

**MINUTES OF THE PUBLIC HEARING  
OF  
THE NEBRASKA JUDICIAL RESOURCES COMMISSION  
February 18, 2022**

Pursuant to the press release issued January 27, 2022, a public hearing of the Nebraska Judicial Resources Commission was held on the 18<sup>th</sup> day of February, 2022, in Room 1510, State Capitol Building, in Lincoln, Nebraska.

AGENDA ITEM I: Justice Stacy called the proceedings to order at 10:10 a.m. The proceedings included a WebEx videoconferencing option for Commission members and for members of the public.

AGENDA ITEM II: Roll call by the Secretary:

PRESENT (\*denotes WebEx attendance)

Justice Stephanie Stacy, Chair  
Judge Matthew Kahler\*  
Judge John Samson\*  
Timothy Engler  
Kenneth Hartman\*  
Roxanne Kracl\*  
Nancy McCabe\*  
Michael McCarthy\*  
Brian Phares\*  
Meagan Spomer\*  
Darlene Starman\*  
Ron Temple\*  
Jacqueline Tessororf

EXCUSED

Judge Anne Paine  
Lori Scherer  
Maria Whitmore

ABSENT

Christopher Nielsen

The Chair confirmed that all Commission members had received and reviewed the minutes from the annual hearing on December 10, 2021. On an oral vote, commissioners accepted the minutes of December 10, 2021.

AGENDA ITEM III: The following exhibits were examined and considered by the Commission:

Exhibit 1: Hearing Agenda  
Exhibit 2: Minutes of annual hearing of December 10, 2021  
Exhibit 3: Judge Vicky L. Johnson retirement letter  
Exhibit 4: Judge Robert R. Steinke retirement letter  
Exhibit 5: NSBA Letter in support of declaring vacancies  
Exhibit 6: Weighted Caseload Report District Court CY2021

All exhibits listed above are attached to these minutes.

AGENDA ITEM IV: The Commission received and considered public testimony from Nebraska State Court Administrator Corey Steel, Nebraska State Bar Association Executive Director Liz Neeley, Judge Rachel Daugherty, and Judge James Stecker. All those testifying expressed support for declaring vacancies due to the retirement of Judge Johnson and Judge Steinke. No testimony was received in opposition to declaring a vacancy for either judicial position.

AGENDA ITEM V: It was moved by Timothy Engler and seconded by Jacqueline Tessendorf that the Commission declare a judicial vacancy exists in the 1<sup>st</sup> Judicial District due to the retirement of Judge Vicky L. Johnson from the district court bench, and recommend the primary office location of such vacancy be in Wilber, Saline County, Nebraska. On a roll call vote, the motion passed unanimously.

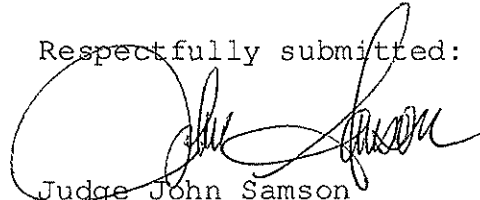
AGENDA ITEM VI: It was moved by Timothy Engler and seconded by Jacqueline Tessendorf that the Commission declare a judicial vacancy exists in the 5<sup>th</sup> Judicial District due to the retirement of Judge Robert R. Steinke from the district court bench, and recommend the primary office location of such vacancy be in Columbus, Platte County, Nebraska. On a roll call vote, the motion passed unanimously.

AGENDA ITEM VII: Justice Stacy reported on bills of interest to the Commission, including LB1059 (a bill offered by Senator Flood to exempt the JRC from the Open Meetings Act) and LB922 (a bill offered by Senator Lathrop taking action on the JRC's December 2021 recommendation to add an 18th district court judge in the 4th Judicial District).

AGENDA ITEM VIII: Justice Stacy reported that the State Court Administrator has been working to compile the data requested by the Commission at its Annual Meeting in December of 2021, to support the Commission's study of the optimal number and configuration of judicial districts. The requested data is still being compiled, and an interactive map being created. It is expected the Commission will be able to begin reviewing and discussing the data at the next quarterly public hearing on June 3, 2022. The goal remains to disseminate, discuss and refine the data during regular quarterly Commission hearings throughout 2022, so that possible recommendations resulting from such discussions can be placed on the agenda for the 2022 Annual Hearing.

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 in a cursive style. The signature is positioned over the typed name and title.

Judge John Samson  
Secretary

**HEARING AGENDA**  
**JUDICIAL RESOURCES COMMISSION**  
**February 18, 2022 – 10 a.m. CST**  
**Room 1510, State Capitol, Lincoln, Nebraska**  
**Proceedings include virtual conferencing VIA WEBEX**

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

NOTE: Copies of exhibits received by the deadline of February 15, 2022, will be available in the hearing room during the meeting, and will be linked electronically [here](#) just prior to the meeting.

- IV. Determine whether a judicial vacancy exists in the office of the District Court, 1<sup>st</sup> Judicial District, due to the retirement of Judge Vicky L. Johnson effective January 31, 2022, and if so recommend a primary office location.
- V. Determine whether a judicial vacancy exists in the office of the District Court, 5<sup>th</sup> Judicial District, due to the retirement of Judge Robert R. Steinke effective February 2, 2022, and if so recommend a primary office location.
- VI. Update on draft legislation of interest
- VII. Status of AOC data request on judicial district configuration.
- VIII. Other Items
- IX. Adjournment



**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 4th 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 4th Judicial District. On a roll call vote, the motion passed unanimously.

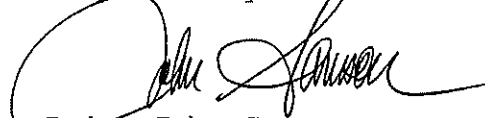
It was noted that the current number of judicial districts has remained unchanged for several decades. Minutes from last year's Annual Hearing reflect ongoing discussion about how the Commission can better facilitate and encourage the development of specific recommendations in advance of the Annual Hearing. 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 horizontal line.

Judge John Samson  
Secretary

# District Court of Nebraska

First Judicial District  
Vicky L. Johnson  
District Judge  
Saline County Courthouse  
P. O. Box 865  
Wilber, NE 68465

Angela Driver, Court Reporter  
Kathy Homolka, Bailiff

Telephone (402) 821-3911  
Fax (402) 821-3179

October 4, 2021


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

Dear Governor Ricketts:

It has been my honor and privilege to serve Southeast Nebraska as a District Judge beginning in January, 2004. However, it is now time for me to turn my life in a different direction. I will be retiring effective January 31, 2022.

Thank you.

Sincerely,

  
Vicky L. Johnson  
District Judge

Pc: Chief Justice Mike Heavican via email  
Corey Steel, State Court Administrator via email





KELLI SCHEFFLER  
COURT REPORTER

ROBERT R. STEINKE  
DISTRICT JUDGE  
FIFTH JUDICIAL DISTRICT  
PLATTE COUNTY COURTHOUSE  
P.O. BOX 1188  
COLUMBUS, NEBRASKA 68602-1188

(402) 563-4956  
FAX (402) 562-6718

December 16, 2021

Governor Pete Ricketts  
Office of the Governor  
P.O. Box 94848  
Lincoln, NE 68409-4848

DEC 21 2021

**COPY**

Re: Retirement

Dear Governor Ricketts:


I am writing to inform you of my decision to retire from my office as a district judge effective the end of the day, February 2, 2022. It has been such an honor and privilege to have served the citizens of our great state, and in particular those of the Fifth Judicial District, since my appointment by Governor Nelson some 30 years past.

