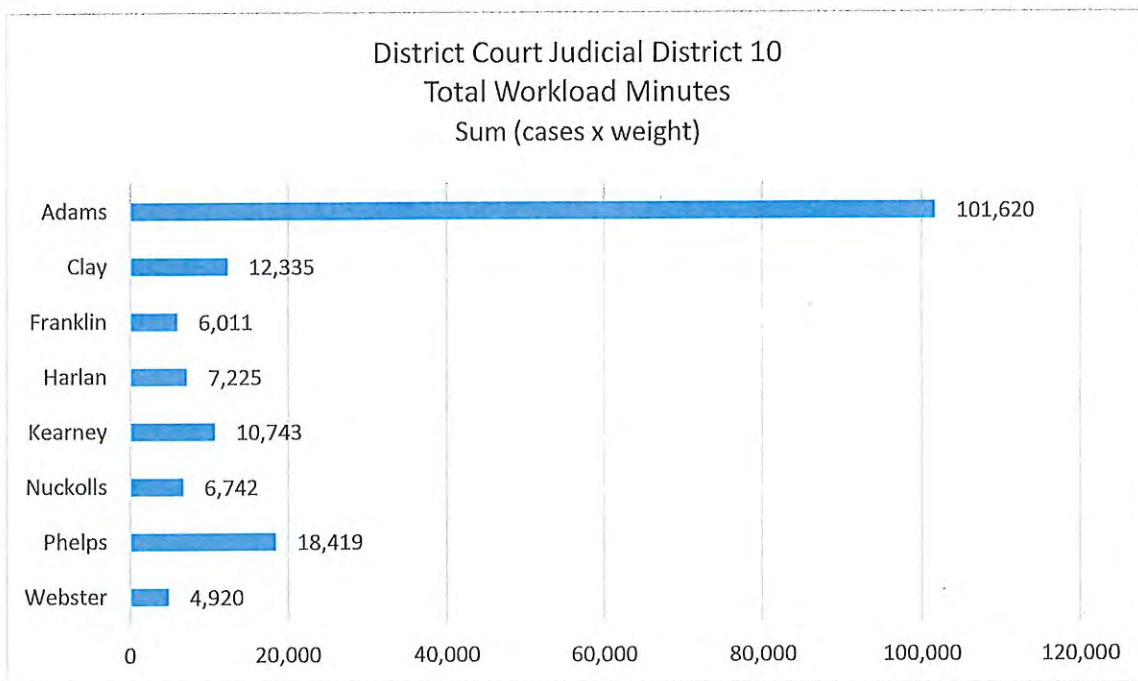
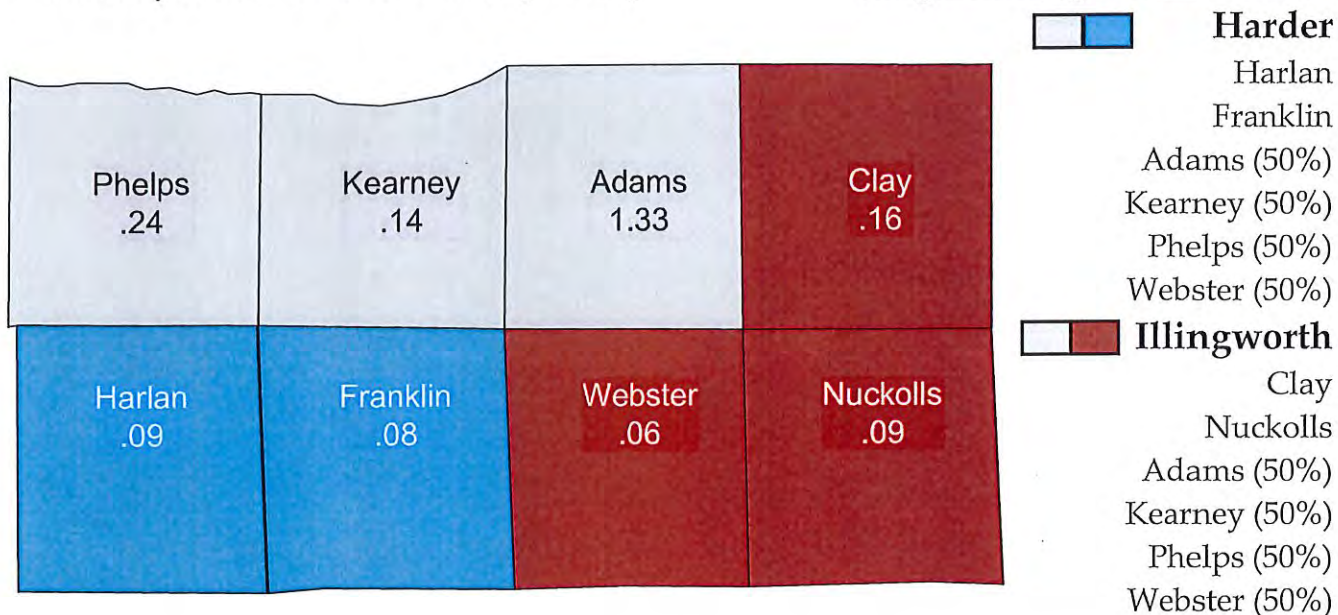
# Weighted Caseload Report

## 10<sup>th</sup> Judicial District – District Court

District court need for judges: 2.20  
 Current number of judges: 2  
 Workload per judge: 1.10

Predicted judicial resources need by county

Judges Serving the 10th District

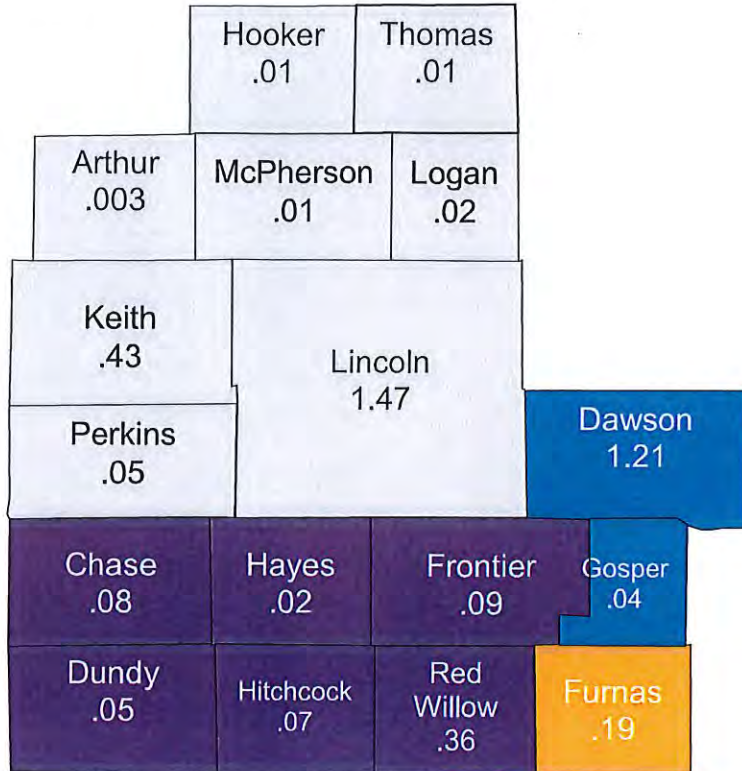


# Weighted Caseload Report

## 11<sup>th</sup> Judicial District – District Court

District court need for judges: 4.14  
 Current number of judges: 4  
 Workload per judge: 1.03

### Predicted judicial resources need by county



### Judges Serving the 11th District



#### Birch

- Arthur (50%)
- Hooker (50%)
- Keith (50%)
- Lincoln (50%)
- Logan (50%)
- McPherson (50%)
- Perkins (50%)
- Thomas (50%)



#### Doyle

- Dawson
- Furnas (25%)
- Gosper



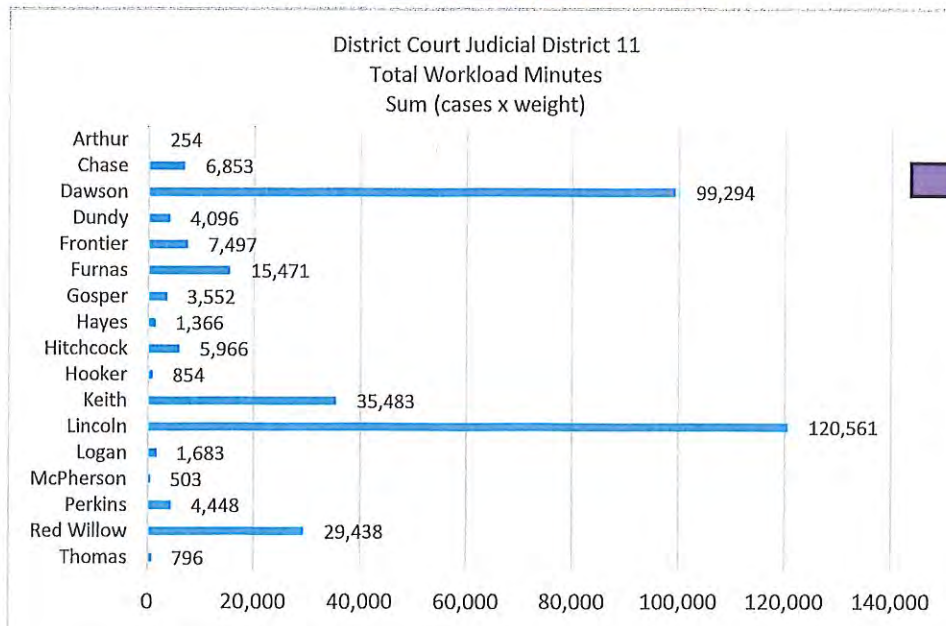
#### Piccolo

- Arthur (50%)
- Hooker (50%)
- Keith (50%)
- Lincoln (50%)
- Logan (50%)
- McPherson (50%)
- Thomas (50%)



#### Urbom

- Chase
- Dundy
- Frontier
- Furnas (75%)
- Hayes
- Hitchcock
- Red Willow



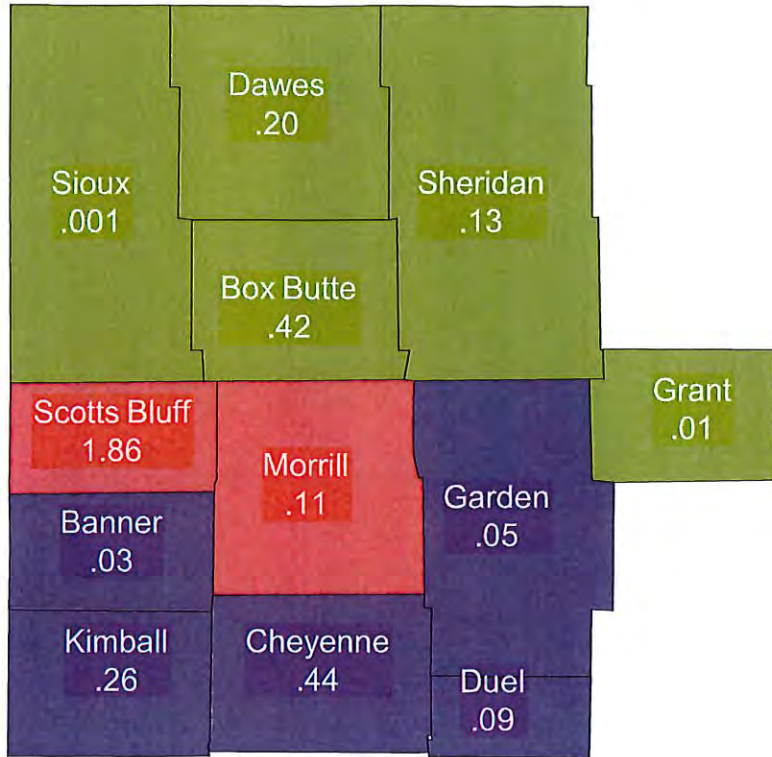


# Weighted Caseload Report

## 12<sup>th</sup> Judicial District – District Court

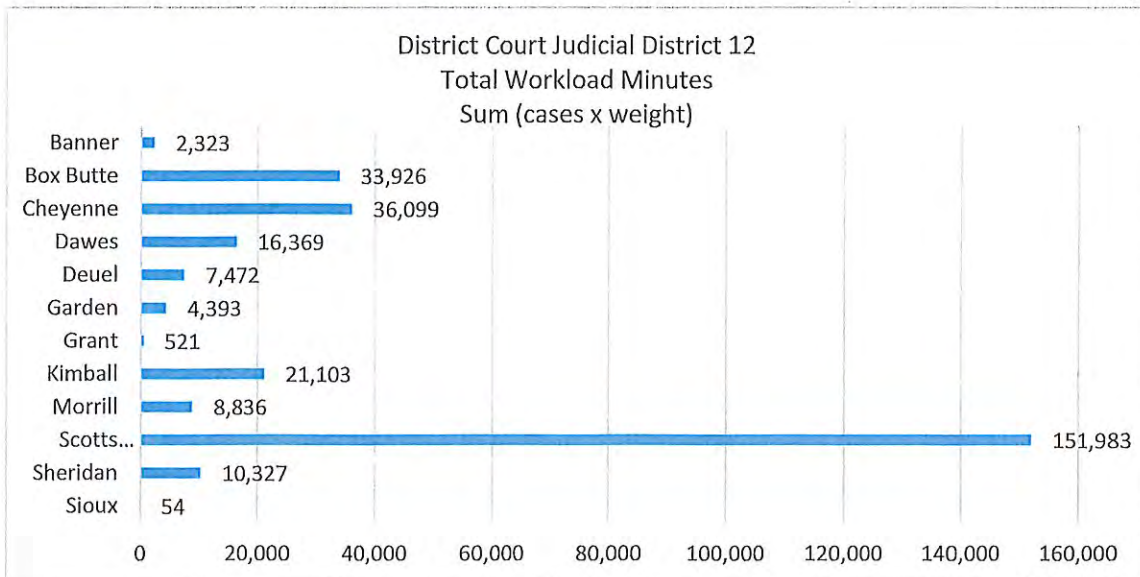
District court need for judges: 3.59  
 Current number of judges: 4  
 Workload per judge: 0.90

