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MEMORIAL

EDWARD E. HANNON

NEBRASKA COURT OF APPEALS JUDGE

Monday, April 15, 2019

3:00 p.m.

1 Proceedings before:

2 NEBRASKA COURT OF APPEALS

3 Chief Judge Frankie J. Moore

4 Associate Judge Michael W. Pirtle

5 Associate Judge Francie C. Riedmann

6 Associate Judge Riko Bishop

7 Associate Judge David K. Arterburn

8 Associate Judge Lawrence E. Welch, Jr.

1 CHIEF JUDGE MOORE: Good afternoon and welcome to  
2 you all. The Nebraska Court of Appeals is meeting in  
3 special session on this 15th day of April 2019 to honor the  
4 life and memory of former Court of Appeals Judge Edward E.  
5 Hannon and to note his many contributions to the legal  
6 profession. My name is Frankie Moore. I'm currently the  
7 Chief Judge of the Nebraska Court of Appeals. And I'd like  
8 to start the afternoon by introducing my colleagues here on  
9 the bench. To my immediate right is Judge Mike Pirtle of  
10 Omaha, and to his right is Judge Riko Bishop from Lincoln,  
11 and to her right is Judge Larry Welch from Plattsmouth. To  
12 my immediate left is Judge Francie Riedmann from Gretna and,  
13 to her left, Judge Dave Arterburn from Papillion.

14 And it's our special honor to introduce the  
15 members of the Nebraska Supreme Court who are with us here  
16 today. Please stand when I call your name. Chief Justice  
17 Michael Heavican, Justice Lindsey Miller-Lerman, Justice  
18 Jonathan Papik, and Justice John Freudenberg. Justices  
19 Stephanie Stacy and Jeff Funke were unable to join us today.  
20 And, of course, we're most especially privileged to have  
21 Justice William Cassel of the Supreme Court serving today as  
22 our master of ceremonies. I should note that both Justice  
23 Cassel and Justice Miller-Lerman are former members of the  
24 Nebraska Court of Appeals, and Justice Miller-Lerman was one  
25 of the original members, along with Judge Hannon.

1 I also would like to introduce to you former  
2 members of the Nebraska Supreme Court and Nebraska Court of  
3 Appeals who are here with us today. We have Justice Bill  
4 Connolly, who will be a speaker this afternoon. And we have  
5 Justices Nick Caporale, Justice C. Thomas White, Justice Ken  
6 Stephan, and Justice John Gerrard, all former members of the  
7 Nebraska Supreme Court, with us. We also have two former  
8 members of the Nebraska Court of Appeals, Judge John Irwin,  
9 also an original member of the Nebraska Court of Appeals  
10 along with Judge Hannon, and Judge Rett Inbody, who will be  
11 a speaker this afternoon.

12 We're especially pleased to have so many members  
13 of the Hannon family with us today. And we would love to  
14 start out with Judge Hannon's beloved wife Mary, who's with  
15 us today.

16 Mary, if you're able to stand, would you stand  
17 and be recognized? Thank you.

18 We have all four of Judge Hannon's children with  
19 us today. We have his son Michael Hannon.

20 Michael, if you would please stand?

21 Came all the way from Pittsburgh, Pennsylvania.  
22 We have his son Patrick Hannon of Atlanta. We have daughter  
23 Maureen Lamski of Lincoln. And we have daughter Kathleen  
24 Hannon of Rochester, Minnesota. So, welcome. We also have  
25 two grandchildren with us, I believe, Elizabeth and Sarah.

1           Would you like to stand up, please? Thank you.

2           We also have several other members of the Hannon  
3 family. We have several nephews and we have, I believe,  
4 Mary's cousin. We won't recognize you all by name, but we  
5 are so pleased to have you with us.

6           I'm sure there are other members of the Nebraska  
7 judiciary that, if I don't introduce you by name, I  
8 apologize. I do know that we have other distinguished  
9 guests, including attorneys, here. We have Judge Hannon's  
10 and several other judges' former court reporter, Randy  
11 Fitch, is in attendance, and many other guests. And we're  
12 just very pleased that you are all with us today.

13           At this time, the Court recognizes Nebraska  
14 Supreme Court Justice William Cassel. Justice Cassel is the  
15 chairman of the Court of Appeals Memorial Committee today  
16 and he will conduct the proceedings for us.

17           Good afternoon, Justice Cassel.

18           JUSTICE CASSEL: Good afternoon. May it please  
19 the Court, distinguished members of the Court of Appeals, my  
20 colleagues on the Nebraska Supreme Court, many other judges,  
21 members of Judge Hannon's family, and distinguished guests.  
22 I am especially grateful for the honor of serving as chair  
23 for Judge Hannon's memorial. I hope that the Court will  
24 indulge a few personal remarks from me before I call upon  
25 others.

1           It is well known that I had the challenge of  
2 following Judge Hannon on both the district court bench and  
3 on the Nebraska Court of Appeals. Judge Hannon and I were  
4 the last survivors of the District Court Judges of the 15th  
5 Judicial District which, several months after I took his  
6 place on the district court, was merged into the 8th  
7 District. But what you may not know is that the law firm of  
8 Cronin and Hannon, which Judge Hannon joined in 1959, was,  
9 for many years, associated with the firm of Farman and  
10 Cassel, which my father had joined in 1950.

11           Both Julius D. Cronin and George A. Farman, Jr.,  
12 were local legends, but with very different practices. J.D.  
13 was a consummate trial lawyer and had served as the  
14 president of the Nebraska State Bar Association. George  
15 Farman was an expert in real estate law and had served in  
16 the House of Representatives of the Nebraska Legislature  
17 before it became a unicameral. J.D. sent real estate work  
18 to George, and George sent trial work to J.D.