I have been privileged to have served with so many outstanding jurists at all levels of our judicial system throughout my career. The dedication, hard work and impartiality of our judiciary is so important in safeguarding our constitutional form of government.

I also want to thank the wonderful court staffs, clerks, and my court reporter who have so greatly assisted me in fulfilling my duties throughout the years. Their tireless work and support is something I will never forget.

My service as a district judge has been rewarding and fulfilling. I am grateful to have served in our judiciary.

Very truly yours,



Robert R. Steinke  
District Court Judge

RRS/krs

- c: ✓ Chief Justice Michael G. Heavican  
Nebraska Supreme Court  
State Capitol #2214  
P.O. Box 98910  
Lincoln, NE 68509



# Nebraska State Bar Association

*"Helping lawyers help people"*

February 14, 2022

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 recommendations regarding the vacancies in the District Court of the 1st Judicial District, due to the retirement of Judge Vicky L. Johnson and the District Court of the 5<sup>th</sup> Judicial District, due to the retirement of Judge Robert R. Steinke.

The Committee met on February 11th 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 2021. Following discussion, the committee concluded that the State's justice system will not have adequate judicial resources available unless the current vacancies are filled expeditiously.

Therefore, the Committee recommends that the current vacancies in the District Court of the 1st Judicial District be filled, with the principal office in Wilber. The Committee also recommends that the current vacancy in the District Court of the 5<sup>th</sup> Judicial District be filled, with the principal office in Columbus.

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 February 18th meeting.

Sincerely,



William J. Mueller  
NSBA President

Cc: Corey Steel  
Liz Neeley  
Jason Doele



# Nebraska Judicial Branch

## Weighted Caseload Report

# District Courts

Reporting Period  
Calendar Year 2021

Jan. 1, 2021 to  
Dec. 31, 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.



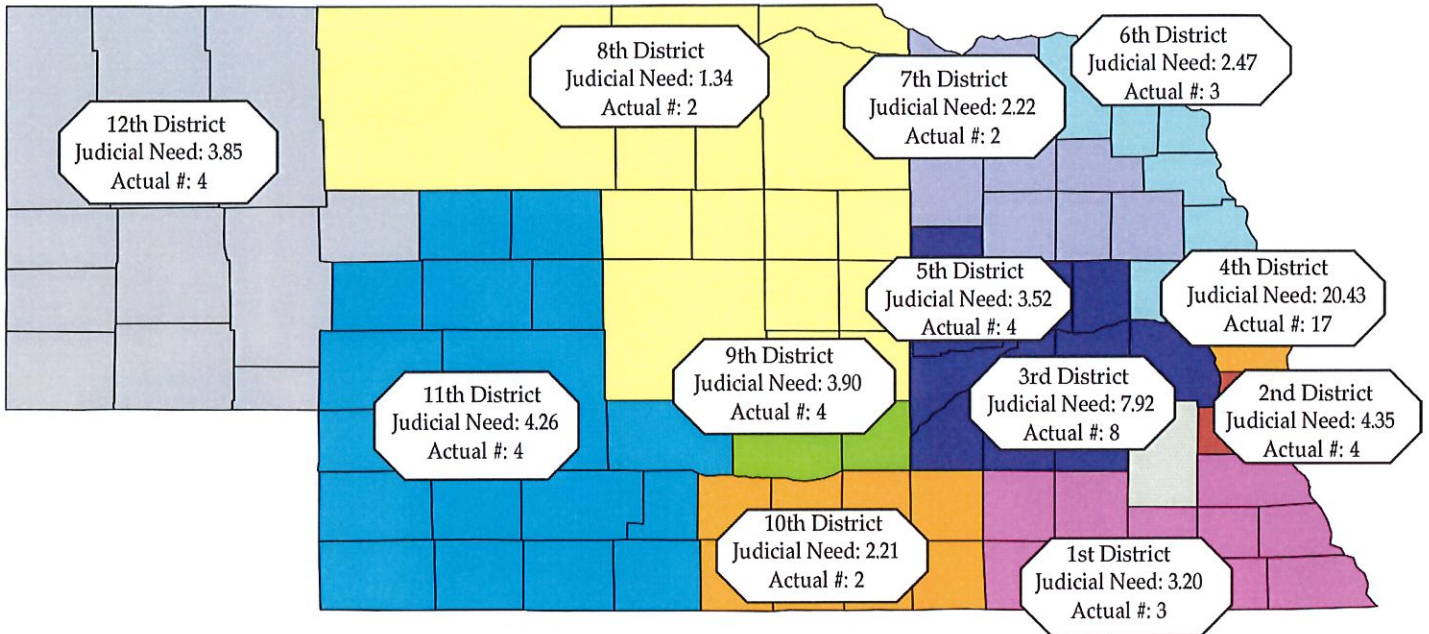
**Corey R. Steel | Nebraska State Court Administrator**  
**Nebraska Supreme Court**  
**Administrative Office of the Courts & Probation**

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

Calendar Year 2021 (Jan. 1, 2021 – Dec. 31, 2021)



