

MEMORIAL SERVICE  
FOR  
**THE HONORABLE**  
**THOMAS MICHAEL SHANAHAN**

NEBRASKA SUPREME COURT  
AND THE  
U.S. DISTRICT COURT, DISTRICT OF NEBRASKA

Monday, April 9, 2012  
3:00 P.M.



Roman L. Hruska U.S. Courthouse  
Omaha, Nebraska

MARSHAL MARK MARTINEZ: The Honorable Judges of the United States Courts and the Honorable Justices of the Nebraska Supreme Court. Hear ye; hear ye; hear ye. The United States District Court for the District of Nebraska and the Nebraska Supreme Court are now convened in ceremonial session. The Honorable Laurie Smith Camp, Chief Judge, and the Honorable Michael Heavican, Chief Justice, are presiding. God save the United States and these Honorable Courts.

CHIEF JUDGE SMITH CAMP: Thank you, Marshal Martinez.

And welcome to the celebration of the life and career of Judge Tom Shanahan.

You can see that this ceremony is hosted both by the Nebraska Supreme Court and by the U.S. District Court because both courts claim Judge Shanahan as one of our own.

I'm Laurie Smith Camp, Chief Judge of the federal District Court, and it's my honor to share the bench with Chief Justice Michael Heavican of the Nebraska Supreme Court.

In a moment, the Chief Justice will be introducing the other members of the state court bench. But first we want to welcome Judge Shanahan's family. Starting with his beloved wife of 55 years, Jane Shanahan. And Jane, there you are. Thank you. My eyes are not as good as what they used to be.

With her, other members of the family. And Jane, if your other family members would like to introduce themselves for the record, then the record will reflect who was here today.

MR. SHANAHAN: I'm Tim Shanahan, Tom's son.

MS. SHANAHAN: Mary Beth, Tom and Jane's daughter.

CHIEF JUDGE SMITH CAMP: Very good. Welcome.

Also with us today are several of Judge Shanahan's former law clerks, his judicial assistant, and his court reporter. His court reporter, Sue DeVetter, can't stand up and wave to you because she is making a record in this case. But the other members of Judge Shanahan's former staff can stand if they would. And if you would tell us your name, your position that you held with Judge Shanahan's chambers, when you worked for him, and if you wish, you can tell us what you're doing now. We would like to make a record of those of you who are here.

MS. HANSEN: Cindy Hansen. I was Judge Shanahan's secretary and now I'm retired but I miss him a lot and he was the perfect boss.

CHIEF JUDGE SMITH CAMP: Thank you, Cindy.

MR. SHARP: John Sharp. I was a law clerk from 2001 to 2004. Stayed in touch with the Judge. Wonderful man and I learned a lot from him about both the law and life. Miss him very much.

CHIEF JUDGE SMITH CAMP: Thank you, John.

MR. SCHULLER: Bob Schuller. I was a law clerk for the Judge, Nebraska Supreme Court, 1986-1987. All -- I second all the comments. A great man.

CHIEF JUDGE SMITH CAMP: Thank you.

JUDGE BURNS: Tim Burns. I was a law clerk for Judge Shanahan from 1984 to 1985. I had the honor of him swearing me in as a District Court judge last August. I just echo what everybody else is saying, what a wonderful mentor he was and what a wonderful position I had with him to be able to work with him for a year right after law school.

MR. ENGDahl: I'm K.C. Engdahl, practice here in Omaha. I clerked for Judge Shanahan in 1984-85. Thought the world of the man. I was not sworn in by him but I was sworn at by him. And the further I get away from that time frame I realize more he was an amazing man. Amazing man. He really was. I learned a great deal from him.

MR. ZWART: Dave Zwart. I was a law clerk from 1991 to 1992. Same sentiments. Enjoyed my year with the judge very much. Learned a great deal. He didn't swear me into the Nebraska Bar but he did tell me I flunked the bar before he told me I passed.

