

**MINUTES OF THE PUBLIC HEARING  
OF  
THE NEBRASKA JUDICIAL RESOURCES COMMISSION  
September 15, 2023**

Pursuant to the press release issued August 31, 2023, a public hearing of the Nebraska Judicial Resources Commission was held on the 15<sup>th</sup> day of September, 2023, in Room 1507, State Capitol Building, in Lincoln, Nebraska.

AGENDA ITEM I: The Chair called the proceedings to order at approximately 10 a.m. The proceedings included a Zoom videoconferencing option for Commission members and for members of the public. Roll call by the Secretary:

PRESENT (\*denotes Zoom attendance)

Justice Stephanie Stacy, Chair  
Judge Matthew Kahler  
Judge Travis O’Gorman\*  
Judge Anne Paine\*  
Timothy Engler  
Taylor Gage  
Kenneth Hartman  
Roxanne Kracl\*  
Nancy McCabe  
Michael McCarthy\*  
Meagan Spomer\*  
Darlene Starman  
Ron Temple\*  
Jacqueline Tessororf\*

EXCUSED

Cyd Hall  
Brian Phares  
Maria Whitmore

AGENDA ITEM II: The Chair confirmed that all Commission members had received and reviewed the minutes from the June 16<sup>th</sup>, 2023 hearing. On an oral vote, commissioners accepted the minutes of June 16, 2023.

AGENDA ITEM III: The public hearing was conducted and the following exhibits were received and considered by the Commission, and are attached to these minutes:

- Exhibit 1: Meeting Agenda
- Exhibit 2: Minutes of the June 16, 2023 hearing
- Exhibit 3: Governor’s Press Release appointing Judge Derek Vaughn to the District Court bench
- Exhibit 4: Letter of retirement from Judge James Doyle
- Exhibit 5: Letter from the NSBA, CC 4<sup>th</sup> and DC 11<sup>th</sup>
- Exhibit 6: Letter from Attorney Lindsay Gross, Welch Law Firm, CC 4<sup>th</sup>
- Exhibit 7: Letter from Presiding Judge, CC 4<sup>th</sup>

- Exhibit 8: Letter from the Nebraska County Judges Association, CC 4<sup>th</sup>
- Exhibit 9: Letter from Legal Aid of Nebraska, CC 4<sup>th</sup>
- Exhibit 10: Letter from Pastor Dwayne Hawkins, CC 4<sup>th</sup>
- Exhibit 11: Letter from Attorney Shapiro, CC 4<sup>th</sup>
- Exhibit 12: Letter from Attorney Boyer, CC 4<sup>th</sup>
- Exhibit 13: Letter from Jean Stothert, Mayor of Omaha, CC 4<sup>th</sup>
- Exhibit 14: Letter from Todd Schmaderer, Chief of Police, CC 4<sup>th</sup>
- Exhibit 15: Letter from Matthew Kuhse, City Attorney, CC 4<sup>th</sup>
- Exhibit 16: Letter from the Douglas County Sheriff, CC 4<sup>th</sup>
- Exhibit 17: Letter from Attorney Reff, CC 4<sup>th</sup>
- Exhibit 18: Letter from the Douglas County Attorney's Office, CC 4<sup>th</sup>
- Exhibit 19: Letter from the Omaha Bar Association, CC 4<sup>th</sup>
- Exhibit 20: Letter from Attorney Bloom, CC 4<sup>th</sup>
- Exhibit 21: Letter from Kevin Slimp, Omaha City Prosecutor, CC 4<sup>th</sup>
- Exhibit 22: Letter from Attorney Line, CC 4<sup>th</sup>
- Exhibit 23: Letter from Thomas Riley, Douglas County Public Defender, CC 4<sup>th</sup>
- Exhibit 24: Letter from Attorney Bradford, CC 4<sup>th</sup>
- Exhibit 25: Letter from Attorney Spahn, CC 4<sup>th</sup>
- Exhibit 26: Letter from Omaha Branch National Association for Advancement of Colored People, CC 4<sup>th</sup>
- Exhibit 27: FY-2023-County-Court-Weighted-Caseload-Report
- Exhibit 28: FY-2023-District-Court-Weighted-Caseload-Report
- Exhibit 29: AOCPP Handout (disseminated during public hearing)

The Commission received and considered public testimony from: Judge Michael E. Piccolo, District Court Judge, 11<sup>th</sup> Judicial District; Judge Grant A. Fosberg, County Court Judge, 4<sup>th</sup> Judicial District; Judge Sheryl L. Lohaus, County Court Judge, 4<sup>th</sup> Judicial District; Judge Stephanie S. Shearer, County Court Judge, 4<sup>th</sup> Judicial District; Kevin Slimp, City Prosecutor, City of Omaha; Senator John Cavanaugh; Liz Neeley, Nebraska State Bar Association; Corey Steele, Nebraska State Court Administrator.


AGENDA ITEM IV(a): It was moved by Ken Hartman and seconded by Judge Matthew Kahler to declare a judicial vacancy in the County Court in the 4<sup>th</sup> Judicial District due to the appointment of Judge Derek R. Vaughn to the District Court bench, and to recommend the primary office location of such vacancy be in Omaha, Douglas, Nebraska. On a roll call vote, the motion passed unanimously.

AGENDA ITEM IV(b): It was moved by Judge Matthew Kahler and seconded by Michael McCarthy to declare a judicial vacancy in the District Court in the 11<sup>th</sup> Judicial District due to the retirement of Judge James E. Doyle IV, and to recommend that the primary office location of such vacancy be in Lexington, Dawson County, Nebraska. On a roll call vote, the motion passed unanimously.

AGENDA ITEM V: Justice Stacy provided an update on the first meeting of the judges working group appointed by the Chief Justice. Remaining agenda items were laid over due to length of meeting.

There being no other matters brought before the Commission, the Chair adjourned the meeting.

Respectfully submitted:



Justice Stephanie F. Stacy  
Chair

## ATTACHMENTS TO MINUTES:

- Exhibit 1: Meeting Agenda
- Exhibit 2: Minutes of the June 16, 2023 hearing
- Exhibit 3: Governor's Press Release appointing Judge Derek Vaughn to the District Court bench
- Exhibit 4: Letter of retirement from Judge James Doyle
- Exhibit 5: Letter from the NSBA, CC 4th, DC 11th
- Exhibit 6: Letter from Attorney Lindsay-Gross, Welch Law Firm, CC 4<sup>th</sup>
- Exhibit 7: Letter from Presiding Judge, CC 4<sup>th</sup>
- Exhibit 8: Letter from the Nebraska County Judges Association, CC 4<sup>th</sup>
- Exhibit 9: Letter from Legal Aid of Nebraska, CC 4<sup>th</sup>
- Exhibit 10: Letter from Pastor Dwayne Hawkins, CC 4<sup>th</sup>
- Exhibit 11: Letter from Attorney Shapiro, CC 4th
- Exhibit 12: Letter from Attorney Boyer, CC 4<sup>th</sup>
- Exhibit 13: Letter from Jean Stothert, Mayor of Omaha, CC 4th
- Exhibit 14: Letter from Todd Schmaderer, Chief of Police, CC 4<sup>th</sup>
- Exhibit 15: Letter from Matthew Kuhse, City Attorney, CC 4<sup>th</sup>
- Exhibit 16: Letter from the Douglas County Sheriff, CC 4<sup>th</sup>
- Exhibit 17: Letter from Attorney Reff, CC 4<sup>th</sup>
- Exhibit 18: Letter from the Douglas County Attorney's Office, CC 4<sup>th</sup>
- Exhibit 19: Letter from the Omaha Bar Association, CC 4<sup>th</sup>
- Exhibit 20: Letter from Attorney Bloom, CC 4<sup>th</sup>
- Exhibit 21: Letter from Kevin Slimp, Omaha City Prosecutor, CC 4<sup>th</sup>
- Exhibit 22: Letter from Attorney Line, CC 4<sup>th</sup>
- Exhibit 23: Letter from Thomas Riley, Douglas County Public Defender, CC 4<sup>th</sup>
- Exhibit 24: Letter from Attorney Bradford, CC 4<sup>th</sup>
- Exhibit 25: Letter from Attorney Spahn, CC 4<sup>th</sup>
- Exhibit 26: Letter from Omaha Branch National Association for Advancement of Colored People, CC 4<sup>th</sup>
- Exhibit 27: FY-2023-County-Court-Weighted-Caseload-Report
- Exhibit 28: FY-2023-District-Court-Weighted-Caseload-Report
- Exhibit 29: AOCF Handout (disseminated during public hearing)

**HEARING AGENDA**  
**JUDICIAL RESOURCES COMMISSION**  
**September 15, 2023 – 10 a.m. CDT**  
**Room 1507, State Capitol, Lincoln, Nebraska**  
**Proceedings include virtual conferencing VIA WEBINAR**

- I. Call meeting to order; roll call of members.
- II. Approve minutes from meeting held June 16, 2023.
- III. Identify/receive exhibits to be considered by Commission during public hearing.
- IV. Public Hearing on:
  - a. Whether a judicial vacancy exists in the office of the County Court, 4th Judicial District, due to the recent appointment and swearing in of Judge Derek R. Vaughn to the District Court bench, and if so whether to recommend a primary office location.
  - b. Whether a judicial vacancy exists in the office of the District Court, 11th Judicial District, due to the retirement of Judge James E. Doyle IV, effective August 31, 2023, and if so whether to recommend a primary office location.
- V. Other items.
  - a. Appointment of interim Secretary (laid over from 6-16-23)
  - b. Update on judicial working group
  - c. Annual Meeting
- VI. Adjournment.



**MINUTES OF THE PUBLIC HEARING  
OF  
THE NEBRASKA JUDICIAL RESOURCES COMMISSION  
June 16, 2023**

Pursuant to the press release issued May 24, 2023, a public hearing of the Nebraska Judicial Resources Commission was held on the 16<sup>th</sup> day of June, 2023, in Room 1507, State Capitol Building, in Lincoln, Nebraska.

AGENDA ITEM I: The Chair called the proceedings to order at approximately 10 a.m. The proceedings included a Zoom videoconferencing option for Commission members and for members of the public. Roll call by the Secretary:

PRESENT (\*denotes Zoom attendance)

Justice Stephanie Stacy, Chair

Judge Travis O’Gorman\*

Judge Anne Paine

Timothy Engler

Taylor Gage

Cyd Hall

Kenneth Hartman\*

Roxanne Kracl\*

Nancy McCabe

Michael McCarthy\*

Brian Phares\*

Meagan Spomer\*

Darlene Starman

Ron Temple

Jacqueline Tessendorf\*

Maria Whitmore\*

EXCUSED

Judge Matthew Kahler

AGENDA ITEM II: The Chair confirmed that all Commission members had received and reviewed the minutes from the annual meeting on December 9, 2022. On an oral vote, commissioners accepted the minutes of December 9, 2022.

AGENDA ITEM III: The following exhibits were received and considered by the Commission, and are attached to these minutes:

- Exhibit 1: Meeting Agenda
- Exhibit 2: Minutes of the annual meeting of December 9, 2022
- Exhibit 3: Judge J. Michael Coffey retirement letter
- Exhibit 4: Judge Douglas Luebe resignation letter
- Exhibit 5: Letter from Presiding Judge Alioth, District Court, 4<sup>th</sup> Judicial District
- Exhibit 6: Memo from C.J. Heavican and Corey Steel, State Court Administrator



- Exhibit 7. Letter from Cedar County Board of Commissions re County Court, 6<sup>th</sup>
- Exhibit 8: Letter from Dennis Collins re County Court, 6<sup>th</sup>
- Exhibit 9. Letter from Dixon County Board of Supervisors re County Court, 6<sup>th</sup>
- Exhibit 10. Letter from Miner Law Office re County Court 6<sup>th</sup>
- Exhibit 11. Letter from Drew Law Firm re County Court 6<sup>th</sup>
- Exhibit 12. Letter from Dodge County Bar re County Court 6<sup>th</sup>
- Exhibit 13. Letter from John Hines re County Court 6<sup>th</sup>
- Exhibit 14. Letter from Senator Albrecht re County Court 6<sup>th</sup>
- Exhibit 15. Letter from attorneys in Cedar County re County Court 6<sup>th</sup>
- Exhibit 16. Letter from Senator Barry DeKay re County Court 6<sup>th</sup>
- Exhibit 17. Letter from the Cedar County Attorney re County Court 6<sup>th</sup>
- Exhibit 18. Letter from Nebraska County Judges Association re County Court 6<sup>th</sup>
- Exhibit 19. Letter from Judge Luebe re County Court 6<sup>th</sup>
- Exhibit 20. Letter from Kenney Pier Loftus Reynolds Law Firm re County Court 6<sup>th</sup>
- Exhibit 21. Letter from Northeast Nebraska News re County Court 6<sup>th</sup>
- Exhibit 22. Email from Melinda Wicks re County Court 6<sup>th</sup>
- Exhibit 23. Letter from Clerk District Court, Cedar County re County Court 6<sup>th</sup>
- Exhibit 24. Letter from the Thurston County Attorney re County Court 6<sup>th</sup>
- Exhibit 25. Letter from the NSBA re 4<sup>th</sup> and 6<sup>th</sup>
- Exhibit 26. CY-2022-County-Court-Weighted-Caseload-Report
- Exhibit 27. CY-2022-District-Court-Weighted-Caseload-Report

*PUBLIC TESTIMONY* The Commission received and considered public testimony from: Chief Justice Heavican; Sarah Hammond, Dakota County Attorney's Office; Larry Koranda, Cedar County Sheriff; Attorney Alissa Baier; Judge Edward Matney; Senator Barry DeKay; Judge Francis Barron; Attorney Nicole Brandt; Judge Tricia Freeman; Liz Neeley, Nebraska State Bar Association; Corey Steele, Nebraska State Court Administrator.

*AGENDA ITEM IV*: It was moved by Ken Hartman and seconded by Megan Spomer to declare a judicial vacancy exists in the 4<sup>th</sup> Judicial District due to the retirement of Judge J. Michael Coffey from the district court bench, and to recommend the primary office location of such vacancy be in Omaha, Douglas, Nebraska. On a roll call vote, the motion passed unanimously.

*AGENDA ITEM V*: It was moved by Ron Temple and seconded by Judge Anne Paine to declare a judicial vacancy exists in the 6<sup>th</sup> Judicial District due to the resignation of Judge Douglas Luebe from the county court bench, and to recommend that the primary office location of such vacancy be in Hartington, Cedar County, Nebraska.

During discussion on the main motion, a subsidiary motion was made by Darlene Starman and seconded by Nancy McCabe to lay the matter of Judge Luebe's resignation over to the Commission's next quarterly meeting on September 15, 2023. On a roll call vote, the subsidiary motion failed with 3 voting yes and 13 voting no.

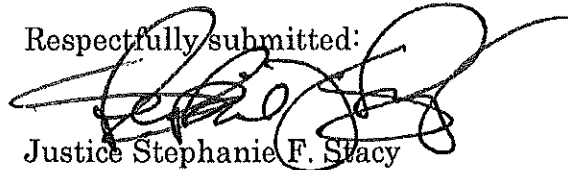
The main motion was then taken up, and on a roll call vote, the main motion passed with 14 voting yes and 2 voting no.

AGENDA ITEM VI: Due to the length of the meeting, the Chair laid over the issue of appointing an interim Secretary to a future meeting.

AGENDA ITEM VII: The Chair reminded members to calendar the 10 a.m. meeting on September 15, 2023.

There being no other matters brought before the Commission, the Chair adjourned the meeting.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Stephanie F. Stacy', written over the printed name.

Justice Stephanie F. Stacy  
Chair



# Gov. Pillen Appoints Derek Vaughn to Fourth Judicial District Judgeship

August 16, 2023

## CONTACT:

Laura Strimple, (402) 580-9495

Jacy Schafer, (531) 510-8529

## Gov. Pillen Appoints Derek Vaughn to Fourth Judicial District Judgeship

**LINCOLN, NE** – Today, Governor Jim Pillen announced his appointment of Derek Vaughn of Omaha as a district court judge for the Fourth Judicial District of Nebraska. That district includes Douglas County.

Vaughn is the current presiding county court judge for the Fourth Judicial District (Douglas County). He was originally appointed to the court in 2013. Before that, Vaughn served as Deputy Douglas County Attorney for 14 years. He has taught criminal justice courses at Midland University, the University of Nebraska at Omaha, Kaplan University and Dana College in Blair.

Vaughn holds a Bachelor of Science in Business Administration from the University of Nebraska – Lincoln. He earned a juris doctor from the University of Nebraska College of Law.

Vaughn fills a judicial vacancy due to the retirement of Judge J. Michael Coffey.



DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT  
STATE OF NEBRASKA

Chambers of  
James E. Doyle, IV  
District Judge  
700 North Washington  
Lexington, Nebraska 68850

July 28, 2023

Chief Justice Michael Heavican  
The Supreme Court of Nebraska  
Room 2214  
State Capitol  
1445 K Street  
Lincoln, NE 68509

The Honorable Jim Pillen  
Governor of Nebraska  
State Capitol  
1445 K Street  
P.O. Box 94848  
Lincoln, NE 68509-4848

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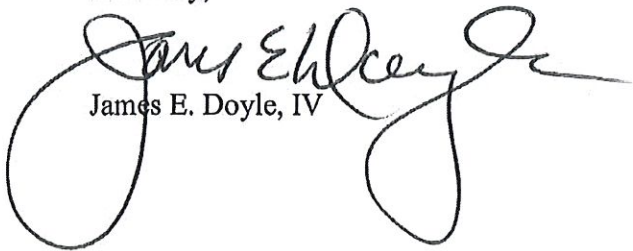
AUG -1 2023

Office of the Chief Justice

Dear Chief Justice Heavican and Governor Pillen,

August 31, 2023, is the last day I will serve as a district judge in the 11<sup>th</sup> Judicial District as I will retire that day from the office. I am thankful for the opportunity to have served in the office.

Sincerely,

  
James E. Doyle, IV



# Nebraska State Bar Association

*"Helping lawyers help people"*



September 11, 2023

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

Dear Justice Stacy:

On behalf of the Nebraska State Bar Association, I wish to convey to the members of the Judicial Resources Commission our recommendations regarding the vacancies in the District Court of the 11th Judicial District, due to the retirement of Judge Doyle and the County Court of the 4<sup>th</sup> Judicial District, due to the appointment of Judge Vaughn to the District Court.

The Nebraska State Bar Association's Judicial Resources Committee met on August 28, 2023. The Committee weighed a several factors including:

- The Judicial Weighted Caseload Reports ("Judicial Workload Assessment") which included statistics through June of 2023.
- A memo written to Nebraska Trial Judges from Chief Justice Heavican regarding a Working Group on Judicial Resources.
- Statements from the Douglas County Court, the County Court Judges Association, and the practicing bar.

Following discussion, the NSBA's Judicial Resource Committee concluded that the State's justice system will not have adequate judicial resources available unless the current vacancies are filled expeditiously.

In support of that position, the NSBA offers the following:

- According to the rounding rule adopted by this Commission, the weighted caseload statistics for both positions support declaring a vacancy.
- Although the weighted caseload for Douglas County Court shows a need for 10.49 judges while it has 12 judges, the following points persuaded our committee to recommend filing the Douglas County vacancy:



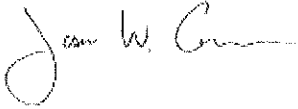
- The weighted caseload study relies on case-weights based on a three-year rolling average. The current case weights include years during a global pandemic where case filings decreased significantly. The National Center for State Courts, the author of the weighted caseload study, cautions states from applying case weights to recent (pandemic-era) filings because they may dramatically understate existing need. Related, case filings are on the rise. Douglas County Court is reporting significantly higher case filings than at this point in 2022.
- Douglas County has faced significant challenges recruiting and retaining court employees. They have been consistently understaffed, putting additional strain on judicial resources. The relationship between court staff and judicial workload is formally recognized and measured in other weighted caseload assessments.
- In August of 2021, in response to the pandemic, the Nebraska State Bar Association's Volunteer Lawyers Project launched the Tenant Assistance Project (TAP) in Douglas County Court, providing pro bono legal assistance to any tenant facing eviction. Prior to TAP most tenants did not appear for their hearing. Since the introduction of TAP, approximately 50% of tenants appear for court and are represented by counsel, significantly increasing the amount of judicial time needed to handle the eviction docket. Stated differently, prior to TAP the entire eviction docket for a day was scheduled and handled in 30 minutes. Following the introduction of TAP, the daily eviction docket takes 90 minutes. TAP is exclusive to Douglas and Lancaster County and the AOCP should consider adjusting the weights for eviction filings for Douglas and Lancaster Counties.

The Committee also discussed the fact that a study is underway examining judicial resources at the County Court level across the state. There may be an inclination to wait on filling the Douglas County Court vacancy in anticipation of that study. Based on the testimony we received we believe this would be unnecessarily disruptive and would cause tremendous delay in the ability to schedule matters in Douglas County.

Presumably, there will be other opportunities to act if the decline in caseload is in fact sustained. Of the eleven remaining Douglas County Court judges, five are aged 65 or older.

In closing, ensuring access to the justice system through the allocation of judicial resources is an important task and we thank the Judicial Resources Commission for their consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jason W. Grams". The signature is written in black ink and is positioned above the typed name.

Jason Grams  
President  
Nebraska State Bar Association



September 1, 2023

Judicial Resources Commission  
State Capitol Building  
P.O. Box 98910  
Lincoln, NE 68509-8910  
[Dawn.Mussmann@nejudicial.gov](mailto:Dawn.Mussmann@nejudicial.gov)

**Re: September 15, 2023 Hearing of Judicial Resources Commission**

Dear Members of the Judicial Resources Commission:

It is my understanding that there will be a hearing of a Judicial Resources Commission on September 15, 2023 at 10:00 a.m. central daylight time. I am submitting this letter as written testimony in advance of the hearing. Please consider this an exhibit to be considered by the Commission during the public hearing.

I am an attorney practicing in Omaha, Douglas County, Nebraska. I have been admitted to the bar for almost 45 years and have practiced in the Omaha area for over 44 years.

A substantial amount of my work involves probate and trust administration. Most of that work is in the Douglas County Court.

Currently the probate administration cases can have delays due to the need to obtain trial dates for contested matters. The probate and trust administration cases can take a substantial amount of court time.

Litigation in the estate and trust area has been increasing in recent years. When I started practice, Judge Robert McGowan was a full-time probate Judge. His case load was fairly busy at the time. In my 44 years of practice I have seen the growth of the time requirements needed in the probate and trust administration area. I have been involved in a number of complex cases and it has been difficult enough to get time to get cases tried with 12 Judges.

With the recent appointment of Judge Vaughn to the District Court of Douglas County, there are now only 11 County Court Judges in Douglas County. There really is a need for at least 12 Judges in the Douglas County Court. It is my recommendation that the Judicial

Thomas A. Grennan · John W. Iliff · Frederick D. Stehlik · William J. Lindsay Jr. · Ari D. Riekes · Kristina B. Murphree · Philip B. Katz  
Jeffrey P. Welch · Zach Lutz-Priefert · Angela H. Heimes · James P. Waldron · Elizabeth S. Borchers · Margaret A. Badura  
Daniel J. Wintz · Margaret A. Mark · Ryan P. Watson · John A. McWilliams · Alexandria M. Bartels · Elena K. Whidden  
Steven J. Riekes (Senior Of Counsel) · C. Dean McGrath (Of Counsel)

[gwmclaw.com](http://gwmclaw.com) | 402.392.1500 | 402.392.8101 | 1500 Omaha Tower, 2120 S 72nd Street, Omaha, NE 68124

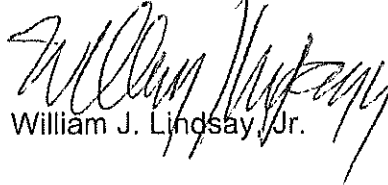
Member Legal Netlink Alliance, an International Association of Independent Law Firms



Resources Commission find that there is a vacancy in the Douglas County Court and recommend that the vacancy be filled.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Lindsay, Jr.", written in a cursive style.

William J. Lindsay, Jr.