### Predicted judicial resources need by county



### Judges Serving the 12th District

- **Dobrovolny**  
Morrill  
Scotts Bluff
- **Miller**  
Morrill  
Scotts Bluff
- **O’Gorman**  
Box Butte  
Dawes  
Grant  
Sheridan  
Sioux
- **Weimer**  
Banner  
Cheyenne  
Deuel  
Garden  
Kimball



# Weighted Caseload Report

## Court Case Type Categories and Weights – Appendix

District Court Case Types	2021 Case Weight (minutes)
Problem Solving Court Cases	683
Protection Orders	32
Civil	219
Class I Felony	367
Other Criminal	149
Domestic Relations	97
Appeals	343
Administrative Appeals	540

County Court Case Types	2021 Case Weight (minutes)
Protection Orders	32
Felony	26
Misdemeanor	23
District Court: Adult Problem-Solving Court	683
Traffic	1
Civil	8
Probate	61
Guardianship/Conservatorship	133
Small Claims	30
Adoption	92
Domestic Relations	97
Juvenile: 3A Children	487
Juvenile: Delinquency	100
Juvenile: Status Offender 3B	37
Juvenile: Mentally Ill and Dangerous 3C	265
Juvenile: Bridge to Independence (B21)	58
Juvenile: Interstate Compact Hearings/Filings	2
Juvenile: Problem-Solving Court Cases	654

Separate Juvenile Court Case Types	2021 Case Weight (minutes)
Adoption	49
Domestic Relations	26
Juvenile: 3A Children	487
Delinquency	136
Status Offender 3B	54
Mentally Ill and Dangerous 3C	265
Bridge to Independence B21	36
Interstate Compact Hearing/Filings	2
Problem Solving Court Cases	654

# **JUDICIAL RESOURCES COMMISSION**

**SUPPORTIVE DATA FOR 2021 ANNUAL MEETING**

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# **A LOOK AT FY2021 CASELOADS**

**JULY 1, 2020-JUNE 30, 2021**

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## NEW CASES FILED IN FY2021

**In FY2021 there were a total of 295,748 cases filed\* in the district, county, and separate juvenile courts**

- District Courts: 38,939 cases filed
- County Courts: 253,038 cases filed
- Separate Juvenile Courts: 3,771 cases filed\*\*

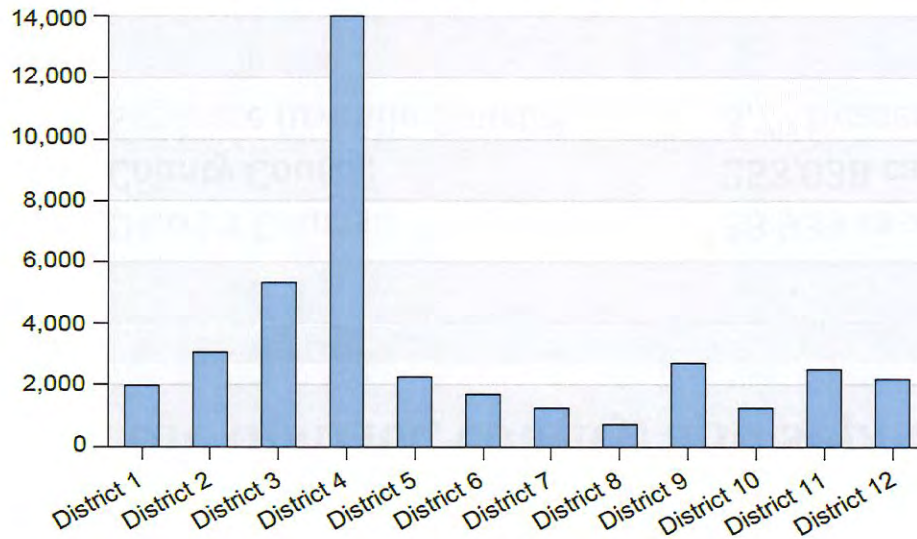
\* Data on "cases filed" include closed cases and will not match "cases opened" in 2021 Annual Caseload Reports

\*\* Data on juvenile abuse/neglect cases count children rather than cases

# DISTRICT COURT CASELOADS

## Fiscal Year 2021 Nebraska District Court Adult Annual Cases Opened

**Fiscal Year 2021 District Court Adult Cases Opened by District**



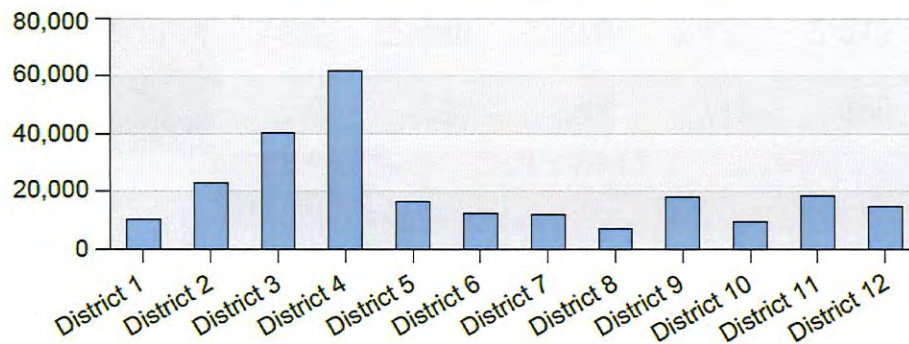
Historical Cases Opened	
Year	Adult Court
FY 2012	41,407
FY 2013	39,748
FY 2014	39,626
FY 2015	39,848
FY 2016	41,068
FY 2017	42,246
FY 2018	42,364
FY 2019	40,818
FY 2020	38,580
FY 2021	38,939



# COUNTY COURT CASELOADS

## Fiscal Year 2021 Nebraska County Court Adult Annual Cases Opened

**Fiscal Year 2021 County Court Adult Cases Opened by District**



**Historical Case Opened**

Year	Adult Court	Juvenile Court	Total Case Filings
FY 2012	380,751	5,946	386,697
FY 2013	355,402	5,411	360,813
FY 2014	342,051	4,909	346,960
FY 2015	328,792	5,277	334,069
FY 2016	328,006	5,254	333,260
FY 2017	326,162	5,217	331,379
FY 2018	322,670	4,921	327,591
FY 2019	301,066	4,519	305,585
FY 2020	267,037	4,494	271,531
FY 2021	248,845	4,193	253,038

## SEPARATE JUVENILE COURT CASELOADS

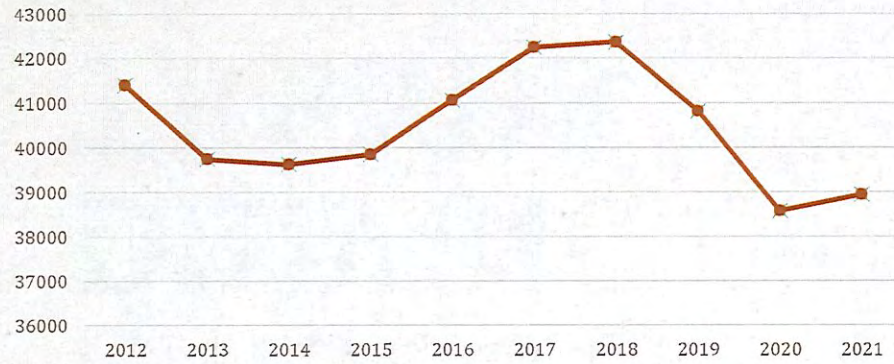
### Separate Juvenile Courts Cases Opened - 10 Year History

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Sarpy	743	754	744	717	699	691	755	681	693	471
Lancaster	2,505	2,440	2,376	2,439	2,213	2,012	1,202	1,376	1,114	1,198
Douglas	2,879	2,885	2,771	2,590	2,621	3,066	2,958	2,857	2,367	2,102
Summary	6,127	6,079	5,891	5,746	5,533	5,769	4,915	4,914	4,174	3,771