MR. WIGHTMAN: My name is Jack Wightman. I clerked for the judge in 1992 and '93 on the Nebraska Supreme Court, the last year he was on the Court before he went onto the federal bench. I'm now a lawyer here in Omaha with First Data. And I really enjoyed my year working for the Judge. It was very educational as well as very entertaining.

MS. JUSTER: I'm Sara Juster. I clerked with Jack at the Nebraska Supreme Court from '92 to '93. Judge was an

incredible teacher and mentor and I'll miss him a lot. And I'm currently with Methodist Health System as Vice President of Compliance.

MS. GOLD: I'm Julia Gold and I clerked for the judge from 1995 to 2001, here, in this building. And he kept me laughing the entire time. And I learned something new every day.

MS. WOODWARD: Sheila Woodward. I clerked for the judge from 1995 to 1997, in the old building. I'm enjoying these new digs quite a bit, wish I could have worked here. I'm now an attorney in Yankton, South Dakota.

My favorite Judge Shanahan story is he walked into my office one day and asked me if I owned a legal thesaurus. I said, "No." He said, "I didn't think so" and he slammed one down on my desk and walked back into his office.

MS. GOSSIN JENSEN: I'm Jill Gossin Jensen. I clerked for the Judge at the Nebraska Supreme Court from '93 to '94, and then for the six months left on our time at the federal District Court here. And there's too many -- too many stories.

CHIEF JUDGE SMITH CAMP: Have we missed anyone?

Please.

MS. GRIESS: I'm Kathy Griess. I was Judge Shanahan's first courtroom deputy. And now I'm Judge Bataillon's courtroom deputy. But the judge was just a wonderful man and we miss him and I echo everyone's sentiments.

MS. VEYLUPEK: I'm Pat Veylupek. I was Judge Shanahan's second courtroom deputy. He was a joy to work for. Absolutely a fantastic person. Good teacher. And I too echo everybody else's sentiments. He was wonderful.

MR. MASTELLER: My name's Jim Masteller. I clerked for Judge Shanahan '99 to 2001, here in the U.S. District Court. The first year it was actually in the old building and we moved the second year to this building, which was quite a step up. He was a great boss to work for. I'm currently with the County Attorney's Office.

CHIEF JUDGE SMITH CAMP: Anyone we've missed? Well, we all know that Judge Shanahan loved the people he worked with, his staff members, like members of his own family.

There are three other special guests, good friends of Judge Shanahan's, that I want to acknowledge at this point in time. W. Don Nelson is with us today. And I found out today that he is the publisher of the *Prairie Fire - The Progressive Voice of the Great Plains*, which I intend to read from now on.

Also Dean Larry Raful, the dean of Touro Law School, Long Island, who is a former dean of Creighton Law School. And welcome, Dean.

And Judge Bob Pratt, U.S. District Judge from the Southern District of Iowa.

Welcome to all of you.

At this time I'll ask the Chief Justice if he would please

introduce the members of the state court bench.

CHIEF JUSTICE HEAVICAN: Thank you, Judge Smith Camp, very much. I'm going to introduce the members of the Nebraska Supreme Court, first by order of seniority on the Court. And they might either raise their hand or stand briefly as I do so.

First of all, Justice John Wright, Justice William Connolly, Justice Kenneth Stephan, Justice Michael McCormack, Justice Lindsey Miller-Lerman.

And then I would also like to introduce members of the Nebraska Court of Appeals who are with us today. First of all, Judge William Cassell, Judge Michael Pirtle, and Judge John Irwin.

And I believe I've got all the members of those two courts. If I missed anybody, please say something now.

I would also like to introduce Betty Connolly, the wife of Justice Bill Connolly; and Mary Kay McCormack, the wife of Justice Mike McCormack. And if there are other wives, I apologize; I don't have you down here today.

Thank you all.

CHIEF JUDGE SMITH CAMP: Thank you, Chief Justice.

Well, I will introduce the members of the federal bench, not in order of seniority or in rank, but in order of beauty, and you can decide whether I'm going in the ascending order or...