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



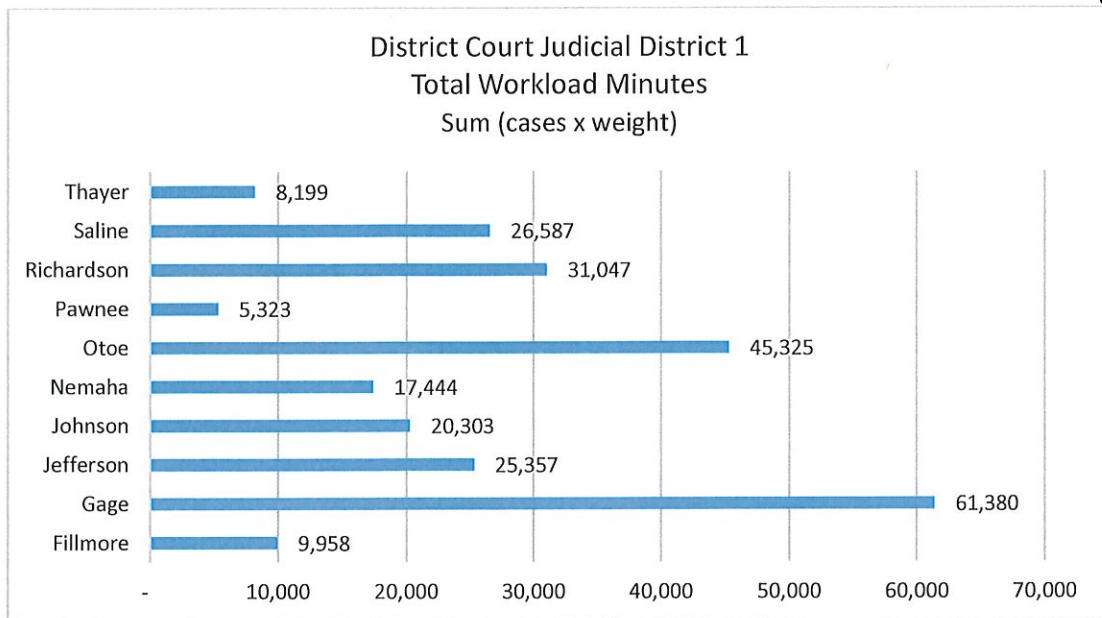
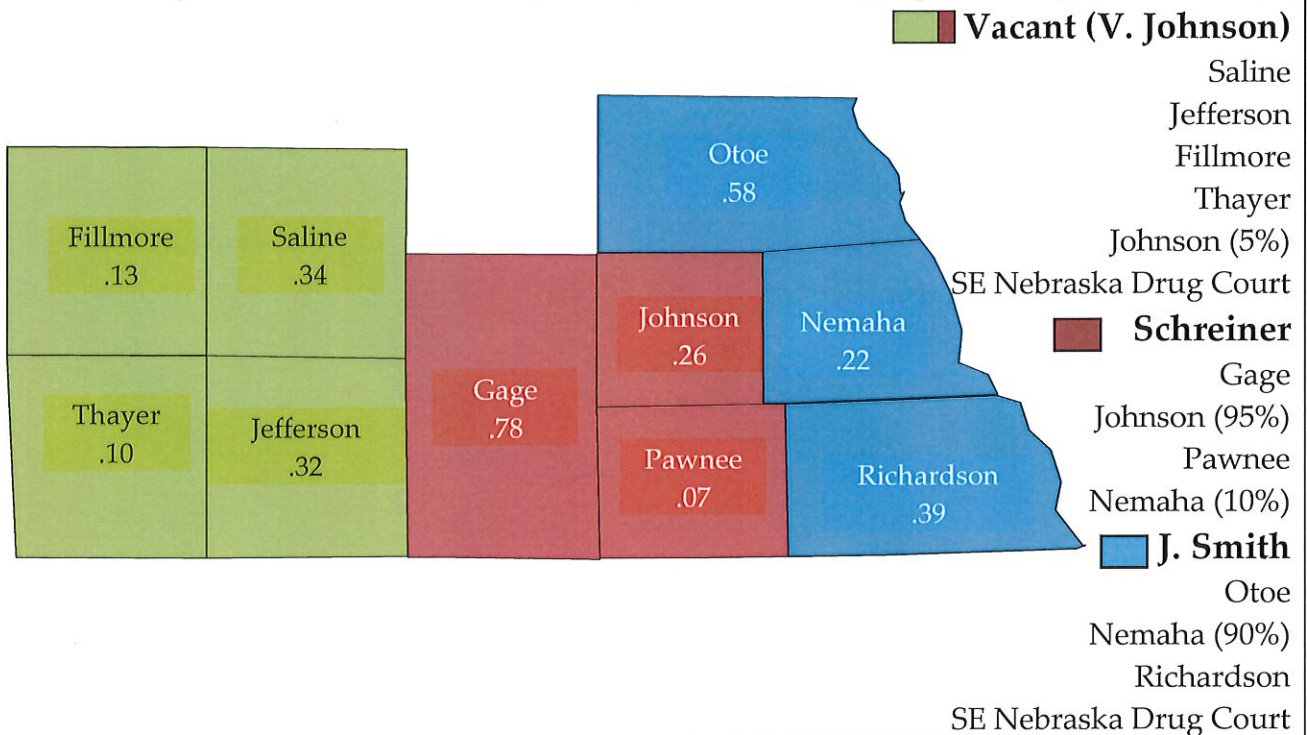
# Weighted Caseload Report

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

District court need for judges: 3.20  
 Current number of judges: 3  
 Workload per judge: 1.60

### Predicted judicial resources need by county

### Judges Serving the 1st District

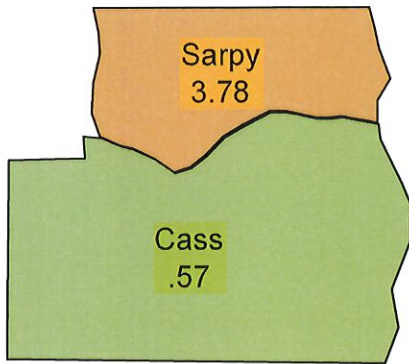


# Weighted Caseload Report





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

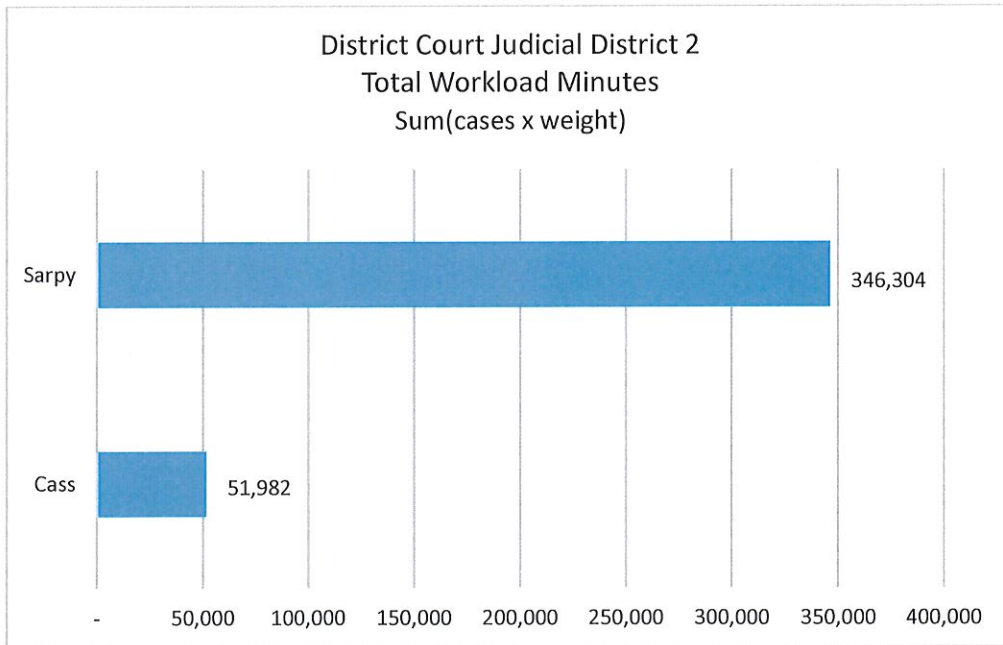
District court need for judges: 4.35  
 Current number of judges: 4  
 Workload per judge: 1.09

### Predicted judicial resources need by county



### Judges Serving the 2nd District

-  **Cox**  
Sarpy
-  **Martinez**  
Sarpy
-  **M. Smith**  
Cass
-  **Thompson**  
Sarpy