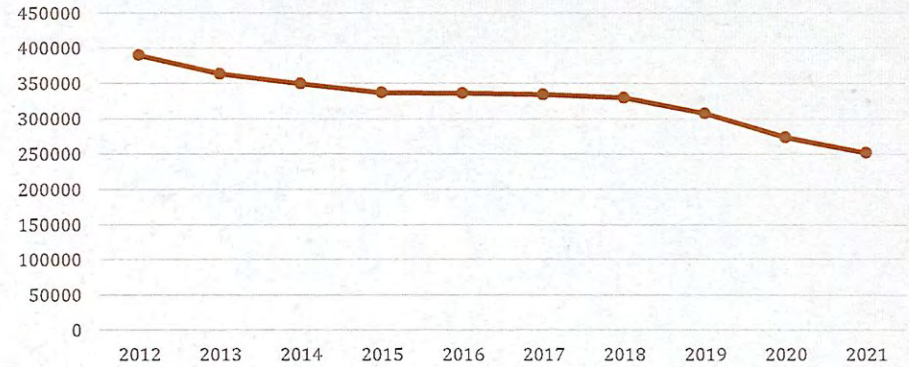


# 10-YEAR HISTORY

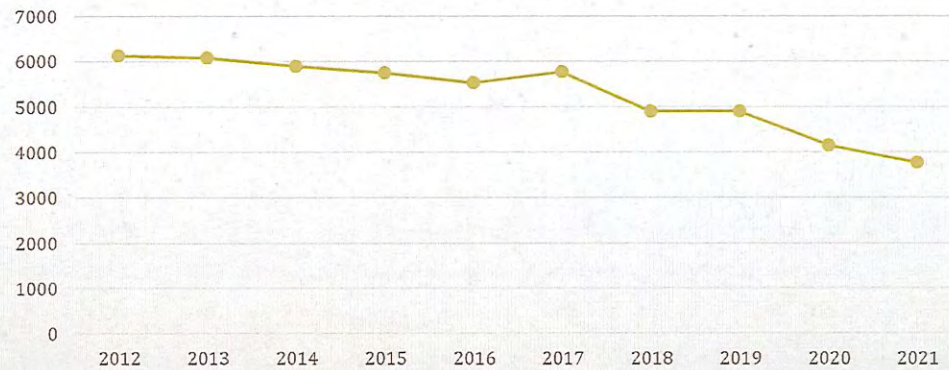
District Court Cases  
FY12-FY21



County Court Cases  
FY12-FY21



Juvenile Court Cases  
FY12-FY21





# **A LOOK AT WHAT IS DRIVING CASELOAD TRENDS**

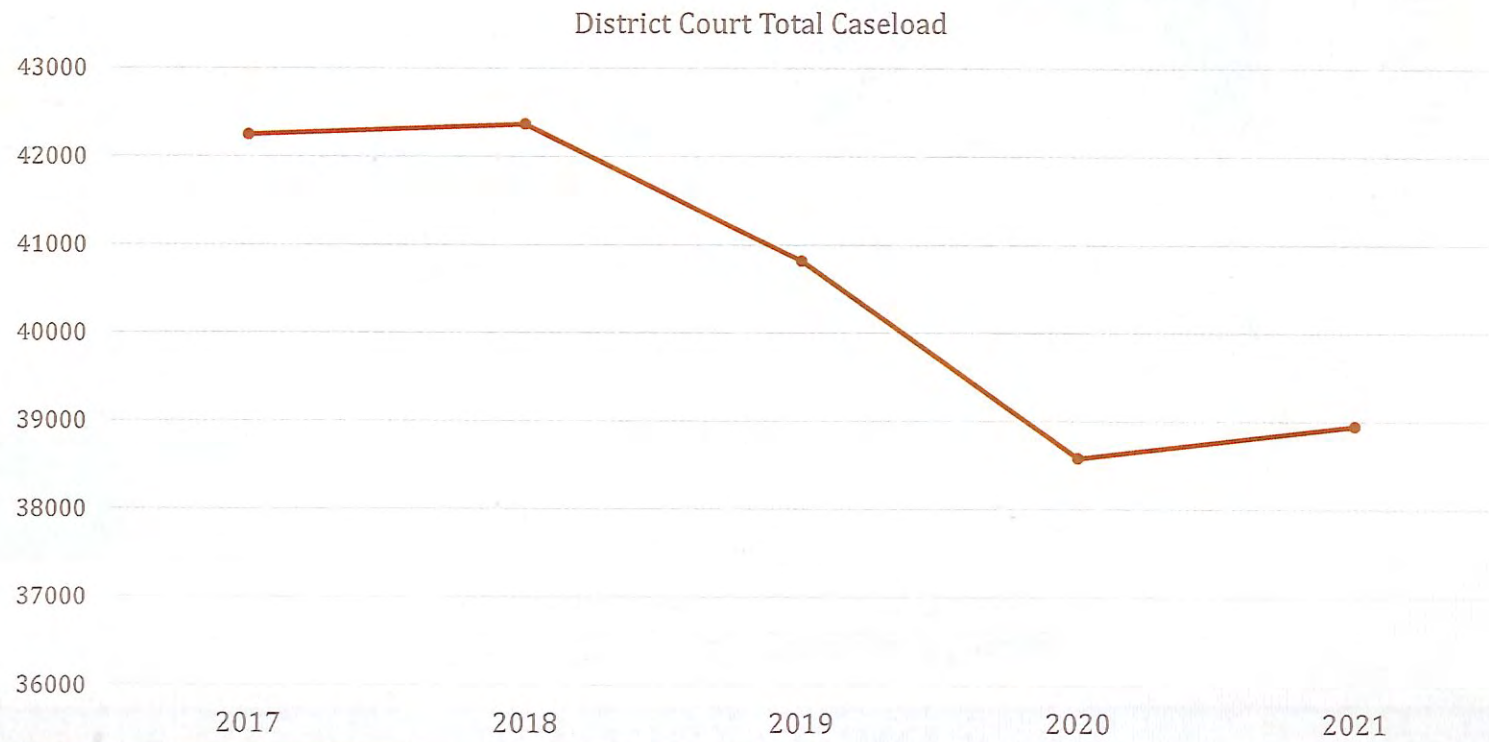
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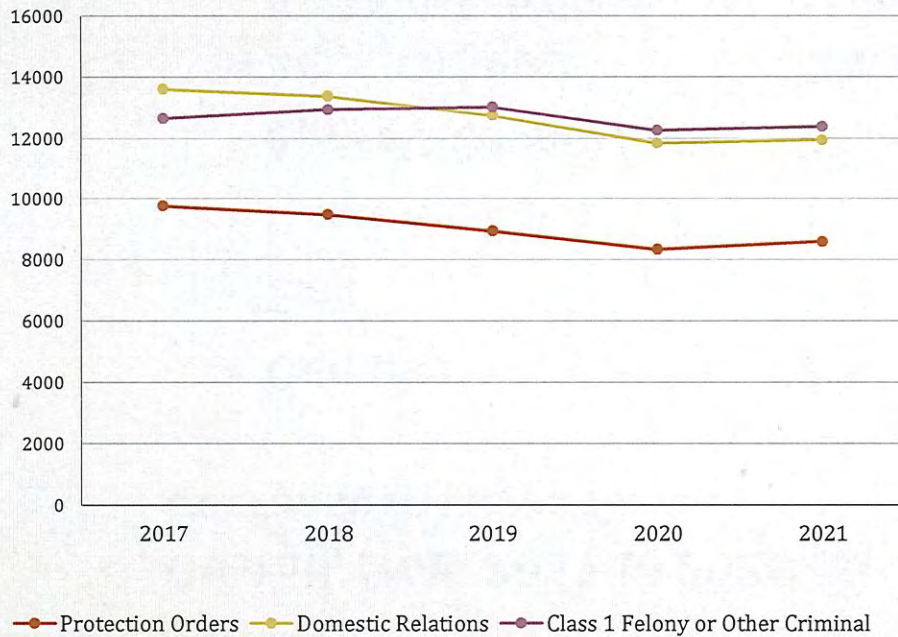


## 5-YEAR CHANGE DISTRICT COURT

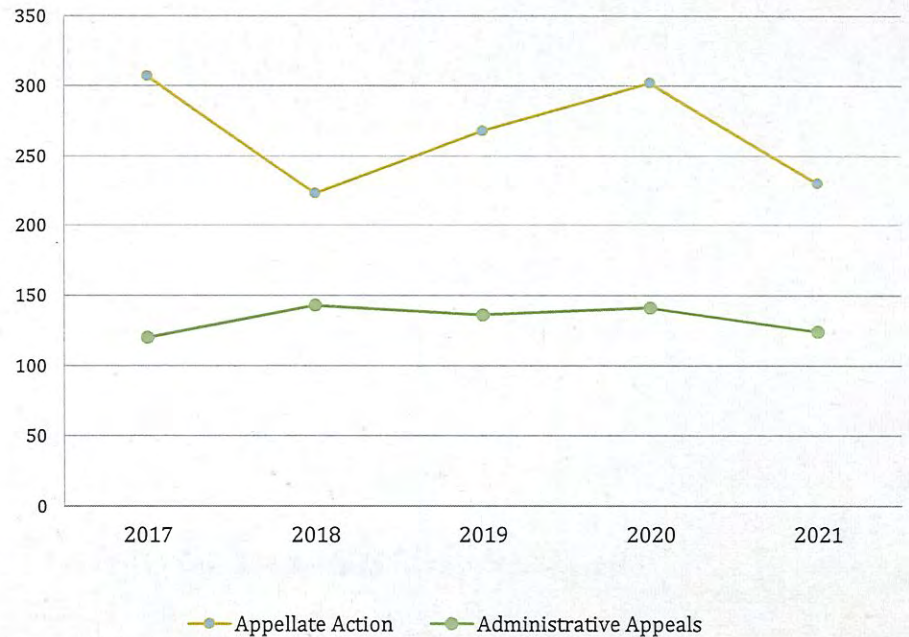


# FACTORS DRIVING CASELOAD TRENDS IN DISTRICT COURT

## Case Types Increasing



## Case Types Declining





## DISTRICT COURT 5-YEAR SUMMARY

**Overall, from 2017 to 2020 district courts experienced an 8% decrease in cases filed**

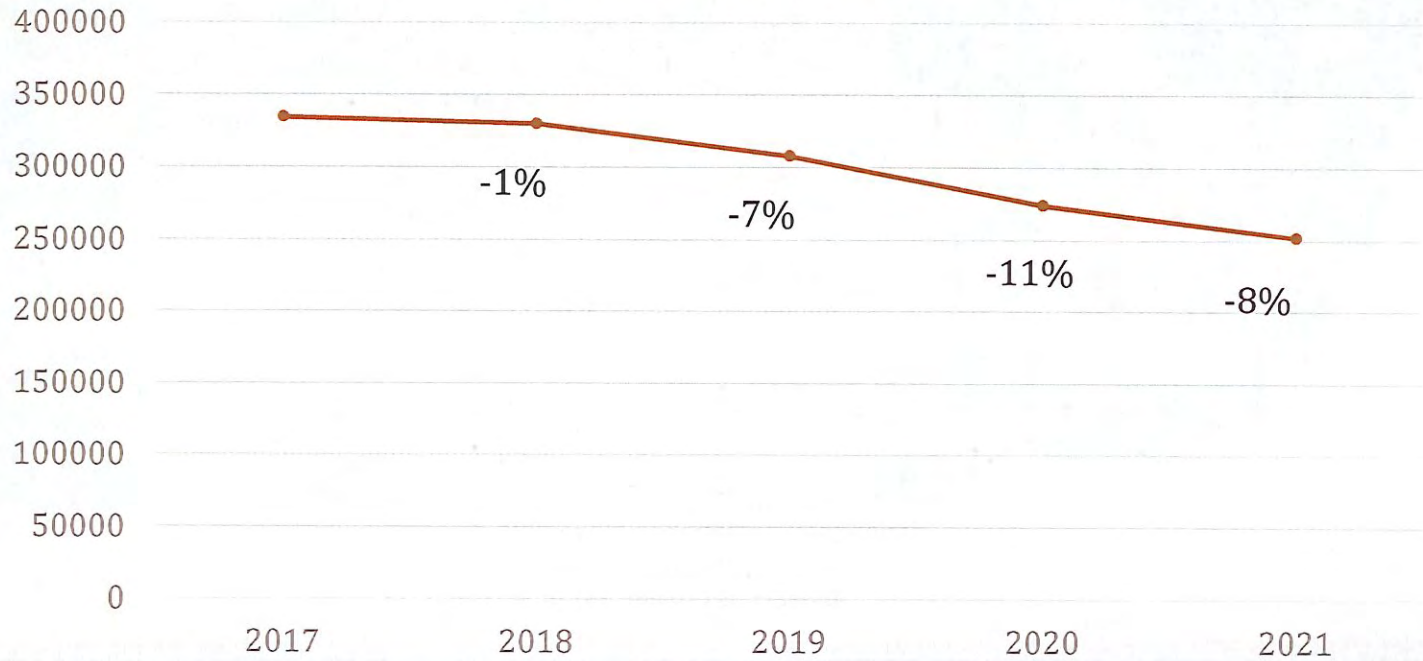
- Criminal -2%
- Civil -2%
- Domestic Relations -12%
- Appeals County Court -25%
- Admin Appeals +3%
- Protection Orders -12%