We'll start with Judge Joe Bataillon.

JUDGE BATAILLON: Oh, jeez.

CHIEF JUDGE RILEY: Well, we know now.

CHIEF JUDGE SMITH CAMP: Judge John Gerrard; Senior Judge Warren Urbom; Senior Judge Lyle Strom; Senior Judge Rich Kopf; the Chief Judge of the U.S. Court of Appeals, Bill Riley; the Senior Judge of the U.S. Court of Appeals, Eighth Circuit, Arlen Beam; Magistrate Judge Tom Thalken; Magistrate Judge Cheryl Zwart; Magistrate Judge F.A. Gossett; and Bankruptcy Judge Tim Mahoney.

JUDGE MAHONEY: I win.

CHIEF JUDGE SMITH CAMP: Just as the state courts and the federal courts both claim Judge Shanahan as one of our own, all three of the congressional districts in Nebraska claim Judge Shanahan as one of their own. And we're going to be hearing about his life and work in each of those districts.

Our first speaker, Deb Gilg, is the United States Attorney for the District of Nebraska and the chief federal law enforcement officer in the state. Before she took office as U.S. Attorney, she was the chief law enforcement officer in Keith County, Nebraska, working out of Ogallala, the county seat. During her years working in Keith County and across western Nebraska, she had the opportunity to come to know a fellow lawyer who, like her, came from Irish-American roots in the big city of Omaha and migrated to the high plains.

Please welcome Deb Gilg.



(Applause)

MS. GILG: Thank you, Judge Smith Camp. And thank you for the honor of being allowed to come and have a few comments about Tom Shanahan.

You know, I thought a lot about this. And since it's a memorial service, it seems to me that we need to focus on how Tom Shanahan lived his life. Not what he gained from his life, but what did he give to all of us? And these are the units I believe that you measure a man's worth by.

I first met Tom Shanahan as a young, fledgling lawyer in Ogallala. He was a partner in the McGinley Lane Law Firm, which at that time was the premier law firm, certainly in Ogallala, if not in all western Nebraska. Tom taught me a lot about how to be a lawyer, including how to act when faced with legal malpractice. Now, legal malpractice is not something a new lawyer aspires to, but in my case, it happened. I failed to file an answer on time in a lawsuit. And, you guessed it, Tom was opposing counsel. My senior partner, who I went to in a panic about having done this, told me I'd have to work it out with opposing counsel. So I sucked it up and I called Tom. And as I fell on the sword and confessed my sin to him, he chuckled. And he told me he was sure I would never, ever forget about a deadline again, and just go ahead, file the answer late, he wasn't going to object.

Well, he was right. I never, ever forgot a deadline again.

But I also remembered how cordial and how gracious he was to me as an obviously inexperienced lawyer at the time.

And so we formed a friendship that day. And no matter what the geographic distance as he traveled on to Lincoln to be on the Nebraska Supreme Court and then back to Omaha to be on the federal court, I knew that I could always call on him for lunch, advice, a chuckle or two, some mentoring, or whatever.

In reminiscing with Ogallala lawyer Jim McQuillan recently, he remembered that in 1968 in Ogallala, there was no cable television. Reception and selection was very limited. You had rabbit ears. Now, I came to that area in 1977 and that was certainly true then as well. But in 1968, Notre Dame was playing Michigan State on television. And both Tom and Jim were rabid Irish fans and they wanted to see the game, trying to figure this out. Well, I didn't know this, but Tom had a pilot's license. And so at that time, Jim and Tom piled into a small plane and Tom flew he and Jim off to O'Neill, Nebraska, to watch the Irish play on television. Jim tells me that he had several beers while watching the game and Tom, well, he had his usual orange pop, which is a good thing for a pilot, I think.

Another Ogallalan, Bob Hogan, who was the principal at the schools there, enjoyed a trip with Tom where they went to Wyoming to go fly fishing. Now, Hogan remembers that he brought along a case of beer. Tom brought a 12-pack of orange pop. But there must be something lucky about the orange pop because it

was Tom who caught the only fish while they were off on their trip.