WJL:ham  
8358-1 / #6P96658

*Judges*  
Marcela A. Keim  
Presiding Judge

Grant A. Forsberg  
Stephanie R. Hansen  
Thomas K. Harmon  
Marcena M. Hendrix  
John E. Huber  
Sheryl L. Lohaus  
Darryl R. Lowe  
Jeffrey L. Marcuzzo  
Craig Q. McDermott  
Stephanie S. Shearer

# COUNTY COURT

## Douglas County, Nebraska

Hall of Justice, 2<sup>nd</sup> Floor, 1701 Farnam Street  
Omaha, Nebraska 68183  
(402) 444-5428 Fax (402) 444-6890

Pamela J. Cardenas  
*Interim Judicial Administrator*  
(402) 444-7550

*Civil/Small Claims Division*  
Omaha/Douglas Civic Center  
1819 Farnam Street  
(402) 444-5424

*Criminal/Traffic Division*  
Hall of Justice, 2<sup>nd</sup> Floor  
1701 Farnam Street  
(402) 444-5387

*Probate Division*  
Hall of Justice, 3<sup>rd</sup> Floor  
1701 Farnam Street  
(402) 444-7153

September 8, 2023

Judicial Resources Commission  
c/o Dawn Mussman  
Via e-mail to [Dawn.Mussmann@nejudicial.gov](mailto:Dawn.Mussmann@nejudicial.gov)

Justice Stacy and Distinguished Members of the Judicial Resources Commission:

On behalf of the county judges of the 4<sup>th</sup> Judicial District, I am requesting that the Judicial Resources Commission (JRC) officially declare a vacancy in the office of the County Court. In 1998, the legislature amended §24-301.02 to provide for a twelfth judge in our district. For the last 25 years, the County Court of the 4<sup>th</sup> Judicial District has efficiently presided over millions of civil, criminal and probate cases. While the caseload in our jurisdiction has grown exponentially, we have stayed the course.

Prior to making its recommendation, the JRC is required to carefully examine the five factors listed in §24-1206. As of late, there has been an undue emphasis on the recent weighted caseload statistics provided by the Administrative Office of the Courts. While we agree that case management data is extremely important, we ask the JRC to not only look at the numbers provided, but also look at the numbers that were not provided. We also request the JRC examine the four other statutory factors. After careful independent examination we hope the Commission will agree that in order to operate and fulfill its ethical and statutory obligations, the 4<sup>th</sup> Judicial District needs at least twelve County Court judges.

The first factor the JRC must address is the judicial workload in the 4<sup>th</sup> Judicial District. A close review of the data reveals that the recent 2023 AOC internal caseload data may not accurately reflect the state of the County Court in the 4<sup>th</sup> Judicial District. We base that conclusion on the fact that a cursory JUSTICE search revealed that there are approximately 390,000 cases pending in our court at this very moment. We also found that here has been a 20% increase in civil case filings this year alone. The 4<sup>th</sup> Judicial District expects to see over 63,000 new cases filed by years end. Although new case filings will account for a majority of our in-court time, we discovered that 40% of our closed cases are reopened each year for further litigation. Our investigation also revealed that the manner in which some cases are coded by the county clerk causes cases to be removed from court generated progression reports and perhaps





excluded from the 2023 report. The actual number of unaccounted cases is unknown at this time due to the lack of quantitative data provided to support the published findings. Moreover, it appears that mental health diversion cases, restorative justice cases and misdemeanor diversion cases also may not be accounted for in this report. We feel these raw statistics justify filling the vacancy created by Judge Vaughn's appointment to District Court.

The second factor the JRC must address is whether litigants in the 4<sup>th</sup> Judicial District have access to the courts. We feel it is imperative that all litigants not only have access to the courts but have *equitable* and *meaningful* access to the courts. For example, the 2023 weighted caseload report allots 1 minute for traffic cases, 8 minutes for each civil case and 61 minutes for estate cases under the premise of a fully staffed court. Should the JRC decide against filling the vacancy in the 4<sup>th</sup> Judicial District, fewer judges will have less court time to address the increased caseload noted above. All litigants, but especially those who require the assistance of interpreters, other accommodations or are involved in protracted, expensive multi-party litigation will inevitably suffer. This would be a disservice to all court users.

The third statutory factor is population. According to the United States Census Bureau, there are nearly 500,000 residents of the City of Omaha and nearly 600,000 residents of the 4<sup>th</sup> Judicial District. The city's population has increased by approximately 20% in the last ten years and continues to grow. 2020 census data released shows that the metro area population grew nearly 12% over the last decade and is expected to hit one million by 2024. According to national statistics, cities of comparable size to Omaha are Kansas City, Missouri; Madison, Wisconsin; Milwaukee, Wisconsin; St. Paul, Minnesota and Wichita, Kansas. Admittedly, the above-mentioned courts are structured differently than those in Nebraska, however, none operate with less than twelve judges with similar jurisdictions.

The fourth and fifth statutory factors are those determined by the Supreme Court to be necessary to assure efficiency and maximum service and other judicial duties as required. Sitting judges in the 4<sup>th</sup> Judicial District sit on eight separate County Judges Association committees, eight Supreme Court Committees and numerous NSBA and Omaha Bar Association committees. Our judges chair pupilages of the American Inns of Court, teach at local universities and volunteer through NSBA, UNL and Creighton Law Schools. Two of our judges have served as President of the Robert M. Spire Inns of Court, President of the Omaha Bar Association, as President of the County Judges Association. We are all actively involved in our legal and local community to promote respect for county court and the justice system. Moreover, we actively work towards increase efficiency and maximum service by engaging in cooperative agreements with our District Court to undertake 40% of all protection order cases filed in the district. County Court judges also handle all after hour warrant requests and warrantless arrest affidavits with an assigned 24 hour/on-call duty judge.

County courts are the segue to our justice system. It is the entry level court most citizens encounter. The 4<sup>th</sup> Judicial District strives to provide equitable and meaningful access to the courts. We are always looking forward. We urge the JRC to do the same and not take a step in the wrong direction by reducing access. In 2019, and the years preceding it, the data supported a legislative increase in judges to our county. We are not requesting additional judges. We are

simply requesting the JRC allow us the requisite judges required to do our job and officially declare a vacancy in the office of the County Court.

Respectfully Submitted,



Marcela A. Keim  
Presiding Judge  
Fourth Judicial District

# Nebraska County Judges Association

September 11, 2023

Judicial Resources Commission  
c/o Dawn Mussmann  
Via email to: [dawn.mussmann@nebraska.gov](mailto:dawn.mussmann@nebraska.gov)

RE: Judicial Vacancy in the Office of the County Court, 4th Judicial District

Dear Members of the Judicial Resources Commission,

We write to you on behalf of the Nebraska County Judges Association (NCJA) and its member judges urging you to declare a vacancy in the office of the County Court of the 4th Judicial District.

At its meeting held June 16, 2023, the Judicial Resources Commission (JRC) considered a vacancy in the County Court of the 6th Judicial District. Chief Justice Heavican and State Court Administrator Corey Steel advocated for a plan that would result in the reduction of judicial resources in county courts across the state, including the 4th Judicial District, arguing that there are too many county court judges. The NCJA disagrees with that premise. Along with the Nebraska State Bar Association (NSBA) and stakeholders from the 6th Judicial District, the NCJA opposed the plan advanced by the Chief Justice and the AOCF. That plan was premature then and now.

In our letter to the JRC dated June 9, 2023, we suggested that prior to any reduction in judicial resources or the redrawing of district boundaries, input from those affected by such decisions should be sought. We proposed that the AOCF “convene a representative group of judges, attorneys, and lay people from each judicial district to consider these issues, instead of its present plan which encourages a piecemeal approach that pits the stakeholders in one judicial district against those of another each time a judge leaves the bench.”

On August 13, 2023, the state’s judges were informed that a working group of judges had been appointed to consider the issues raised at the last JRC meeting. Each of the trial courts in each judicial district were given until September 6, 2023 to develop a preliminary plan and recommendations to be submitted to the judges’ working group. The judges’ working group is scheduled to meet for the first time on September 11, 2023 and has been directed to have final plans and recommendations prepared for the JRC’s December 2023 meeting.

While the appointment of this judges’ working group is appreciated, we see two major shortcomings. First, the NCJA believes attorneys and lay people from each judicial district should be involved in the process. While judges will be greatly impacted by these issues, so too will attorneys and the citizens of each judicial district. Second, the timeline that has been imposed on the working group by the AOCF is unrealistic if the goal is to develop a comprehensive, long-term plan that



ensures adequate judicial resources are allocated across the state, and that there are no unintended consequences.

The working group should be given the latitude it needs to consider these weighty issues, and those who would be affected by such considerations should be involved in the process. The existence of this judges' working group should not delay the JRC's consideration of the judicial vacancy in the 4th Judicial District.

After holding a public hearing regarding the County Court of the 4th Judicial District, as required by Neb. Rev. Stat. § 24-1204, the JRC should determine a judicial vacancy exists in such court. In making that determination, the law requires the JRC to consider the following factors: (a) the judicial workload (or weighted caseload) statistics, (b) whether litigants in the judicial district have adequate access to the courts, (c) the population of the judicial district, (d) other judicial duties and travel time involved within the judicial district, and (e) other factors determined by the Supreme Court to be necessary to assure efficiency and maximum service.<sup>1</sup>

The JRC will see that judicial workload (or weighted caseload) statistics support a determination that a vacancy exists. The most recent weighted caseload report indicates the workload per judge in the County Court of the 4th Judicial District is 0.87 FTE.<sup>2</sup> That is up from the last reporting period which showed a workload per judge of 0.85 FTE.<sup>3</sup> As explained in our June 9th letter, these calculations are based upon a three-year average of case filing data.<sup>4</sup> Thus, the latest statistics include case filings from July 1, 2020 to June 30, 2023. The oldest data used in this average was being gathered less than four months into the COVID-19 pandemic, which resulted in a dramatic reduction in case filings that lasted through at least 2021.

In fact, the National Center for State Courts (NCSC), the organization that developed Nebraska's weighted caseload model, has cautioned against the use of weighted caseload models which include data from the pandemic years. The NCSC has issued guidance indicating that now is not the time to use weighted caseload models to justify a reduction in judicial resources. Among others, the NCSC recommends:

1. That states not use 2020 filing data when assessing workload needs using existing models.
2. Including 2021 filings should be considered with caution, as they may still reflect trends from the pandemic.
3. A new weighted caseload study to adjust all case weights after state judicial leaders determine there is sufficient understanding and agreement that the current mix of remote/hybrid/in-person case

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<sup>1</sup> Neb. Rev. Stat. § 24-1206(1).

<sup>2</sup> *Nebraska Judicial Branch County Courts Weighted Caseload Report*, Fiscal Year 2023.

<sup>3</sup> *Nebraska Judicial Branch Weighted Caseload Report, County Courts*, Calendar Year 2022.

<sup>4</sup> *Nebraska Judicial Workload Assessment, Final Report*, October 2020, p. 3 & p. 19.

processing procedures will be maintained going forward and when it is believed that court filings are back to “normal.”<sup>5</sup>

Despite the pandemic and its effect on case filings and court procedures, the current workload per judge in the County Court of the 4th Judicial District is soundly within the bounds of the “rounding rule.” That “rounding rule” sets the upper and lower threshold used to determine whether a court has too few or too many judgeships. As a reminder, “The lower threshold is set at 0.6 FTE per judge; the upper threshold is 1.15 FTE per judge. If a court’s FTE per judge falls outside that range, they may qualify to have a review of their number of judicial positions.”<sup>6</sup> The judicial workload (or weighted caseload) statistics do not support changing the number of judges currently allocated to the 4th Judicial District, nor any other district for that matter.

Because “[n]o quantitative judicial workload assessment method, including the weighted caseload method, can determine the exact number of judges needed within each court,”<sup>7</sup> the law requires the JRC to consider other factors in its determinations. One of those factors is “other judicial duties.”<sup>8</sup> All across the state, county courts are struggling to hire staff. Turnover and vacancies are high. With this staff shortage, judges are required to do more than just handle their cases in the courtroom. They must take on the work that would typically be assigned to support personnel. The *Nebraska Judicial Workload Assessment* adopted by the Nebraska Supreme Court states:

The availability of support personnel, especially law clerks, bailiffs, court clerks, and child support referees, has a profound impact on judges’ ability to perform their work efficiently and effectively. The recommended case weights were calculated based on the actual judge time only, so if support personnel are no longer provided or are reduced in a particular district, the judicial need will be higher than is reflected in the weighted caseload report.<sup>9</sup>

In addition to taking on duties typically performed by support personnel, judges are asked to serve on various committees and commissions of the Supreme Court and the NCJA, as well as be involved in community and judicial branch projects. Judges across the state engage in other judicial duties and extrajudicial activities to support the judicial branch writ large, the courts they serve on, and the communities they reside in. Judges routinely engage in other duties that are not accounted for in the current weighted caseload statistics.

Another factor the JRC must consider is “whether litigants in the judicial district have adequate access to the courts.”<sup>10</sup> The judges, attorneys, and citizens of the 4th Judicial District can best address this factor. However, it is important to

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<sup>5</sup> *Recommendations for Using Weighted Caseload Models in the Pandemic*, National Center for State Courts, March 31, 2022.

<sup>6</sup> *Id.* at 16.

<sup>7</sup> *Nebraska Judicial Branch County Courts Weighted Caseload Report*, Fiscal Year 2023, p. 1.

<sup>8</sup> Neb. Rev. Stat. § 24-1206(1)(d).

<sup>9</sup> *Nebraska Judicial Workload Assessment, Final Report*, October 2020, p. 3.

<sup>10</sup> Neb. Rev. Stat. § 24-1206(1)(b).

point out that three judges of the Nebraska Supreme Court joined a concurring opinion released this summer suggesting that there may be a constitutional right to jury trials in landlord-tenant eviction cases.<sup>11</sup> If the Supreme Court or the Legislature take any action that would allow jury trials in eviction cases, it would constitute a profound transformation of the current eviction process and likely result in the need for more judicial resources, not fewer. The County Court of the 4th Judicial District is already struggling to hear eviction cases in the narrow time frame established by statute.


The last specific factor the JRC must consider is the population of the judicial district.<sup>12</sup> The 4th Judicial District's boundaries are the same as those of Douglas County. Douglas County is the most populous county in the state with a population of approximately 585,000. When considering the population in conjunction with the other factors mentioned above, there should be no doubt that a judicial vacancy exists in the County Court of the 4th Judicial District.

While there is a suggestion that there are too many county judges in Nebraska, such a suggestion is not being echoed by the judges who serve in the county courts, the attorneys who practice in the county courts, or the citizens who are parties to litigation in the county courts. We ask the JRC to listen to those who use and work in the county court system, and we respectfully request the JRC to determine that a vacancy exists in the County Court of the 4th Judicial District.

Sincerely,



Judge Randin R. Roland  
President



Judge Kale B. Burdick  
Chair  
Caseload & Redistricting Committee

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<sup>11</sup> *NP Dodge Mgmt. Co. v. Holcomb*, 314 Neb. 748 (2023) (Papik, J., concurring).

<sup>12</sup> Neb. Rev. Stat. § 24-1206(1)(c).



209 S. 19<sup>th</sup> Street, Ste. 200 • Omaha, Nebraska 68102 • LegalAidOfNebraska.org  
Phone 402.348.1069 • Toll Free 888.991.9921 • Fax 402.348.1068

September 11, 2023

Judicial Resources Commission  
c/o Dawn Mussmann  
Via email to: [dawn.mussmann@nebraska.gov](mailto:dawn.mussmann@nebraska.gov)

RE: Judicial Vacancy in the Office of the County Court, 4th Judicial District

Dear Members of the Judicial Resources Commission:

This letter concerns the potential judicial vacancy in the in the office of the County Court of the 4th Judicial District. Legal Aid of Nebraska has handled cases in this Court for 60 years; we are very familiar the Court, including the judges, court staff and other stakeholders. Our work has been conducted by an exceptionally experienced team, currently led by our Omaha Office Managing Attorney, Scott Mertz. Mr. Mertz also manages our Housing Justice Project with staff practicing in this Court daily. Other staff in our Omaha office practice in this Court weekly.

As Executive Director of Legal Aid, I fully support the decision of declaring a judicial vacancy. If the number of judges in the County Court of the 4th Judicial District is reduced, we will see delayed results in many areas of the law, including cases regarding evictions, which are on the rise, debt collection matters, protection orders, replevins, guardianship matters, etc. This not only creates due process issues, but it is tragic, particularly for our clients who are some of the most vulnerable in our state, as their needs are even more urgent given their personal and financial circumstances. Delayed results will surely have a ripple effect in other areas of their lives, likely leading to additional legal issues.

The County Court of the 4th Judicial District is unique in that all twelve judges share the responsibility of covering all courts daily. This creates serious challenges on days, for example, wherein a significant number of tenants appear for their eviction matters, demanding due process, but the caseload that day stretches beyond the timeframe allocated for this work. When this occurs, the presiding judge is left to either identify additional coverage from an already burdened judicial staff or continue the hearing to later that day or week. This, in turn, creates an exceptional hardship on the litigants, their counsel, and court staff. Not declaring a judicial vacancy in the office of the County Court of the 4th Judicial District ensures heightened occurrences of insufficient coverage, further frustrating due process.

In addition to hearing cases, the judges of the County Court of the 4th Judicial District have always been leaders in initiatives such as the Nebraska County Judges Association, Nebraska State Bar Association, Omaha Bar Association, Inns of Court, etc. They also serve on Supreme

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Court Committees, provide training to newly appointed judges, and volunteer to speak to students about our judicial system. If the number of judges in the County Court of the 4th Judicial District is reduced, I fear our judges will no longer have time to devote to these matters; and, the entire state will suffer.

Douglas County continues to experience a rapid population growth; and, 31.7% of the residents are of minority descent. This creates further challenges for the Court, as a larger number of these litigants require interpretation into their native languages, requiring more of the Court's time. Additionally, Douglas County houses the largest number of resources statewide for aging and disabled adults requiring long-term care, increasing the number of individuals with legal matters to be resolved through the County Court of the 4th Judicial District. We need to insure that our courts can continue to meet the needs of our growing and diversified population. A reduction in the number of judges would be a backwards step.

I appreciate your attention to our concerns, and again fully support the decision of declaring a judicial vacancy for this judicial position. I would also ask that this letter be included with the materials for the Judicial Resources Commission Hearing.

Sincerely,

Laurie Heer Dale  
Executive Director



# Nebraska County Judges Association

September 11, 2023

Judicial Resources Commission  
c/o Dawn Mussmann  
Via email to: dawn.mussmann@nebraska.gov

RE: Judicial Vacancy in the Office of the County Court, 4th Judicial District

Dear Members of the Judicial Resources Commission,

As a local pastor, denominational leader and community activist, I am writing to you to request that you declare a vacancy in the office of the County Court of the 4<sup>th</sup> Judicial District.

At its meeting held June 16, 2023, the Judicial Resources Commission (JRC) considered a vacancy in the County Court of the 6th Judicial District. Chief Justice Heavican and State Court Administrator Corey Steel advocated for a plan that would result in the reduction of judicial resources in county courts across the state, including the 4th Judicial District, arguing that there are too many county court judges. The NCJA disagrees with that premise. Along with the Nebraska State Bar Association (NSBA) and stakeholders from the 6th Judicial District, the NCJA opposed the plan advanced by the Chief Justice and the AOC. That plan was premature then and now.

In a letter to the JRC dated June 9, 2023, it was suggested that prior to any reduction in judicial resources or the redrawing of district boundaries, input from those affected by such decisions should be sought. I stand in agreement with these recommendations so that voice can be given to those most impacted by this important decision.

Sincerely,  
Dwayne Hawkins, Pastor and President New Era Baptist State Convention of  
Nebraska, Inc.



September 11, 2023

Judicial Resources Commission  
c/o Dawn Mussmann  
Via Email to: dawn.mussmann@nebraska.gov

RE: Judicial Vacancy in the Office of the County Court, 4<sup>th</sup> Judicial District

Dear Members of the Judicial Resources Commission,

I am writing to request the Commission to declare a vacancy in the office of the County Court, 4<sup>th</sup> Judicial District.

It is my understanding the vacancy was discussed at a June 16, 2023, meeting where Chief Justice Heavican and State Court Administrator Corey Steele advocated for a plan that would result in the reduction of judicial resources in county courts across the state.

Neb. Rev. Stat. Section 24-1204 requires a public hearing at which time the JRC should determine a judicial vacancy exists in such court. The determining factors under the law are (a) the judicial caseload; (b) whether litigants have adequate access to the courts; (c) the population of the judicial district; (d) other judicial duties and travel time within the district; (e) and other factors determined by the Supreme Court to be necessary to assure efficiency and maximum service.

As a trial attorney for over 30 years in the 4<sup>th</sup> judicial district, I have real life experience with those factors. The caseload of the existing judges is heavy. Every day, twice a day, the Douglas County several county courts are open and filled with litigants. Continuances are often set down the road several weeks, even months due to caseload and scheduling. The 4<sup>th</sup> Judicial District is in the State's largest city, whose population continues to grow.

The use of weighted caseload models which include data from the pandemic years are misleading. Those that work in the 4<sup>th</sup> judicial district courts know there are not enough county judges and I respectfully request the JRC to determine a vacancy exists in the County Court of the 4<sup>th</sup> Judicial District.

Sincerely,  
Glenn Shapiro, Attorney at Law





John K. Boyer  
ATTORNEY  
402.978.5220  
jboyer@fraserstryker.com  
fraserstryker.com

September 11, 2023

**VIA EMAIL Dawn.Mussmann@nejudicial.gov**  
Judicial Resources Commission  
State Capitol Building  
P.O. Box 98910  
Lincoln, NE 68509

RE: Current Vacancy in the 4<sup>th</sup> Judicial District County Court

To Whom It May Concern:

This letter is provided as my written testimony in advance of a hearing of the Judicial Resources Commission to consider the current vacancy in the 4<sup>th</sup> Judicial District County Court.

The 4<sup>th</sup> Judicial District County Court is contiguous to the Douglas County boundaries and provides judicial coverage for the over 585,000 residents of Douglas County, Nebraska. The county court's work has historically provided a professional, efficient, expeditious and thoughtful resolution of all of the county court responsibilities set forth in the Nebraska statutes.

I have been in private practice with Fraser Stryker for over 54 years and have had multiple appearances, filings and proceedings in Douglas County Court primarily focused on trust and estate matters.

It is imperative in trust and estate matters for the Douglas County Court to expeditiously deal with pleadings, appearances, proceedings and motions that affect all residents of Douglas County.

I would strongly encourage the Judicial Resources Commission in its scheduled meeting on September 15, 2023 to recommend and ultimately fill the current vacancy existing in the Douglas County Court. I cannot over emphasize how needed a replacement for the current vacancy is to the practicing attorneys and the residents of Douglas County.

Thank you for your consideration.

Very truly yours,

John K. Boyer  
Partner  
Fraser Stryker PC LLO

JKB:saw  
3061983

Fraser Stryker PC LLO

500 Energy Plaza, 409 South 17th Street, Omaha, NE 68102 — TEL: 402.341.6000 — FAX: 402.341.8290





City of Omaha  
Jean Stothert, Mayor

**Office of the Mayor**  
1819 Farnam Street, Suite 300  
Omaha, Nebraska 68183-0300  
(402) 444-5000  
FAX: (402) 444-6059

September 11, 2023

Judicial Resources Commission  
State Capitol Building  
P.O. Box 98910  
Lincoln, NE 68509

Re: Judicial Vacancy – Douglas County Court

Dear Justice Stacy and Members of the Commission:

I wish to express my support to declare a vacancy in the Douglas County Court and to begin the process of quickly filling this vacancy. As Mayor of Omaha, I believe it is important that all citizens have access to our courts and a decrease in the number of judges will hinder that. Omaha is a growing city and, as our population grows, the services provided by the Douglas County Court will grow.

Omaha and Douglas County are the most populous parts of Nebraska which is why we need a sufficient number of judges to handle the many legal issues the Douglas County Court faces. This court touches so many lives and is often the court that people encounter the most. Whether it is an adoption, a speeding ticket or a civil dispute, this court is very busy and needs its twelve judges to handle these cases.

I became aware of the number of landlord-tenant or eviction cases when the City of Omaha received funding to assist tenants during the pandemic. On most days, the Douglas County Court hears a large volume of these cases and has to make important decisions about evictions.

Also, the Douglas County Court is the only court that hears probate matters. This Court rules on multi-million-dollar estates, determines guardianships, and establishes conservatorships. These are all weighty decisions that have a real-life impact on families.

All of us faced challenges during the COVID-19 pandemic. I recall media stories about courthouses being closed and judges only handling cases over video-conferencing. At the courthouse, Douglas County Court judges were always there to handle matters and ensure that people who needed court services received them. Looking back, this was commendable and shows the dedication of these twelve judges.