19           By the time my father joined George and, later,  
20 Judge Hannon joined J.D., J.D. and George were considerably  
21 older and somewhat resistant to the technology that both my  
22 father and Judge Hannon endeavored to bring to their  
23 respective practices. Indeed, Ed and my father had a  
24 friendly competition over who had the latest gadget to  
25 improve the efficiency of his practice.

1           By the time that I joined my father's firm, Ed  
2 Hannon was well-established as the preeminent lawyer in  
3 O'Neill and, over the few years before he moved to the  
4 district court bench, I had the pleasure of litigating both  
5 on the same side and, occasionally, as an opponent. Every  
6 instance was a great learning experience for me as a young  
7 lawyer. And that was only enhanced when Judge Hannon served  
8 as a district court judge. He led the bar by example,  
9 epitomizing fairness, high scholarship, and devotion to the  
10 law. So, to those of us in the 15th District when the  
11 Nebraska Court of Appeals was created, it was no great  
12 surprise that Judge Hannon was selected as one of the  
13 original six members of that Court.

14           Former Senator Benjamin Nelson who, as Nebraska's  
15 governor, appointed all of the original members of the Court  
16 had planned to be present to speak today. Unfortunately, he  
17 could not be here, but he has sent remarks to be read on his  
18 behalf. With the permission of the Court, I will now do so.

19           Senator Nelson said, "I want to thank Judge  
20 Cassel for sharing my remarks with you today. I had planned  
21 to be present, but a schedule change requires me to be out  
22 of town.

23           "Other speakers will share Judge Hannon's life  
24 and legal career before I met him. When I assumed the  
25 governor's office in 1991, one of the first and most

1 important tasks was to interview and appoint all of the  
2 judges to the newly authorized Nebraska Court of Appeals, a  
3 daunting task. But, during our interview, Judge Hannon made  
4 it less so. From the outset, I was impressed with his  
5 candor and obvious judicial temperament. I was already  
6 aware of his reputation for a solid work ethic and judicial  
7 competence. After our discussion and my caution about  
8 judicial activism, I was convinced that Judge Hannon would  
9 be an excellent appellate judge, and he proved to be.

10 "Mary and family, you have every right to be  
11 proud of your husband and father. He will always be  
12 remembered as one of Nebraska's finest jurists."

13 The first chief judge of the Court of Appeals was  
14 Richard D. Sievers who, like Senator Nelson, was unable to  
15 be present today but sent remarks from Arizona to be read on  
16 his behalf. I move that Judge Sievers' remarks be inserted  
17 at this point in the record in their entirety, but that I be  
18 permitted to read selected portions thereof today.

19 CHIEF JUDGE MOORE: That motion will be granted.

20 (Judge Sievers' letter in its entirety is  
21 appended hereto.)

22 JUSTICE CASSEL: Thank you.

23 Judge Sievers said, "I want to thank the -- for  
24 giving me the opportunity to be heard from whence I have  
25 escaped to avoid the white stuff that often falls from the



1 sky in Lincoln." He, perhaps, when he wrote that, didn't  
2 realize how recently that would have occurred.

3 (Laughter.)

4 "I extend," -- this is Judge Sievers talking. "I  
5 extend my sympathies to Judge Hannon's wife Mary and his  
6 children Michael, Patrick, Maureen, and Kathleen, and my  
7 greetings to Ed's judicial colleagues and friends. As many  
8 of you know, Judge Hannon was one of the original six judges  
9 of the Court of Appeals. None of the six of us really knew  
10 each other, as we all came from different parts of the state  
11 and from various legal backgrounds. Ed was the only one of  
12 us with previous judicial experience. Within days of our  
13 joint appointment ceremony in December of 1991, I was named  
14 as the first chief judge of the Court, giving me some  
15 organizational responsibilities. Ed was a bit older than I  
16 and reputed to be an excellent trial judge, so I was a bit  
17 leery as to how he would respond to me, a judicial rookie,  
18 as the chief judge. As it turned out, Ed was an invaluable  
19 resource for me in the early days of the Court and  
20 throughout our time together.

21 "Ed Hannon was a walking library -- law library."  
22 Excuse me. "I truly believe that he never forgot a Supreme  
23 Court opinion that he had read, even if it was 25 years ago.  
24 We shared chambers throughout our mutual judicial careers,  
25 and he was my go-to guy whenever I was stuck. And he would

1 dredge up from his memory bank a case that I needed to read.  
2 Ed always had time to discuss an opinion and was always  
3 thoughtful and helpful. I went to him far more often than  
4 he came to me for help. His legal reasoning was always  
5 sharp and helpful.

6 "I have many fond memories of Ed, not only his  
7 intelligence and hard work, but what a good-hearted, happy  
8 man he was. He was a devoted family man, loved his wife and  
9 children dearly. He was a devout man. He was a kind man to  
10 all others. He treated his clerks and all Court staff with  
11 respect.

12 "He loved his rose garden and his red wine. He  
13 was also a fun and interesting dinner companion. As a Court  
14 of six, the six of us always went out for dinner one evening  
15 during our monthly argument session. He would regale us  
16 with his war stories from his days as a practicing lawyer  
17 and a district judge. He was a man who could laugh at  
18 himself. Ed was a joy to have as a colleague in so many  
19 ways. I cherish my memories of working with him, and it was  
20 a privilege to have been his friend."

21 Another member of the original Court of Appeals  
22 was Justice William M. Connolly, then of Hastings, Nebraska.  
23 Justice Connolly served with Judge Hannon on the appellate  
24 court until Justice Connolly was appointed to the Nebraska  
25 Supreme Court in 1994, where he served with great

1 distinction until his retirement from the high court in  
2 2016. Justice Connolly.