Although Tom was known for his calm and patient demeanor, while he was awaiting his confirmation as a federal district judge, it became quite a trying time for he and Jane. Now, Tom and Jane were very good friends with W. Don Nelson and Andrea. And W. Don at that time was working for then-Senator Kerrey. So he and his wife decided that they would take them out trying to get their mind off all of this crazy stuff that was going on because even then the Senate was -- his confirmation was held up in some type of psychodrama that was totally unrelated to Tom or his qualifications to be a judge. And so this was a good idea. So W. Don took them out for dinner and a movie. And the movie that they chose to see was the movie *Dave*.

Now, I don't know how many of you in this room remember the movie *Dave*. In the movie *Dave*, Kevin Kline played the look-alike president. This was the movie where the president suffered some type of serious illness, was put on life support, and they had him several floors down underneath the White House, tethered to all sorts of machines and so forth. And Kevin Kline, because he looked like the president, the president's staff, because they didn't want to admit how bad off the president was, had Kevin Kline, you know, step in and pretend to be the president.

Well, when they get to the scene in the movie where they

have the big reveal -- and that's where the president is tethered in the bowels of the White House -- W. Don leans over to Tom in a stage whisper at the theater and says, "Tom, that's where they have your nomination stored." Well, as W. Don tells me, Tom erupted with a litany of profane and accusatory words, none of which W. Don to this day will reveal. Is that correct? But, thankfully, a few months later Tom's confirmation came about.

He never took himself seriously, even when it came to senior status. Again, a time when W. Don took him to lunch when Tom took senior status. And such was the friendship between the two of them that Tom could vent to Don about things that would happen, knowing that his secrets were protected and would not be repeated.

So you were on your way to Rick's Boatyard Cafe for lunch. And Tom complained to Don about how the chief judge had assigned him a complete criminal docket of backlogged cases. He was not happy about this at all. Well, Don looked at Tom and simply said, "Well, Judge, just how long does it take you to decide guilty or not guilty?" He said the judge just laughed uproariously and that was the end of any of the complaining because it was all in perspective at that point.

The stories can go on and on. There's many speakers here. But we all know what a breath of fresh air was Judge Shanahan. He was the only judge that ever sent me flowers with a card

signed by his two dogs, Fritz and Frieda.

He lived his Catholic faith in everything that he did and said. He worked the soup line for the homeless and he made friends of those really in need. He brought many a smile to all of us and he banished many tears. The obituary in the newspaper was a masterpiece of all that he did, but what it didn't say can be summed up by simply stating: Anyone who knew him was touched by him and the better person for knowing him.

Thank you.

(Applause)

CHIEF JUDGE SMITH CAMP: Thank you very much, Deb.

Judge Shanahan practiced law in Ogallala for 23 years with the firm formerly known as McGinley, Lane, Mueller, Shanahan, O'Donnell & Merritt, now McGinley, O'Donnell, Reynolds & Korth. Kevin O'Donnell shared that law practice with him for several years and, more important, shared his friendship. I suspect that Kevin O'Donnell also shared a little of Judge Shanahan's Irish blood.

Please welcome Kevin O'Donnell.

(Applause)

MR. O'DONNELL: Members of the judiciary, Jane, and members of the Shanahan family, friends of Tom, honored guests:

It's true that when Tom left for the Supreme Court, the name on the door was McGinley, Lane, Mueller, Shanahan, O'Donnell & Merritt. I came out to Ogallala from Omaha in early

April of 1977. And the first day I was there, they were trying to find me an office. They found something they called a desk. We were scrounging around for a chair. And in bounced Tom, with a large file under his arm, and that grin that we always remember he had.

He said there was a case that was kicking around the firm since 1968. It was a motor vehicle accident in Garden County, and he thought it would be fun if we tried it, so he scheduled it for jury trial six weeks down the line. He said, you know, we're going to have to issue subpoenas, prepare for depositions, get our witnesses ready, contact experts, do a witness list, an exhibit list, jury instructions, pretrial motions, briefs. Here's the file. Good luck.