Judicial Resources Commission

September 11, 2023

Page 2

A reduction of judges who handle cases in the state's largest city is not prudent. A reduction in judges means that probate cases will take longer to be heard, criminal cases could be delayed and civil cases would have to take less precedence. This could be very harmful to the people of Omaha.

These judges and the people who bring matters to them deserve access to our courts. Less judges in a metropolitan city is not the answer and will have dangerous consequences. The legislature has determined that Douglas County should have twelve county court judges and I urge this Commission to open this vacancy so the process to fill this empty seat can begin quickly.

I thank the Commission for considering my position as Mayor of Omaha and hope you make the right decision to not delay this process.

Sincerely,



Jean Stothert  
Mayor of Omaha



City of Omaha  
Jean Stothert, Mayor

September 11, 2023



Todd R. Schmaderer  
Chief of Police

Judicial Resources Commission  
State Capitol Building  
P.O. Box 98910  
Lincoln, NE 68509

Omaha Police Department  
"To Serve and Protect"  
505 South 15th Street  
Omaha, Nebraska 68102-2769  
Phone (402) 444-5600  
Fax (402) 444-4913

<https://police.cityofomaha.org/>

Re: Judicial Vacancy – Douglas County Court

Dear Justice Stacy and Members of the Commission:

I am writing to ask this Commission to begin the process of selecting Judge Vaughn's replacement. It is my understanding this body has to declare an opening before that can begin. A delay or decision not to fill this vacancy on the Douglas County Court is against public safety and is not wise. Omaha needs twelve county court judges to perform the needed work its citizens deserve.

The Omaha Police Department works with all of our judges to some degree and that is true with the Douglas County Court. These are the judges who my officers wake up in the middle of the night to review search warrants and arrest warrants. These are the judges who review our probable cause affidavits and make bond decisions on the weekends and holidays. These are the judges who hear criminal trials, motions and preliminary hearings. These are the judges who hear protection order cases when a victim is seeking help from domestic abuse or a sexual assault.

Having less judges will have a negative impact on the Douglas County Court's ability to meet these needs. Omaha is growing and I am constantly striving to recruit and hire more police officers to meet that growth. The same should be true for our courts; less judges is not the answer. At a bare minimum, we need to maintain the twelve judges Omaha already has and, in the future, discuss adding more.

My job and career is devoted to public safety and I see these judges as a part of public safety. The need in Omaha is there and it is clear, there should not be fewer judges in the largest and most populous city in Nebraska. This open position should be filled, and filled quickly, because the people of Omaha deserve it.

Sincerely,

Todd Schmaderer  
Chief of Police

*An Internationally Accredited Law Enforcement Agency*

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City of Omaha  
Jean Stothert, Mayor

## Law Department

Omaha/Douglas Civic Center  
1819 Farnam Street, Suite 804  
Omaha, Nebraska 68183-0804  
(402) 444-5115

Matthew M. Kuhse  
City Attorney

September 11, 2023

Judicial Resources Commission  
State Capitol Building  
P.O. Box 98910  
Lincoln, NE 68509

Re: Judicial Vacancy – Douglas County Court

Dear Justice Stacy and Members of the Commission:

The purpose of this letter is to express my support for declaring a vacancy in the Douglas County Court due to Judge Vaughn's appointment to the Douglas County District Court. The need for this position is apparent and failure or delay to declare a vacancy will have a detrimental effect on the court system and people's access to justice.

The Douglas County Court serves the most populous and diverse population in the State of Nebraska. This court handles thousands of cases a year and they do so efficiently and judiciously. A reduction in the number of judges serving on this court will hamper this work. The Douglas County Court serves the population of a metropolitan city and all of the issues related to a city the size of Omaha. As Omaha grows in population and diversity, the demands on this court expand. The Legislature has determined that Douglas County shall have twelve judges and that judgment should not be supplanted.

In reviewing minutes from previous Judicial Resources Commission meetings, I discovered that in December 2022 this Commission decided not to make any recommendation to the Legislature regarding the need for any changes to judicial resources. Nothing has changed between December 2022 and now.

Statistics on workload have some relevance for the Commission to consider. However, basing a decision solely on this one factor is perilous. Numbers can only tell part of a story but, certainly, not the whole story. A Douglas County Court judge may only hear one preliminary hearing in a day. However, that one preliminary hearing is on a first-degree murder case. A judge



may only have a hearing on one probate case but that probate case may involve millions of dollars and contentious heirs. Relying solely on numbers leaves out any context for what those cases represent. This Commission should consider not just the quantity of cases but the quality of them.

Also, relying on data that includes the pandemic years, 2020 and 2021, is precarious. There is no shortage of expert opinions that using data from the pandemic to reach a conclusion is not appropriate. These numbers do not truly and completely show the worthwhile work of the Douglas County Court.

The Douglas County Court is usually the court that most citizens encounter when dealing with the judicial branch. Whether it is a speeding ticket, an eviction case, small claims or a probate matter, the public relies on this court more than any other court in Nebraska. Reducing or contemplating the reduction of judges in Douglas County will adversely impact people's access to justice. Speedy determination of cases will decline and litigants will have a difficult time getting into court.

Many of the misdemeanor criminal cases this court hears, such as domestic violence assaults, motor vehicle homicides, child abuse, sexual assaults and driving under the influence, are, arguably, more serious than some felonies. They are certainly considered more serious to the victims of such crimes. The Douglas County Court has repeatedly demonstrated a commitment to handling these matters professionally and justly.

During my time as City Prosecutor, I worked with the Court during the COVID-19 pandemic. While some courts closed or solely operated remotely, the Douglas County Court was present, in person, to handle all court matters that needed to be handled. Not one prisoner was not arraigned, not one person seeking a protection order was turned away and anyone requiring court services was served. In my opinion, the Douglas County Court was a model during this difficult time.

The Douglas County Court is constantly modifying its operations to meet the demands on its workload. The Court works with the Nebraska State Bar Association on the hundreds of landlord-tenant cases it hears. The Legislature has opened the door for county courts to develop and implement treatment courts. All of this improvement would be in jeopardy, if this vacancy is not filled in the usual course of business.

This Commission has routinely fulfilled its statutory obligation to fill judicial vacancies, and there is no justifiable reason for a delay in this case. If there truly is a commitment to access to justice, reliance on a numerical formula ignores that. The need is there and any delay in filling this vacancy would be a grave mistake. I join Mayor Stothert and Chief Schmaderer and ask the Commission to declare an opening, so that the process for filling this vacancy can timely begin.



Judicial Resources Commission  
September 11, 2023  
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Respectfully,



Matthew M. Kuhse  
City Attorney



**AARON W. HANSON – DOUGLAS COUNTY SHERIFF**  
**COURT SERVICES BUREAU**  
**1819 FARNAM STREET, ROOM 1205**  
**OMAHA, NEBRASKA 68183**

September 8, 2023

Judicial Resources Commission  
c/o Dawn Mussman  
Via e-mail to [dawn.mussman@nebraska.gov](mailto:dawn.mussman@nebraska.gov)

RE: JUDICIAL VANANCY – DOUGLAS COUNTY COURT

Members of the Judicial Resources Commission:

I am requesting that the Judicial Resources Commission fill the opening in Douglas County Court. Delaying this decision or deciding not to declare and opening would be a detriment to the public and to public safety

The Douglas County Sherriff's Office is responsible for providing security for the judges and court users throughout our three court locations. We know firsthand how busy County Court is. For example, we have historically assigned one deputy to monitor certain courtrooms. However due to the uptick in cases this year, additional manpower is needed. We are in the process of securing the necessary funding to add positions to keep up with the court calendar.

We are also tracking an increasing number of protection order hearings, off the street arrests, warrants out of the probation office, probate court assignments, contentious hearings involving problematic family members, additional courtrooms running on a regular basis, etc. We have noticed that when the county judges' workloads increase, the demands for the deputies increase as well.

The Douglas County Sherriff's Office often contacts county court judges at night and on the weekends to review arrest warrants and search warrants. Without available judges, my deputies would not be able to keep Douglas County families safe. Our department is constantly recruiting and training more deputies to meet the needs of our growing community and I believe we need at least twelve judges to meet those needs. Our citizens deserve it.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Hanson", written over a horizontal line.

Aaron Hanson  
Douglas County Sherriff



**Mussmann, Dawn**

---

**From:** Susan Reff <susan@hrlawomaha.com>  
**Sent:** Tuesday, September 12, 2023 10:33 AM  
**To:** Mussmann, Dawn  
**Subject:** written testimony RE: Judicial Vacancy in the Office of the County Court, 4th Judicial District

Dear Ms. Mussmann,

Please accept this email as my written testimony to SUPPORT the Judicial Vacancy in the County Court, 4th Judicial District.

I am writing from the perspective of a Managing Partner of an Omaha based law firm of 11 lawyers. We practice a variety of areas of law that appear in Douglas County Court. I know there has been a lot of data presented to you about caseloads and filing numbers but I want to address the day to day issues of litigants in Douglas County Court.

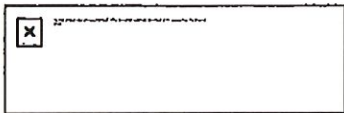
Most cases set for hearing in County Court are set as a "cattle call". These include criminal arraignments, motions, and trials, protection order hearings, probate hearings, and evictions. Currently, one judge is assigned to each courtroom that covers these specific types of hearings at one time. This means that there can be numerous litigants waiting for their case to be called before the Court. This translates to legal fees for litigants for their lawyers to wait, sometimes hours, for their turn in front of a judge. This is how the system works NOW. With less judges and staff, the wait times will be longer. This means more time off work or more time away from their families.

One creative, but not ideal, solution the judges have employed is to do portions of the case spread over multiple hearings. One adoption case our firm is handling has had 6 separate hearing dates over 8 months for the trial. There are 3 lawyers and an interpreter required at each hearing. Meanwhile, the children wait. This matter probably would have taken 2 or 2 1/2 days for trial but the Judges rarely can schedule their time this way.

I am available for any direct questions if needed.

Thank you,

**Susan Reff**  
*Partner Attorney*



Phone [402.932.9550](tel:402.932.9550)

Web [hrlawomaha.com](http://hrlawomaha.com)

[10110 Nicholas, Ste 102, Omaha, NE 68114](#)





DONALD W. KLEINE  
**Douglas County Attorney**

BRENDA BEADLE, CHIEF DEPUTY  
DOUGLAS COUNTY JUSTICE CENTER  
1717 HARNEY ST STE 700 / OMAHA, NEBRASKA 68183

September 12, 2023

Judicial Resources Commission  
c/o Dawn Mussman  
Via email to: [dawn.mussmann@nebraska.gov](mailto:dawn.mussmann@nebraska.gov)

RE: Judicial Vacancy in the Office of the County Court, 4<sup>th</sup> Judicial District

Dear Members of the Judicial Resources Commission,

We write in support of filling the current vacancy in the Douglas County Court caused by the appointment of Judge Derek Vaughn to the District Court Bench.

The population of Omaha has grown over the last 10 years and continues to increase. The County Court judicial branch should be allotted the resources needed to fulfill their job requirement. The Douglas County Attorney's office handles arguably the most serious and complex cases in County Court with motor vehicle homicides and misdemeanor domestic violence cases. Our office has units specifically delegated to handle the volume for these very serious cases. The filings on both have increased over the last several years.

In addition, the Douglas County Court handles all of the counties' search warrants around the clock, to include nights, weekends and holidays. Douglas County has the biggest volume of preliminary hearings that consist of very serious cases- shootings, robberies, homicides, averaging 20-25 per day.

We respectfully request the Judicial Resource Commission fill the vacancy in Douglas County Court.

Sincerely,

Handwritten signature of Donald W. Kleine in blue ink.

Donald W. Kleine

Handwritten signature of Brenda D. Beadle in blue ink.

Brenda D. Beadle



ANDREW J. WILSON  
President

ANGELA M. LENNON  
President Elect

QUINN R. EATON  
Secretary

KATHERINE A. McNAMARA  
Treasurer

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Treasurer Elect

KENNETH W. WENTZ III  
Immediate Past President

## OMAHA BAR ASSOCIATION

2133 California, #150 Omaha, Nebraska 68178  
[www.omahabarassociation.com](http://www.omahabarassociation.com)



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OF COUNSEL  
Hon. Stephanie R. Hansen  
J. Terry Macnamara

EXECUTIVE DIRECTOR  
Dave Sommers, Esq.  
P: 402-280-3607 F: 402-280-3608  
[dave@omahabarassociation.com](mailto:dave@omahabarassociation.com)

September 12, 2023

**VIA EMAIL ONLY:** [dawn.mussmann@nebraska.gov](mailto:dawn.mussmann@nebraska.gov)  
Judicial Resources Commission  
c/o Dawn Mussmann

RE: Judicial Vacancies in 4<sup>th</sup> Judicial District

Members of the Nebraska Judicial Resources Commission:

On behalf of the Omaha Bar Association, I write today in support of taking the necessary actions to fill any and all vacant judicial seats in the 4<sup>th</sup> Judicial District.

In sustained feedback received from OBA members, both judges and attorneys, the message has been constant and sincere: we need more judges in Douglas County (both County and District Court) to keep up with the current caseload. We have heard from our members that the judicial needs (both in number of judges and numbers of judicial support staff) in the 4<sup>th</sup> District significantly outweigh current levels. This is not a new concern as case levels have been growing for years resulting in judicial needs increasing compared to allotted levels.

The consequences of the growing caseloads are serious. Overwhelmed courts are taking longer to schedule hearings and trials due to lack of availability of court dates. Many times, the attention required for a particular case is not given due to the overloaded calendars. These delays not only frustrate the members of the practicing bar, but more importantly, frustrate those clients our OBA members serve.

The OBA is encouraged to see so many letters submitted, along with attorneys and judges scheduled to testify at this Judicial Resources hearing, echoing what we have heard. There is a need to quickly fill any judicial seats that are available in the 4<sup>th</sup> District.

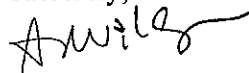
Additionally, and more broadly as it relates to accurately determining the annual weighted caseload calculation for judicial resources, the OBA supports any effort by the Nebraska Judicial Resources Commission and associated entities to better assess state court judicial needs. This includes, but is not limited to:



- (1) Requesting the AOC (Administrative Office of Courts) implement a Quality Adjustment Process (as outlined and recommended by the National Center for State Courts)<sup>1</sup> when determining annual weighted caseloads reports for county and district courts;
- (2) Requesting the commission of a Sufficiency of Time Survey of state court staff/clerks, to assist in the Quality Adjustment Process;<sup>2</sup>
- (3) Requesting an examination and possible adjustment of methodology used to count number of open and active case files for the annual Nebraska Judicial Branch's weighted caseload reports, including counting cases that are re-opened;<sup>3</sup>
- (4) Requesting the judges' Sufficiency of Time Survey from the 2020 Nebraska Judicial Workload Assessment be redone to require judges to answer all questions.<sup>4</sup>

On behalf of the Omaha Bar Association and our 1450 members, I want to thank the Nebraska Judicial Resources Commission for its hard work on these important issues. Having the necessary amount of judicial resources helps ensure a robust, diverse, and engaged bench, and most importantly, ensures the public's access to justice is of the highest quality. In the end, that high quality level accurately reflects what we all strive to deliver and achieve.

Sincerely,



Andrew J. Wilson  
President, Omaha Bar Association

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<sup>1</sup> See The Book of the States, 2013 Edition, Vol. 45, by Matthew Kleiman, Cynthia G. Lee and Brian J. Ostrom. The Council of State Governments. p. 244. Accessible at [https://issuu.com/csg\\_publications/docs/bos2013](https://issuu.com/csg_publications/docs/bos2013). See also Quality Adjustment Process used by NCSC State Judicial Workload Assessments in Maine in 2023 (accessible at <https://www.courts.maine.gov/news/article.html?id=11144596>) and Georgia in 2020 (accessible at <https://research.georgiacourts.gov/wp-content/uploads/sites/3/2022/07/Workload-and-Caseload-Policy-4.22.22v2-final.pdf>).

<sup>2</sup> As done in the 2023 Maine Judicial Workload Assessment, p. 9, 17 (accessible at <https://www.courts.maine.gov/news/article.html?id=11144596>), and as identified as Recommendation 4 in the Nebraska Judicial Workload Assessment, p. 3.

<sup>3</sup> See Letter to Nebraska Judicial Resources Commission written by Hon. Marcela Keim, September 2023.

<sup>4</sup> This inference comes from an examination of 2020 Nebraska Judicial Workload Assessment. Page 13 states that 85% of District Court judges completed the Survey, but results on pp. 31-32 show number of responses as variable and at most 29 responses to any one question (29 replies being just over 50% of District Court judges in Nebraska in 2019-20 when the survey was completed). A similar gap exists with the Sufficiency of Time Survey exists in County Court, with Page 13 stating 67% of judges completed, but in the results (pp. 33-34) the most answered question received just 22 responses, well under half the County Court judges in Nebraska in 2019-20. Contrast with mandatory responses required in 2023 Maine Judicial Workload Assessment (accessible at <https://www.courts.maine.gov/news/article.html?id=11144596>), p. 4, 30-34, where 80% of state judges answered every question of Survey.

**BRENT M. BLOOM**

ATTORNEY AND COUNSELOR AT LAW  
416 SOUTH 14TH STREET  
OMAHA, NEBRASKA 68102

ayogapractice@gmail.com  
(402) 342-2833

Nebraska Judicial Resources Commission  
c/o Dawn Mussmann  
Via email to: [dawn.mussmann@nebraska.gov](mailto:dawn.mussmann@nebraska.gov)

*RE: Judicial Vacancy in the Office of the County Court, 4th Judicial District*

Dear Members of the Judicial Resources Commission,

Let me introduce myself. I have been a practicing attorney in the state of Nebraska since 1986. In that time, I have been an assistant Douglas County Public Defender, the Chief Deputy Douglas County Attorney, and I've been in a private practice for 31 years. I have represented the State of Nebraska and hundreds of its citizens. The majority of my practice has been in Douglas County. However, I have appeared in courts all around the State of Nebraska and in the Federal Courts of Nebraska and Iowa.

I have practiced extensively in the County Court of Douglas County in all of its branches: criminal, civil, and probate.

My understanding is that the Judicial Resources Commission is considering whether to declare a vacancy upon the elevation of Judge Derek Vaughn to the District Court of Douglas County. Based on my years of experience, and my close consideration of Nebraska Revised Statutes §24-1206, my informed opinion is that a vacancy should be declared.

Access to the courts is vital to not only the integrity of the justice system but more importantly, to the citizens of the State of Nebraska, and those of Douglas County in particular. Omaha is the largest city in the state, and Douglas County is the most populous county in the state, with a metropolitan area population of well over 1 million people.

Omaha is a big city with a diverse population and, unfortunately, many of the problems and disputes that arise in a large population center. The cultural and economic diversity of Douglas County has gotten greater over time. We have immigrants from all over the world, many of whom need or are required to have access to the courts. Many of these Nebraskans need interpreter services in the courts. Further there is immense



economic diversity in Douglas County which emphasizes the function of the County Court as the "People's Court."

The Douglas County Court criminal docket is extremely time consuming as many of the defendants that appear in Douglas County court require the assistance and appointment of the public defender. Their cases are routinely continued in order for the public defender to review, evaluate, make critical stage decisions, and sometimes litigate on behalf of their clients. This consumes time and resources in the courts. It goes without saying that the Douglas County Attorney's office, the Omaha City Prosecutor's office (which handles most of the misdemeanors prosecuted in Douglas County Court) and the Douglas County Public Defender offices are the largest and busiest in the state.

With regard to civil matters, one of the busiest parts of the civil division has to do with landlord tenant eviction matters. It is important to point out that three judges of the Nebraska Supreme Court joined a concurring opinion released this summer suggesting that there may be a constitutional right to jury trials in landlord-tenant eviction cases.<sup>1</sup> If the Supreme Court or the Legislature take any action that would allow jury trials in eviction cases, it would require a huge transformation of the current eviction process and likely result in the need for far more judicial resources. The County Court of the 4th Judicial District is already working at capacity to hear eviction cases in the narrow time frame established by statute.

My professional experience of working in the Douglas County Court is that these courts are extremely busy. On any given day there are 5 criminal courtrooms operating all day long. Courtrooms devoted to probate cases operate every day of the week and there are four to five civil courtrooms hearing cases as well. In all of these courtrooms the gallery is often full of litigants, witnesses, and attorneys waiting for their turn to appear before the court. Sometimes there is not enough room in the courtrooms for everyone to wait inside the courtroom. Sometimes, a courtroom will get behind because of a lengthy hearing and litigants will be taken to another courtroom so that their case might be heard more expeditiously.

Don't forget to add in the multitude of routine orders that must be signed, search warrants to be reviewed and issued, and administrative matters that must be attended to each and every day. These matters must also be attended to by the judges themselves, in an timely and orderly and considered manner.

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<sup>1</sup> *NP Dodge Mgmt. Co. v. Holcomb*, 314 Neb. 748 (2023) (Papik, J., concurring).



Any reduction in judges for the County Court of Douglas County would only serve to decrease and slow access to courts and justice for the citizens of Nebraska, and for the State of Nebraska as well.

Douglas County, because of its large and diverse population is both quantitatively and qualitatively different than any other jurisdiction in the state. Access to justice, if delayed, is denied. This honorable Commission should take action immediately to declare a vacancy in the County Court in the 4th Judicial District.

Should you have any questions, or wish to discuss this matter with me further, please do not hesitate to contact me.

Very truly yours,



Brent M. Bloom

BMB:bms



City of Omaha  
Jean Stothert, Mayor

## Law Department

Prosecution Division

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1701 Farnam Street, Suite #200  
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(402) 444-5290

Kevin J. Slimp  
City Prosecutor

September 12, 2023

Judicial Resources Commission  
State Capitol Building  
P.O. Box 98910  
Lincoln, NE 68509

Re: Judicial Vacancy-Douglas County Court

Dear Justice Stacy and Members of the Commission:

I am writing in support of this Commission declaring a judicial vacancy in the Douglas County Court due to Judge Derek Vaughn's appointment to the Douglas County District Court. Declaring a judicial vacancy on the County Court will help maintain the full number of judges allocated by the Nebraska Legislature and ensure that the County Court continues to administer cases in a timely manner for a large and diverse population.

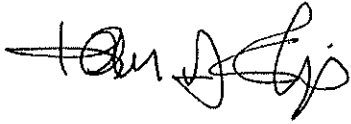
Douglas County contains a population of over 580,000 residents and is part of a metropolitan area that contains almost one million people, many of whom frequently come to Omaha and Douglas County to work, shop, visit local attractions, and attend sporting events and concerts. With a large population and many visitors each day comes the challenges associated with any such large metropolitan area. Having twelve county court judges is imperative to the expeditious administration of justice.

In addition to the busy civil docket in Douglas County, each judicial day the County Court handles criminal cases scheduled in six different courtrooms. Separately, the County Court presides over often more than one hundred cases each month which are scheduled on the County Court's criminal jury docket. The County Court efficiently handles its criminal cases while taking into account the needs of affected offices, including: the Douglas County Attorney, the Omaha City Prosecutor, the Douglas County Public Defender, private attorneys, law enforcement, as well as the needs of lay witnesses and the litigants that appear before it each and every day. The County Court does so while treating each defendant as an individual, and giving due consideration to each case handled. During recent years, the County Court was able to work together with affected offices to ensure that cases were handled efficiently despite the challenges associated with a global pandemic.



While there has been some decline in cases filed in recent years due primarily to the COVID-19 pandemic, the need for twelve judges presiding over cases in Douglas County Court remains. The Nebraska Legislature has determined that twelve judges are necessary to appropriately handle the judicial caseload in its most populous county. This has been true for nearly twenty-four years. During that time, the population, caseload, and challenges to the effective administration of justice have only increased. This Commission has always seen fit to declare a judicial vacancy when a judge has left the Douglas County Court bench in the past, and I urge the Commission to declare a vacancy at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin J. Slimp". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Kevin J. Slimp  
Omaha City Prosecutor

**BRODKEY, CUDDIGAN, PEEBLES, BELMONT & LINE, LLP  
ATTORNEYS AT LAW**

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Benjamin M. Belmont  
Lisa M. Line  
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Kimberly F. Schram  
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[lline@bcplaw.com](mailto:lline@bcplaw.com)

September 12, 2023

**VIA EMAIL:**

[Dawn.Mussmann@nejudicial.gov](mailto:Dawn.Mussmann@nejudicial.gov)

Hon. Stephanie F. Stacy, Chair  
Judicial Resources Commission  
P.O. Box 98910  
Lincoln, NE 68509

**RE: Fourth Judicial District County Court - County Court Vacancy  
Public Testimony**

Members of the Commission:

I am writing to express my support for filling the vacancy in the county court of the 4<sup>th</sup> Judicial District and to ask the Judicial Resources Commission to declare a vacancy and recommend that the judgeship should be filled without delay. Filling the vacancy remains necessary for the 4<sup>th</sup> Judicial District due to the following:

1. **Judicial District Workloads Statistics Compiled Under Neb. Rev Stat. § 24-1007.**  
The basis for the current statistics is the October 2020 Nebraska Judicial Workload Assessment which incorporated court statistics compiled in calendar year 2019, along with time surveys completed in February and March of 2020. I took time to review the October 2020 Assessment with the annual reports for fiscal years 2021, 2022 and 2023. For historical reference, I also reviewed the prior reports from 2016-2020 and the weighted reports for those same years which are not considered part of the decision making process.