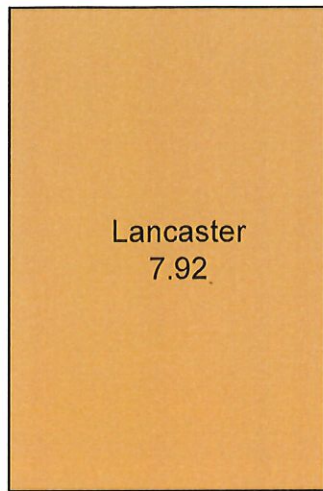


# Weighted Caseload Report

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

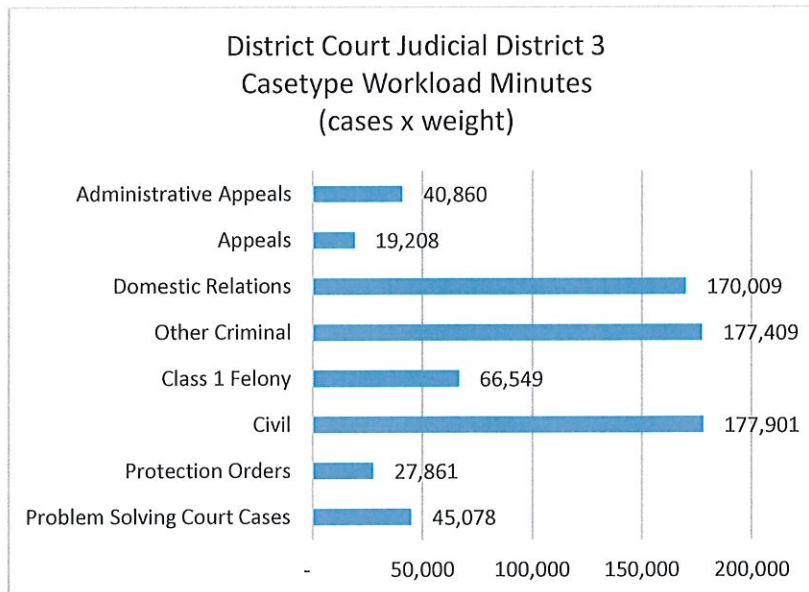
District court need for judges: 7.92  
 Current number of judges: 8  
 Workload per judge: 0.99

### Predicted judicial resources need by county



### Judges Serving the 3<sup>rd</sup> District

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

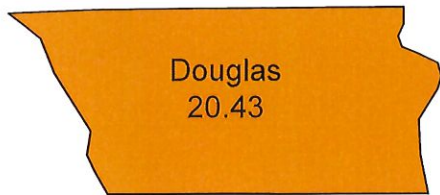


# Weighted Caseload Report

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

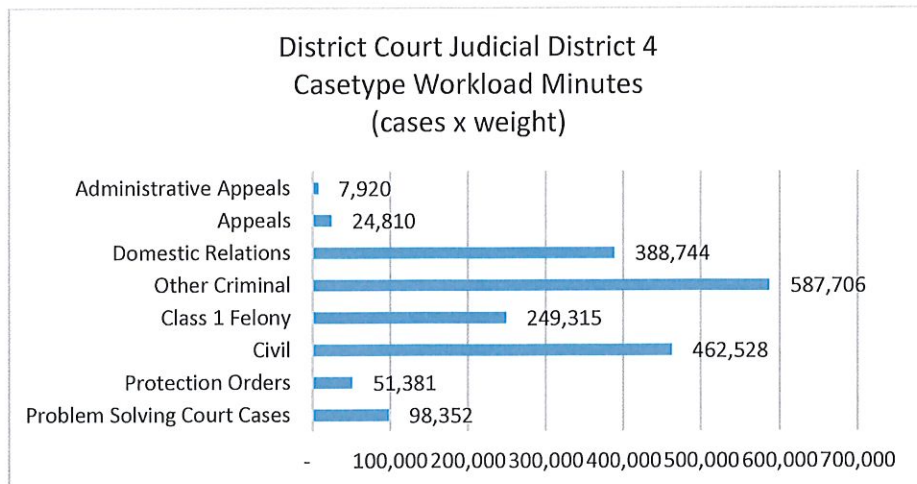
District court need for judges: 20.43  
 Current number of judges: 17  
 Workload per judge: 1.20

Predicted judicial resources need by county



Judges Serving the 4th District

- Alioth
- Bataillon
- Bowie
- Burns
- Coffey
- Derr
- Dougherty
- Engleman
- Keane (appointed Nov. 2021)(Schatz)
- Lux (appointed Sept. 2021)
- Masteller
- Miller Pankonin
- Polk
- Retelsdorf
- Srb (appointed Nov. 2021)(Otepka)
- Stratman
- Wheelock

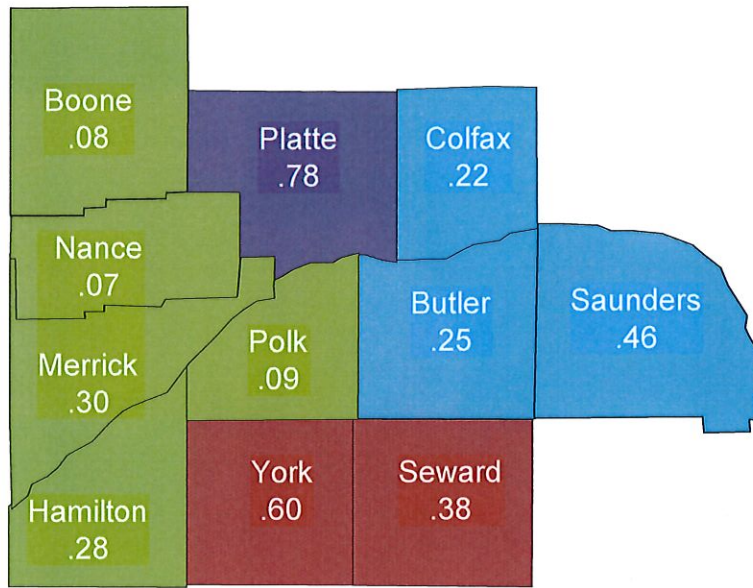


# Weighted Caseload Report

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

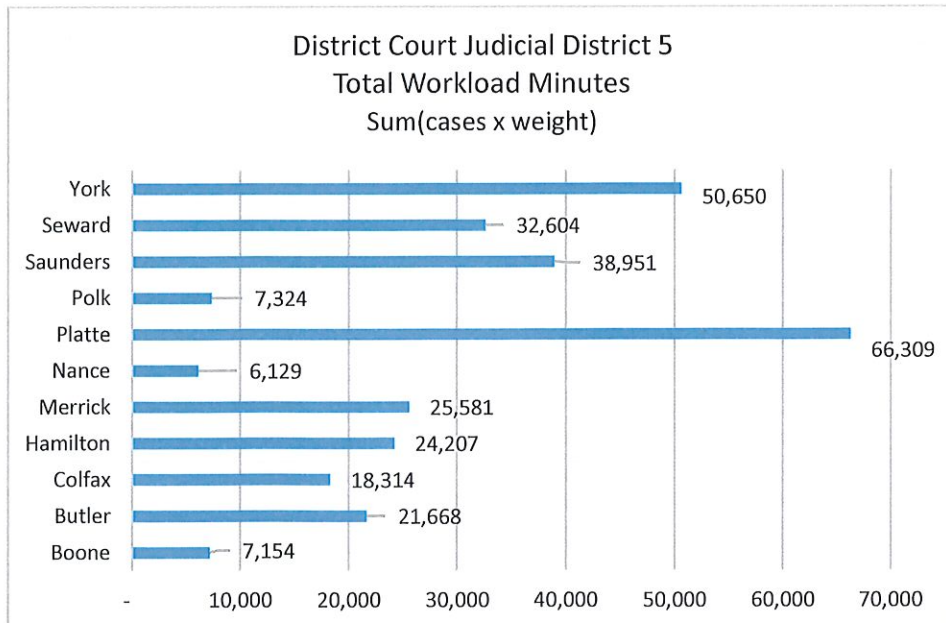
District court need for judges: 3.52  
 Current number of judges: 4  
 Workload per judge: 0.88