For the next six weeks -- and I should say that it's great that when you're totally clueless, you don't panic. For the next six weeks we worked together on this case and by the time it was ready for trial, we were ready. Now, as a young attorney, I suspect the first time you sit at counsel table you probably wonder if -- you know, if your tie's straight or, you know, you sit up, sit down, stand up, how do you address the Court, what do you do next. People staring at you. I remember what I was thinking. I was thinking that it was 95 degrees out and the courthouse had no air-conditioning.

We tried the case over the next several days and it was going real well. Tom was doing a really fine job. And we

started thinking maybe 15 or \$20,000 to be asking for, but by the time it went to the jury, we were thinking \$60,000. Tom was really concerned because he didn't want to aggravate the jury in any way. He was afraid we might be asking too much. These people were older, they were conservative, it was a rural area. They had all lived through the Depression.

Nonetheless, he had done a great job on the case and he argued it brilliantly to the jury. And one afternoon it went to the jury and he figured, well, by the end of the afternoon the jury would want the county to pay for supper and then we'd get our verdict right after supper.

Ten o'clock that night, the jury was still out. There was no verdict. And we agreed that the jury could come back the next day and the verdict would be taken out of the presence of the lawyers and the attorneys.

We got the call just before noon. The jury had come back. It was a plaintiff's verdict and it was for \$60,000.

It was the largest verdict ever in Garden County. It was one of the larger verdicts in western Nebraska at the time. And I'm sure it was a highlight of Tom's career as a practicing attorney.

I learned a lot. I learned how to prepare a case from a master. And I learned if you're going to try a jury trial, make sure the courthouse has air-conditioning.

Now, that should be the end of the story, but it's not. I

was up in Garden County a few months later and the clerk of the District Court was this little old Irishman by the name of Edward Sullivan. I remember he always had suspenders, he always wore cowboy boots, and he had a wicked sense of humor.

He said, "You know, you need to tell Mr. Shanahan that was a grand verdict."

"Well, thank you, Mr. Sullivan."

"You know, it's the talk of the county."

"Well, I'm glad to hear that. You know, we were kind of worried; that jury was out for a long time and we were kind of nervous."

He said, "I know. They were right down the middle, split."

And I said, "Really?"

"Oh, yeah. Half of them wanted to give you the 60 and the other half were dead set against it. They wanted to give you a hundred but you didn't ask for it."

This is the day after Easter, but I think about the first few lines of the gospel that they preach on Ash Wednesday and to summarize, basically it's if you're going to do a charitable act, do it quietly. In the six years that I was across the hall from Tom, a week did not go by when he wasn't performing free legal services for somebody who needed it, whether it was doing a will, appearing in court, or just giving solid legal advice, and he did it quietly. That's the Tom Shanahan I remember.

Thank you.



(Applause)

CHIEF JUDGE SMITH CAMP: Thank you, Kevin.

Professor Ronald Volkmer of Creighton University School of Law may be our only speaker without roots in Ireland; nonetheless, he became a dear friend and trusted advisor to Judge Shanahan over the years. He and Judge Shanahan shared a commitment to their church, their community, the law, and the mission of helping those in need. That commitment brought them together on a regular basis working the night shift at the emergency shelter at Omaha's Stephen Center.

Please welcome Professor Volkmer.

(Applause)

PROFESSOR VOLKMER: Thank you, Judge Smith Camp and Chief Justice Heavican. Honored guests, members of the judiciary:

I'm very honored to speak this afternoon in remembrance of one of my heroes, Tom Shanahan. There are many, many stories of Tom Shanahan as the lawyer, the judge, the husband and the father. He had what my friend and his fellow judge, Bob Pratt, called a life well lived in the law. But it was not his life in the law that caused my friend Larry Raful and I to refer to Tom Shanahan as simply "The Great One."