Hon. Stepanie F. Stacy, Chair  
RE: 4<sup>th</sup> Judicial District - County Court Vacancy  
September 12, 2023  
Page 2

I am concerned regarding some of the calculations utilized in the reports. I noted that the weighted value identified for fiscal year 2023 for the 4th Judicial District cannot be replicated utilizing the numbers of cases provided in the fiscal year report, multiplying them by the weight value from the October 2020 Assessment (lifetime judicial units per case).

For example, fiscal year 2023 weighted value of 960,595 for total county court cases in the 4th Judicial District, is *greater* than the number calculated using the numbers in the case report. Further the reported weighted value of 960,595 cannot be replicated using the three-year rolling average which was recommended in the 2020 Assessment to identify and deal with single year fluctuations due to extraneous factors.

The time period utilized for calculations in the 2020 Assessment included information for February and March 2020, the beginning of the COVID-19 public health emergency shut down. The 2020 Assessment was adopted in October, 2020.

As a result, the 2020 Assessment does not consider outside factors caused by an almost three year pandemic effect (March 2020 through May 11, 2023 termination of the COVID-19 public health emergency). For example, during the public health emergency we experienced a) a moratorium on the filing of evictions b) reduction in the filing of non-emergent misdemeanors, traffic and nontraffic offenses, and c) school closures and limitations on terminating Medicaid and SSI benefit eligibility which resulted in a decrease of guardianships filed for developmentally disabled children reaching 19 years of age. Several of these factors did not change until *after* the public health emergency was over May 11, 2023. Some factors continued through June 2023, such as the rent relief subsidy payable to landlords for maintaining tenants which allowed tenants to avoid eviction without the landlord having to file in court.

The presumption that a three-year rolling average would be sufficient to eradicate a single year aberration, *does not apply* to a three-year public health emergency that affected all aspects of our society including federal, state and local governments. Long term planning focuses not only on the immediate need but the need of the county over the next 5-10 years. Prior to the pandemic and even in the fiscal year ending June, 2020, the 4<sup>th</sup> Judicial District weighted judicial need remained at 12 judges. . This is not to say that the information created during the pandemic is not important or does not identify qualitative information to be considered in making informed decisions; however, it may be necessary due to the timing of the 2020 report and the

pandemic to take into account statistics from years prior to the pandemic in order to make a fully informed decision related to the judicial vacancies for the next few years post public health emergency when the statistics will likely filter out the pandemic effect.

2. **Adequate Access to the Courts.** Currently, attorneys in Douglas County practicing in Probate Court, have a difficulty obtaining trial dates to litigate contested matters. Caseload volumes include initial current year filings along with thousands of cases remaining under court management which limit the judge's ability to hear and decide cases. The judges in Douglas County make every attempt to accommodate parties in bringing cases to trial; however, they are limited by their schedule and need to handle multiple dockets. Attorneys are very aware that there are only a few days allocated to each judge to be available to hear a contested probate matter each year in Douglas County. Those four or five days per judge are not sufficient to meet the litigation needs of Douglas County.

Douglas County judges do their best to allow probate cases to sit as backup cases on civil litigation days and civil and criminal jury panels, so that we can have an opportunity to have our case heard in a timely fashion. However, for probate cases and more particularly for guardianships and conservatorships when we are dealing with fundamental personal rights of individuals to handle their own affairs, due process needs cannot be met if we have a reduction in the current court compliment of judges. Douglas County has experienced sharing of workloads in prior years while waiting for a new judge to take the bench. While the remaining judges spread the workload, many of our cases had to be postponed until a new judge was sworn in, as there was not sufficient time to litigate when the judges had to cover the vacated docket. The Nebraska Judicial Workload Assessment from October of 2020 specifically identifies on page 16 and 17 that "a reduction of judges is *only* warranted if the workload per judge is less than 0.60 *and only* if the resulting workload after subtracting the judge would be less than 1.15." In the present situation, even using the pandemic filing numbers, Douglas County judicial workload for county court remained at 0.87 warranting filling the vacancy.

3. **Population of the Judicial District.** The statistics for Douglas County, Nebraska indicate that the population has continued to increase incrementally over the past 10 years, with *no* anticipated reduction. Additionally, statistics identified that the elder population continues to increase, which means an anticipated increase in the number of probate matters, including an increase in the number of guardianships and

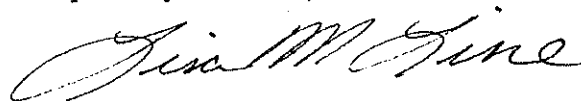
Hon. Stepanie F. Stacy, Chair  
RE: 4<sup>th</sup> Judicial District - County Court Vacancy  
September 12, 2023  
Page 4

conservatorships.

4. **Other Judicial Duties and Travel Time.** Douglas County does not have travel time outside of the courthouse complex. However, the county court has been significantly affected by the lack of staff for hearings, which has limited our ability to actually hold some of our hearings. The staff reduction was as result of several county court staff moving to district court or taking other employment. Douglas County court judges have fielded this challenge and have attempted to minimize the effect on the public; however, I would estimate that their per day time involved in non-court case work to address staffing shortages and handle some of their own staff workload has increased greater than one hour per day, as utilized by the 2020 Nebraska Judicial Workload Assessment.

In summary, should the Commission not declare a judicial vacancy, I am concerned the remaining judges will struggle to provide coverage necessary for the transaction of legal business in Douglas County and will lead to significant change in the access to justice the increasing population demands. Waiting for over a year to see the stabilization of the effects of the pandemic does not assist the public's need to access the court and will ultimately lead to a bottleneck which will be difficult to climb out of when the filing numbers stabilize. It is my hope that the members of the Judicial Research Commission will support the best interests of the citizens of the Fourth Judicial District by determining a judicial vacancy and ensuring that the citizens of the Fourth Judicial District should continue to be served by twelve judges.

Respectfully submitted,



Lisa M. Line

LML/mb

**DOUGLAS COUNTY  
PUBLIC DEFENDER**

**THOMAS C. RILEY**  
1717 HARNEY STREET  
ROOM 500  
OMAHA, NEBRASKA 68183

September 12, 2023

Dear Justice Stacy and Members of the Judicial Resources Commission:

Please accept this as a letter of support for declaring a vacancy in the County Court of Douglas County as a result of Judge Derek Vaughn's elevation from the County Court to the District Court bench.

I have been a member of the Douglas County Public Defender's office since 1975, and as a result, have had decades of exposure to the Judges in Douglas County Court. It is obvious to me that the Douglas County Court is extremely busy and handles a huge amount of cases on a daily basis, including civil, criminal, traffic, small claims, and probate matters.

The Judges in the County court also handle bond settings in criminal matters 365 days a year. The County Court Judges are also the go to Court for law enforcement to obtain search and arrest warrants, any time, day or night.

By reducing the number of County Court Judges to 11, it is a near certainty that criminal cases will move more slowly through the system. This would have a negative effect on those accused of criminal conduct as well as the alleged victims.

As one example, Preliminary hearings on felony cases (of which there were over 4,000 in 2022) are already set between 4 and 6 weeks after arraignment and the reduction in the number of judges would likely extend that time even further. Many of the accused cannot afford to pay bond to secure their release from jail pending the preliminary hearing. Extending court dates for these hearings results in additional expense to the County to house these individuals in the County jail waiting for their preliminary hearing.

Our office, in conjunction with the County Attorney and City Prosecutor have always had an open dialogue with the County Court Judges in seeking ways to improve the system to better serve the public. Of particular note is the number of

Se Habla Espanol  
444-3944

Felonies  
444-7175

Misdemeanors  
444-7376

Juvenile  
444-6457  
FAX 444-6192

Child Support  
444-7175

Mental Health  
444-7175

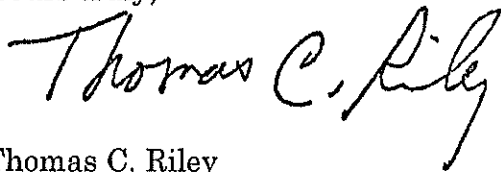




treatment or specialty courts that have been implemented, many of which require judicial oversight. These are good programs that may not survive if the number of Judges is reduced.

Finally, as Douglas County continues to grow, court business will also grow exponentially. Failing to, at least maintain the number of County Court Judges at 12, is a recipe for disaster. I respectfully implore the Commission to declare a vacancy in the Douglas County Court, so it can be filled as soon as possible.

Yours truly,

A handwritten signature in black ink that reads "Thomas C. Riley". The signature is written in a cursive style with a large, prominent initial "T".

Thomas C. Riley  
Douglas County Public Defender

TCR/cjj

## Mussmann, Dawn

---

**From:** Woody Bradford <[wbradford@houghtonbradford.com](mailto:wbradford@houghtonbradford.com)>  
**Sent:** Tuesday, September 12, 2023 3:34 PM  
**To:** Mussmann, Dawn  
**Subject:** Judicial Resources Commission

Honorable Stephanie F. Stacy  
Chair of the Judicial Resource Commission

I am writing in support of preserving the judicial vacancy caused by the appointment of Judge Derek R. Vaughn to the District Court Bench.

Douglas County continues to grow in population and the County Court will need to grow to provide the access and service needed. I believe that on an annual basis the judges, clerks and staff of the Douglas County Court come in contact with more of our citizens than any other court in Nebraska.

Therefore, I ask you to declare a vacancy in the County Court of the 4<sup>th</sup> Judicial District.  
Thank you for your consideration.

D. C. "Woody" Bradford III

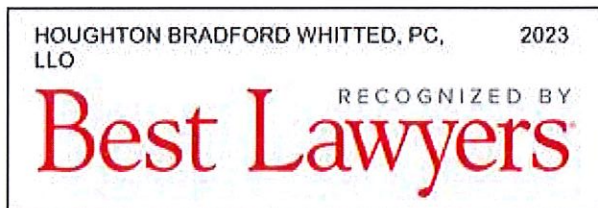
D. C. "Woody" Bradford III  
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Omaha, Nebraska 68106  
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Office: (402) 344-4000  
Fax: (402) 930-1099  
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Web: <http://www.houghtonbradford.com>



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HOUGHTON BRADFORD WHITTED PC, LLO

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# Fitzgerald Schorr

Est 1888

Gerald L. Friedrichsen  
Nick R. Taylor\*  
Thomas G. McKeon  
Andrew T. Schlosser\*  
Dustin J. Kessler  
Paul R. Eloffson  
Mark J. Daly

Thomas R. Brown  
Steven J. Olson  
William H. Selde  
Susan J. Spahn  
David M. Hohman  
Mary J. Cannella  
Alexandria M. Emig

James J. Fitzgerald, Jr. 1903-1989  
Charles A. Schorr 1924-1998  
Joseph J. Barmettler 1933-2016  
William J. Brennan 1936-2016  
Robert T. Cannella, Of Counsel  
\*Also licensed in Iowa

September 12, 2023

Susan J. Spahn  
sspahn@fitzlaw.com  
402.348.3965 Direct

Judicial Resources Commission  
State Capitol Building  
P.O. Box 98910  
Lincoln, NE 68509

By email only: Dawn.Mussmann@nejudicial.gov

Re: Fourth Judicial District, County Court

Dear Members of the Judicial Resources Commission:


I am sending this letter to support the determination that a judicial vacancy exists due to the recent appointment of Judge Derek R. Vaughn to the District Court bench. Please accept this letter as written testimony in advance of the hearing.

I have practiced law in Omaha for over 30 years. My practice is predominantly in the estate and trust area of law (including guardianships and conservatorships) with emphasis on contested matters. While I practice primarily in Douglas County, the following are some of the other counties in which I have had contested matters: Dakota, Scotts Bluff, Hamilton, Furnas, Madison, Lancaster, Cheyenne, Pierce, and Knox.

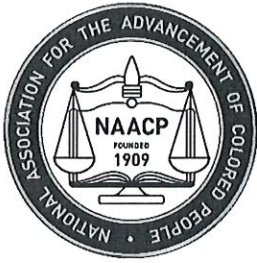
One of the more challenging aspects of contested litigation involving estates and trusts are the short time frames in which certain actions need to be completed. The federal estate tax return is due within nine months of the date of death. The Nebraska inheritance tax is due within one year of the date of death. The resolution of the issue in controversy regarding an estate or trust may impact the determination of these taxes.

In contested matters, access to the court is critical to insure routine matters are properly administered while the contested matters are being resolved. One less judge in Douglas County Court will make these efforts significantly more difficult.

For these and other reasons stated in numerous letters (most notably the letters submitted by Judge Keim and Lisa Line) I ask the Commission to determine a vacancy does exist in Douglas County Court due to the appointment of Judge Vaughn to the District Court.

Sincerely,  
  
SUSAN J. SPAHN





# OMAHA NAACP

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Omaha Branch National Association for Advancement of Colored People  
T. Michael Williams – President      Deb Shaw -- Secretary

September 12, 2023

Judicial Resources Commission  
c/o Dawn Mussmann  
Via email to: [dawn.mussmann@nebraska.gov](mailto:dawn.mussmann@nebraska.gov)

RE: Judicial Vacancy in the Office of the County Court, 4th Judicial District

Dear Members of the Judicial Resources Commission,

The Omaha branch of the National Association for the Advancement of colored people supports the Nebraska County Judges Association (NCJA) and its member judges. It is our desire that you declare a vacancy in the office of the County Court of the 4th Judicial District. We value the system in our country that allows a speedy and just trial both for defendants and their accusers. We also support the Judges Association in their request for adequate judicial resources related to the redrawing of district boundaries. We suggest you obtain input from those affected by any decision to diminish the number of Douglas County judges.

We support the proposal that the AOCJ “convene a representative group of judges, attorneys, and lay people from each judicial district to consider these issues, instead of its present plan which encourages a piecemeal approach that pits the stakeholders in one judicial district against those of another each time a judge leaves the bench.”

Since Douglas County is the most populous county in the state with a population of nearly 600,000 people. We believe it is critical that you act to fill the judicial vacancy created by the promotion of Judge Derek Vaughn to the District Court bench. There can be no doubt his seat must be filled in the 4th Judicial District. While there is a suggestion that there are too many county judges in Nebraska, such a suggestion is not being echoed by the judges who serve in the county courts, the attorneys who practice in the county courts, or the citizens who are parties to litigation in the county courts. We ask the JRC to listen to those who use and work in the county court system, and we respectfully request the JRC to determine that a vacancy exists in the County Court of the 4th Judicial District. We thank you in advance for your positive response to our request as citizens of Douglas County.

Sincerely,

*T. Michael Williams*

Pastor T Michael William – President



NEBRASKA JUDICIAL BRANCH

# County Courts

## Weighted Caseload Report



**Fiscal Year 2023**

July 1, 2022 to  
June 30, 2023



**EXHIBIT**  
tabbies  
27

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# Weighted Caseload Report

## Nebraska County Courts Weighted Caseload Report

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No quantitative judicial workload assessment method, including the weighted caseload method, can determine the exact number of judges needed within each court. For example, judges may be asked to assist non-home districts to ensure speedy trials for all involved and that one district is not unduly overburdened. However, in that case, the Full-Time Equivalent (FTE) estimate without a weight for cases heard outside of their home district may underrepresent the actual FTE of both those districts. Left unadjusted, not only adds artificial FTE to the districts being assisted but the FTE for judge assistance between districts is also left unknown. To address this challenge, the Research and Data Team has developed a ratio of assistance to overall FTE. The weight for the help provided or received will be denoted at the top of the page in red when applicable, representing the additional work judges did to help one another during the months that help occurred.

Weighted caseload statistics approximate the number of judges needed to handle the current caseload based upon the calculations of a three-year rolling average of case filing data. Therefore, when weighted caseload statistics are examined in conjunction with other compelling and critical metrics, they provide a vital part of an objective and standardized assessment of judicial needs and the fair allocation of judicial resources across county courts in the State of Nebraska.

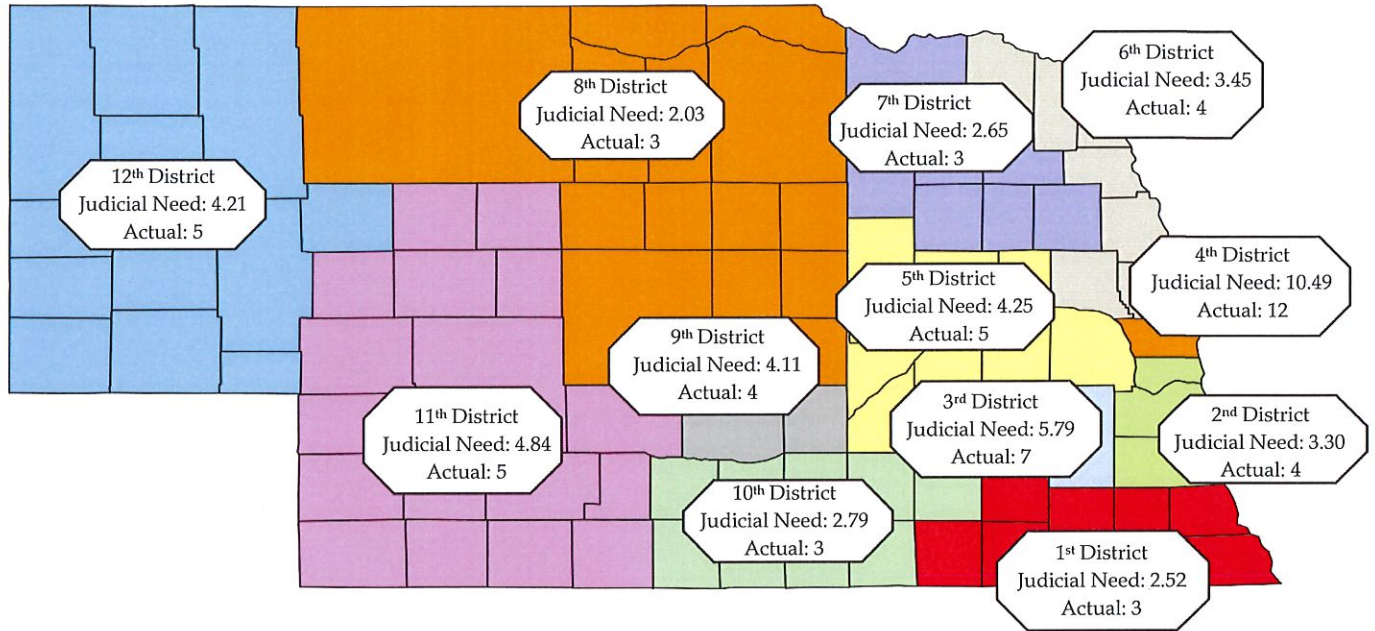


**Corey R. Steel | Nebraska State Court Administrator**  
**Nebraska Supreme Court**  
**Administrative Office of the Courts & Probation**  
Rm. 1211 State Capitol | P.O. Box 98910 | Lincoln, NE 68509  
T 402.471.3730 | F 402.471.2197  
[www.supremecourt.ne.gov](http://www.supremecourt.ne.gov)

# Weighted Caseload Report

## Nebraska County Court Judicial Needs

Fiscal Year 2023 (July 1, 2022 – June 30, 2023)





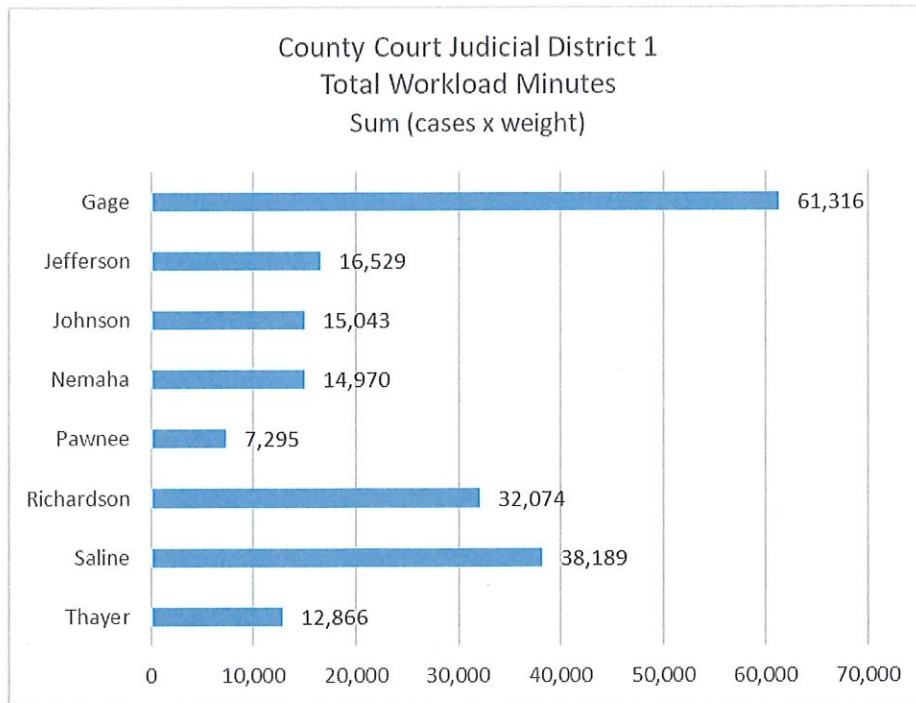
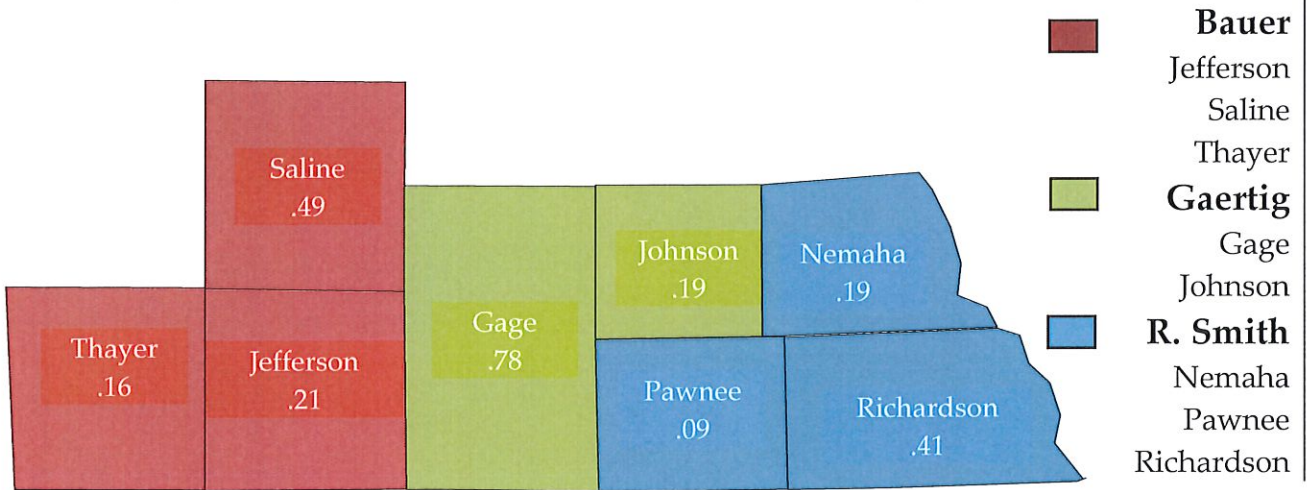
# Weighted Caseload Report

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

County court need for judges: 2.52  
 Current number of judges: 3  
 Workload per judge: 0.84