3 JUSTICE CONNOLLY: Thank you, Judge Cassel.

4 Chief Justice Moore, Judges of the Nebraska Court  
5 of Appeals, members of the Supreme Court, retired members of  
6 the Supreme Court and Court of Appeals, Mary, family, and  
7 friends, I'm pleased to be here today to give a few comments  
8 about my friend and colleague Ed Hannon. We served together  
9 for about three years on the newly created Court of Appeals  
10 and I -- it was a delight and I have fond memories of Ed  
11 Hannon.

12 But to tell you the truth, I don't think Ed's  
13 first impression of me was all that good. Because, back in  
14 the early 80s while I was a practicing lawyer, I appeared to  
15 -- before him up in O'Neill. I represented a client, KN  
16 Energy, and they -- that company sold natural gas to most of  
17 the cities in greater Nebraska. It was a rate case, which  
18 established rates for the city. And it was complex  
19 litigation with a lot of economists, accountants, real  
20 estate appraisers, different formulas how to figure out rate  
21 of return and return on equity, things of that nature. And  
22 I'd tried a few of those cases, and my thought was I really  
23 have to, you know, repeat a lot of the evidence because is  
24 the judge going to understand this, because trial judges,  
25 this wasn't their bag. It was the type of case that should

1 have really been before a regulatory body. So, we have the  
2 trial scheduled for about four days. And about the second  
3 and a half -- two and a half days into the trial, I have an  
4 economist on the witness stand and I'm plowing old ground.  
5 And Ed looks down at me and he says, "Counsel, I think you  
6 think I'm deaf and dumb."

7 (Laughter.)

8 And he said, "I can assure you I'm not deaf. You  
9 can draw your own conclusions on the dumb."

10 (Laughter.)

11 He said, "You have been with this witness for  
12 three hours. I understand it. I get it. Get moving."  
13 Needless to say, the four-day trial stood in -- came to be a  
14 two-and-a-half-day trial.

15 And then, within a week or 10 days, I had the  
16 decision. I don't even remember how -- who prevailed, but I  
17 do remember this. Ed crafted a finely written six- or  
18 seven-page decision. He had the ability to simplify complex  
19 issues. He wrote a factual narrative that a layperson could  
20 understand. And I don't know if Ed Hannon was impressed  
21 with me, but I certainly was impressed with Ed Hannon  
22 because he did a wonderful job.

23 I really got to know Ed when I came onto the  
24 Court of Appeals in 1991. And then, I really became  
25 impressed with Ed Hannon. We've all heard the term about

1 student of the law. You know, I never quite grasped what a  
2 student of the law was. I thought it was kind of like a  
3 cliché. Well, his -- I think Judge Cassel mentioned Sievers  
4 mentioned it -- Ed had the uncanny ability to recollect  
5 cases -- Supreme Court decisions that would go back 20  
6 years. He would remember the result, the issues, and  
7 sometimes would even remember who authored the opinion. And  
8 so, he was a fountain of knowledge, as Judge Sievers  
9 indicated. And, as Judge Sievers indicated, he was the only  
10 member of the newly created Court of Appeals that had  
11 judicial experience. And, as indicated, we really sought Ed  
12 out. Because, when the Court of Appeals was created, there  
13 wasn't any handbook, rules, regulations, procedure,  
14 protocol. And so, Dick Sievers -- Judge Sievers and Ed, for  
15 the most part, was a guiding light in getting the Court of  
16 Appeals started and earning, quickly, the respect of the  
17 practicing bar.

18 Ed had a love and a passion for the law. And, as  
19 Judge Sievers indicated, if you really had a problem, if I  
20 had run into a bump in writing an opinion, as most of us do,  
21 or a substantive issue that I wasn't clear on, I could  
22 always go to Ed and he was always open -- his door was  
23 always open and I had the opportunity to sit down with him.  
24 And most -- on most occasions, I came out of that discussion  
25 with a good feeling because -- well, also a bad feeling,

1           because I would say, well, why didn't I think of that.

2                           (Laughter.)

3                           But Ed had -- saw the big picture. He -- it was  
4 like a jigsaw puzzle, and I'm amazed that he could put the  
5 pieces together and get the result in a finely crafted  
6 opinion.

7                           In closing, I might say I am grateful to have had  
8 the opportunity to work with such a fine judge and a fine  
9 man, and I will always cherish the memories that I have of  
10 Ed Hannon.

11                           CHIEF JUDGE MOORE: Thank you very much, Justice  
12 Connolly.

13                           JUSTICE CASSEL: The next speaker needs no  
14 introduction to the members of this Court as each of you,  
15 other than Judge Welch, served with him on the Court, and  
16 Judge Welch was appointed as his replacement. I refer, of  
17 course, to Judge Everett O. Inbody who served as a county  
18 court judge from 1986 to 1991; a district court judge from  
19 1991 to 1995; and on this Court from 1995, when he replaced  
20 Judge Connolly, until his retirement in 2018. Judge Inbody.

21                           JUDGE INBODY: Good afternoon. May it please the  
22 Court, Chief Judge Moore, members of the Court of Appeals,  
23 Supreme Court members, retired Supreme Court members,  
24 friends, colleagues of Honorable Edward E. Hannon. Thank  
25 you for giving me this opportunity to appear before this

1 Honorable Court to speak about my colleague and friend  
2 Edward E. Hannon.

3 I had the honor and pleasure to serve with Judge  
4 Hannon on this Court from April 20th, 1995, until his  
5 retirement on December 31st, 2004. As been indicated, I was  
6 not one of the original individuals appointed to the Court  
7 of Appeals in December 1991. My term began after Justice  
8 Connolly was selected to the Nebraska Supreme Court in  
9 November of 1994. I was quite intimidated by going --  
10 coming onto the Court of Appeals with four of the original  
11 members still being on the Court. After all, they had  
12 started an appellate court from scratch and had done a  
13 tremendous job; and now, I was going to get to be a part of  
14 this new adventure.