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

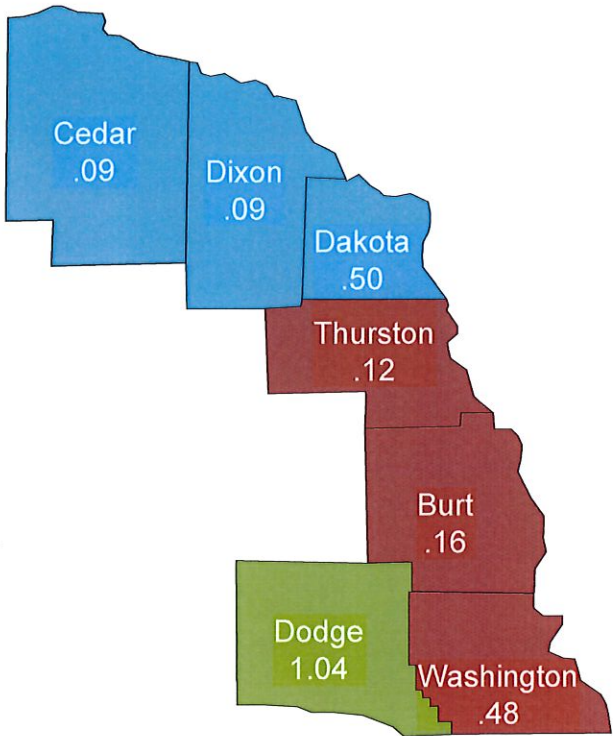


# Weighted Caseload Report

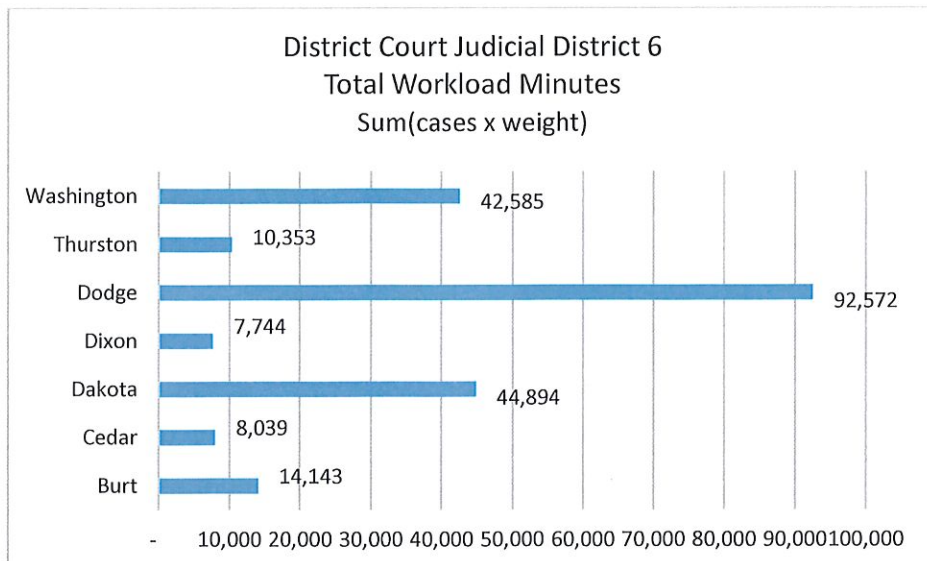
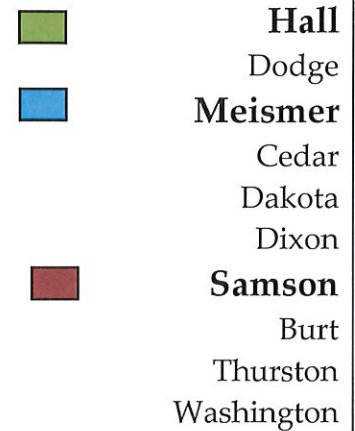
## 6<sup>th</sup> Judicial District – District Court

District court need for judges: 2.47  
 Current number of judges: 3  
 Workload per judge: 0.82