# 5-YEAR TREND COUNTY COURT

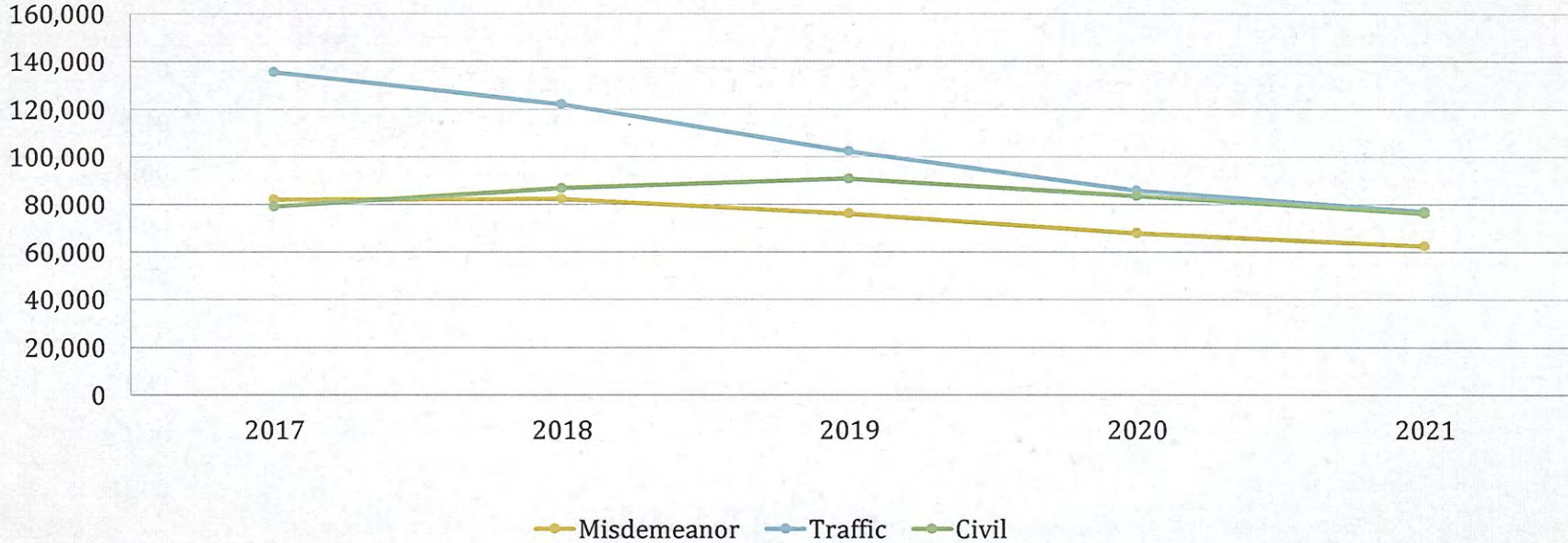
5-Year County Trends





# FACTORS DRIVING CASELOAD TREND IN COUNTY COURTS

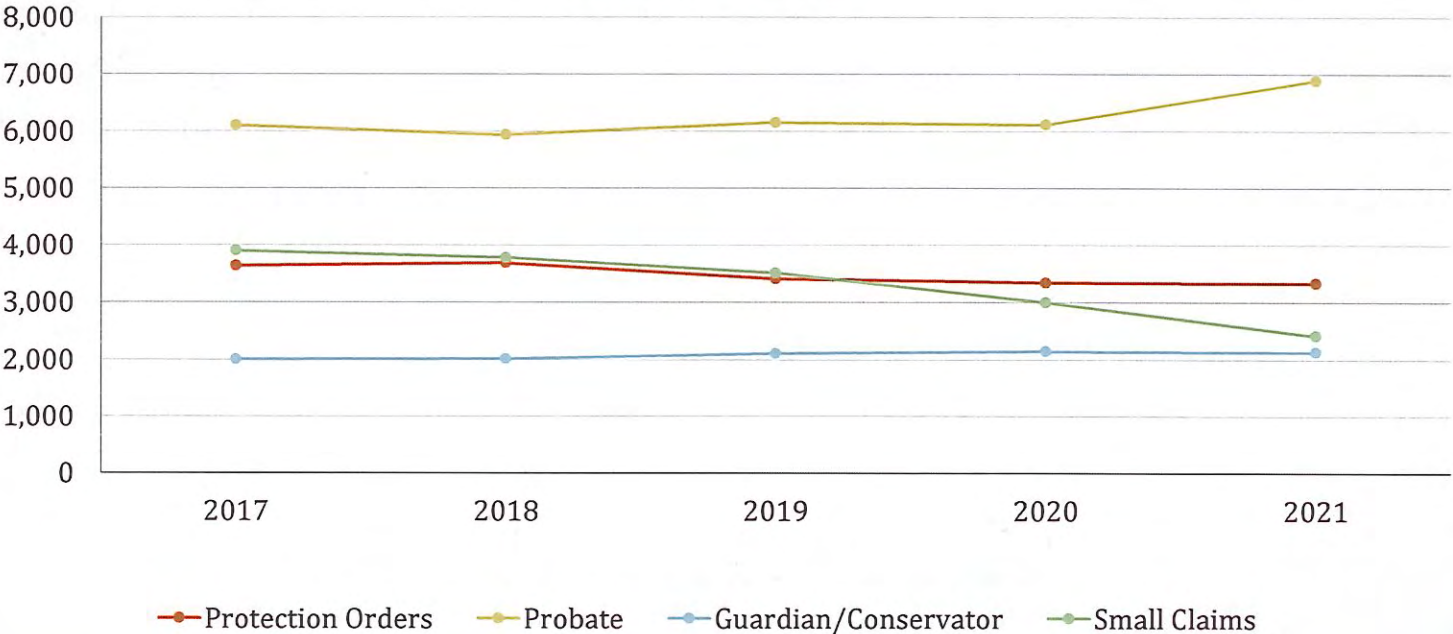
Trends by Case Type—Largest Declines





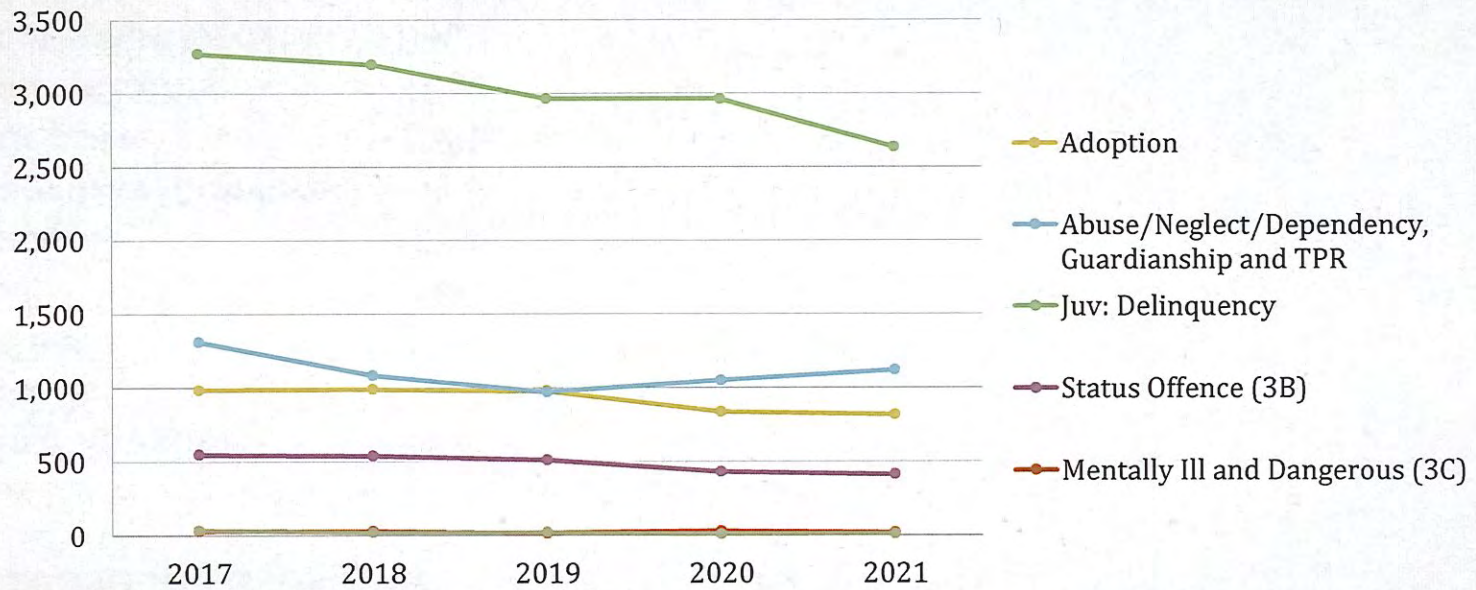
# FACTORS DRIVING CASELOAD TRENDS IN COUNTY COURT

Trends by Case Type



# FACTORS DRIVING CASELOAD TRENDS IN COUNTY COURT JUVENILE DOCKET

Trends by Case Type





## COUNTY COURT 5-YEAR SUMMARY

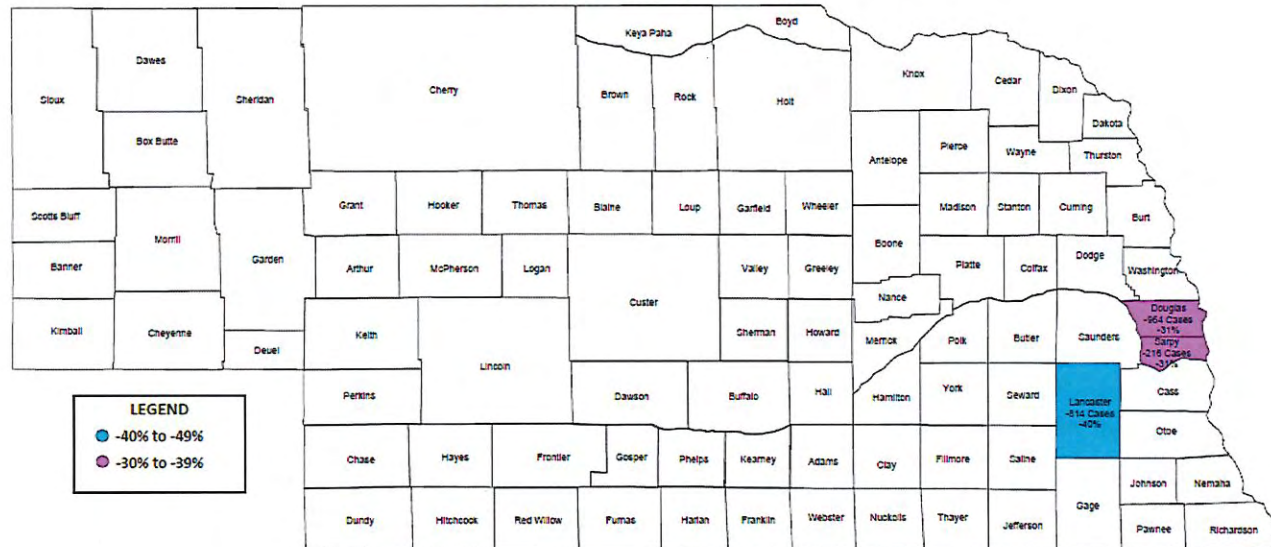
Overall, from 2017 to 2020, county courts experienced a 25% decrease in cases filed

- Misdemeanors -25%
- Traffic -43%
- Felony +1%
- Civil -3%
- Probate +13%
- Guardian/Conserv +6%
- Adoption -17%
- Small Claims -38%
- Protection Orders -8%
- Juvenile -19%