My association with Tom was, I suspect, fairly limited to others who have spoken and will speak about Tom. And yet I have such treasured memories of him, memories that I, in fact,

reviewed this morning, in the wee hours, in the very same place that we spent time together in the early 1990s, that emergency shelter in South Omaha.

So this morning as I put my thoughts together, it was a bit difficult but I do have a few vignettes to share with you.

I thought first about May 1st, 2008, the date of the Omaha Bar Association's Law Day luncheon. Before I received my award from the Omaha Bar, I had the microphone. I was able to tell Tom, his family, and those assembled that the real honoree was to follow, as Tom Shanahan was to follow me and receive, fittingly, the Lifetime Achievement Award. How lucky I was to be able to tell the assembled gathering just how special Tom was in my life and to thank him for that life well lived.

But as I said, it was not just a life well lived in the law, as honorable and as important as it was. Tom Shanahan was larger than life because in my opinion he cared deeply about his fellow man. He always recognized the scales of justice needed to be evenly balanced. Tom Shanahan believed in Lady Justice with the blindfolds and those scales.

One of my other vignettes, going back to our days in the Stephen's Center. It's in the early 1990s and there we are, Tom and I, together, talking through the night. He recounts to me an experience that he had in law school. His recounting of that experience has remained with me to this day.

As a Georgetown law student, Tom visited a federal

courthouse and attended a criminal trial. The clerk of the court cries out the next case: The United States of America, Its Territories and Possessions, versus Joe Smith. At that moment, Tom thought to himself and he told me later, "Now, that's not a very fair fight." If it's not a fair fight, then justice has not been served and Tom's entire legal career was characterized by a passion for justice.

And so the years passed. I hear from Tom infrequently and I hardly ever see him. He is battling cancer. He is undergoing treatments. He calls me up and I ask him how he's doing. He says the treatments are no fun. Well, when he goes in for treatment, he tells me that he considers himself lucky, as others have it, quote, much worse than he does. Then he asks me, "Do you know where I can volunteer? I'm thinking of volunteering at the Josie Harper Hospice House. I think they need a reference. Would you mind serving as a reference for me?"

Last week I had a conversation with Tom's good friend and former colleague on the bench, Justice William Connolly. Judge Connolly and I reminisced about Tom and Judge Connolly simply noted that Tom gave us an example of how to lead our lives during the last period of his life when he so courageously accepted the cross of cancer and offered himself up to others. How fitting it is on Easter Monday that we remember his example of taking the cross of suffering and turn it into a blessing.

As a final tribute to Tom, I quote from someone who has written about cancer. And having lost my mother to cancer, this strikes very dear to me. And the title of this reflection is "What Cancer Cannot Do."

What Cancer Cannot Do: It cannot cripple love. It cannot shatter hope. It cannot corrode faith. It cannot destroy friendship. It cannot suppress memories. It cannot silence courage. It cannot invade the soul. It cannot conquer the spirit. And it cannot steal eternal life.

Eternal rest grant to you, Tom Shanahan, and may you be in heaven a moment before the devil knows you're there.

(Applause)

CHIEF JUDGE SMITH CAMP: Thank you, Professor Volkmer.

The Honorable C. Thomas White is a proud son of Ireland. His judicial career spanned more than 30 years, 11 on the Nebraska District Court bench and 22 on the Nebraska Supreme Court, the last four of which were served as Chief Justice. He balanced his legal career with more than 26 years in private practice, half on either end of his judicial service.

The former Chief Justice will share with us some memories of life with Justice Tom Shanahan on the Nebraska Supreme Court.

MR. WHITE: Judge Smith Camp, Mr. Chief Justice.

The west of the State of Nebraska has regularly produced lawyers of high caliber and integrity to serve on its highest bench. Judge Shanahan replaced a retiring Judge Lawrence

Clinton of Sidney, a World War II veteran, and a former Infantry Company Commander in the Philippines. We who were on the Court anticipated the arrival in 1983 of a no less vigorous and capable lawyer by the name of Thomas Shanahan. Judge Grant and I also looked forward to another Irishman on the bench, to the end that among Irish, there can't be too many.