Predicted judicial resources need by county



Judges Serving the 6th District



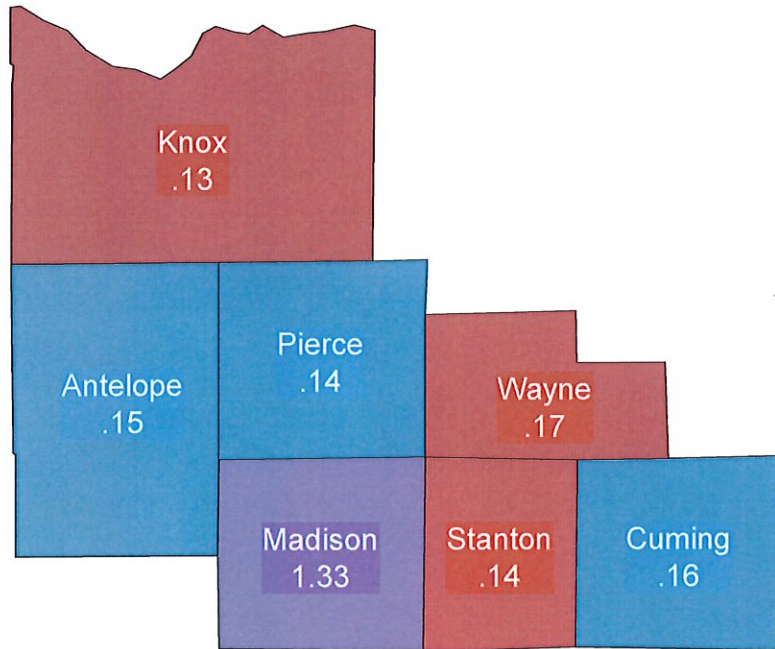


# Weighted Caseload Report

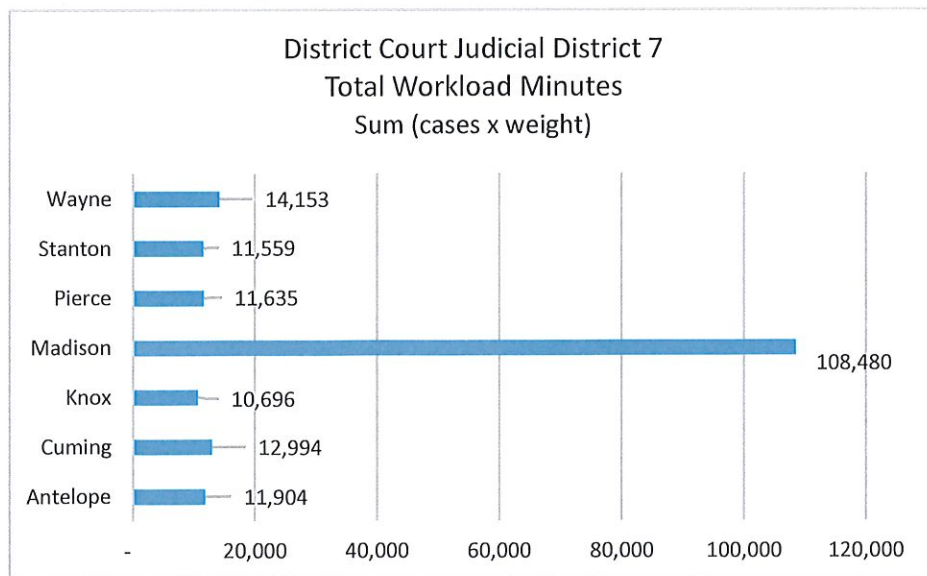
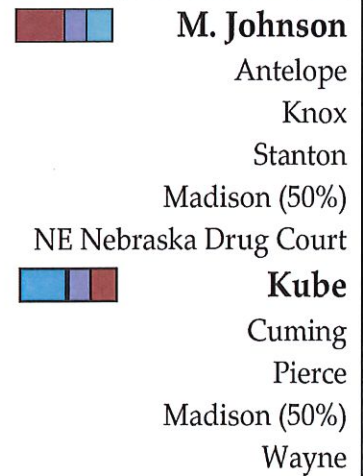
## 7<sup>th</sup> Judicial District – District Court

District court need for judges: 2.22  
 Current number of judges: 2  
 Workload per judge: 1.11

Predicted judicial resources need by county



Judges Serving the 7th District



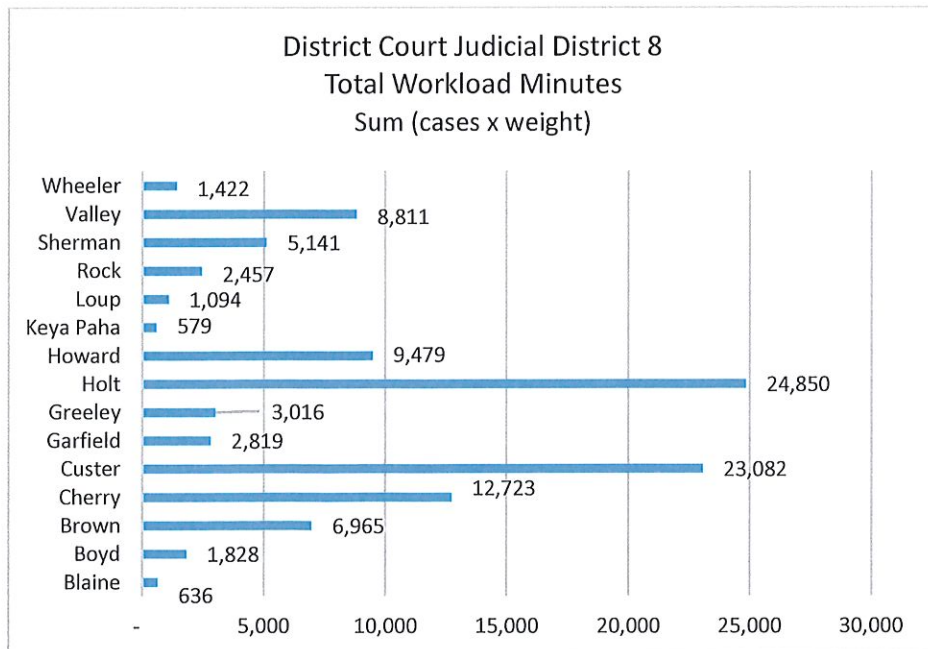
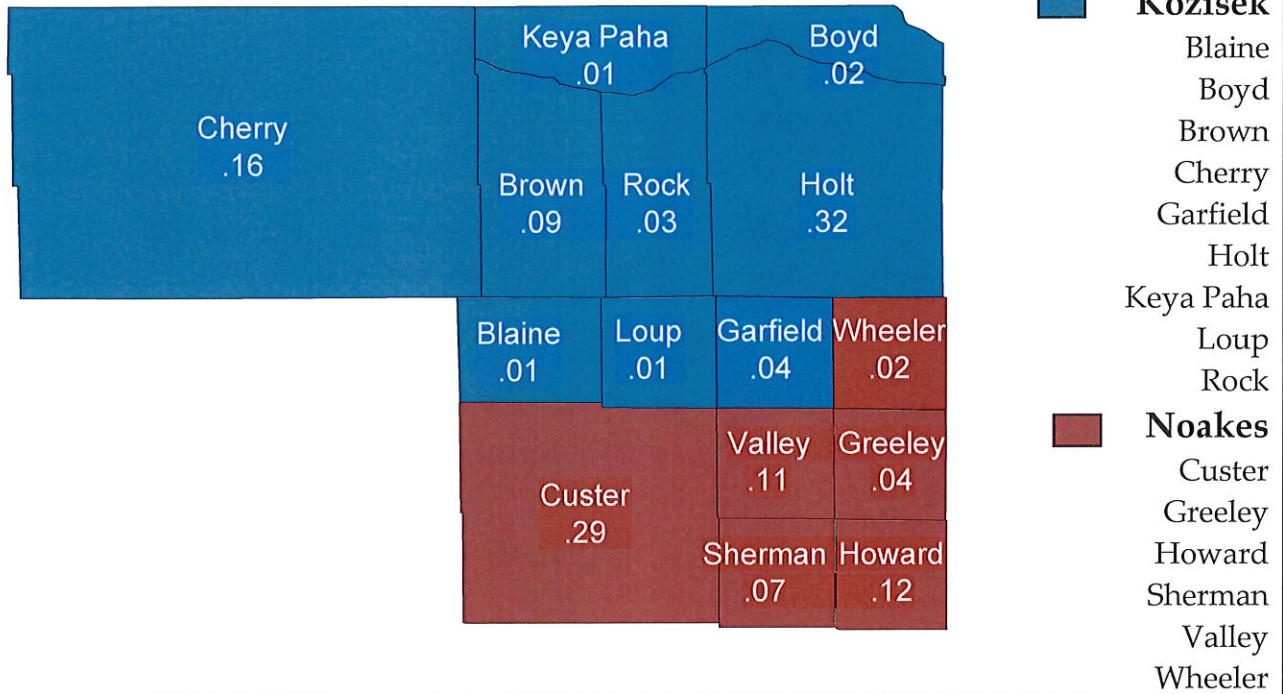
# Weighted Caseload Report

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

District court need for judges: 1.34  
 Current number of judges: 2  
 Workload per judge: 0.67