15 My wife, Patti, and I met Ed and Mary at a  
16 district court dinner in the summer of 1991. Ed and I were  
17 both from small town Nebraska serving a multi-county  
18 district as district court judges. We had a lot in common.  
19 Had a lot -- a wonderful conversation that evening. But, by  
20 the end of that year, Ed had been selected as one of the  
21 original members of the six judges to the Court of Appeals.  
22 As a result, we did not have much interaction for the next  
23 few years. But, when I was selected to join the Court in  
24 1995, Ed immediately reached out and made me feel  
25 comfortable. We were the only members of the Court that had

1       practiced law in a small community and had been trial court  
2       judges. We had many similar experiences and, thus, began a  
3       close relationship.

4               During our time together on the Court, we  
5       regularly consulted on various cases. Ed had a wonderful  
6       memory and could recall cases from the past that dealt with  
7       issues presently before the Court. He always gave freely of  
8       his time, often brought to the discussion an angle or  
9       thought which the panel had not previously considered.

10              Shortly after I joined the Court, Chief Judge  
11       Sievers told the judges at an administrative meeting that a  
12       large-record case was coming through the system and would be  
13       the largest case we had seen to date. I referred to it as a  
14       coffin case, because it would bury the assigned judge. It  
15       turned out to be the World Radio case, and Ed got the  
16       assignment.

17              Now, we each had our own office on the ninth  
18       floor of this building, but some of us had our principal  
19       office in our hometown. Judge Wesley Mues kept his main  
20       office in Kearney. So, Ed asked if he could store the World  
21       Radio record in Wes's office on the ninth floor and Wes  
22       agreed. The size of the record was unbelievable. Boxes of  
23       exhibits and testimony were stacked all over the office. At  
24       that time, each judge on the Court was being assigned eight  
25       cases per month. But we all agreed that Ed should be



1 assigned just this one case because the record was so big.

2 Ed attacked the case just like he would any  
3 other. He ended writing a 33-page opinion that was concise,  
4 but still went into great detail on every issue that had  
5 been presented. It should have been obvious to the parties  
6 that Judge Hannon had spent a lot of time reviewing the  
7 record, the law, and conscientiously considered the  
8 arguments of the parties in rendering the decision for the  
9 panel. As a judge, I was amazed that he could reduce such a  
10 large and complicated record into such a concise 33-page  
11 opinion. The case went on to the Supreme Court for further  
12 review, and although that Court made a small modification,  
13 it generally affirmed the opinion that Judge Hannon had  
14 written on behalf of the panel.

15 In the 90s, there was a program for appellate  
16 court judges known as Spencer-Grimes through the American  
17 Bar Association. The program had been co-started by Justice  
18 Henry -- Harry Spencer of the Nebraska Supreme Court.  
19 Members of the Court of Appeals were encouraged to attend  
20 these programs. Some of the summer conferences Ed and I  
21 would attend with Mary and Patti were in Canada where it was  
22 always cooler and a relief from the Nebraska heat was much  
23 appreciated. After a conference, we would spend a few extra  
24 days in the area taking in a major league baseball game or  
25 go to a botanical garden or both. One August, it was

1 especially hot, and Patti said, "Let's drive straight north  
2 until we get out of this heat." So, I called Ed to see if  
3 he and Mary would like to join us, and they immediately said  
4 yes. Two days later, we drove north to Winnipeg, Manitoba.  
5 We enjoyed several days just visiting the area and, because  
6 of the cooler conditions in Canada, the flowers always  
7 seemed more colorful.

8 Ed loved his family and the law. Over the years,  
9 we spent many a summer evening talking about family and the  
10 law while enjoying a bottle of chardonnay. Ed also loved  
11 his garden. When we would go to their home, he wanted to  
12 show me all the work he had done to upgrade the backyard.  
13 He was always improving it. I think he was most proud of  
14 the irrigation system that he had installed for all of his  
15 plants. He could control zones and determine how much water  
16 each plant in those areas would get. But none of the  
17 flowers he loved as much as the roses. And he had several  
18 varieties in his backyard, and he took great delight in  
19 explaining the differences to me.

20 After Ed retired, he volunteered to do legal work  
21 for the Society of St. Vincent de Paul. When we would get  
22 together, he would explain some of the projects he was  
23 working on. You could tell by the tone of his voice how  
24 much he truly enjoyed helping people through this program.

25 This is the third memorial service for a judge

1 who served on the Nebraska Court of Appeals; however, this  
2 is the first service for one of the original six members.  
3 At our first memorial service, the words of District Court  
4 Judge Teresa Luther still rings in my head. She said, "I  
5 remember reading a book which attempted to help a person  
6 measure how their life was going. The test, it was simple.  
7 At the end of each day, you ask yourself two questions: Are  
8 you content where you have been, and are you proud of who  
9 you are?" At the time of Ed's passing on March 16th, 2017,  
10 I know Ed could answer with confidence, I am content with  
11 where I have been, and I am proud of who I am. I am proud  
12 to call my colleague, the Honorable Edward E. Hannon, my  
13 friend. Thank you.

14 CHIEF JUDGE MOORE: Thank you very much, Judge  
15 Inbody.

16 JUSTICE CASSEL: As the members of this Court  
17 know well, the relationship between a judge and his or her  
18 law clerk can be quite close. I'm not sure that we have a  
19 complete list of Judge Hannon's clerks during his tenure on  
20 the Court of Appeals. But, in addition to our next speaker,  
21 I am informed that Judge Hannon's clerks included former  
22 State Senator Burke Haar, Dan Fischer, Michelle Dreesen  
23 [Epstein], Kristin Crawford, Michael Devine, Mike Works,  
24 Julie Schultz [Self], Erika Schafer, Lori Helgoth, and Tracy  
25 Jamison, the last two of whom then served as clerks for me

1 after I replaced Judge Hannon on the Court of Appeals.