There was no period of adjustment visible in Tom's arrival. He understood the rather heavy workload of the Court, the collegiality, the differences of opinion, that while noisy, were never antagonistic.

Tom felt a strong interest in all cases, not just his own, and was not shy about expressing his differences in prose most direct, sometimes humorous, and never vindictive. He shouldered his share of the load and was not reluctant to share some of his brothers' load when a colleague became ensnared with cases involving a new concept, or the large question as to whether the Court needed to take a different course.

Tom was a cheerful and pleasant presence in the courtroom. His questions towards presenters were pertinent and never cruel. He loved his profession and his position as a judge.

At the same time, Tom was a private man, given to thoughtful silence and introspections. He valued his solitary time at the mountain trout stream and his private time with his loving family.

We missed Tom after his appointment to the bench. We

concluded only that Senator Kerrey wished Tom to get some experience as a trial judge.

I remember him with his ebullience, his humor, his intellect and his thoughtful silences and his love of nature and his desire to retreat to recharge, which reminds me of a line of Yeats: I will rise and go now to Innisfree, and a small cabin there build...And I shall have peace there, for peace comes dropping slow.

I conclude with that final farewell of the Catholic funeral mass: Thomas, may the angels conduct you to paradise.

Thank you.

(Applause)

CHIEF JUDGE SMITH CAMP: Lorraine Boyd is the news editor of *The Daily Record*, the first newspaper that Omaha lawyers read every morning. Like the *World Herald*, it's locally owned. As news editor, Lorraine is also the lead reporter, theater critic, the chief photographer, and the paper's goodwill ambassador. Lorraine wrote several columns about Judge Shanahan over the years and you will have a chance to read them later upstairs at the reception. More importantly, she developed a friendship with him and we are delighted to have her share some of her memories with us today.

Please welcome Lorraine Boyd.

(Applause)

MS. BOYD: Thank you, Judge Smith Camp.

Seems funny to be up here. I'm always the one out there taking pictures of the person up here.

Distinguished guests, members of the judiciary, family and friends of Judge Shanahan:

When I was first approached to speak today, I thought, why me? I'm not a lawyer or a close personal friend or a classmate. But the more I thought about it, the more grateful I was to have this opportunity to remember Judge Shanahan, or "Shanny," as he referred to himself. Others have shared their admiration for him as a jurist and a volunteer. To paraphrase, and turn inside out Shakespeare, I'm not here to bury Shanny, but to praise him.

My association with him was professional but my response to him was personal. That was the power of the man.

From the first time I spoke to him, he treated me as an equal, a friend, a colleague. I have no doubt that countless people would say the same thing. He had a gift for making you feel special, included, welcomed.

I never thought when I first went to interview him in his chambers back in 2004 that I would come to care so much about this man. From the outset of that first interview, he had me laughing. About the strange, breathing, fake dog in his office; about his real dog, Fritz, the lummoX; about the photo of a terrified cat on his desk, and he said, "I don't much care for cats"; and about himself. His self-deprecating humor was disarming and made it easy and unintimidating to interview such

an accomplished jurist.

The results of that and a subsequent interview in 2008 were, in my opinion, two of the best articles I've ever written. I'm grateful to him for all that wonderful material to work with.

I'm grateful to have had the opportunity to meet and get to know him because it enhanced my life. You never know who will affect you that way, but you're always grateful when lightning strikes.

It's not often that a writer, who writes dozens of stories in a month or so, carries certain quotes in her head long after the article is printed. A couple of those quotes that I love and that reveal to me the soul of this kind man include our discussion about fly fishing. Noting that he and his wife were award-winning fly fishers, I said the sport was an art. "Not the way we do it," he said, laughing. "My fly fishing culminates when I climb up the tree and pull the fly out." Can't you just hear him say that?