### Predicted judicial resources need by county

### Judges Serving the 8th District

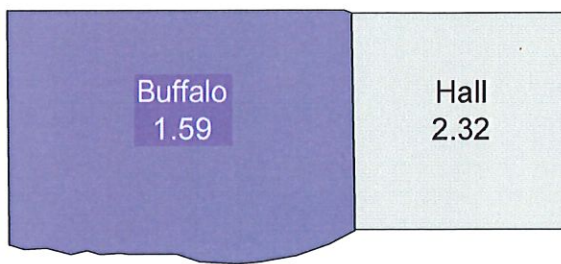


# Weighted Caseload Report

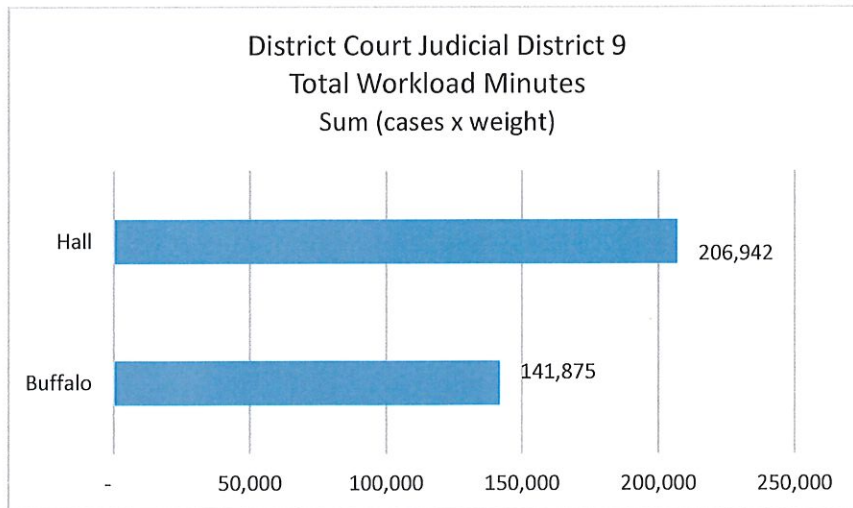
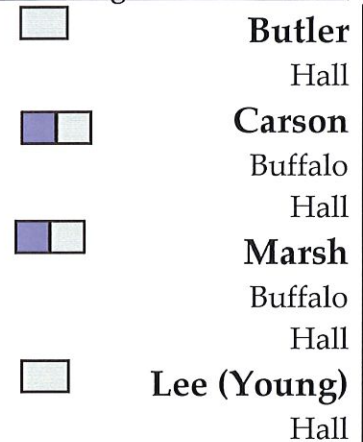
## 9<sup>th</sup> Judicial District – District Court

District court need for judges: 3.90  
 Current number of judges: 4  
 Workload per judge: 0.98

### Predicted judicial resources need by county



### Judges Serving the 9th District





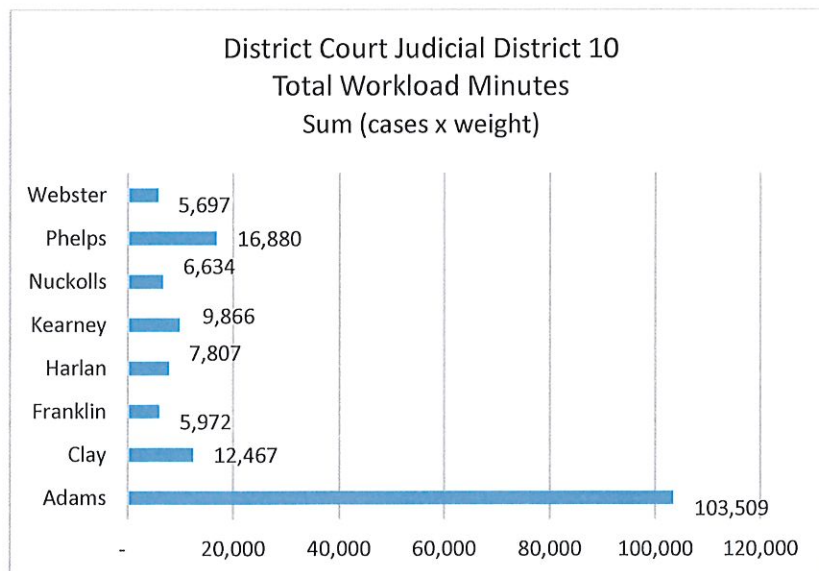
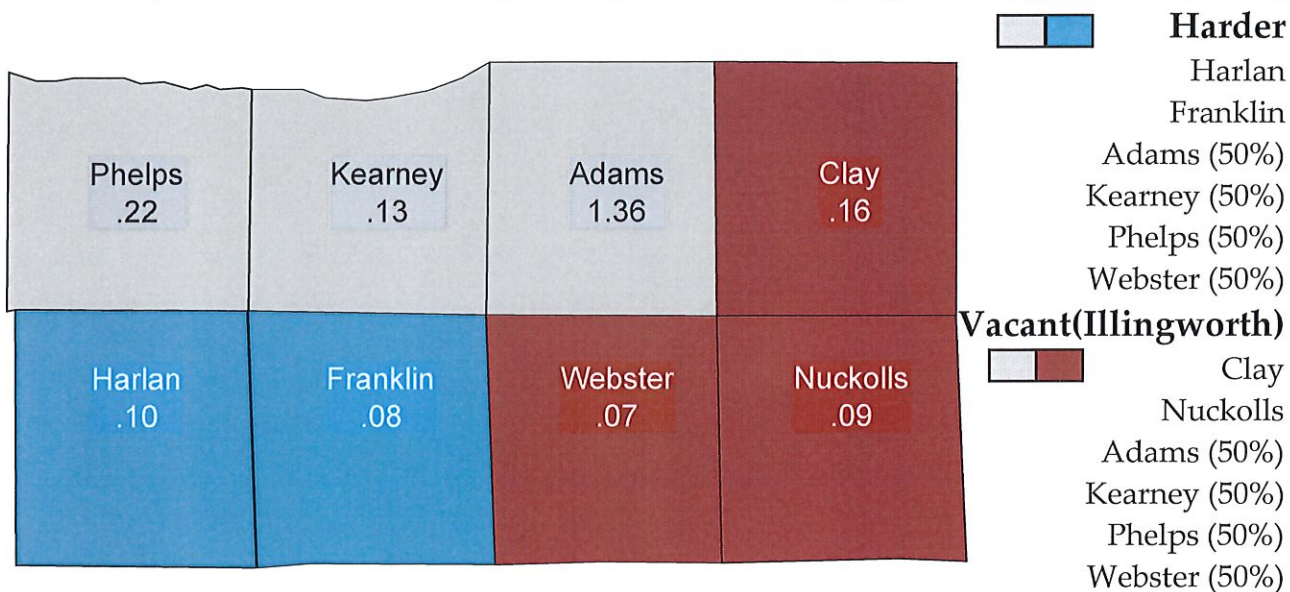
# Weighted Caseload Report

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

District court need for judges: 2.21  
 Current number of judges: 2  
 Workload per judge: 1.11