2 Another of Judge Hannon's law clerks was Matthew Acton, who  
3 now serves as a County Court Judge for the Third Judicial  
4 District, and I'm pleased to call on Judge Acton.

5 JUDGE ACTON: May it please the Court, Judge  
6 Hannon's family, distinguished guests. I had the privilege  
7 of clerking for Judge Hannon back in the mid-90s. It was a  
8 busy time then. Court of Appeals was still in its infancy  
9 and there was a backload of cases to be dealt with. Judges  
10 Hannon, Sievers, and Inbody provided me with an opportunity  
11 to serve the entire Court for a year as a shared clerk; and,  
12 when I couldn't find a job as a practicing attorney, Judge  
13 Hannon graciously allowed me to stay with him for two more  
14 years. Judge Hannon was an excellent role model. He was a  
15 hardworking, no-nonsense, straight-to-the-point individual  
16 with a kind heart and a great laugh.

17 Justice Cassel asked me to speak about Judge  
18 Hannon's recovery from his stroke. He did sustain a stroke  
19 while I was working for him that caused him to take some  
20 time off and to go through physical rehabilitation. As I  
21 recall, Judge Hannon returned quite quickly and with the  
22 same dedication and zeal for his work that he exhibited  
23 previously. The only difference was that he had a bit of a  
24 hitch in his gait. Now, Judge Hannon usually had several  
25 coins in his pockets, so I could almost tell when he was

1 approaching my cubicle. If he was deep in thought, the  
2 clanging would be a little slower. If he was excited about  
3 an opinion he was working on, the clanging of the coins  
4 would be quicker. Once in a while, he wouldn't have any  
5 coins in his pocket, and he would surprise me in my cubicle.  
6 I like to think he did just to check and see if his law  
7 clerk was talking baseball again with Judge Inbody.

8 (Laughter.)

9 Fridays were Judge Hannon's favorite days, but  
10 not for the reason that most of us enjoy Fridays, the brink  
11 of the weekend. On Friday mornings, Judge Hannon would race  
12 off the elevator, coins a-bouncing in his pocket, and ask  
13 loud enough so the entire ninth floor of the Capitol could  
14 hear, "What's new from on high?" He so enjoyed reading the  
15 Nebraska Supreme Court opinions that were released first  
16 thing on Friday mornings. He was a true scholar of the law.

17 I am certain that Judge Hannon taught me quite a  
18 bit about legal research and writing. I fondly remember  
19 sitting across the large table in the Court of Appeals  
20 library from Judge Hannon reading and discussing case law or  
21 statutes. There is no doubt that he possessed an excellent  
22 memory and could recall facts in precedent from cases long  
23 past. But that's not what first comes to my mind when  
24 reflecting upon my time with him. My favorite memories are  
25 of Judge Hannon recounting humorous stories from his days as

1 a practicing attorney or as a district court judge. The  
2 content of those stories is gone from my memory. Instead,  
3 it is the manner in which he told those stories that remain  
4 with me. Judge Hannon could tell a great story, often with  
5 such enthusiasm and excitement that he would burst out  
6 laughing while telling them. And while -- and I, while  
7 laughing along with him, couldn't be sure if I had fully  
8 understood. I miss those stories.

9 When I was appointed to the bench in 2013, the  
10 Administrative Office of the Courts sent me book, entitled  
11 *Handbook for Judges*, which is an anthology of inspirational  
12 and educational readings from various judges. In that  
13 handbook, Judge Edward Devitt laid out the 10 commandments  
14 for a judge, and the first commandment was to be kind.  
15 Judge Hannon adhered to that. He was kind to all, whether  
16 it was counsel at oral arguments, his fellow judges, his  
17 staff, or to his law clerk who didn't know much about the  
18 law. There were times that something I had written deserved  
19 to be marked up with a red pen, like an overzealous  
20 schoolteacher might do. But Judge Hannon would only  
21 politely suggest, with a chuckle, "Matt, perhaps we need to  
22 look in a different direction." I appreciated his kindness.

23 I am grateful for my time with Judge Hannon. As  
24 is often the case with mentors, Judge Hannon gave me more  
25 than I gave him. He provided me with employment when no one

1 else wanted to hire me, he encouraged me to become a trial  
2 attorney, he attended my wedding, and he was present when I  
3 was sworn in as a judge. But, most of all, he was kind to  
4 me. I miss my mentor, my friend, Judge Hannon.

5 CHIEF JUDGE MOORE: Thank you very much, Judge  
6 Acton.

7 JUSTICE CASSEL: Our speakers thus far have  
8 concentrated on Judge Hannon's service on this Court, and  
9 Judge Acton spoke to Judge Hannon's skills as a mentor,  
10 skills which I can personally vouch for. He was also a  
11 mentor to young lawyers during his time as a practicing  
12 lawyer with Cronin and Hannon. One of the young lawyers who  
13 came to the firm immediately following his graduation from  
14 the Creighton University School of Law later went on to a  
15 distinguished career in public service. I refer to former  
16 Governor, Senator, and Secretary of Agriculture Mike  
17 Johanns, who started his legal career in O'Neill, Nebraska.  
18 Although Senator -- or Secretary Johanns' schedule did not  
19 permit him to be present, he has sent remarks to be read on  
20 his behalf. And, with the permission of the Court, I will  
21 do so now.

22 Secretary Johanns says, "I would like to begin by  
23 offering my thoughts and condolences to Mary, Michael,  
24 Patrick, Maureen, and Kathleen. Ed loved his family, and I  
25 can assure you, he is looking out for you, even today.