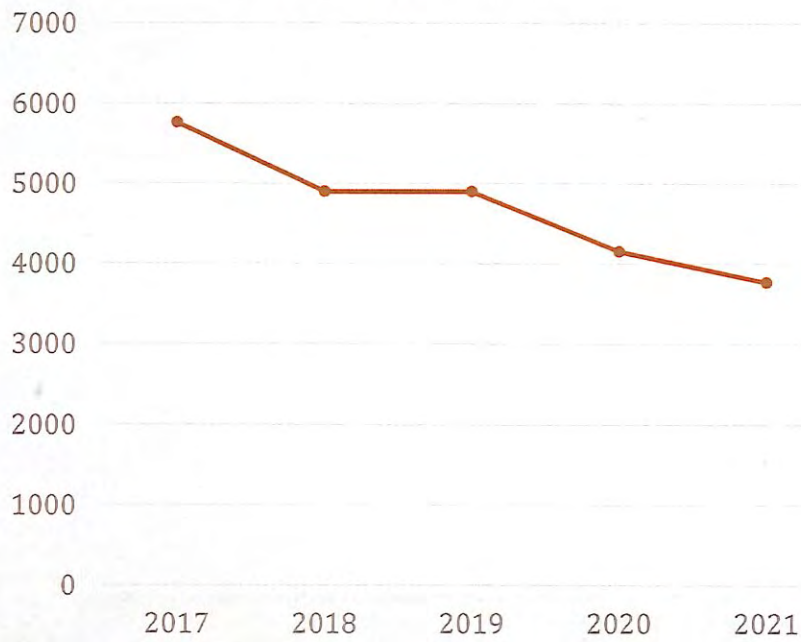
# COUNTY-BY-COUNTY CHANGE IN CASELOADS SEPARATE JUVENILE COURT

5 Year Juvenile Court Change  
2017-2021  
Statewide 1,994 decrease (-35% Change)

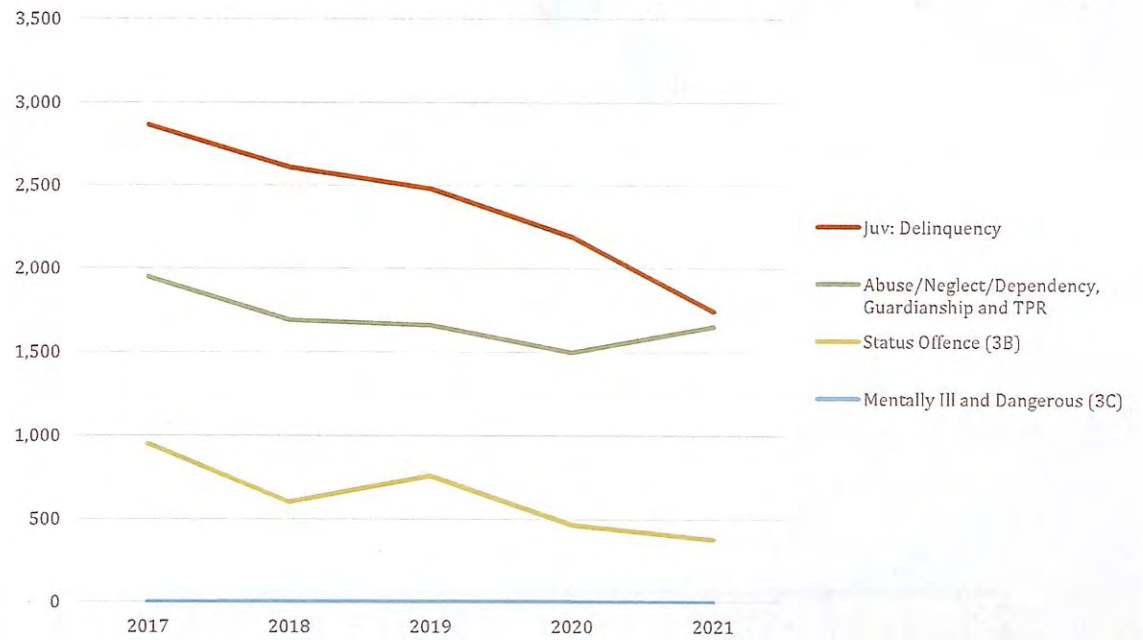


# 5-YEAR TREND SEPARATE JUVENILE COURTS

### 5-Year Collective Trend



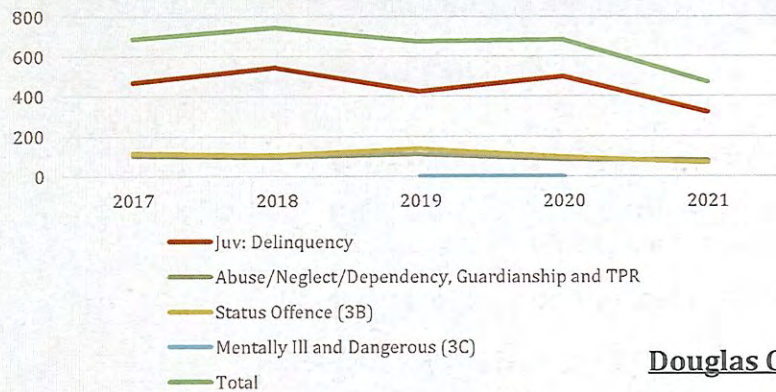
### 5-Year Trend by Case Type



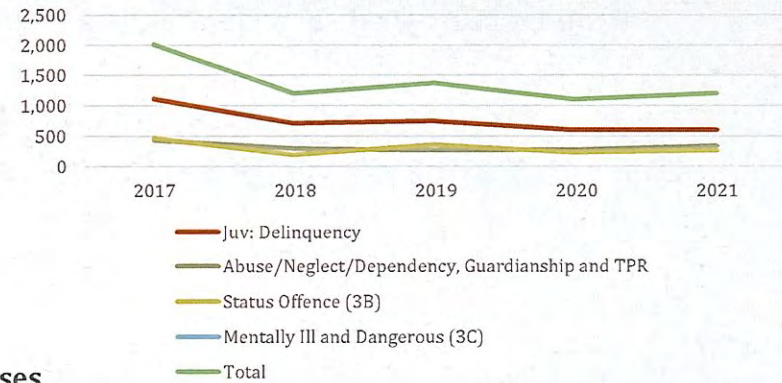


# FACTORS DRIVING CASELOAD TRENDS IN SEPARATE JUVENILE COURTS

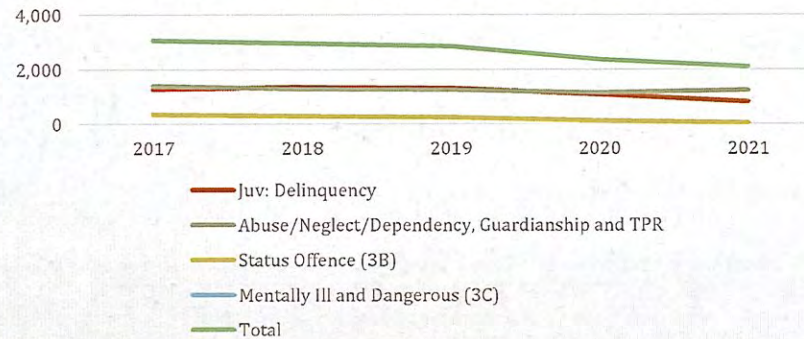
**Sarpy County Juvenile Court Cases**



**Lancaster County Juvenile Court Cases**



**Douglas County Juvenile Court Cases**





## SEPARATE JUVENILE COURT COMPARING FY2020 TO FY2021

### **Sarpy County:**

- Experienced a decrease in all case types: delinquency (-179), abuse/neglect (-5), status offense (-28) and 3C (-1)
- *Overall, Sarpy County had 213 fewer cases filed in FY2021 (31% decrease from FY2020)*

### **Douglas County:**

- Experienced an increase in abuse/neglect cases (+94)
- Experienced a decrease in delinquency (-270) and status offense cases (-91)  
3C cases remained unchanged (at zero cases)
- *Overall, Douglas County had 267 fewer cases filed in FY2021 (11% decrease from FY2020)*

### **Lancaster County:**

- Experienced an increase in delinquency cases (+2), abuse/neglect cases (+64) and status offense cases (+32). 3C cases remained unchanged (at zero cases)
  - *Overall, Lancaster County had an increase of 98 cases filed in FY2021 (9% increase over FY2020)*
-

# **2021 WEIGHTED CASELOAD REPORTS**

**USING NEW WEIGHTING STANDARDS**

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## WEIGHTED CASELOAD TERMS

- *Judicial Need*
  - *Average Workload Per Judge*
  - *The Rounding Rule*
-



## JUDICIAL NEED

### **Judicial need is calculated using a three-step process:**

- *Step One:* Determine number and type of cases opened in prior 12-month period
- *Step Two:* Apply case weights to determine total annual workload (expressed in minutes)
- *Step Three:* Divide total annual workload by the “Judge Year Value” (e.g., total minutes available to process workload after accounting for travel) to determine number of full-time judges needed to handle workload

## AVERAGE WORKLOAD PER JUDGE

- ***“Workload per judge”*** is calculated by dividing current “Judicial Need” by current number of judges allocated in the judicial district to process the workload

Example using 10th Judicial District (district court)  
Total judicial need (2.20) ÷ number of judges (2) = workload per judge (1.10)



## APPLYING ROUNDING RULE

- Nebraska uses a “rounding rule” when considering the optimal number of judges needed in each district:

### ROUNDING RULE

When workload per judge reaches or exceeds 1.15, consider adding a judge  
When workload per judge reaches or falls below .6, consider reducing a judge

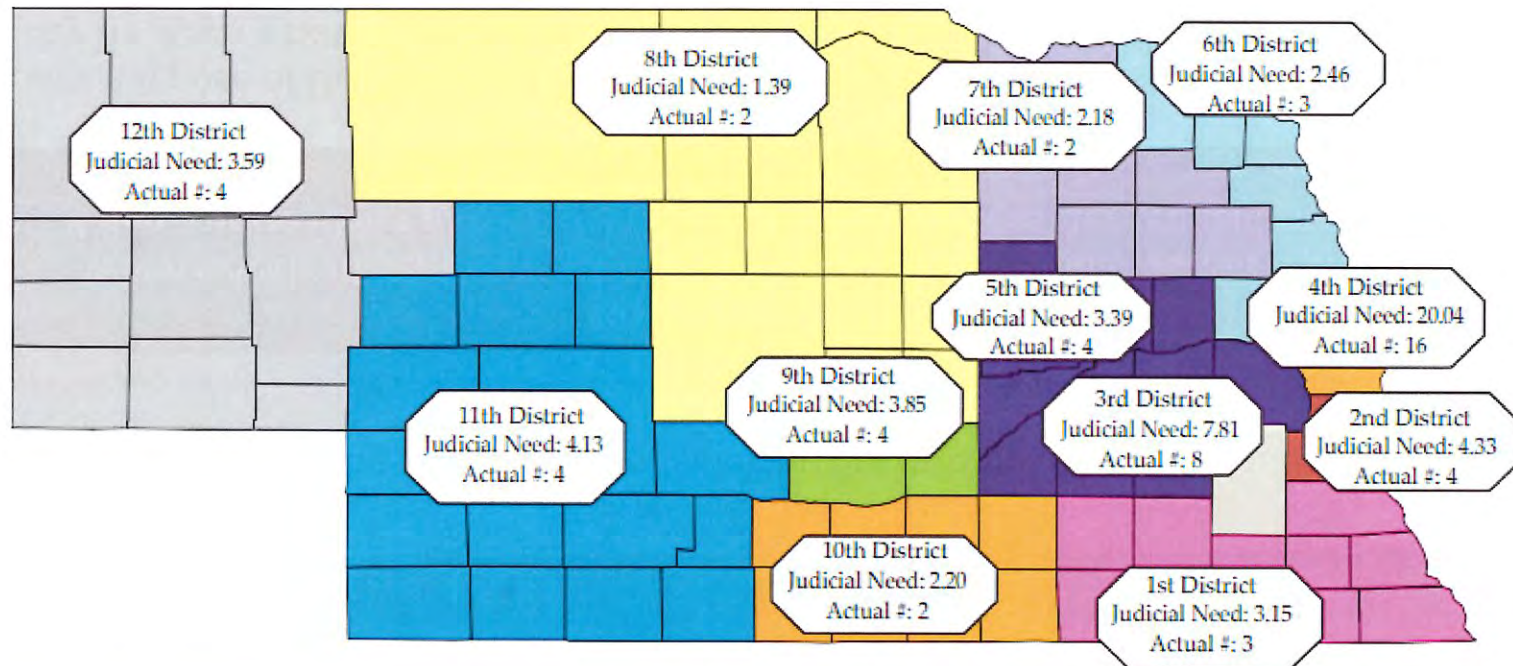
The primary purpose of the rounding rule is to provide a uniform, consistent method for identifying when it may be appropriate to increase, or to reduce, the number of judgeships in a judicial district

- The rounding rule recognizes that judges within a judicial district can often organize to effectively handle the workload as it expands and contracts



# 2021 WEIGHTED CASELOAD DISTRICT COURTS

## Nebraska District Court Judicial Needs Fiscal Year 2021 (July 1, 2020 – June 30, 2021)



## AVERAGE WORKLOAD PER JUDGE DISTRICT COURT

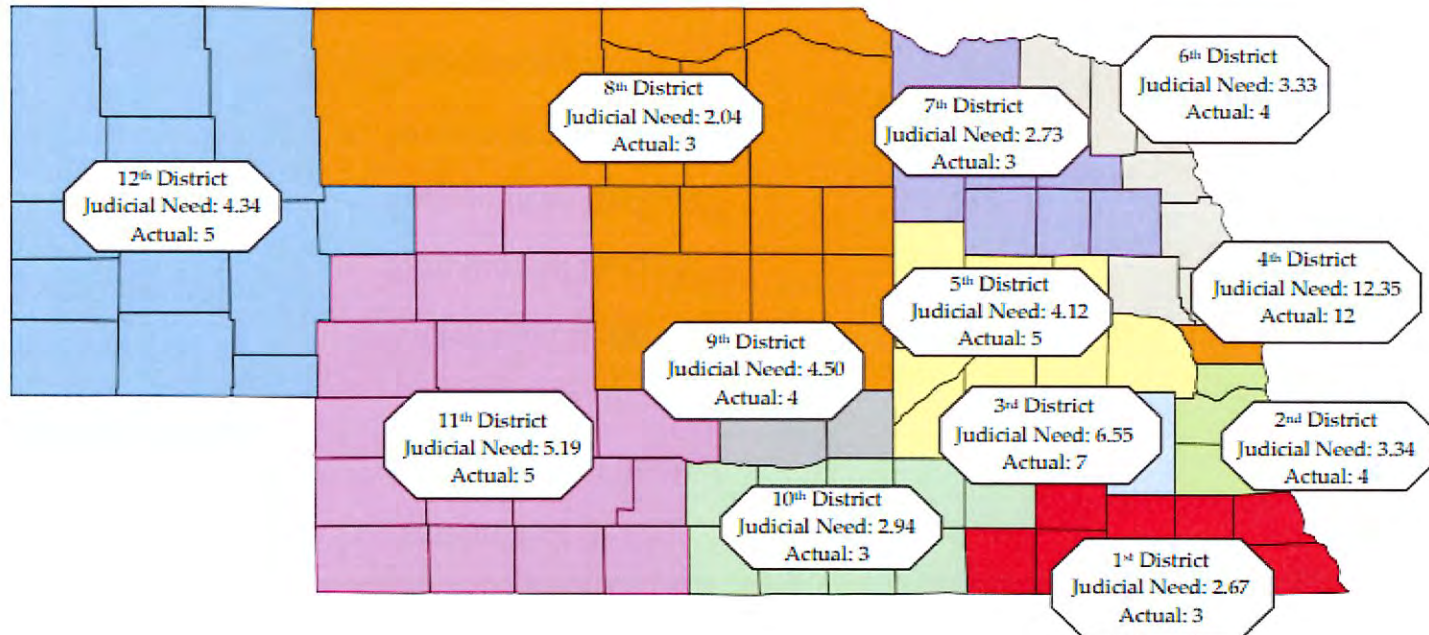
- First Judicial District: 1.05
- Second Judicial District: 1.08
- Third Judicial District: .98
- Fourth Judicial District: 1.17 (including 17<sup>th</sup> judge)
- Fifth Judicial District: .85
- Sixth Judicial District: .82
- Seventh Judicial District: 1.09
- Eighth Judicial District: .69
- Ninth Judicial District: .96
- Tenth Judicial District: 1.10
- Eleventh Judicial District: 1.03
- Twelfth Judicial District: .90