Predicted judicial resources need by county

Judges Serving the 10th District



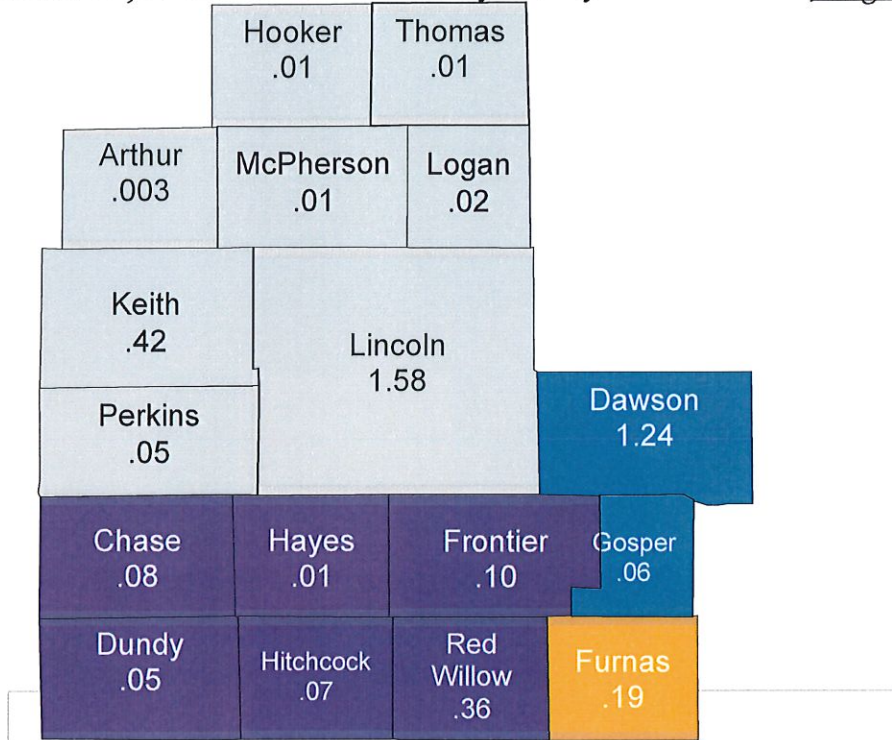


# Weighted Caseload Report

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

District court need for judges: 4.26  
 Current number of judges: 4  
 Workload per judge: 1.07

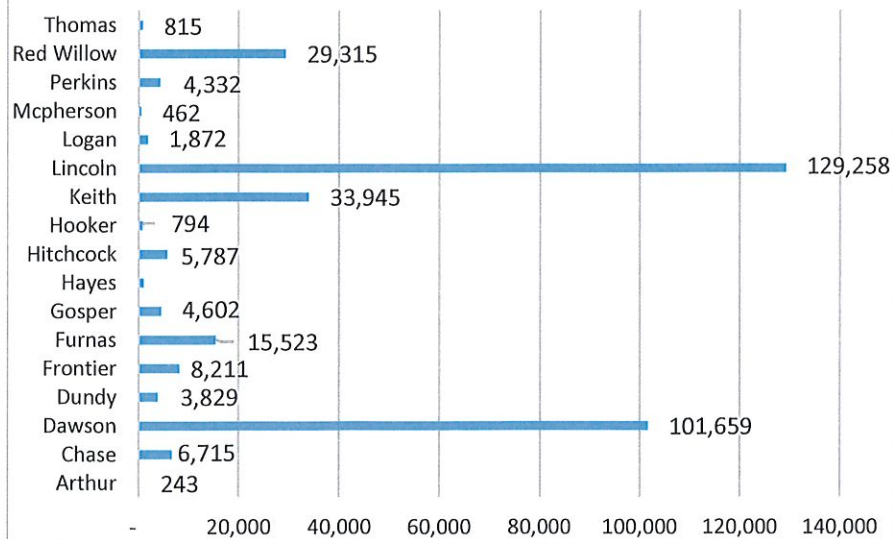
Predicted judicial resources need by county



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

District Court Judicial District 11  
 Total Workload Minutes  
 Sum (cases x weight)

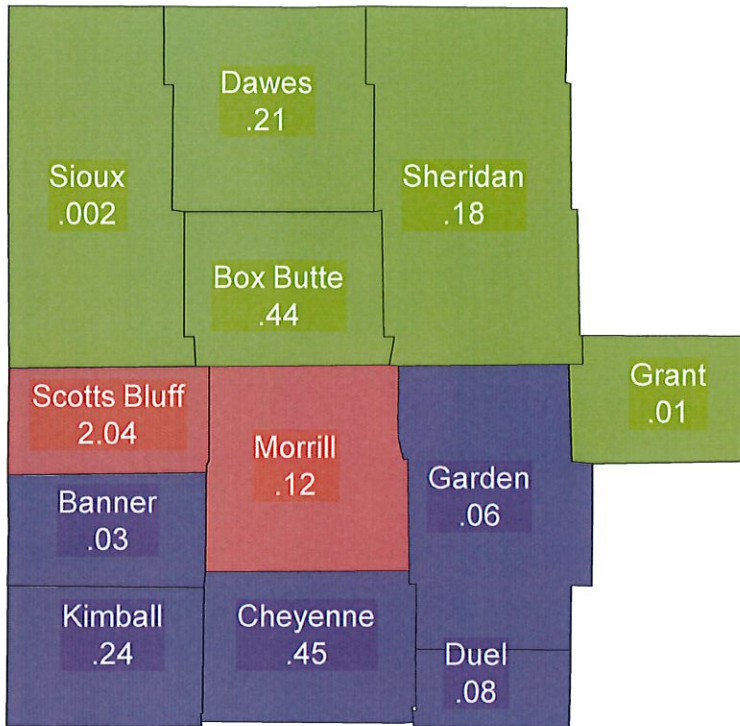


# Weighted Caseload Report

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

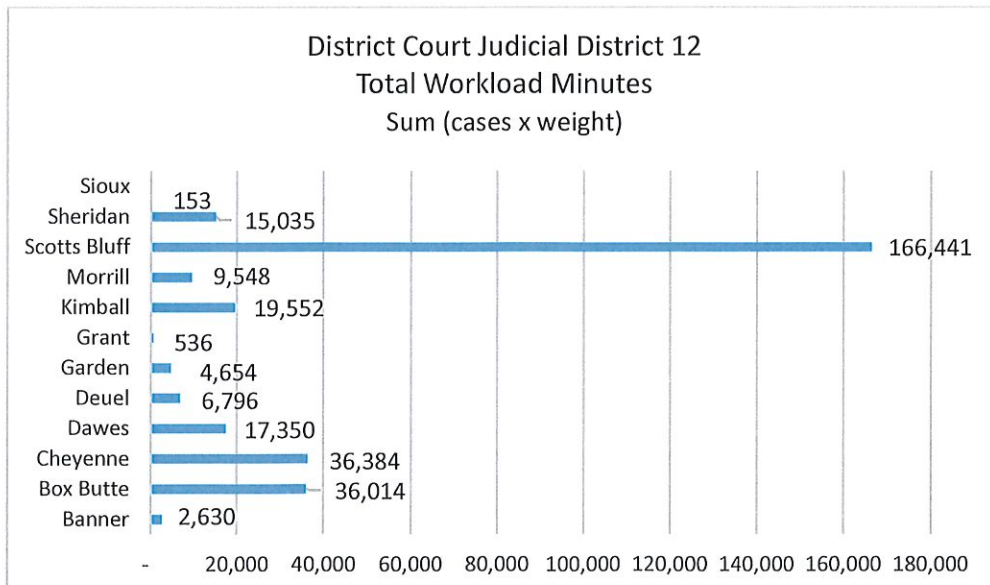
District court need for judges: 3.85  
 Current number of judges: 4  
 Workload per judge: 0.96

### Predicted judicial resources need by county



### Judges Serving the 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