1                    "I went to work for Ed and J.D. in June of 1975.  
2                    I was highly educated and knew absolutely nothing about  
3                    practicing law. And that's where Ed entered my life. His  
4                    direction was always quick and to the point. He would say,  
5                    'Make decisions. Track deadlines. Always put ethics first  
6                    with no compromise.' He showed that faith fit with a  
7                    professional life. Over 40 years ago, Ed gave me the  
8                    signposts to follow. He was an amazing man who lives in all  
9                    of us who had the good fortune to know him." Secretary  
10                    Johanns concludes, "I thank God that Ed was a part of my  
11                    life."

12                    From 1959 to 1992, Judge Hannon's legal career  
13                    was centered in O'Neill, Nebraska. And I know there are a  
14                    number of our friends from O'Neill here today, not only the  
15                    former court reporter who served with me and Judge Hannon  
16                    and three others, by the way, but many of the members of the  
17                    bar and court staff from the O'Neill area. Shortly after  
18                    the -- shortly after Judge Hannon became the district court  
19                    judge, a relatively -- or then, relatively young lawyer was  
20                    appointed to the County Court bench in the 15th Judicial  
21                    District, headquartered at the same courthouse in O'Neill.  
22                    From 1984 to 2017, Judge Alan Brodbeck served the 15th and  
23                    then the 8th Judicial District with distinction and served  
24                    on numerous committees and commissions at the state level.  
25                    I call upon Judge Brodbeck.



1                   JUDGE BRODBECK: Members of the Court of Appeals,  
2 members of the Supreme Court, retired members of the Court,  
3 Mary, and the Hannon family. Judge Hannon became a district  
4 judge in O'Neill in December of 1983. I became a county  
5 judge there in March of 1984. So, our judicial careers  
6 began at virtually the same time. Judge Hannon loved the  
7 law. He loved to research and study the law. Most every  
8 night, you could find him in his office in O'Neill working.  
9 When I would go down to the courthouse in an evening, I made  
10 it a habit to go upstairs, and he was always welcoming to me  
11 even though he was very busy. We would just sit and visit.  
12 We didn't discuss cases; we just talked about things we had  
13 in common as new judges. How things were -- that worked how  
14 they did or how things didn't work. Occasionally, we talked  
15 about some of the lawyers that are here today. And I'm sure  
16 they talked about us also.

17                   (Laughter.)

18                   Ed was a long-time resident of O'Neill, while I  
19 was new to that city. He gave me information and advice on  
20 the area: who were the best doctors, who were the friendly  
21 bankers, where to buy whatever was needed. He was a wealth  
22 of information on the town and its inhabitants, and he  
23 freely shared that with me. In later years, after he became  
24 a judge of the Court of Appeals, we saw less of each other  
25 due to the distance. But, when our paths crossed at bar

1 meetings or elsewhere, we always took a little bit of time  
2 to sit down and talk and get caught up on what was going on  
3 in our lives.

4 One of his keen interests was collegiality in the  
5 bar. He firmly believed that the system functions better if  
6 lawyers are able to professionally work together and talk  
7 with one another in a friendly manner. Toward that end, he  
8 was adamant that we should have a monthly local bar meeting.  
9 This took place on the first Monday of every month after his  
10 motion day. Out-of-town lawyers were always invited, but  
11 frequently it was just the local attorneys that were there.  
12 And Junior Young who's -- raised his hand -- long-time clerk  
13 of the district court in O'Neill, he was always in charge of  
14 making everyone know we had a bar meeting that night.

15 Several of us who were there were of the same age  
16 bracket, and we have some lawyers --

17 Let's have -- raise your hands if you're here  
18 from O'Neill.

19 Several of us were of the same age bracket, and  
20 the Judge enjoyed regaling us with stories of practice from  
21 days gone by. Those stories were always entertaining,  
22 'cause Ed was a great storyteller. But they were also  
23 educational and informative. And the lawyers always looked  
24 forward to those monthly meetings. Those meetings were  
25 always held at the old Townhouse Steak House in O'Neill,

1           because that was the only place in town that served frog  
2           legs. And Ed loved frog legs and he ordered those, I think,  
3           every month that we had a meeting.

4                       Some of you probably know that Judge Hannon, when  
5           he was practicing law and early on in his career as a judge,  
6           loved to smoke cigarettes. But he decided to quit and he  
7           sought help from a hypnotist. He received a post-hypnotic  
8           suggestion that, whenever he craved a cigarette, that he  
9           would take a piece of Scotch Tape and roll it between his  
10          thumb and his index finger. The procedure was very  
11          effective. I don't think he ever went back to smoking. And  
12          those of us who know him can always agree that we would be  
13          better off today, financially, if we'd bought stock in the  
14          3M Scotch Tape company.

15                       (Laughter.)

16                       I think fondly upon those years that Ed and I  
17          spent together as judges in O'Neill, the talks we used to  
18          have. To me, Judge Hannon was always gracious and  
19          welcoming. He was a good judge, he was a mentor, and he was  
20          a friend. Thank you.

21                       CHIEF JUDGE MOORE: Thank you very much, Judge  
22          Brodbeck.

23                       JUSTICE CASSEL: There have been several  
24          references today to Judge Hannon's family. He was very  
25          proud. Of course, he loved Mary enormously. But he was

1 very proud of his four children and all of their academic  
2 and professional achievements. Two of his children have  
3 followed him to a career before the bar.

4 His daughter, Maureen Lamski, is a member of the  
5 Nebraska Bar. And, before I introduce her, it occurs to me  
6 that, during -- that thinking of her reminds me that, during  
7 his district court years, Judge Hannon served as the  
8 coordinator for our region of the Nebraska High School Mock  
9 Trial Project. His service in that capacity was so well-  
10 settled that, when I followed him to the bench, I just  
11 understood the coordinator's job went along with the  
12 judicial office.