# 2021 WEIGHTED CASELOAD COUNTY COURTS

## Nebraska County Court Judicial Needs

Fiscal Year 2021 (July 1, 2020 – June 30, 2021)

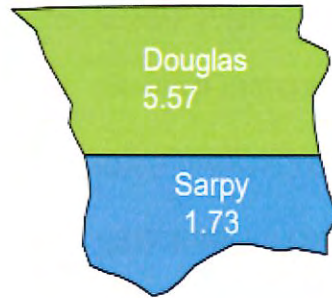
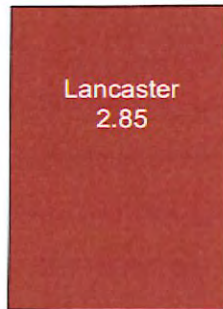


## AVERAGE WORKLOAD PER JUDGE COUNTY COURT

- First Judicial District: .89
- Second Judicial District: .84
- Third Judicial District: .94
- Fourth Judicial District: 1.03
- Fifth Judicial District: .82
- Sixth Judicial District: .83
- Seventh Judicial District: .91
- Eighth Judicial District: .68
- Ninth Judicial District: 1.12
- Tenth Judicial District: .98
- Eleventh Judicial District: 1.04
- Twelfth Judicial District: .87



## 2021 WEIGHTED CASELOAD SEPARATE JUVENILE COURTS



- Lancaster County: 4 judges
- Sarpy County: 2 judges
- Douglas County: 6 judges

## **AVERAGE WORKLOAD PER JUDGE SEPARATE JUVENILE COURT**

- **Lancaster County** .71
- **Sarpy County** .87
- **Douglas County** .93



# **NEBRASKA PROBLEM SOLVING COURTS**

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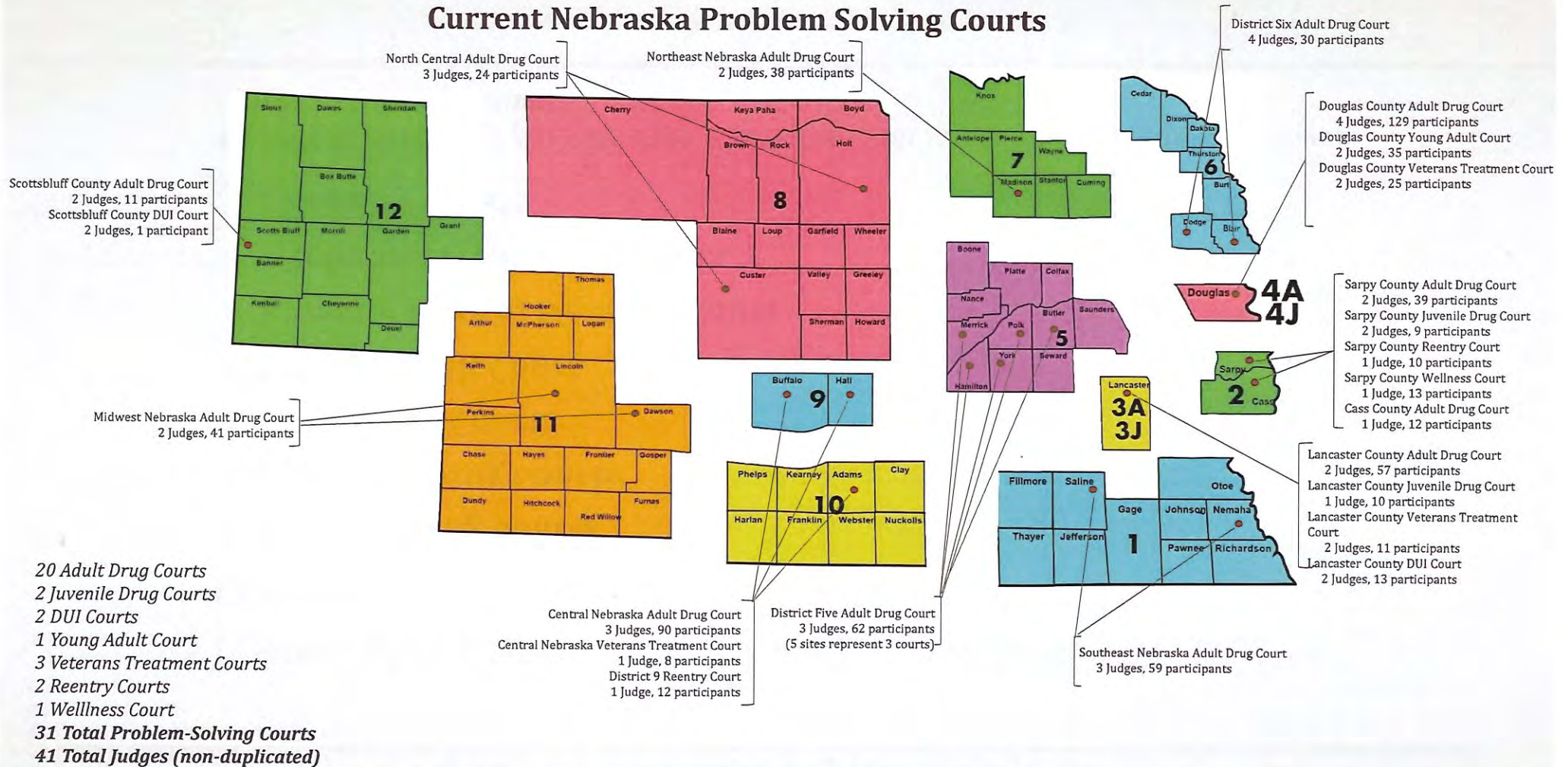


## **PROBLEM SOLVING COURTS**

- **Nebraska currently has 31 problem solving courts**
    - **20 Adult Drug Courts**
    - **2 Juvenile Drug Courts**
    - **2 Adult DUI Courts**
    - **1 Young Adult Court**
    - **1 Mental Health/Wellness Court**
    - **3 Veterans Treatment Courts**
    - **2 Reentry Courts**
  - **41 judges currently preside over a problem solving court (some preside over more than 1 such court)**
-



# Current Nebraska Problem Solving Courts



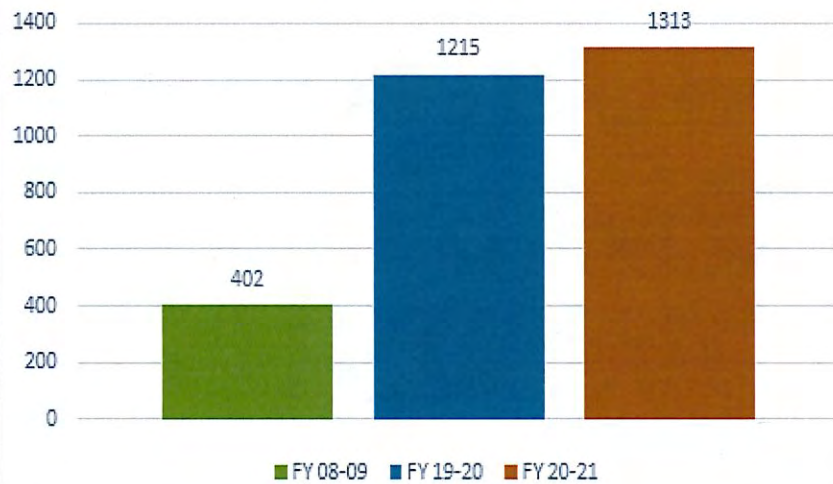
20 Adult Drug Courts  
 2 Juvenile Drug Courts  
 2 DUI Courts  
 1 Young Adult Court  
 3 Veterans Treatment Courts  
 2 Reentry Courts  
 1 Wellness Court  
**31 Total Problem-Solving Courts**  
**41 Total Judges (non-duplicated)**

Active/Referred Problem-Solving Court Participants in Nebraska as of 11/22/2021 (Prepared by Adam Jorgensen, Statewide Problem-Solving Court Director)

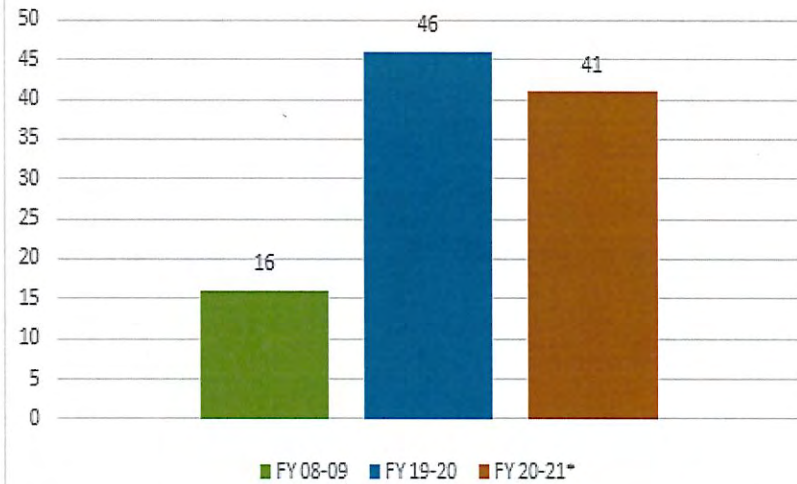
\*Family Treatment Courts (Separate Juvenile Court) not included in 2021 map