Predicted judicial resources need by county

Judges Serving the 1st District

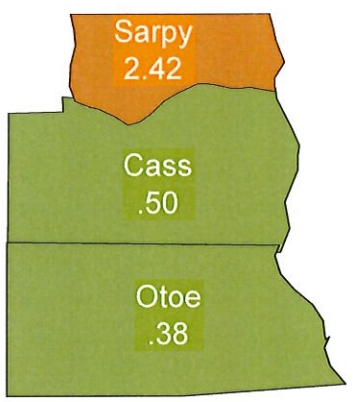


# Weighted Caseload Report

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

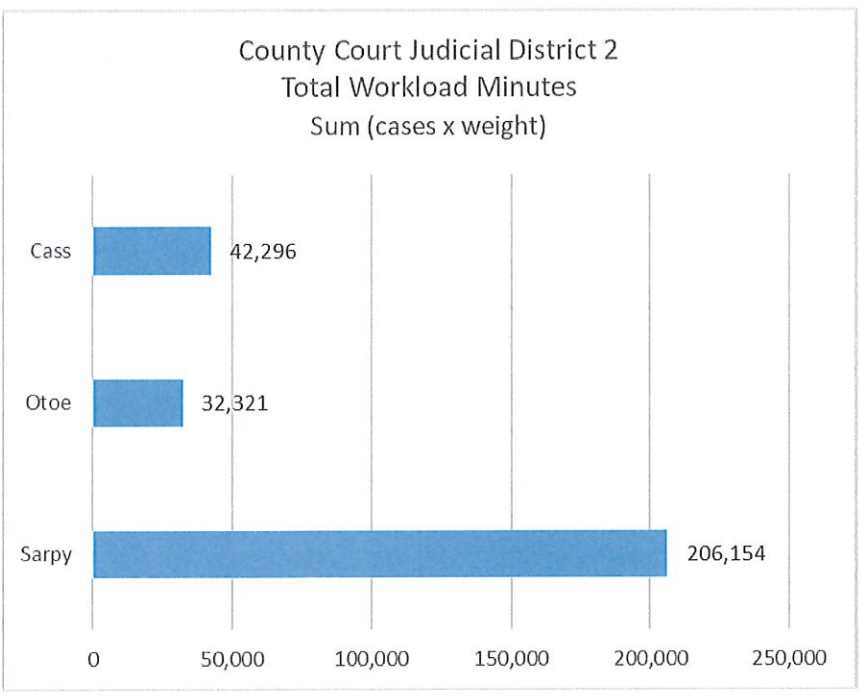
County court need for judges: 3.30  
 Current number of judges: 4  
 Workload per judge: 0.83

### Predicted judicial resources need by county



### Judges Serving the 2nd District

- Freeman**
- Sarpy
- Hutton**
- Sarpy
- Palm**
- Sarpy
- Partsch**
- Cass
- Otoe

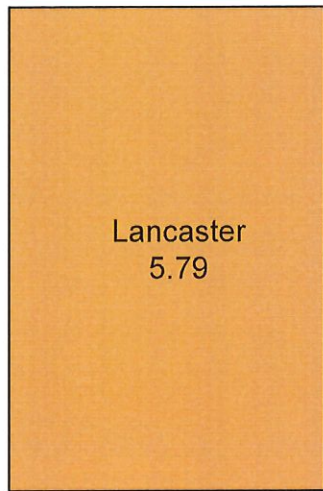


# Weighted Caseload Report

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

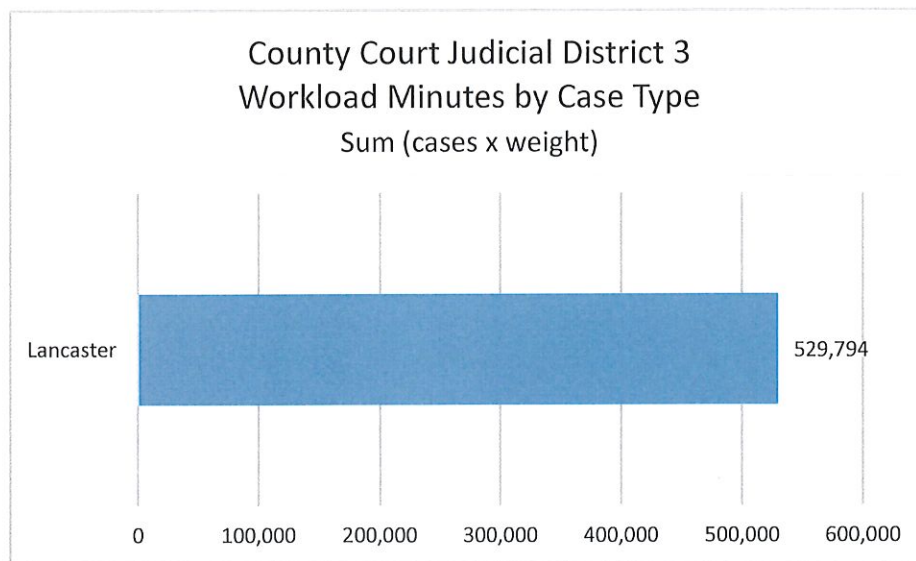
County court need for judges: 5.79  
 Current number of judges: 7  
 Workload per judge: 0.83

Predicted judicial resources need by county



Judges Serving the 3rd District

- Acton
- Dalton
- Parsley
- Phillips
- Reuter
- Yardley
- Zimmerman

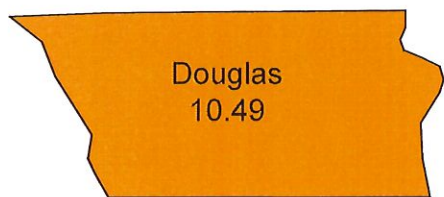


# Weighted Caseload Report

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

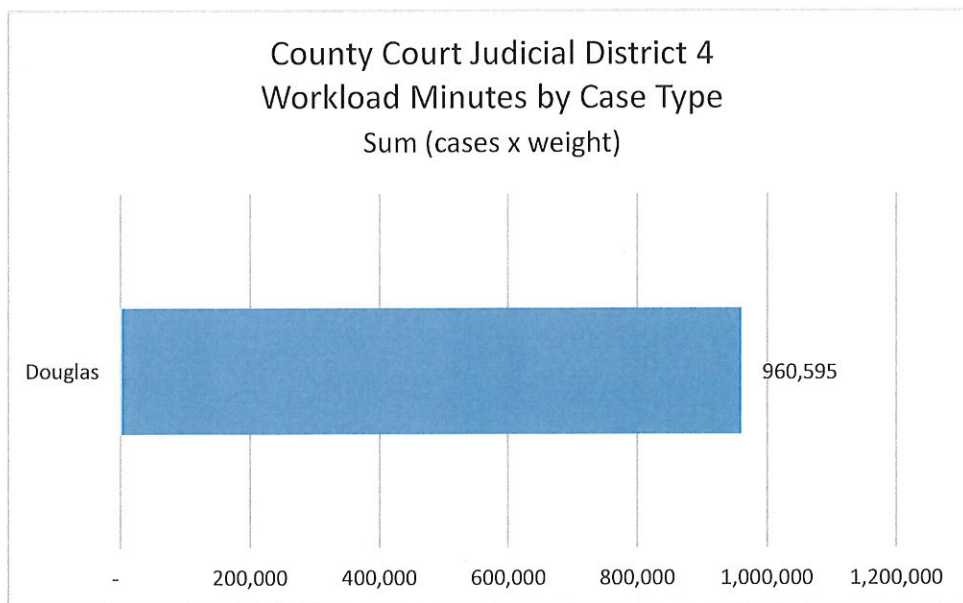
County court need for judges: 10.49  
 Current number of judges: 12  
 Workload per judge: .87

Predicted judicial resources need by county



Judges Serving the 4th District

- Forsberg
- Hansen
- Harmon
- Hendrix
- Huber
- Keim
- Lohaus
- Lowe
- Marcuzzo
- McDermott
- Shearer
- Vaughn

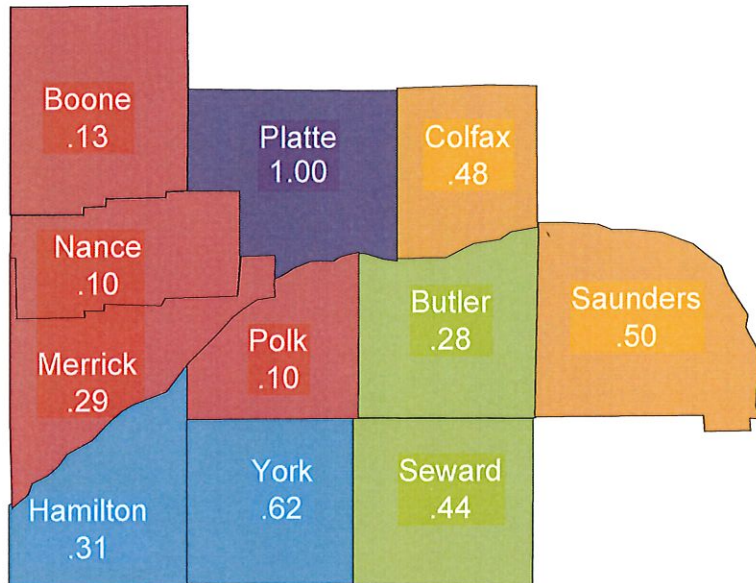


# Weighted Caseload Report

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

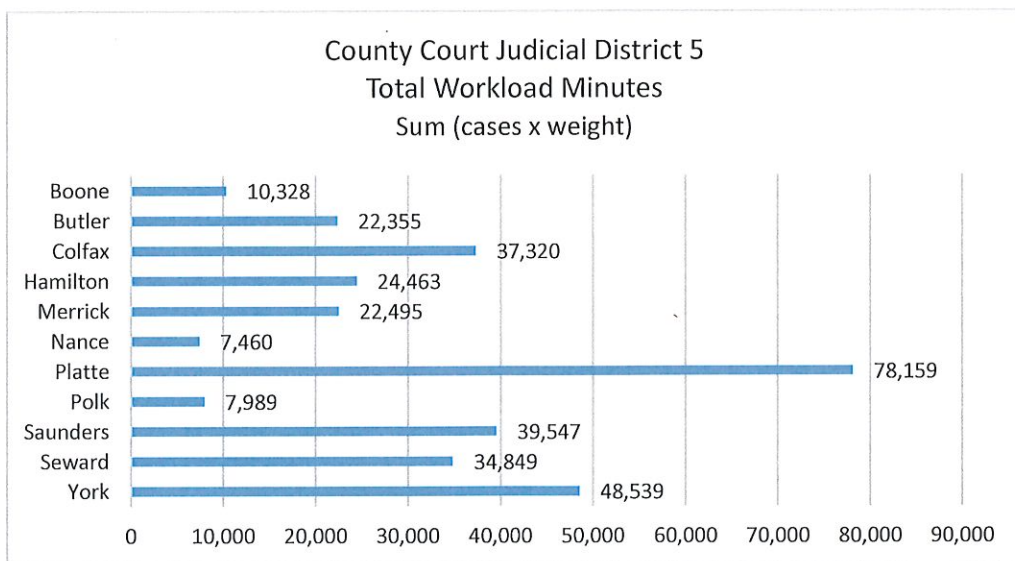
County court need for judges: 4.25  
 Current number of judges: 5  
 Workload per judge: .85

Predicted judicial resources need by county



Judges Serving the 5th District

- **Homolka**  
Hamilton  
York
- **Kracl**  
Platte
- **Lange**  
Colfax  
Saunders
- **Petersen**  
Butler  
Seward
- **Twiss**  
Boone  
Merrick  
Nance  
Polk

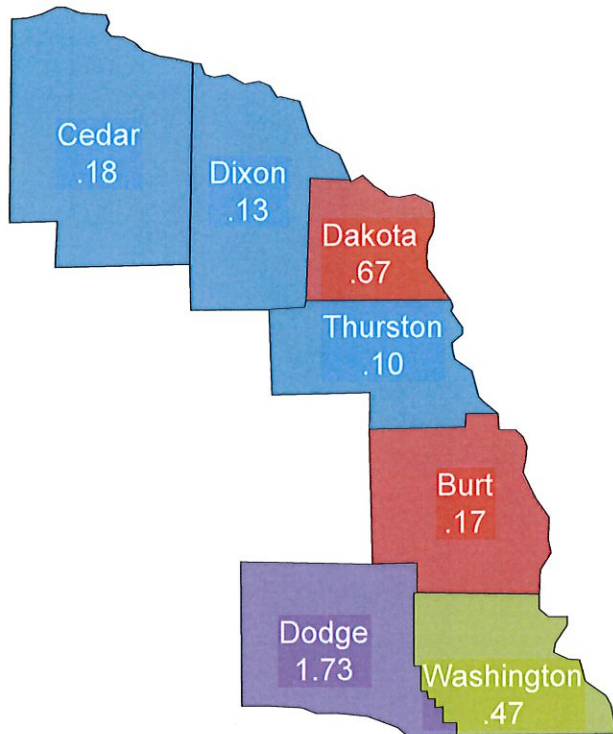


# Weighted Caseload Report

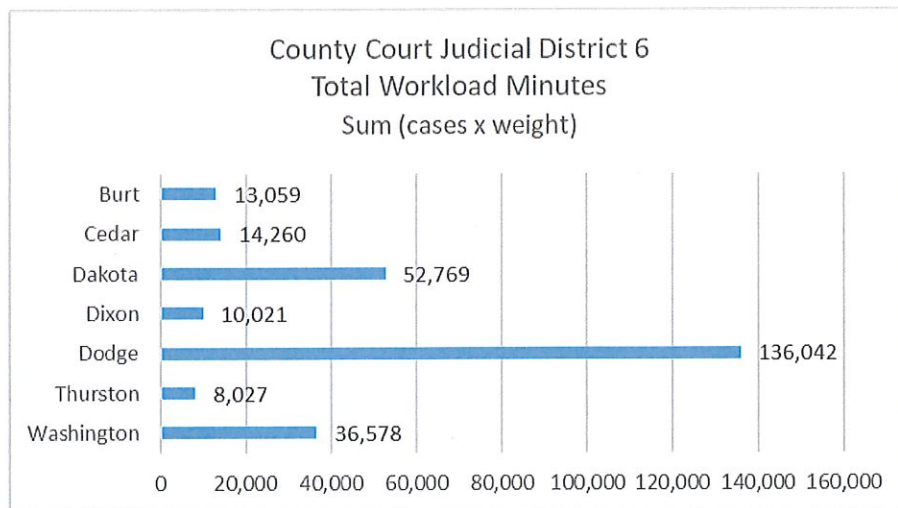
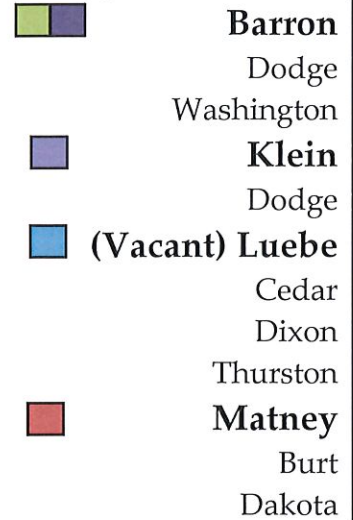
## 6<sup>th</sup> Judicial District – County Court

County court need for judges: 3.45  
 Current number of judges: 4  
 Workload per judge: 0.86

Predicted judicial resources need by county



Judges Serving the 6th District

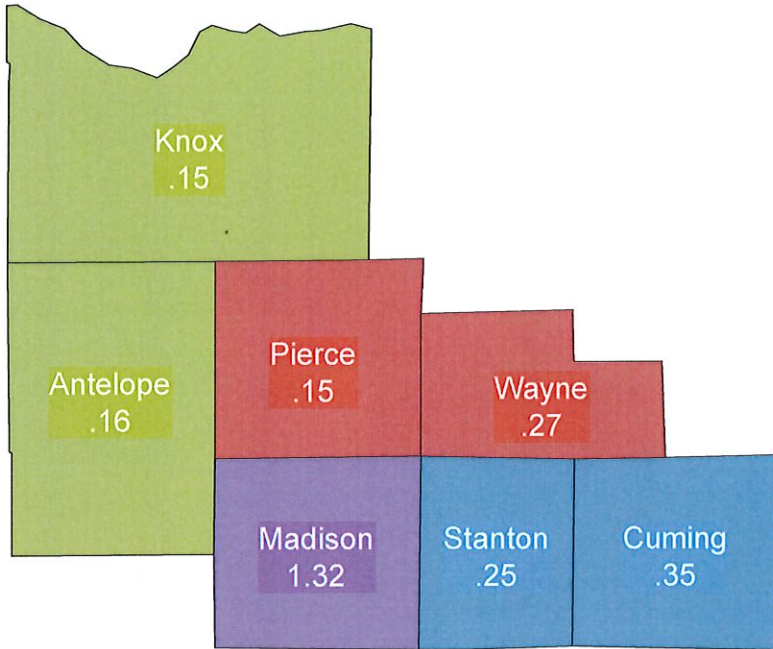


# Weighted Caseload Report

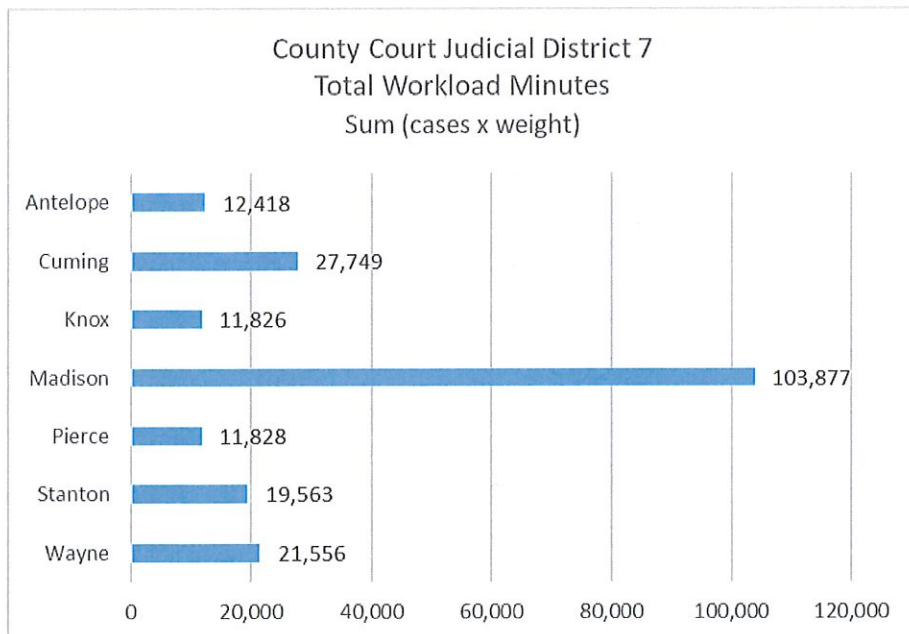
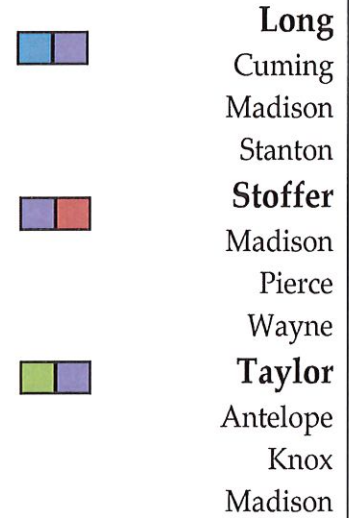
## 7<sup>th</sup> Judicial District – County Court

County court need for judges: 2.65  
 Current number of judges: 3  
 Workload per judge: 0.88

Predicted judicial resources need by county



Judges Serving the 7th District



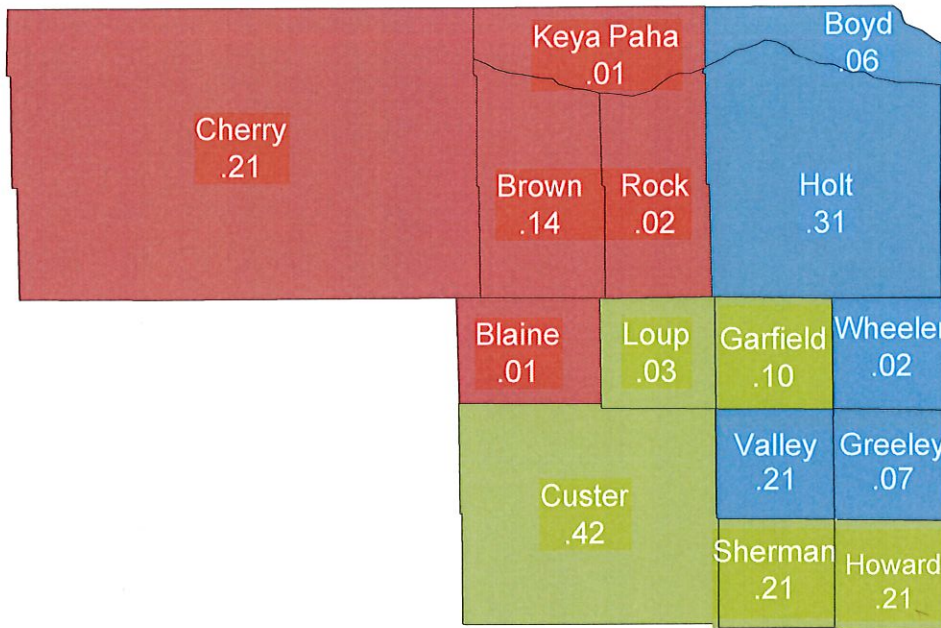
# Weighted Caseload Report

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

County court need for judges: 2.03  
 Current number of judges: 3  
 Workload per judge: 0.68

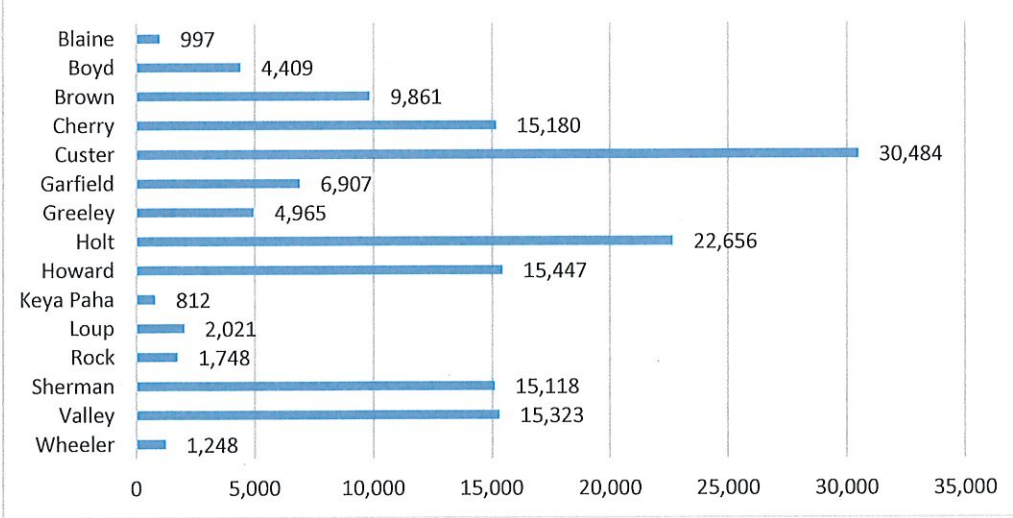
Predicted judicial resources need by county

Judges Serving the 8th District



- **Burdick**
- Boyd
- Greeley
- Holt
- Valley
- Wheeler
- **Orr**
- Blaine
- Brown
- Cherry
- Keya Paha
- Loup
- Rock
- **Schendt**
- Custer
- Garfield
- Howard
- Loup
- Sherman

County Court Judicial District 8  
 Total Workload Minutes  
 Sum (cases x weight)