13 Ms. Lamski, like many other talented youth of our  
14 region, gained a great deal from this worthy project that  
15 Judge Hannon did so much to advance during his judicial  
16 career. She is now a deputy county attorney for Lancaster  
17 County, Nebraska. And at this time, I'm pleased to call  
18 upon Maureen Lamski.

19 MS. LAMSKI: May it please the Court, Judge  
20 Moore, Justice Cassel, other judges from the Court of --  
21 from the Supreme Court and Appeals. I would like to thank  
22 everyone for all the time and preparation that went into  
23 this special ceremony. It is truly wonderful to see so many  
24 of my father's former coworkers, family, and friends here.  
25 Our father would have greatly appreciated it, just as he was

1 always grateful that he had the opportunity to work in a  
2 profession that usually did not feel like work to him.

3 I was in grade school when my father was  
4 appointed to the district court. And, at that time, I did  
5 not understand what it meant to be a judge. My only  
6 question to him was if it meant that he would earn more  
7 money.

8 (Laughter.)

9 With a humor I did not fully appreciate at the  
10 time, he told me that a good attorney can always earn more  
11 than an honest judge. I did later learn that his judgeship  
12 would be a family affair, as he pressed my siblings and I  
13 into labor, removing the old inserts from what seemed like  
14 hundreds of law books at the courthouse in O'Neill and then  
15 replacing them with the updated inserts. He wanted to make  
16 sure everyone, including himself, had the most current  
17 opinions.

18 I was in high school when our parents told us  
19 that he was -- that my dad had applied for an appointment to  
20 the newly created Court of Appeals. I remember the  
21 excitement of going to Lincoln for the announcement and the  
22 swearing in ceremony. It was so exciting to get to meet  
23 Governor Ben Nelson. But it was mostly exciting because my  
24 dad was so thrilled. He loved his work as an attorney, and  
25 he loved his work as a district judge. And now, he had the

1 opportunity to love his work as an appellate judge. I know  
2 he truly enjoyed his time sitting on the Court of Appeals,  
3 where he could enjoy both the intellectual rigors, as well  
4 as the friendships he made with the fellow judges.

5 My dad continued his dedication to the profession  
6 after retirement through filling in for other judges from  
7 time to time and also through his volunteer work. And even  
8 towards the end, when he was in no condition to work, he was  
9 still driven to want to do more.

10 Our father was fortunate enough to work in a  
11 profession he felt passionate about, and even more fortunate  
12 to work with others that shared his passion for the law. I  
13 know his legal career would have been less fulfilling if he  
14 did not get to spend the journey with his fellow attorneys  
15 and judges and law clerks along the way.

16 So, it is on behalf of my family that I thank you  
17 all for making this special setting possible and for  
18 practicing alongside our dad. Thank you.

19 CHIEF JUDGE MOORE: Thank you very much, Maureen.

20 JUSTICE CASSEL: May it please the Court, that  
21 concludes our presentation to you, and I thank you humbly  
22 and personally for the honor of serving as the chair for  
23 this memorial occasion. Thank you very much.

24 CHIEF JUDGE MOORE: Thank you very much, Justice  
25 Cassel.

1           Before we conclude today, and I know it's warm in  
2 here, so we'll get moving. But I would just like to add a  
3 few brief comments as well about Judge Hannon. I was a new  
4 lawyer in 1983, having moved from the city of Lincoln, where  
5 I grew up, to North Platte, Nebraska, the great frontier.  
6 And so, my legal career began just about the same time that  
7 Judge Hannon became a district court judge in the, then,  
8 15th Judicial District. And I had the privilege of  
9 traveling greater Nebraska and appearing before him from  
10 time to time.

11           Judge Brodbeck, you mentioned his willingness to  
12 include out-of-town lawyers when there would be a motion  
13 day. And I was the recipient of one of those invitations to  
14 have lunch at the -- I think it was the Peppermill in  
15 Valentine after a motion day.

16           But my fondest memory was of a time that he  
17 taught me about punctuality. I'm thinking maybe his  
18 children learned that lesson, too, from their father. Not  
19 that I didn't always try to be punctual, but this was back  
20 in the day of no cellphones, of course, in the mid-80s. And  
21 this city girl was traveling up to Ainsworth for a hearing  
22 before Judge Hannon, and it was in the spring. And so, in  
23 the spring, sometimes, in the Sandhills, you come upon a  
24 cattle drive on the highway, which I did. I wasn't quite  
25 sure how to handle it, but I was only maybe five or 10

1 minutes late. But in his practical way, he begrudgingly  
2 forgave me for being a few minutes late and suggested that,  
3 in the springtime in Nebraska, you need to start out a  
4 little sooner than you might otherwise.

5 (Laughter.)

6 But he was a wonderful man, as you have heard  
7 about him today. He was always practical, no-nonsense,  
8 fair, compassionate. That character was evident in all he  
9 did, both publicly and privately. He's left an indelible  
10 mark on so many, and he's been a great servant to the state  
11 of Nebraska. So, thank you, family, for allowing us to have  
12 this session today.

13 Thank you, again, Justice Cassel, on behalf of  
14 our Court. We appreciate that you've chaired this memorial  
15 committee today.

16 And we thank you all for your presentations here.

17 I take this final opportunity for those present  
18 to note that this entire proceeding has been memorialized by  
19 this Court. We have been recording the proceedings. They  
20 will be preserved in video and written on the Nebraska  
21 Judicial Court website.