# PROBLEM SOLVING COURT TRENDS

Total of Participants



Total of Judges





# **OTHER FACTORS AFFECTING JUDICIAL RESOURCES**

**SHIFTING POPULATIONS  
CHANGING COURT USERS  
USE OF TECHNOLOGY**

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# POPULATION DATA

CURRENT CENSUS DATA

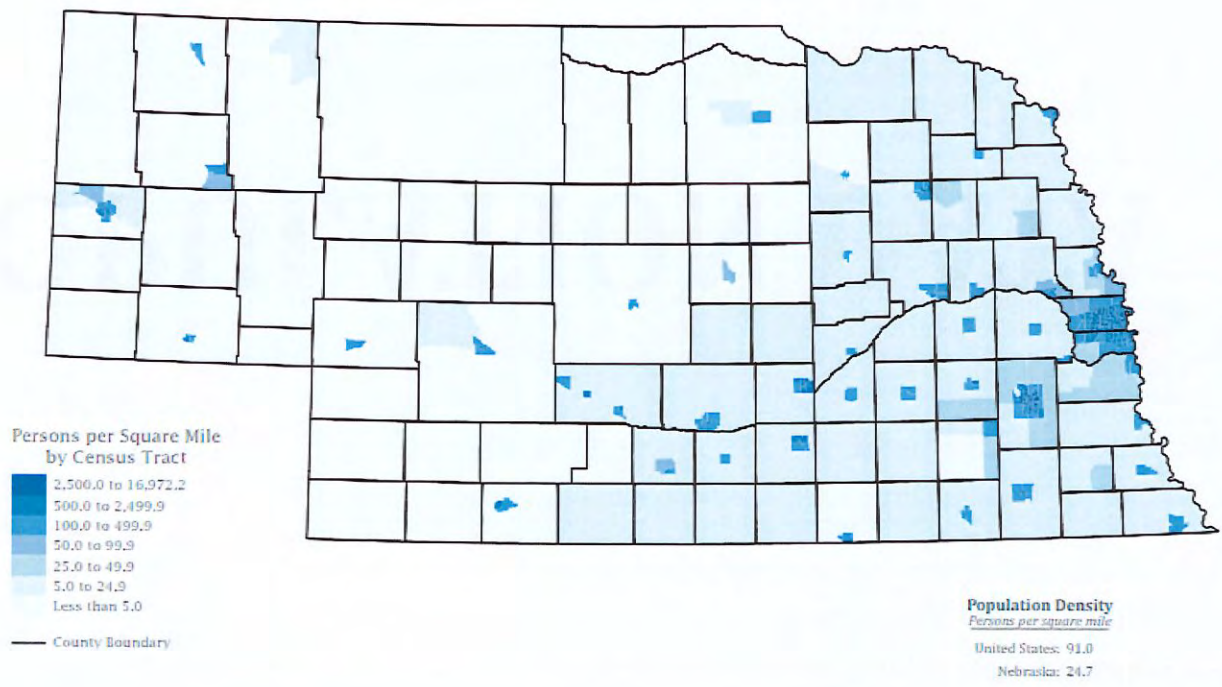
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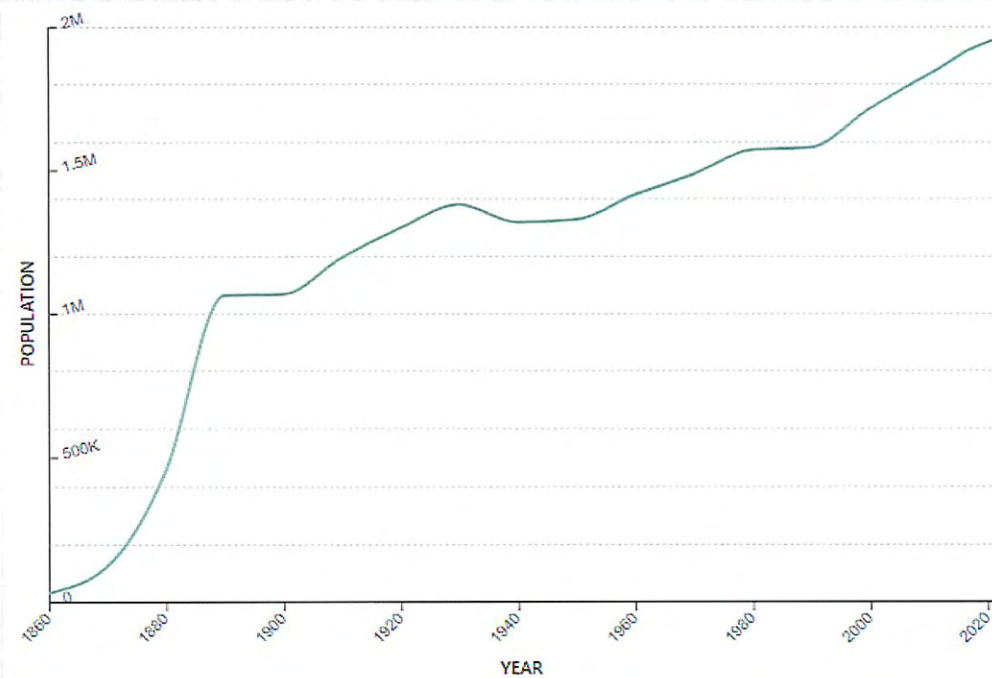
# 2020 CENSUS DATA

## TOTAL POPULATION OF NEBRASKA 1,961,504

### Population Density



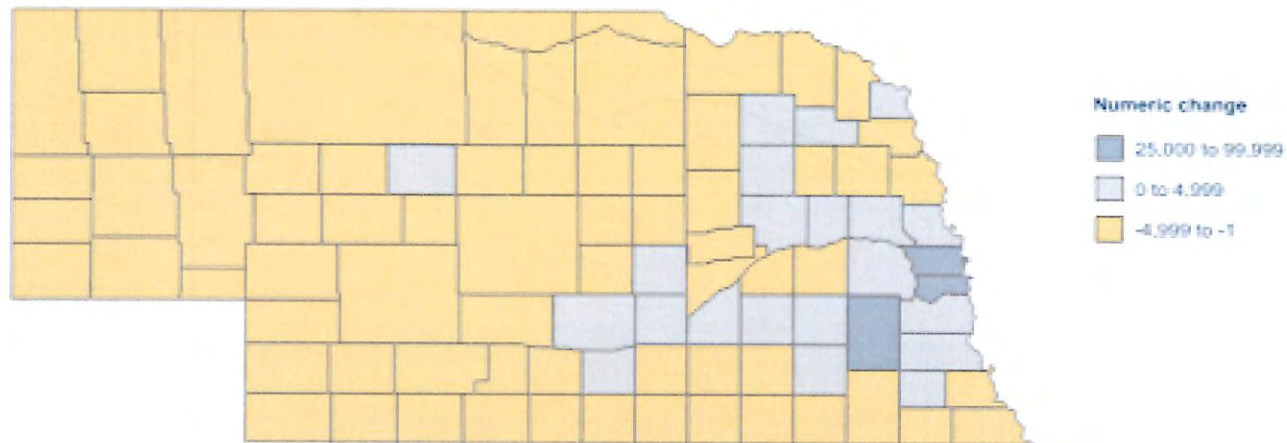
# NEBRASKA POPULATION GROWTH





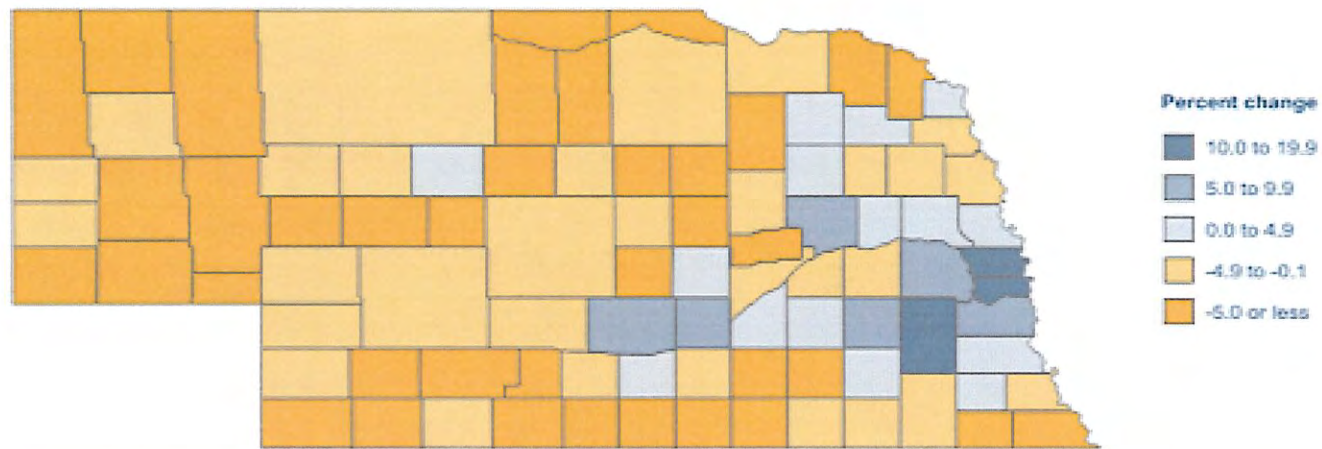
# 10-YEAR CHANGE IN POPULATION

Numeric Change in Population for Nebraska Counties:  
2010–2020



# 10-YEAR PERCENTAGE CHANGE

Percent Change in Population for Nebraska Counties:  
2010–2020





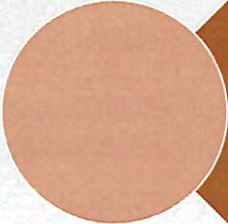
# NEBRASKA'S CHANGING COURT USERS

THE IMPACT OF SELF-REPRESENTATION & LANGUAGE INTERPRETATION


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## DEMOGRAPHIC SHIFT IN COURT USERS



*Increase in number of court users without an attorney*



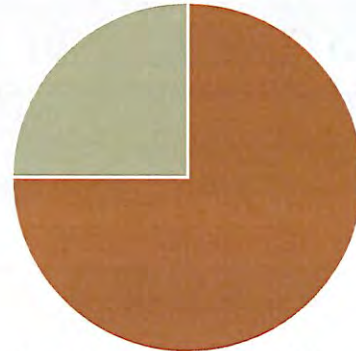
*Increase in number of counties with no practicing attorney*



*Increase in number of court users requiring language interpretation*



## INCREASE IN SELF-REPRESENTED LITIGANTS



- Civil cases with at least one SRL
- Civil cases where all parties have attorney

- **Nationally, an estimated 75% of all civil and domestic relations cases now involve at least one self-represented litigant (SRL)**
  - Only 25% of the nation's civil and domestic relations cases have lawyers on both sides of the dispute
  - Steady rise in the number of SRLs is not new—it has been occurring for 30 plus years and it represents a fundamental demographic shift in court users that is here to stay
- **Available statistics in Nebraska track national trend**
  - A study of SRLs in Douglas County showed that 52% of the domestic relations cases filed in 2018 had at least one SRL

## INCREASE IN SELF-REPRESENTED LITIGANTS

- Many factors are driving the increase in SRLs, but courts cannot deny the new normal:

Today, a majority of the nation's court users are navigating the civil justice system without an attorney

- SRL cases require more judicial time and pend longer
- Civil cases handled by attorneys are now the exception, not the norm



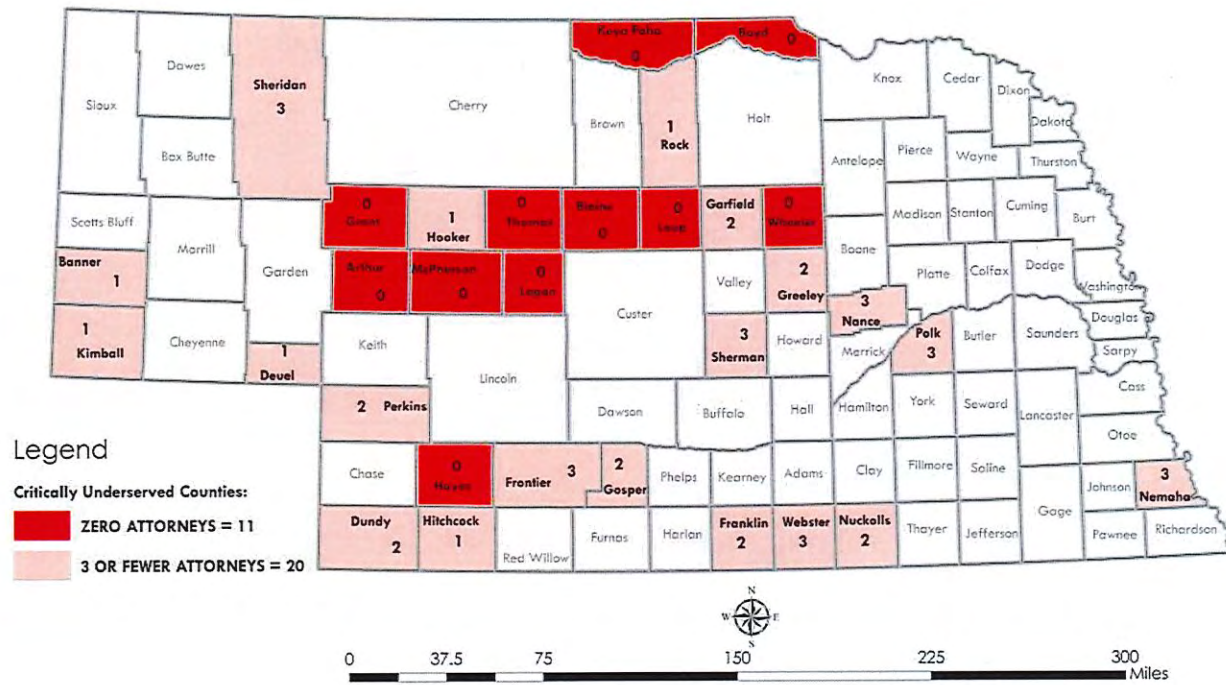
## PROVIDING EQUAL ACCESS TO SRLS

- Almost 20 years ago, the Nebraska Supreme Court created the Self-Represented Litigation Committee to help courts respond effectively to the growing number of SRLs and ensure they receive equal access to the courts
- The SRL committee has devoted thousands of hours to studying SRLs in our courts and has recommended transformational changes including:
  - Working with State and local bar associations to staff self-help desks and expand pro bono legal services
  - Amending court rules so attorneys can offer limited-scope representation as an affordable alternative to full-representation
  - Developing on-line resources for SRLs, including a virtual self-help center on Nebraska Supreme Court website with more than 900 fillable court forms and detailed instructions on navigating the courts
    - If you wonder what kind of impact standardized court forms can have, so far in 2021 alone:
      - Divorce forms have more than 40,000 views
      - Protection Order forms have more than 28,000 views
      - Guardianship and conservatorship forms have almost 25,000 views
      - Name change forms have almost 20,000 views
      - Small claims forms have more than 13,000 views