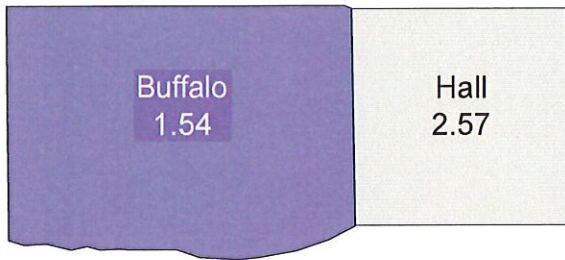
# Weighted Caseload Report

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

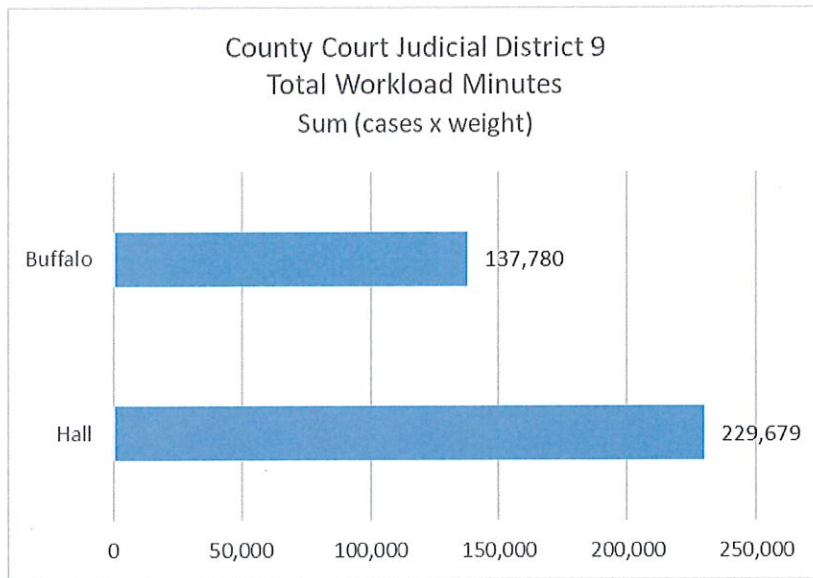
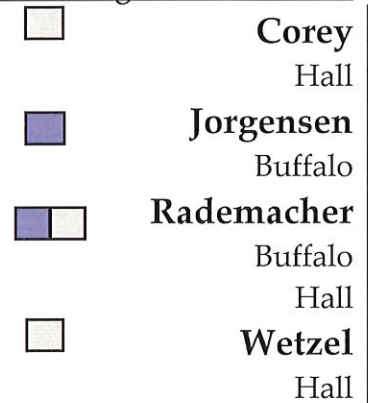
County court need for judges: 4.11  
 Current number of judges: 4  
 Workload per judge: 1.03

Additional judicial assistance provided between June 2022 and December 2022 to judicial district by judges from other judicial district(s): 0.10

Predicted judicial resources need by county



Judges Serving the 9th District

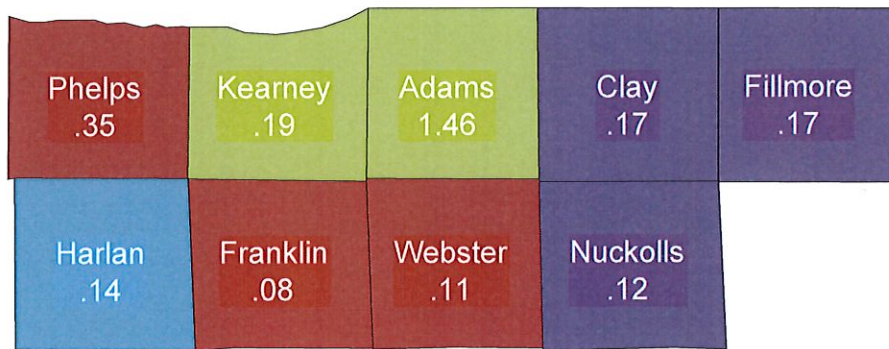


# Weighted Caseload Report

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

County court need for judges: 2.79  
 Current number of judges: 3  
 Workload per judge: 0.93

### Predicted judicial resources need by county



### Judges Serving the 10th District



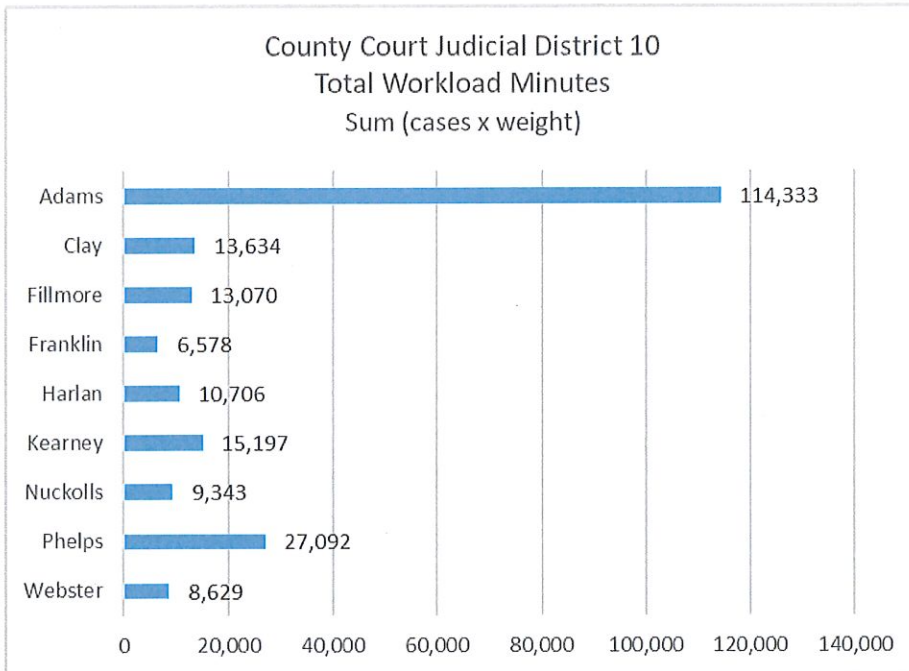
**Burns**  
 Adams  
 Clay  
 Fillmore  
 Nuckolls



**Hoeft**  
 Adams  
 Franklin  
 Harlan  
 Kearney  
 Phelps  
 Webster



**Mead**  
 Adams  
 Clay  
 Fillmore  
 Franklin  
 Kearney  
 Nuckolls  
 Phelps  
 Webster

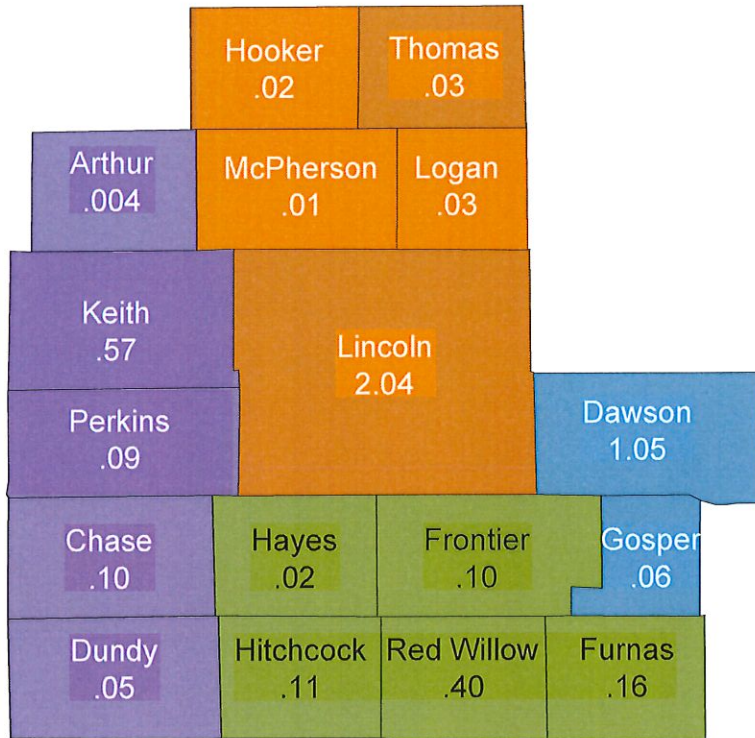


# Weighted Caseload Report

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

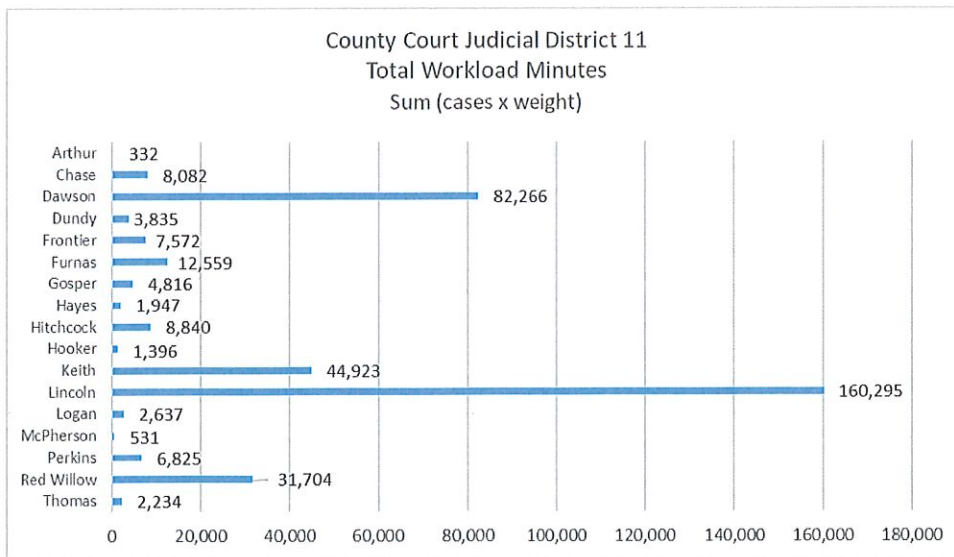
County court need for judges: 4.84  
 Current number of judges: 5  
 Workload per judge: 0.97

### Predicted judicial resources need by county



### Judges Serving the 11th District

- Jay**
- Hooker
- Lincoln
- Logan
- McPherson
- Thomas
- Conflict Cases in Keith
- Paine**
- Frontier
- Furnas
- Hayes
- Hitchcock
- Red Willow
- Conflict Cases in Dawson
- Roberts-Connick**
- Lincoln
- Conflict Cases in Dawson
- Steenburg**
- Arthur
- Chase
- Dundy
- Keith
- Perkins
- Wightman**
- Dawson
- Gosper

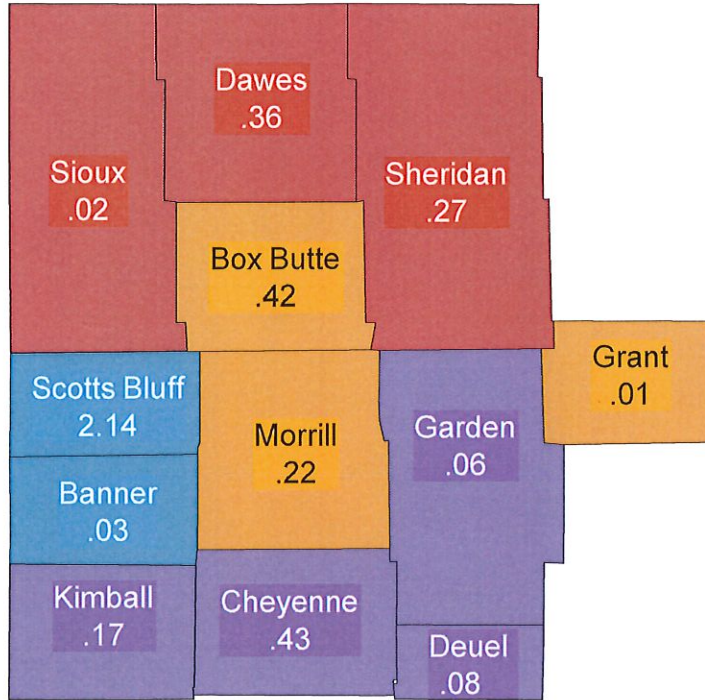


# Weighted Caseload Report

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

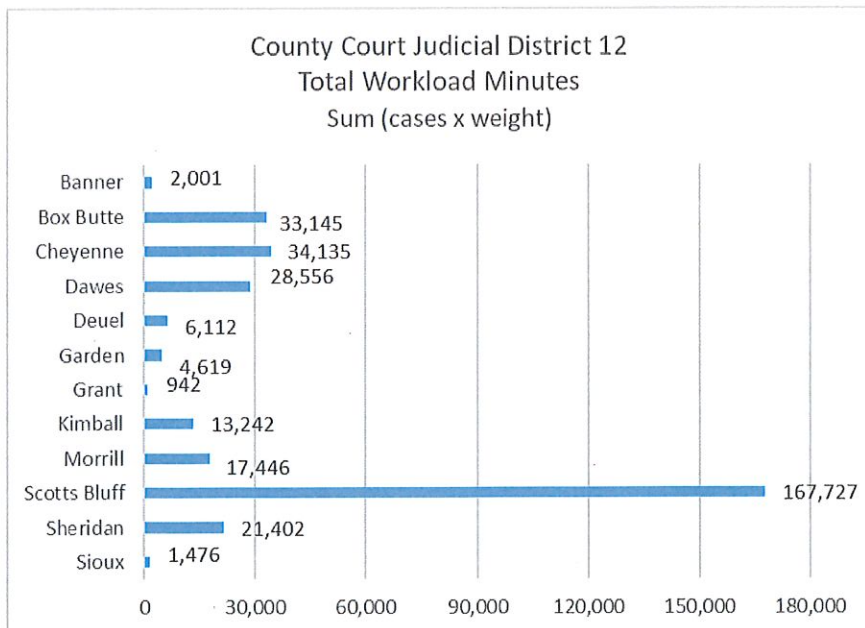
County court need for judges: 4.21  
 Current number of judges: 5  
 Workload per judge: 0.84

### Predicted judicial resources need by county



### Judges Serving the 12th District

- **Conn**  
Dawes  
Sheridan  
Sioux
- **Mickey**  
Banner  
Scotts Bluff
- **Roland**  
Cheyenne  
Deuel  
Garden  
Kimball
- **Wess**  
Box Butte  
Grant  
Morrill  
Sheridan
- **Worden**  
Banner  
Scotts Bluff



# Weighted Caseload Report

## Court Case Type Categories and Weights – Appendix

District Court Case Types	2023 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	2023 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	2023 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



## **Research and Data**

**Operations Division**  
**Administrative Office of the Courts & Probation**  
**Chief Standing Bear Justice Administration Building**  
**521 S. 14th Street Suite 300 | Lincoln, NE 68508**  
**T 531.739.8100 | F 402.471.2197**

NEBRASKA JUDICIAL BRANCH

# District Courts

## Weighted Caseload Report



Fiscal Year 2023

July 1, 2022 to  
June 30, 2023



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7 <sup>th</sup> Judicial District .....	9
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# Weighted Caseload Report

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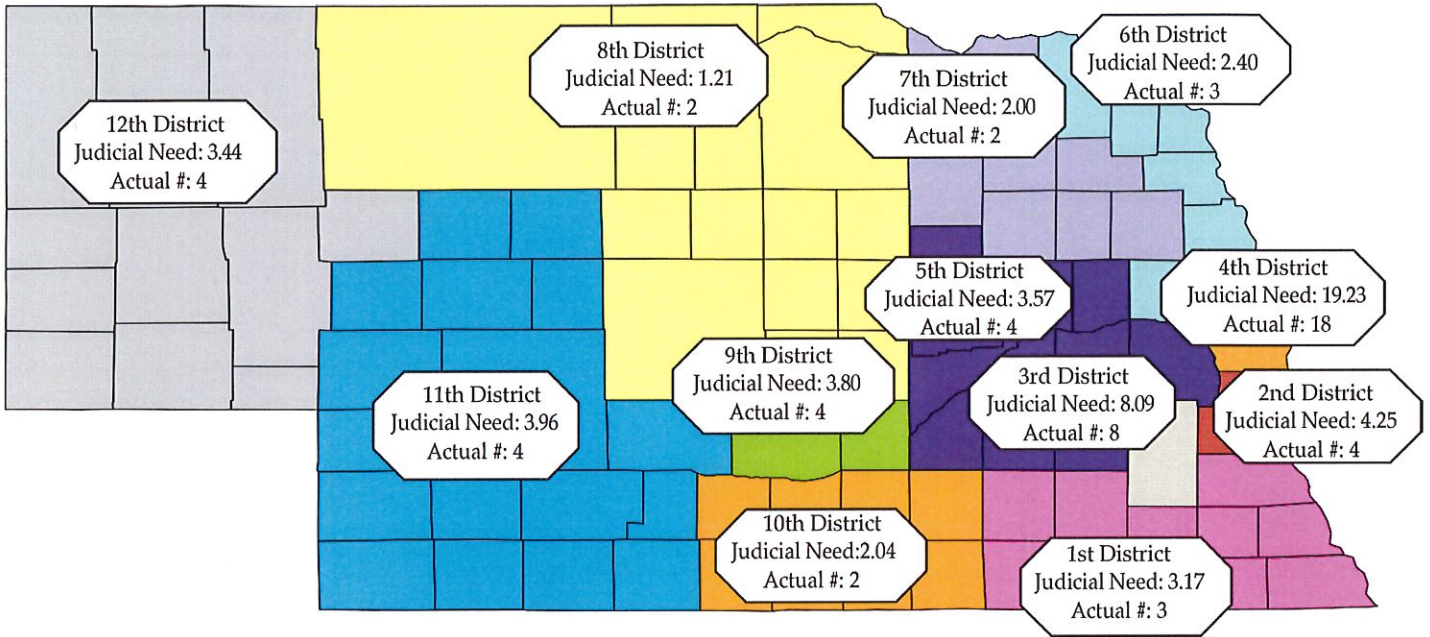


**Corey R. Steel | Nebraska State Court Administrator**  
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# Weighted Caseload Report

## Nebraska District Court Judicial Needs

Fiscal Year 2023 (July 1, 2022 – June 30, 2023)



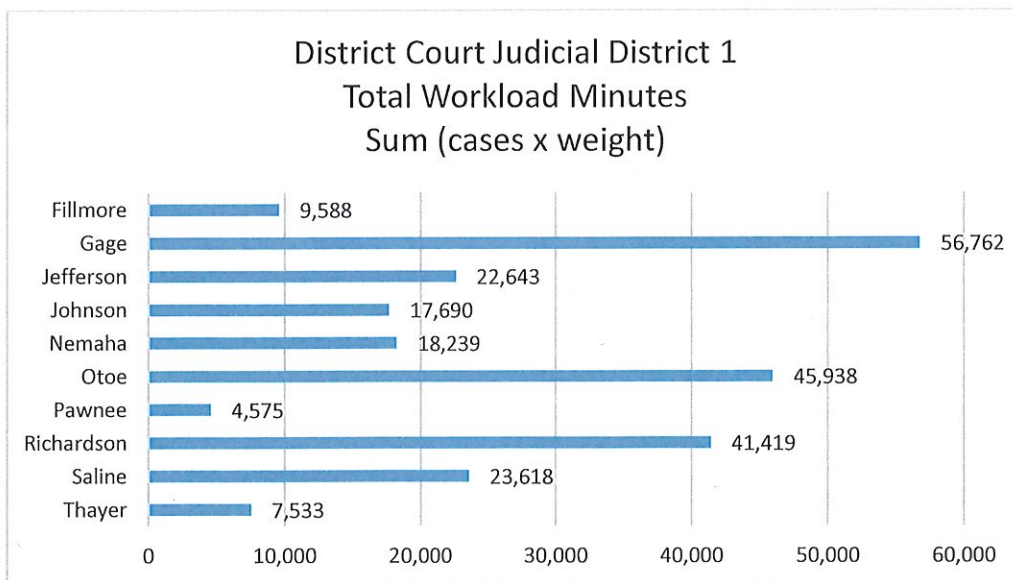
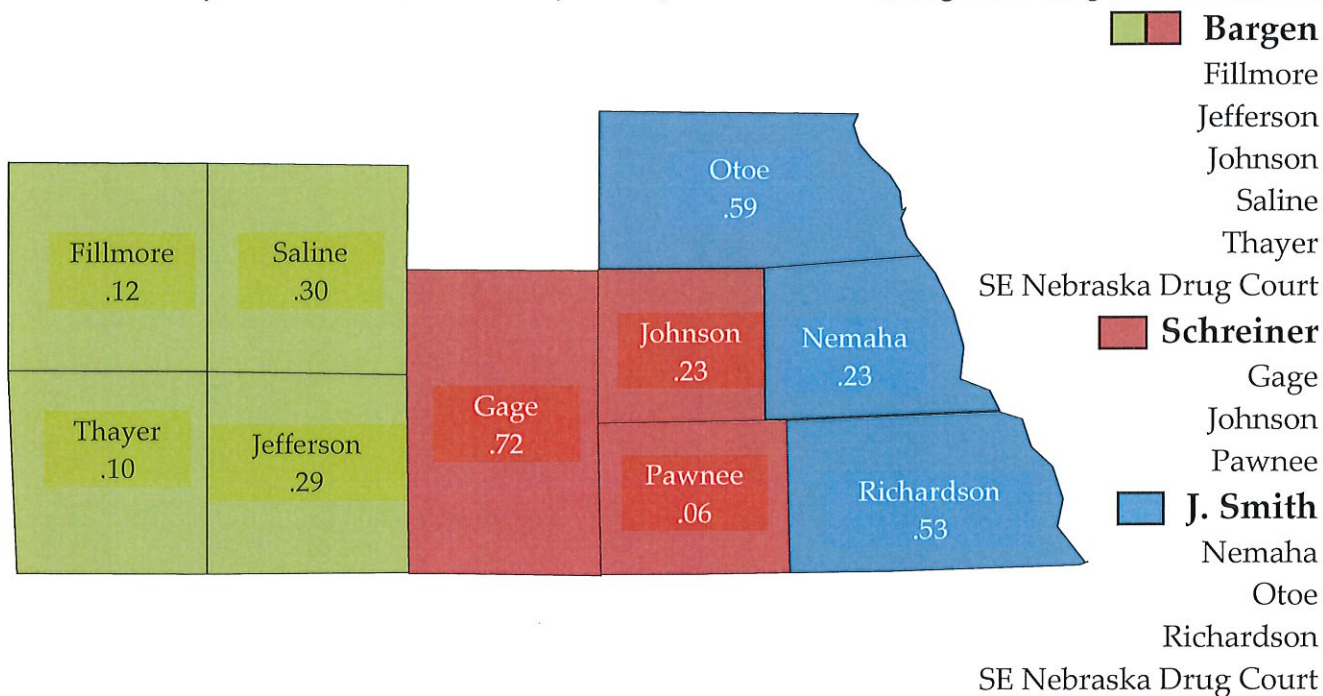
# Weighted Caseload Report

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

District court need for judges: 3.17  
 Current number of judges: 3  
 Workload per judge: 1.06

Predicted judicial resources need by county

Judges Serving the 1st District

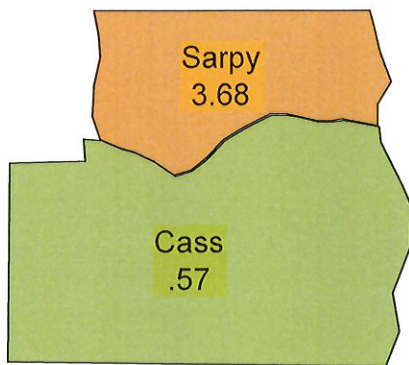


# Weighted Caseload Report

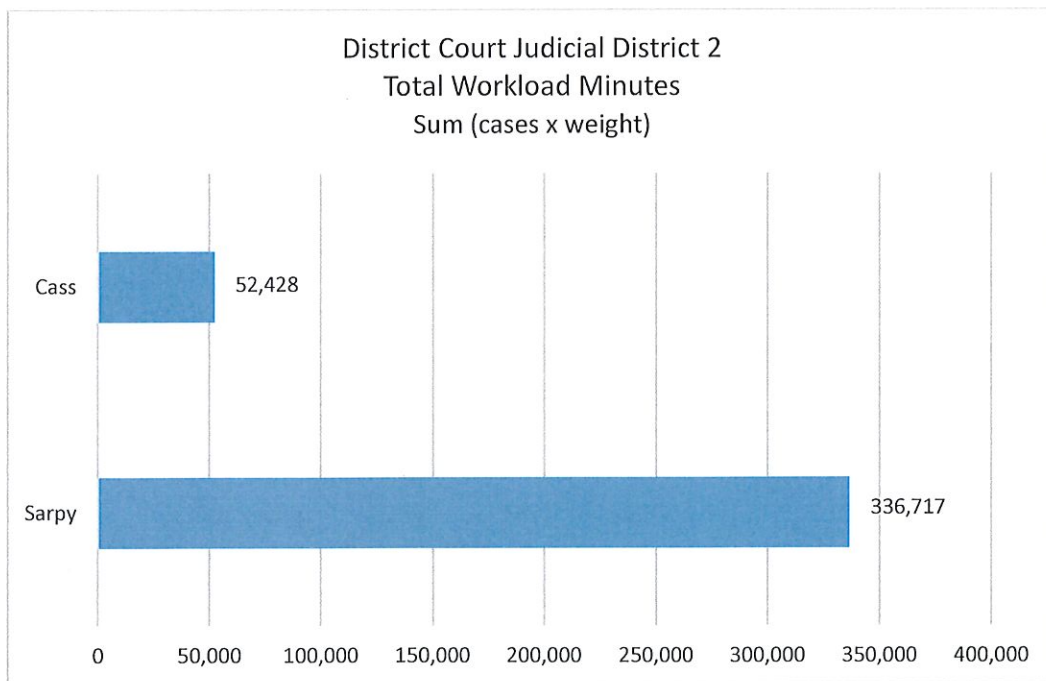
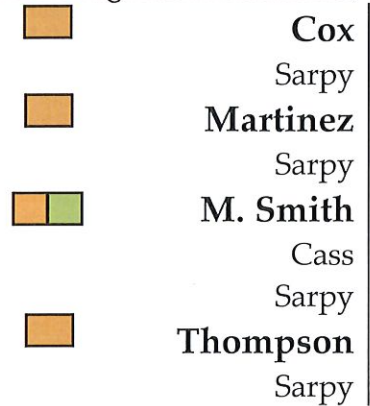
## 2<sup>nd</sup> Judicial District – District Court