22 So, this concludes the special ceremonial session  
23 of the Nebraska Court of Appeals.  
24  
25



James B. Gessford  
Rex R. Schultze\*\*\*  
Daniel F. Kaplan  
Gregory H. Perry  
Joseph F. Bachmann\*  
R. J. Shortridge\*  
Joshua J. Schauer\*  
Derek A. Aldridge\*\*  
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Of Counsel  
John M. Guthery  
Thomas M. Haase  
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\*Also admitted in Iowa  
\*\*Also admitted in Kansas  
\*\*\*Also admitted in Wyoming  
\*\*\*\*Also admitted in Colorado

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PERRY, GUTHERY, HAASE & GESSFORD, P.C., L.L.O.

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Ernest B. Perry (1876-1962)  
Arthur E. Perry (1910-1982)  
R. R. Perry (1917-1999)  
Edwin C. Perry (1931-2012)

March 13, 2019

Via Email: [william.cassel@nebraska.gov](mailto:william.cassel@nebraska.gov)

Honorable William B. Cassel  
Nebraska Supreme Court  
State Capitol #2211  
PO Box 98910  
Lincoln, NE 68509

RE: *Judge Hannon*

Justice Cassel:

I want to thank Justice Cassel for giving me the opportunity to be heard, from whence I have escaped to avoid the white stuff that often falls from the sky in Lincoln. I extend my sympathies to Judge Hannon's wife Mary, and his children, Michael, Patrick, Maureen, and Kathleen, and my greetings to Ed's judicial colleagues, and friends.

As many of you know, Judge Hannon was one of the six original judges of the Nebraska Court of Appeals appointed at the inception of the Court by then Governor Nelson. None of the six of us really knew each other, as we all came from different parts of the State and from various legal backgrounds. Ed was the only one of us with previous judicial experience. Within days of our joint appointment ceremony in December of 1991 I was named as the first chief judge of the court---giving me some organizational responsibilities. Ed was a bit older than I, and was reputed to be an excellent trial judge, so I was a bit leery as to how he would respond to me, a judicial rookie, as the Chief Judge. As it turned out Ed was an invaluable resource for me in the early days of the Court, and throughout our time together on the Court.

Ed, John Wright and I were initially ensconced on the first floor in the Capitol---I had an actual office, and Ed and John were in a large room, and they had to go through my office to get to their work space. Because John and Ed were together in that hideaway, to this day I believe that Ed was an unindicted co-conspirator in John Wright's pranks that he seemed to relish playing on me. Some of you may remember some of John Wright's tricks---such as John managing to get his hands on my first Judicial Evaluation Poll before I saw it and making some not so flattering edits

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on it before it got to me. The edits made me believe that I had totally failed in my first 2 years on the bench. Although pleading innocence, Ed thought it was very funny; me not so much.

Ed Hannon was a walking law library; I truly believe that he never forgot a Supreme Court opinion that he had read---even if it was 25 years ago. We shared chambers throughout our mutual judicial careers, and he was my go-to guy whenever I was “stuck,” and he would dredge up from his memory bank a case that I needed to read. Ed always had time to discuss an opinion with me and was always thoughtful and helpful. I went to him far more often than he came to me for help. His legal reasoning was always sharp, and helpful---with one exception, a product of his slight stubborn streak. I was assigned an opinion on an appeal in which the trial court had granted a summary judgment, which Ed believed with every fiber of his body was wrong---but he was on the wrong side of a 2-1 vote. Ed said he would write a dissent. For at least 2 weeks thereafter, he was fully occupied in looking up and reading virtually every summary judgment opinion ever written by the Nebraska Supreme Court and writing his dissent. I would occasionally during that time stick my head in his office---now littered with open case books and copies of cases---and asked him “what’s up” he would say “working on my dissent.” My attempts to convince him that he might just be wrong on this one were unavailing. He wrote his dissent, which encouraged the losing party to seek further review from the Supreme Court which they promptly denied. We never discussed that case thereafter.

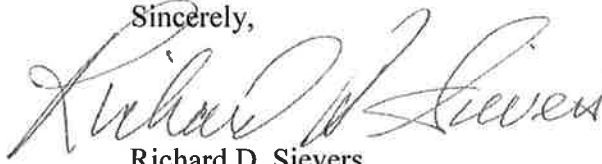
I have many fond memories of Ed Hannon; not only his intelligence and hard work, but what a good hearted, happy man he was. He was a devoted family man, loved his wife and children dearly. He was a devout man. He was a kind man to all others, he treated his clerks and all court staff with respect. Ed was willing to lend a hand at any task. He loved his rose garden, and his red wine. He was a fun and interesting dinner companion---as a court the six of us always went out for dinner one evening during our monthly argument session. He would regale us with his war stories from his days as a practicing lawyer and a district judge. He was a man who could laugh at himself. In the first year of the Court, Ed, John Irwin, and I did an argument session in Scottsbluff traveling in a state van with a couple of our law clerks. Ed wanted to stop in Oshkosh for ice cream. I naturally left the key in the ignition, and when we returned to the van to leave, we were locked out. Without any real evidence I suggested that Ed had pressed the lock button when he left the van, but he maintained his innocence for years with a grin and a laugh, which I thought made him more guilty. We ended up calling the county sheriff to come break into the van with his “slim-jim.” We relived that incident many times, but Ed never could escape blame.

Ed was a joy to have as a colleague in so many ways. I cherish my memories of working with him and it was a privilege to have been his friend. I never heard a negative word said about him as a man, a husband, a father, a boss to his clerks, or as a judge. He was a one of a kind guy. The Nebraska judiciary was incredibly well served by his presence on the bench, and his family can be very proud of the person he was and the contributions he made to the cause of justice.

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I regret not being in Lincoln today for this ceremony for Ed, but frankly I was afraid it might still be snowing. Thank you for allowing me to share some thoughts and memories about my dear friend and colleague Ed Hannon. I suspect he now gets all the red wine he wants.

Sincerely,

A handwritten signature in cursive script that reads "Richard D. Sievers". The signature is written in black ink and is positioned above the printed name.

Richard D. Sievers

RDS/