# AVAILABILITY OF ATTORNEYS

## Attorneys Per County in Nebraska

Counties with Zero and Counties with Three or Fewer Attorneys









## LANGUAGE INTERPRETERS

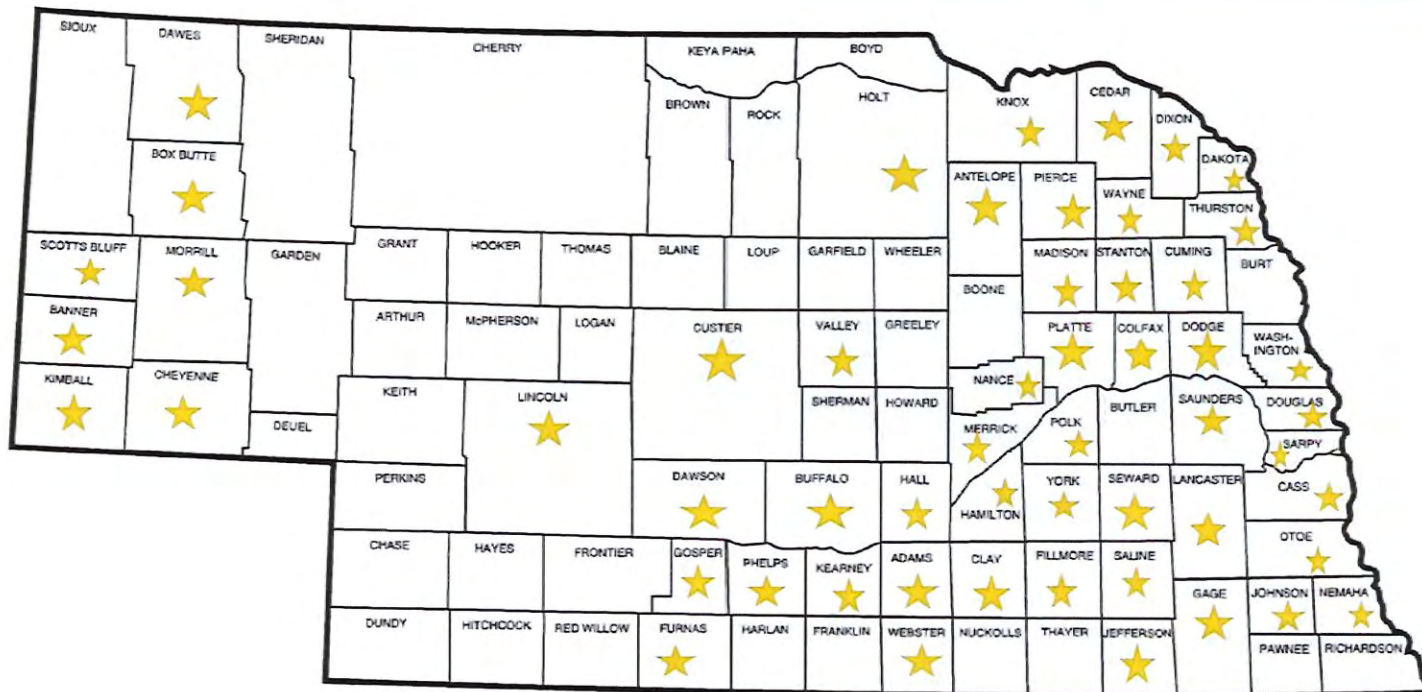
### 11.8% of Nebraskans speak language other than English at home

- Most common languages interpreted in Nebraska court proceedings:
  - Spanish
  - French, Haitian, Cajun
  - Russian, Polish, other Slavic
  - Korean
  - Chinese
  - Vietnamese
  - Tagalog
  - Arabic



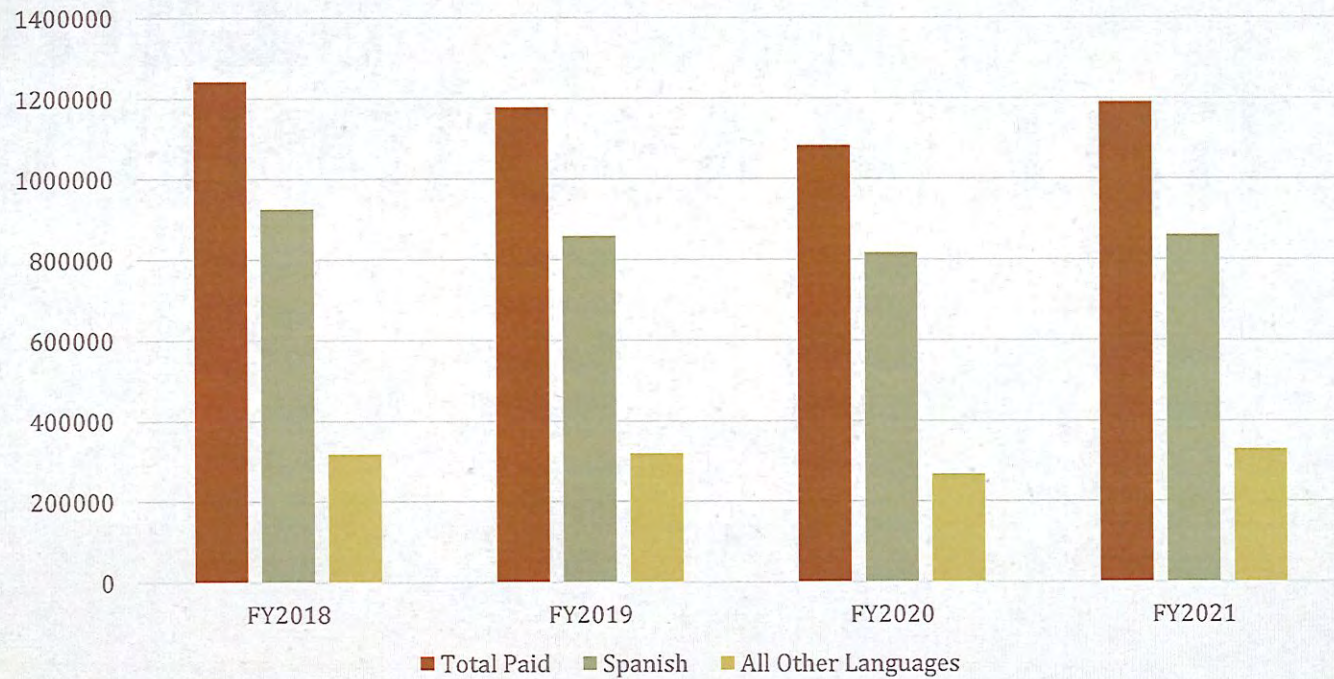


# SCHEDULED LANGUAGE INTERPRETERS FY2021



# ANNUAL EXPENDITURES FOR INDEPENDENT CONTRACTOR INTERPRETERS

Annual Interpreter Expenditures





# **TECHNOLOGY IN THE COURTS**

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## USING REMOTE TECHNOLOGY IN COURT PROCEEDINGS

- During the pandemic, courts across the country used videoconferencing to conduct remote and hybrid hearings, bench trials, and even jury trials
- The use of remote technology allowed Nebraska's trial and appellate courts to remain open and operational
  - Judges, attorneys, and other court users quickly became proficient in using technology to conduct court proceedings
  - Over past 20 months we have learned a good deal about the benefits and shortcomings of remote technology
- A 2021 national survey of public opinion by the National Center for State Courts found that a majority of respondents support continuing the option of video hearings even post-pandemic
  - allows courts to schedule more hearings per court day
  - reduces common barriers to appearing in court (traveling to courthouse, taking time off work, and finding childcare)
  - reduces legal fees (no travel, less time waiting for case to be called)



## NEBRASKA SURVEYS EXPERIENCE USING REMOTE PROCEEDINGS

- In December 2020, the AOCPC conducted a survey of judges, court staff, attorneys, probation staff, and county sheriffs, to learn how the pandemic affected court services and identify what we could do better
- Key takeaways from survey:
  - Everyone experienced challenges with technology at first, but the judicial system quickly transitioned from traditional, in-person court proceedings, to a system that used remote technology to keep court users safe and dockets moving
  - Courts have returned to in-person proceedings, but the increased use of remote technology during the height of the pandemic showed that technology can play an important supporting role in the efficient delivery of court and probation services
  - The increased use of remote technology also highlighted some disparities in courthouse bandwidth and the quality of audio-visual equipment



## WHAT KIND OF HEARINGS WERE HELD REMOTELY?

**91% of Nebraska's County Court Clerks reported that since March 2020, their court used remote technology to conduct the following proceedings:**

### Criminal

- Arraignment (71%)
- Pretrial Hrgs (65%)
- Plea Hrgs (61%)
- Sentencing (50%)
- Postconviction hrg (11%)
- Bench Trial (6%)
- Jury Trial (6%)

### Civil

- Non-evidentiary hrg (65%)
- Guardian/Conserv hrg (31%)
- Evidentiary hrg (22-24%)
- Protection order hrg (10%)
- Trials (8%)

### Juvenile

- Adjudication (21%)
- Disposition (18%)
- Delinquency (15%)
- Adoptions (2%)



## SATISFACTION WITH REMOTE PROCEEDINGS

- 77% of Nebraska court users who appeared remotely were satisfied with the overall quality of the proceedings

- 12% Excellent
- 65% Good or Very Good
- 17% Fair
- 6% Poor
- 1% Unsure

- Most Nebraska court users reported it was easy to connect and participate in remote proceedings

- 74% Easy or Very Easy
- 20% Neutral
- 5% Difficult
- 1% Very Difficult



## REMOTE HEARINGS POST-PANDEMIC?

- Most Nebraska court users think courts should continue to conduct some hearings by remote technology post-pandemic
  - 79% Yes
  - 15% No
  - 6% Unsure
- When asked to identify the most significant benefits of using remote technology in court proceedings, Nebraska court users said:
  - Eliminates travel time and expenses for counsel and parties (85%)
  - More efficient; allows attorneys to appear in different courts on the same day (66%)
  - Increases scheduling availability (50%)
  - Reduces failure to appear rates (29%)



## DIGITAL DIVIDE IN NEBRASKA COURTHOUSES

### Courthouse technology differs across Nebraska's 93 counties

- Disparities in internet bandwidth
  - Why?
    - Installing necessary infrastructure is expensive and service providers have been reluctant to invest in sparsely-populated areas
- Disparities in audio-visual equipment
  - Why?
    - County government is responsible for providing a courthouse and supplying equipment for courtrooms



## CONQUERING THE DIGITAL DIVIDE IN COURTHOUSE TECHNOLOGY

### *Improving Bandwidth*

- For several years, AOCPC has been actively working to increase available internet bandwidth to courthouses

### *Installing & Upgrading Audio-Visual Equipment in Every Courtroom*

- In 2021, AOCPC launched a state-wide initiative to supply and upgrade the AV equipment











## STATE-WIDE INITIATIVE TO UPGRADE TECHNOLOGY IN COURTROOMS

- This fall, AOCB announced a court-funded initiative to ensure all courtrooms have the technology they need to meet best-practice standards
  - Technology upgrades in all 93 counties with focus on:
    - *Optimizing courtroom audio so everyone can hear proceedings and a quality record can be made*
    - *Providing multi-camera views of courtroom proceedings to support remote appearances/hybrid hearings*
    - *Providing sufficient number/placement of display monitors to allow viewing of electronic exhibits and support remote appearances*
  - Currently scheduling on-site visits to each courthouse to assess need and create an individualized plan to replace/enhance existing technology to meet best-practice standards in each court
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# **JUDICIAL RETIREMENT FORECAST**


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## JUDICIAL RETIREMENTS 5-YEAR FORECAST

 Current number of judges at every level of court 147

 Current number of judges who meet retirement criteria  
(age=65) (years of service =20) 16

 Number of judges who will meet retirement criteria  
in next 5 years 19

 **Forecasted retirements in next 5 years 35**



# JUDICIAL RETIREMENT 5-YEAR FORECAST

**Total of 35 judicial  
retirements predicted  
in next 5 years**

County Court  
**14**

Separate Juvenile  
Court:  
**2**

District Court  
**11**

Workers  
Compensation  
Court  
**3**

Appellate Courts  
**5**

**Of the 35  
predicted  
retirements**

54% in metro  
courts

46% in greater  
Nebraska courts



# HISTORICAL LOOK AT JUDICIAL DISTRICT CONFIGURATIONS FOR TRIAL COURTS

**1911 to  
1962:**

18  
Judicial  
Districts



**1962:**

22  
Judicial  
Districts



**1963:**

20  
Judicial  
Districts



**1965:**

21  
Judicial  
Districts



**1972:**  
County  
Courts  
merged  
with Justice  
of Peace  
and Police  
Magistrate  
Courts  
Created 21  
county  
court  
districts



**1992:**  
Reduced  
number of  
Judicial  
Districts  
from  
21 to 12  
(district  
and  
county  
courts)



**QUESTIONS?**

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