District court need for judges: 4.25  
 Current number of judges: 4  
 Workload per judge: 1.06

### Predicted judicial resources need by county



### Judges Serving the 2nd District

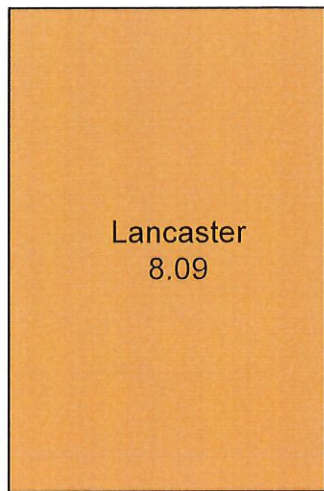


# Weighted Caseload Report

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

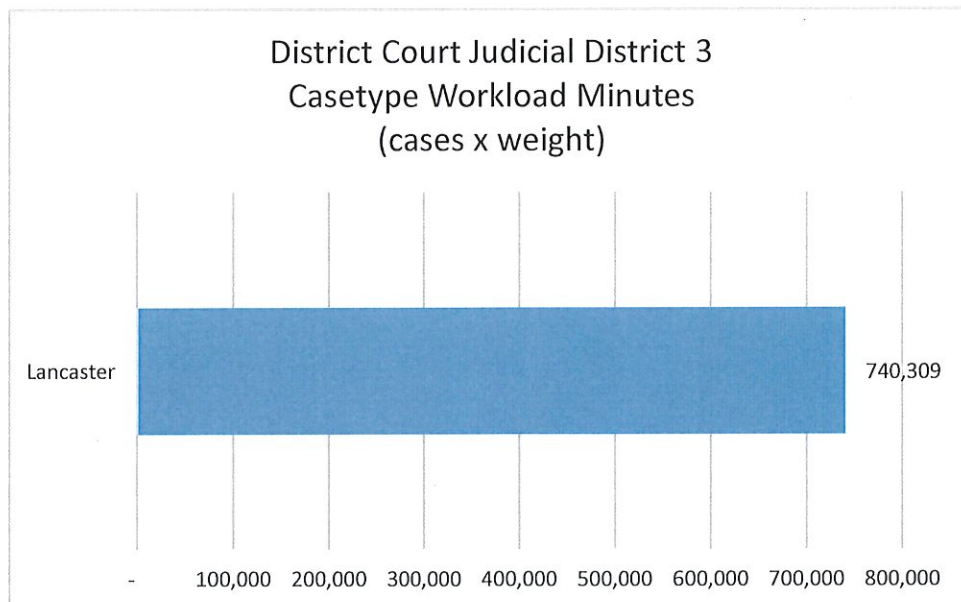
District court need for judges: 8.09  
 Current number of judges: 8  
 Workload per judge: 1.01

### Predicted judicial resources need by county



### Judges Serving the 3rd District

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

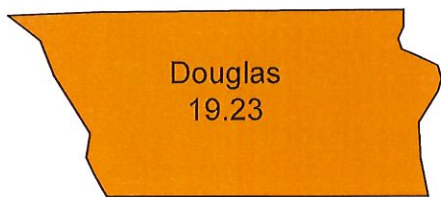


# Weighted Caseload Report

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

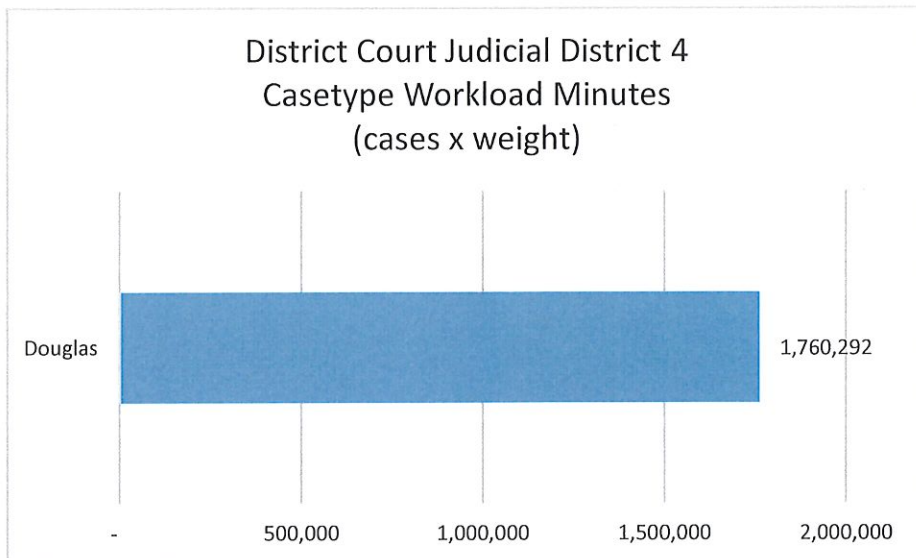
District court need for judges: 19.23  
 Current number of judges: 18  
 Workload per judge: 1.07

### Predicted judicial resources need by county



### Judges Serving the 4th District

- Alioth**
- Bataillon**
- Benson**
- Bowie**
- Burns**
- Vacant (Coffey)**
- Derr**
- Dougherty**
- Engleman**
- Keane**
- Lux**
- Masteller**
- Miller Pankonin**
- Polk**
- Retelsdorf**
- Srb**
- Stratman**
- Wheelock**

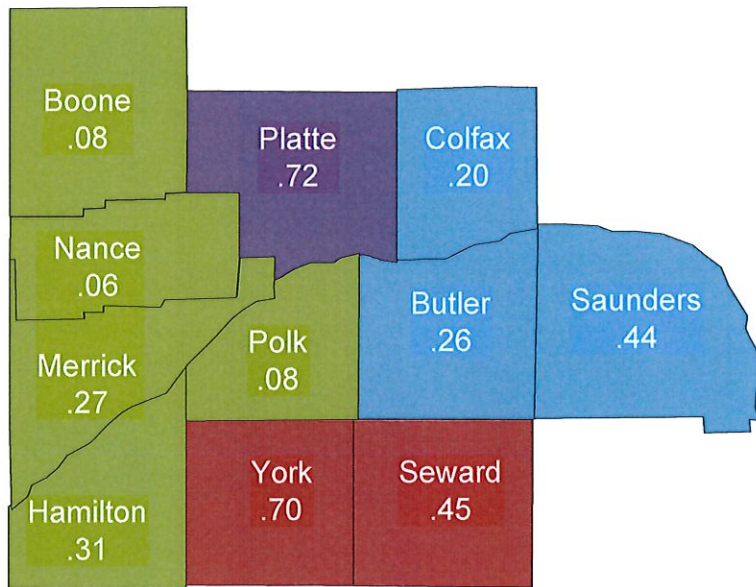


# Weighted Caseload Report

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

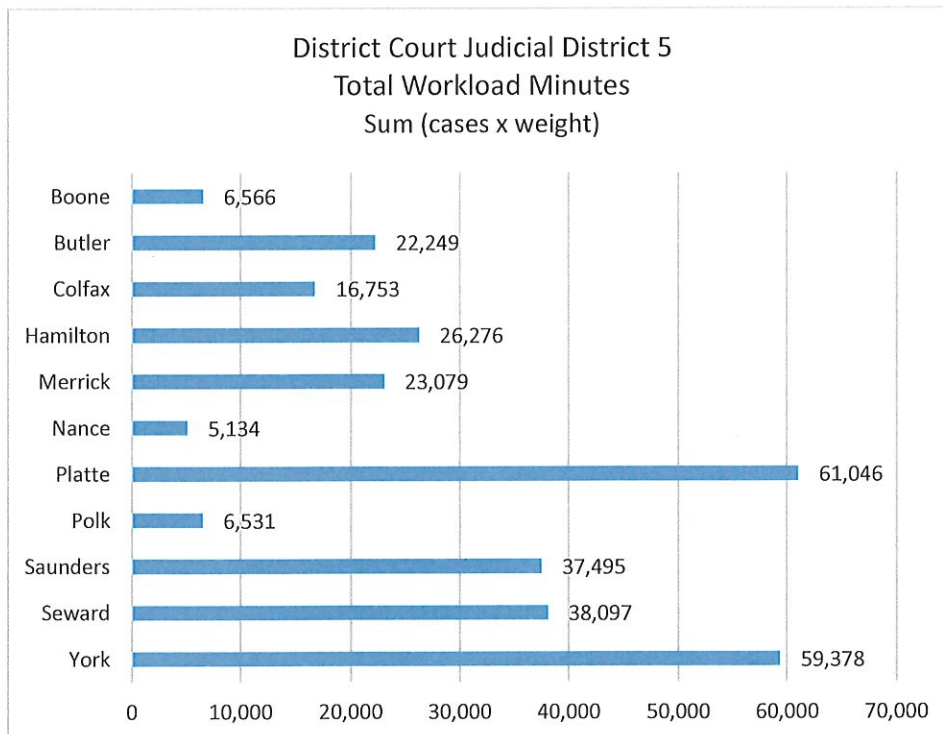
District court need for judges: 3.57  
 Current number of judges: 4  
 Workload per judge: 0.89

Predicted judicial resources need by county



Judges Serving the 5th District

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

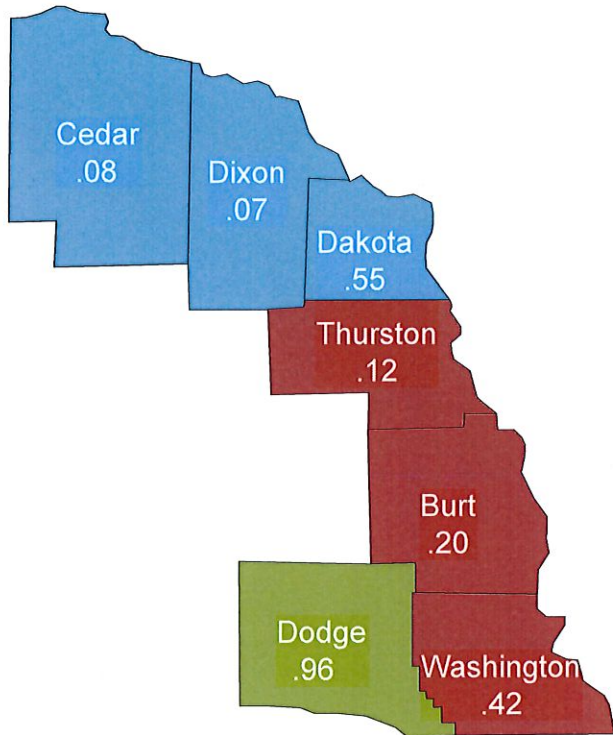


# Weighted Caseload Report

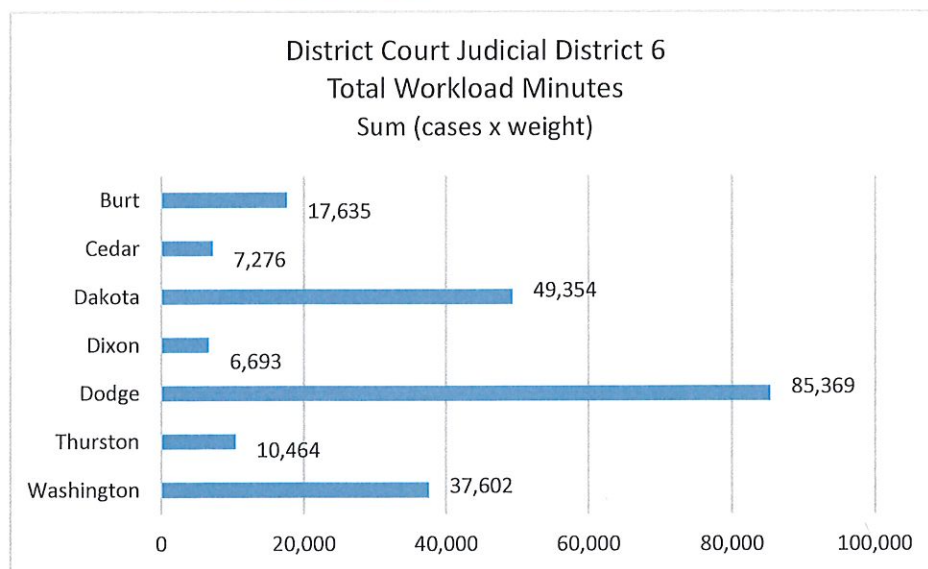
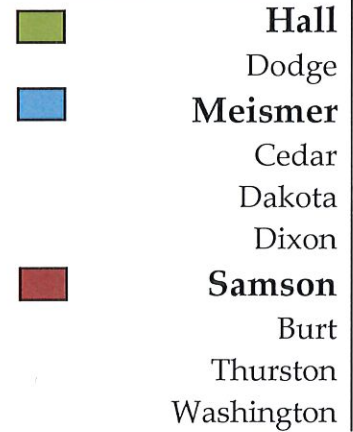
## 6<sup>th</sup> Judicial District – District Court

District court need for judges: 2.40  
 Current number of judges: 3  
 Workload per judge: 0.80

Predicted judicial resources need by county



Judges Serving the 6th District



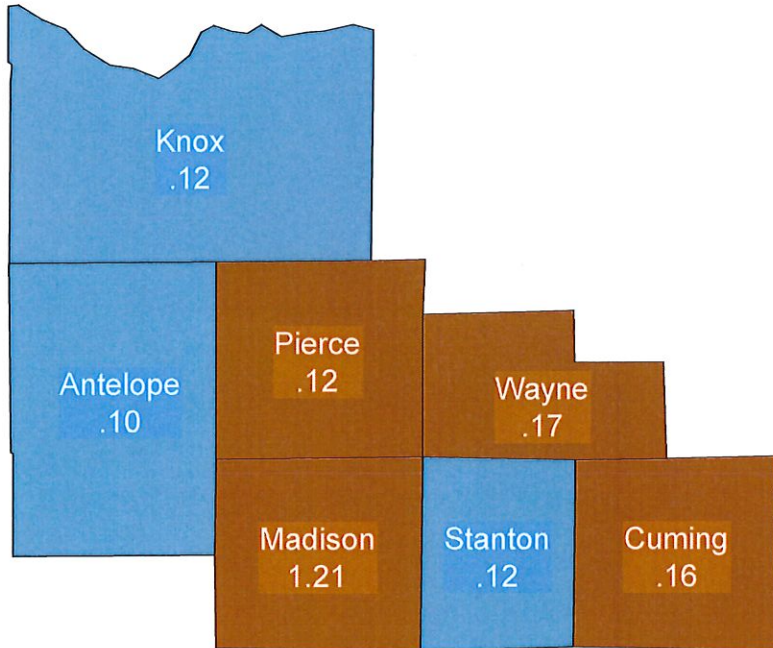


# Weighted Caseload Report

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

District court need for judges: 2.00  
 Current number of judges: 2  
 Workload per judge: 1.00

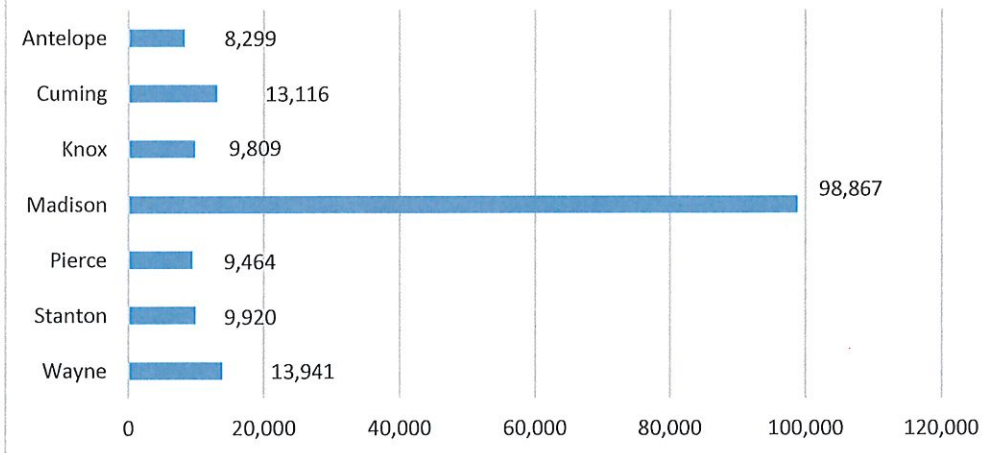
Predicted judicial resources need by county



Judges Serving the 7th District

- M. Johnson**
- Cuming
- Madison
- Pierce
- Wayne
- Kube**
- Antelope
- Knox
- Madison
- Stanton

District Court Judicial District 7  
 Total Workload Minutes  
 Sum (cases x weight)



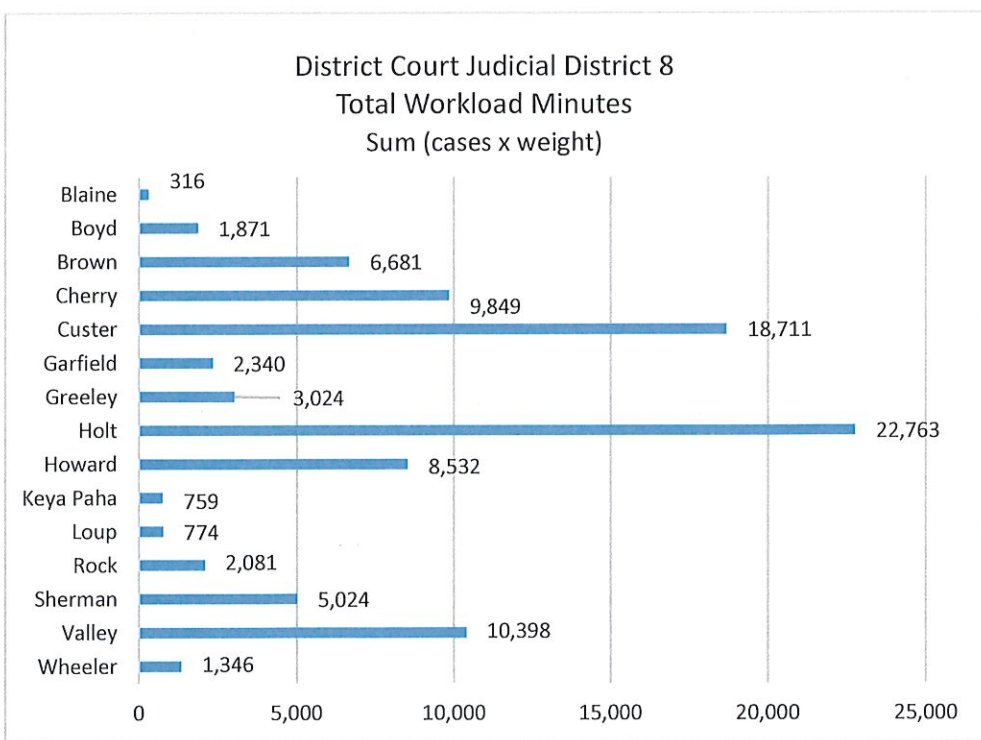
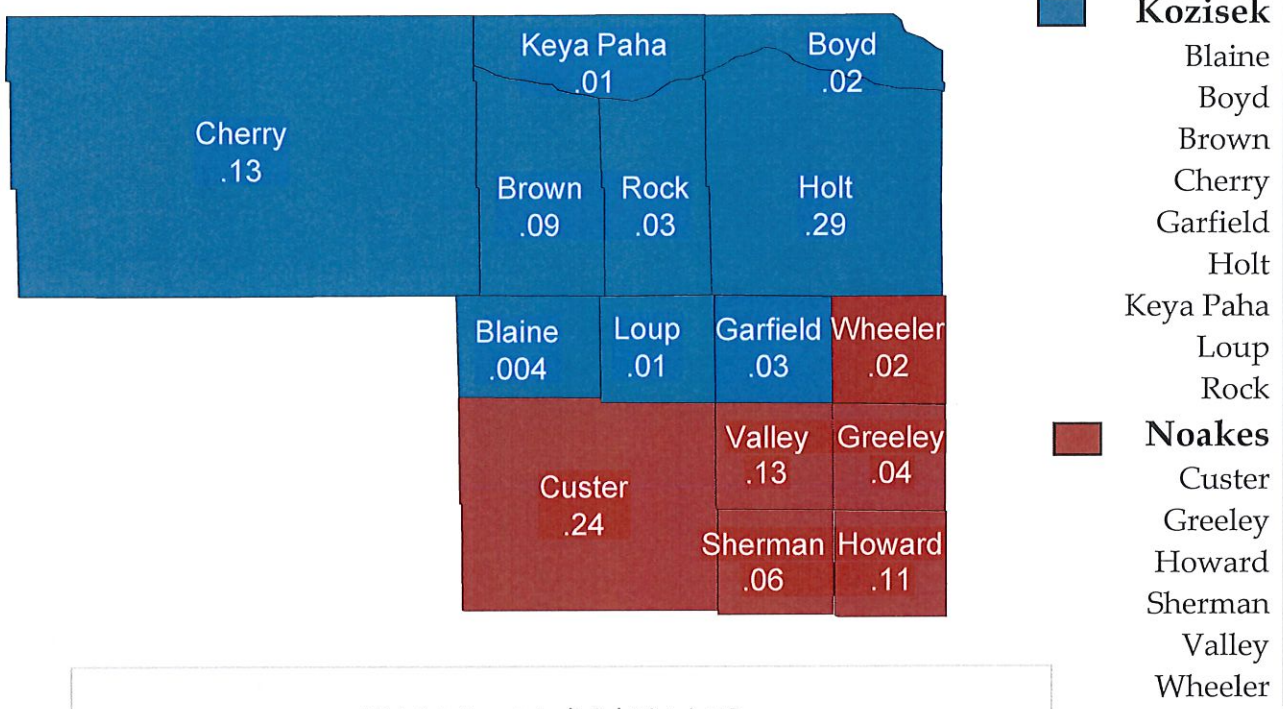
# Weighted Caseload Report

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

District court need for judges: 1.21  
 Current number of judges: 2  
 Workload per judge: 0.61

Predicted judicial resources need by county

Judges Serving the 8th District

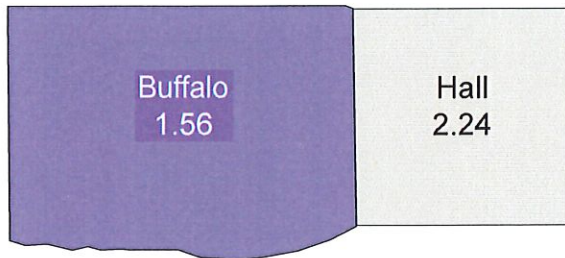


# Weighted Caseload Report





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

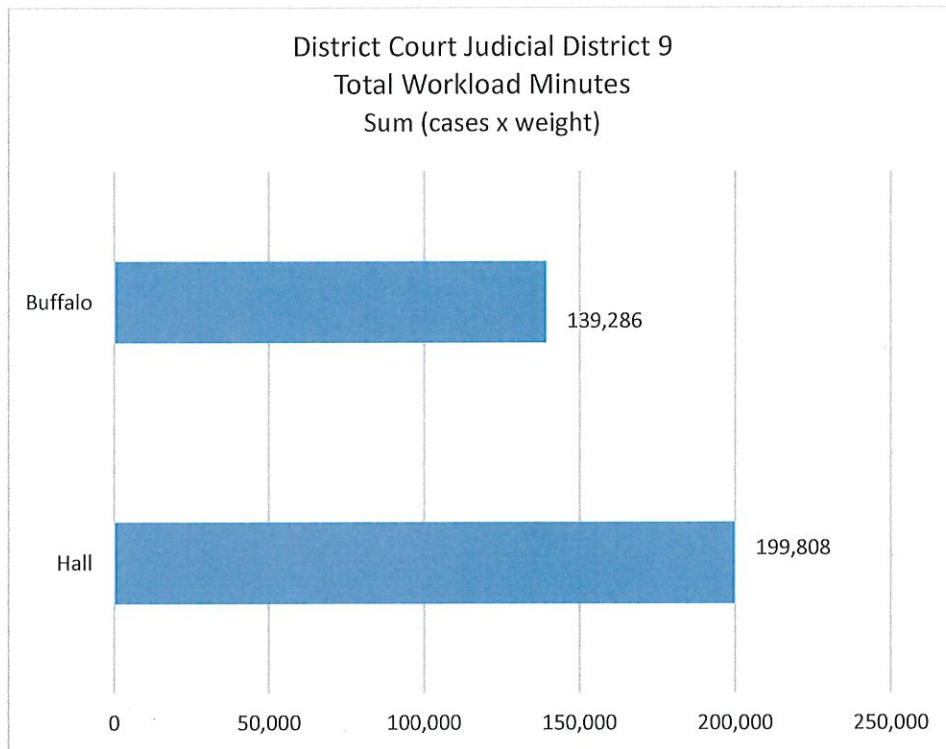
District court need for judges: 3.80  
 Current number of judges: 4  
 Workload per judge: 0.95

### Predicted judicial resources need by county



### Judges Serving the 9th District

-  **Butler**  
Hall
-  **Carson**  
Buffalo  
Hall
-  **Lee**  
Hall
-  **Marsh**  
Buffalo  
Hall



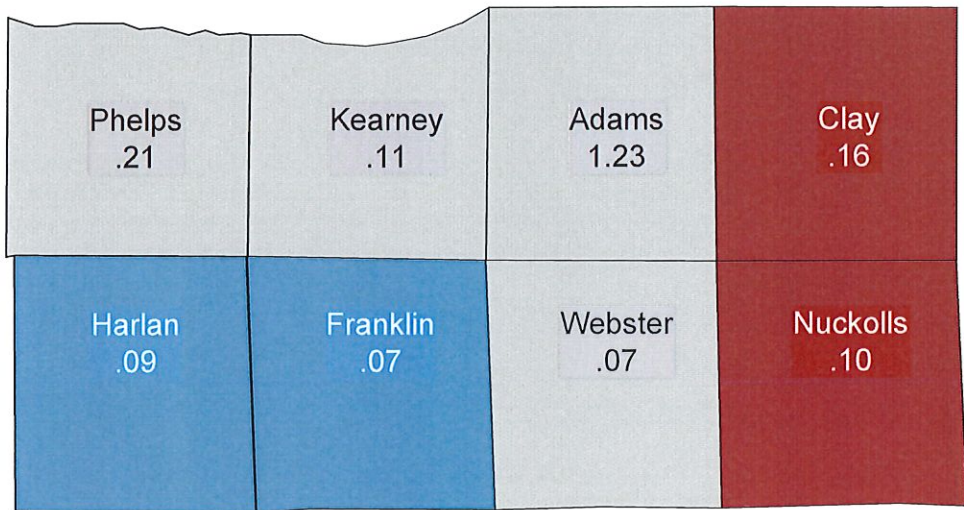
# Weighted Caseload Report

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

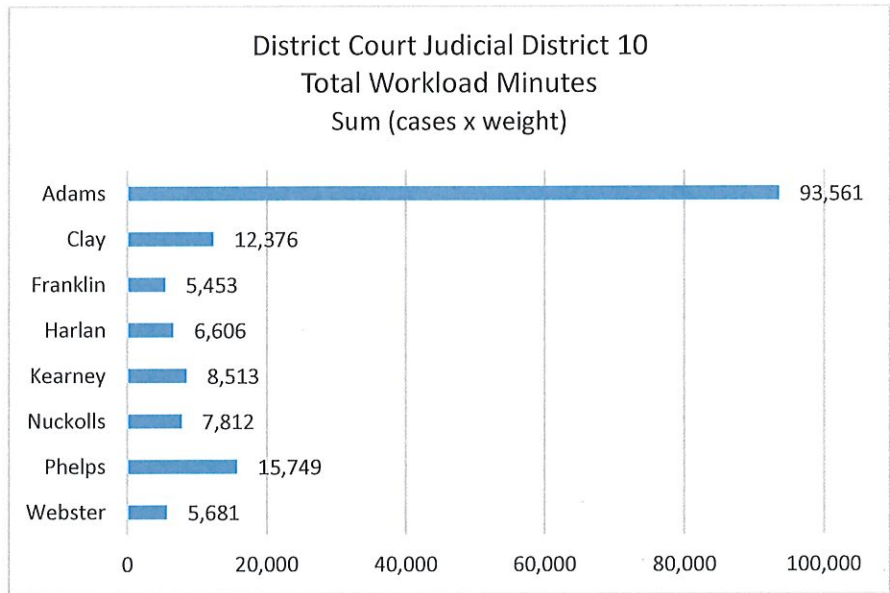
District court need for judges: 2.04  
 Current number of judges: 2  
 Workload per judge: 1.02

### Predicted judicial resources need by county

### Judges Serving the 10th District



- Farquhar**  
 Adams  
 Clay  
 Kearney  
 Nuckolls  
 Phelps  
 Webster
- Harder**  
 Adams  
 Franklin  
 Harlan  
 Kearney  
 Phelps  
 Webster

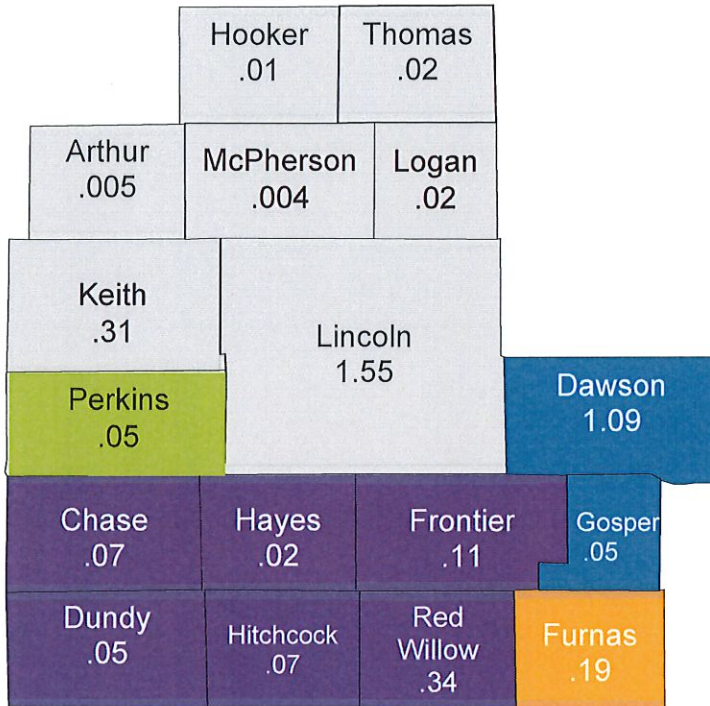


# Weighted Caseload Report





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

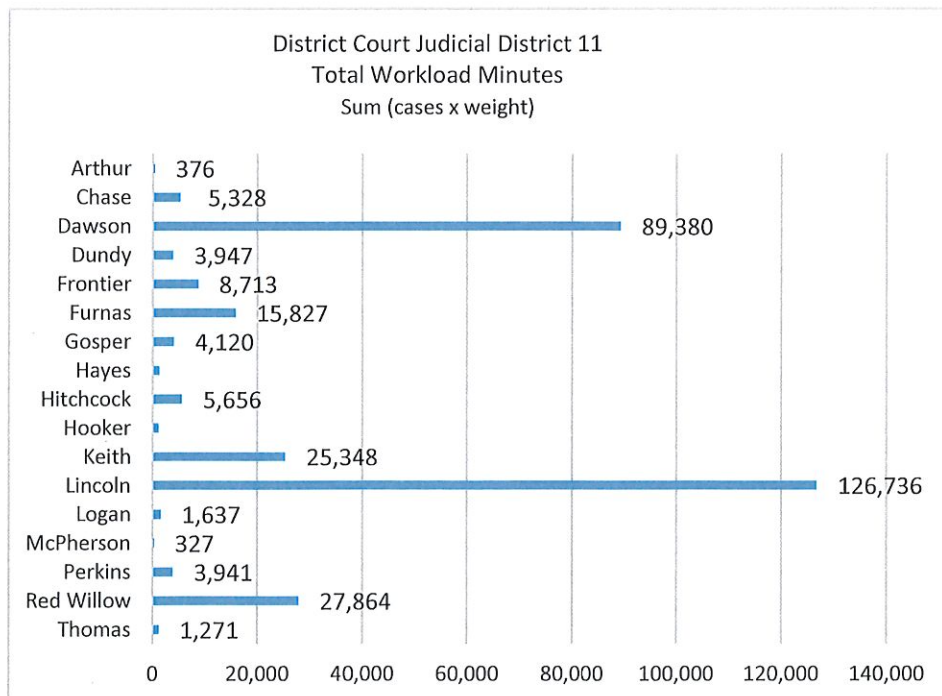
District court need for judges: 3.96  
 Current number of judges: 4  
 Workload per judge: 0.99

### Predicted judicial resources need by county



### Judges Serving the 11th District

-  **Doyle**  
Dawson  
Furnas  
Gosper
-  **Heng**  
Chase  
Dundy  
Frontier  
Furnas  
Hayes  
Hitchcock  
Red Willow
-  **Piccolo**  
Arthur  
Hooker  
Keith  
Lincoln  
Logan  
McPherson  
Thomas
-  **Volkmer**  
Arthur  
Hooker  
Keith  
Lincoln  
Logan  
McPherson  
Perkins  
Thomas



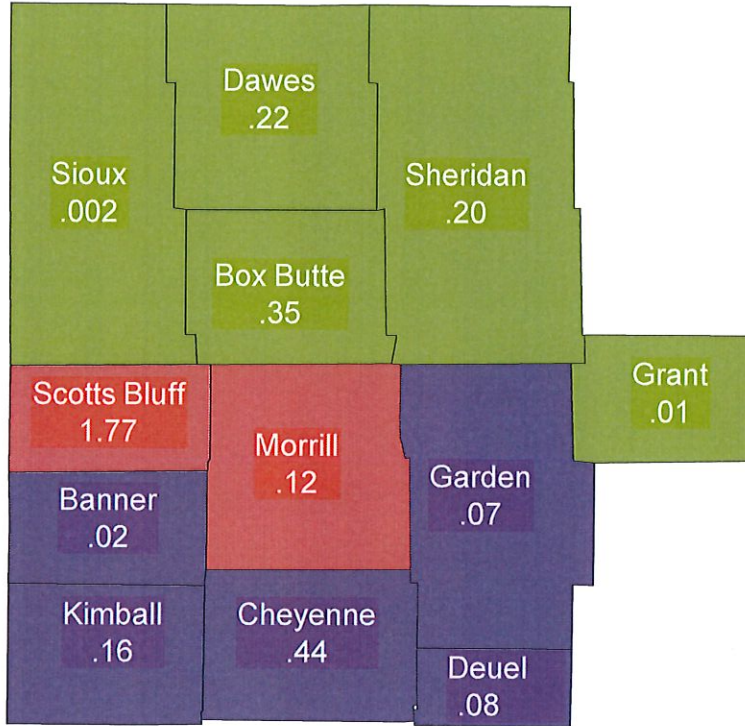
July 1, 2022 – June 30, 2023

# Weighted Caseload Report

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

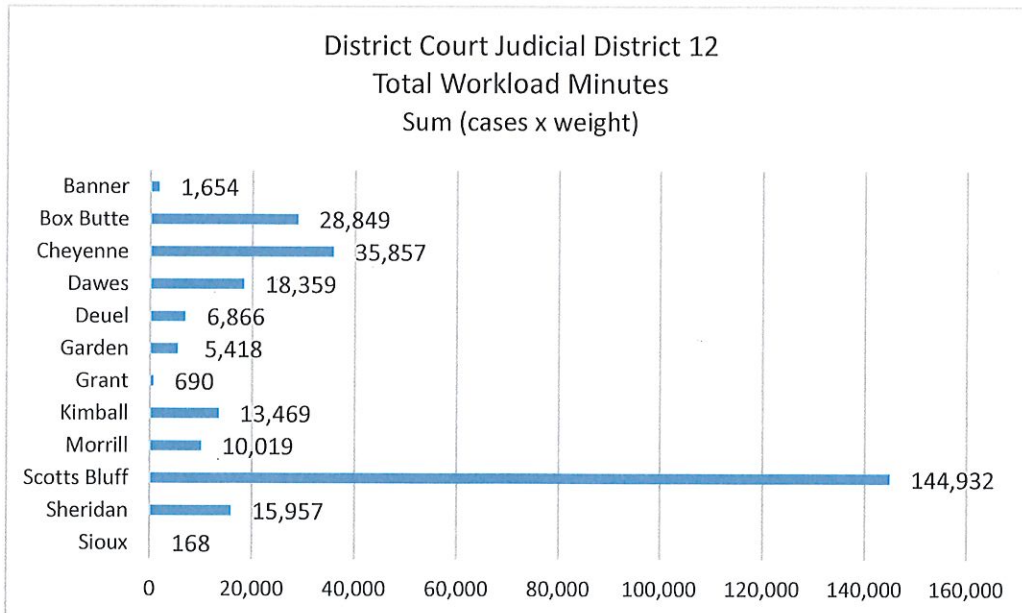
District court need for judges: 3.44  
 Current number of judges: 4  
 Workload per judge: 0.86

### 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	2023 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	2023 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	2023 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



## **Research and Data**

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**Administrative Office of the Courts & Probation**

**Chief Standing Bear Justice Administration Building**

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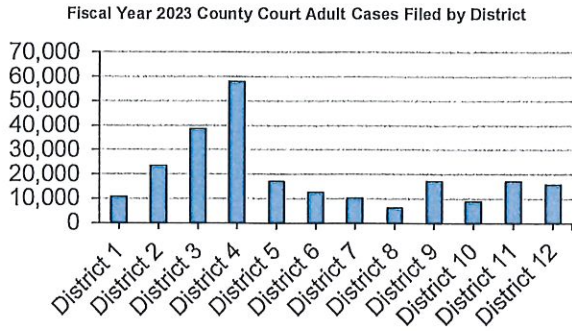


**Corey R. Steel**  
State Court Administrator



**Deborah A. Minardi**  
State Probation Administrator

**Fiscal Year 2023 Nebraska County Court Adult Annual Cases Filed**



Historical Case Filed

Fiscal Year	Adult Count	Juvenile Count	Total Case Filings
2014	343,774	4,703	348,477
2015	330,662	5,122	335,784
2016	329,996	5,108	335,104
2017	328,175	5,087	333,262
2018	322,922	4,752	327,674
2019	301,135	4,428	305,563
2020	267,477	4,479	271,956
2021	246,246	4,240	250,486
2022	230,331	4,553	234,884
2023	235,857	4,648	240,505

**Fiscal Year 2023 Adult Court Cases Filed by Category and District**

	Adoption	Civil	Felony	Guardianship/Conservatorship	Misdemeanor	Probate	Protection Orders	Small Claims	Traffic	Domestic Relations	Total
District 1	32	2,304	617	83	2,251	395	110	96	4,941		10,829
District 2	64	5,304	1,342	178	5,562	590	221	185	9,989		23,435
District 3	29	9,879	2,656	376	10,625	861	408	346	13,269	1	38,450
District 4	86	18,413	4,579	731	17,008	1,431	1,618	750	13,321		57,937
District 5	59	4,115	1,080	151	3,951	692	196	134	6,801		17,179
District 6	19	2,506	979	96	3,624	462	203	141	4,648		12,678
District 7	28	1,671	403	67	2,365	338	52	114	5,142		10,180
District 8	22	1,501	301	53	1,243	251	73	96	2,721		6,261
District 9	61	4,654	1,302	119	4,336	373	188	200	5,906		17,139
District 10	37	3,098	367	90	1,760	390	48	98	3,056		8,944
District 11	51	4,850	1,116	102	4,747	484	1	172	5,497		17,020
District 12	39	3,815	1,171	77	3,854	380	100	161	6,208		15,805
<b>Total</b>	<b>527</b>	<b>62,110</b>	<b>15,913</b>	<b>2,123</b>	<b>61,326</b>	<b>6,647</b>	<b>3,218</b>	<b>2,493</b>	<b>81,499</b>	<b>1</b>	<b>235,857</b>

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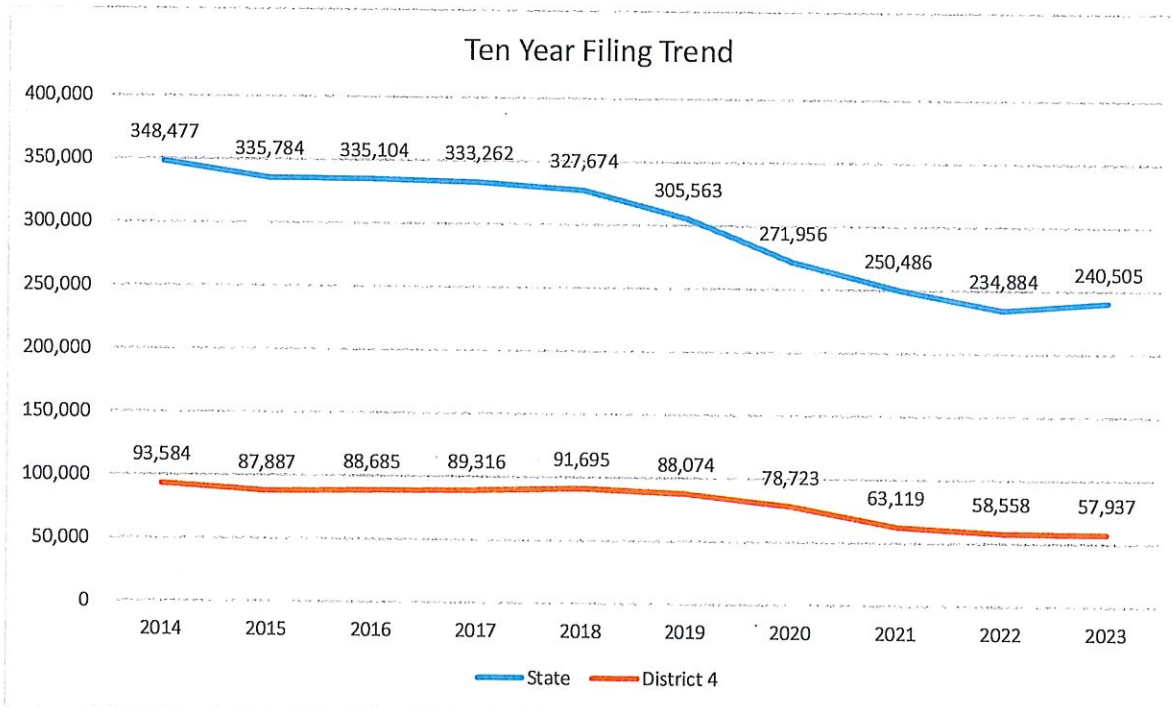
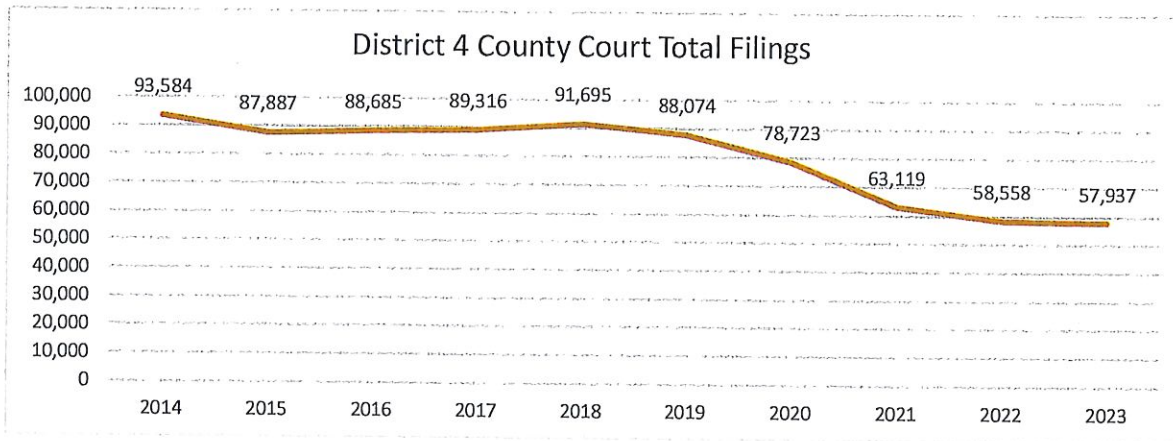
Report Name: 10yr trend  
Prepared Date: 8/31/2023  
Prepared By: Research and Data Division

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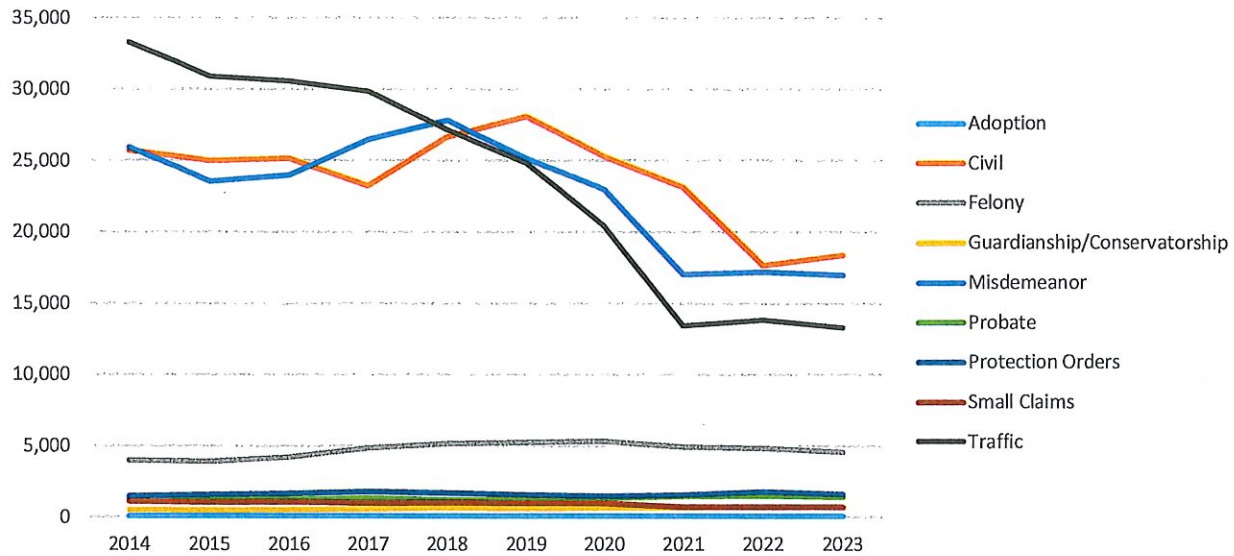
Fiscal Year 2023 District 4 County Court Adult Annual Cases Filed



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District 4 County Court Filings by Category



Total Case Filings	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Adoption	102	87	82	103	98	102	107	116	79	86
Civil	25,755	24,989	25,208	23,254	26,679	28,139	25,346	23,158	17,684	18,413
Felony	3,981	3,913	4,213	4,824	5,161	5,262	5,337	4,932	4,845	4,579
Guardianship/Conservatorship	544	521	564	605	671	648	658	656	789	731
Misdemeanor	25,975	23,585	24,027	26,515	27,882	25,215	23,017	17,044	17,208	17,008
Probate	1,269	1,254	1,276	1,329	1,208	1,267	1,335	1,510	1,556	1,431
Protection Orders	1,514	1,605	1,668	1,787	1,733	1,597	1,493	1,574	1,799	1,618
Small Claims	1,134	1,047	1,080	1,019	1,066	977	985	710	727	750
Traffic	33,310	30,886	30,567	29,880	27,197	24,867	20,445	13,419	13,871	13,321
<b>Total</b>	<b>93,584</b>	<b>87,887</b>	<b>88,685</b>	<b>89,316</b>	<b>91,695</b>	<b>88,074</b>	<b>78,723</b>	<b>63,119</b>	<b>58,558</b>	<b>57,937</b>

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