He told me he wanted a pink kayak to paddle down the North Platte River. Why? "I just thought it would stand out," he said. It was Shanny who stood out, with or without a pink kayak.

Asked about his wife of five decades, he described her as, quote, "my best friend and travel agent."

Talking about taking a vacation, he said, "She did let me



go fishing last year, but this year we're into wallpaper. I don't have jurisdiction over wallpaper."

What he does have jurisdiction over are the hearts of many people who are grateful for knowing him.

Jane, Mary Beth, Tim, I wish you peace in the knowledge that Tom got it right. He is greatly missed.

(Applause)

CHIEF JUDGE SMITH CAMP: Although Bob Kerrey is not a lawyer, he has a great legacy in Nebraska's justice system. As Governor, he appointed Bob Spire as Attorney General and he appointed Tom Shanahan to the Nebraska Supreme Court, his first Supreme Court appointment, followed by the appointment of Justice John Grant.

When Bob Kerrey was first elected to the U.S. Senate, he took Bob Spire with him as an advisor, and then supported Judge Shanahan's appointment to the federal District Court bench.

Senator Kerrey, although you don't have a law degree, it's apparent you are a connoisseur of judges and lawyers with the most discerning taste.

Please welcome Senator Bob Kerrey.

(Applause)

MR. KERREY: Judge Smith Camp, nobody has ever said that about me before. I'll have to think about that for a while.

But Chief Justice Heavican and members of the bench,

and Jane and Mary Beth and Tim, to you and the people who have talked already who obviously knew and loved Tom very, very much, you do feel Tom's presence in this room. And if he were here and could speak, I was sitting there trying to think, what would he say to me right now? And it would probably be something like, "When did you become an old fart?"

And it's true, Tom was my first appointment to the Supreme Court. And among the things that a very fine man, Governor Charlie Thone, said about me in 1982 was that I didn't know an ear of corn from a ukulele. He wasn't too far off. I certainly knew very little about what it took to be a good judge. And I was thinking, prior to coming here, what it does take to be a good judge. First of all, it takes a willingness to do the work. And it's an under-appreciated job in America today. Not just the stability that our system -- our judiciary provides us, but with -- I would say, a generally accepted belief is you are going to get your fair day in court.

Tom embodied everything that I would want in a judge. H.L. Mencken is maybe an inappropriate person to compare to Tom, had this wonderful quote about justice. And he said that people say injustice is difficult to bear. Injustice is not difficult to bear; it's justice that's difficult to bear.

And everyone who sat on the bench and had to make a judgment understands that because there's real consequences; real, oftentimes, life and death consequences.

So to those of you who serve in this capacity, I thank you. And I thank you for your willingness to make these kinds of judgments.

The second is -- and it's been commented on many times -- are values. Quoting another inappropriate individual, Groucho Marx. Groucho Marx once said: The two most important things in life are honesty and fair play. And if you can just fake those two, you got it made.

Well, most of us know that you can't fake those two. And what you got with Tom Shanahan was honesty and fair play in abundance. He was the gold standard when it came to honesty and fair play, both with the robe on and with the robe off, as you've heard here this afternoon.

The next thing is, I would say, intellect. And Tom had that in abundance. Not just intellect but he trained himself to be able to think critically. Again, for those of us who are not lawyers, we have come to appreciate, at least I hope we've come to appreciate, the value of critical thinking. Critical thinking is not just being willing to criticize, that it involves the capacity to listen attentively, to listen actively. It involves the capacity to separate various facts in a case. It involves many different characteristics.

And again, when you see it in a genuine human being as Tom Shanahan, you know you've seen the real thing. Tom Shanahan epitomized what I would say is a human being who had learned,

who trained himself -- because you do not have this at birth -- to take that extraordinary intellect, those extraordinary values, and bring it to the critical thinking that's always required when judgments are being made about the law.

The next thing that I would want is a little bit of humor. And Tom Shanahan had humor in abundance. It never occurred in a meeting that I had with Tom Shanahan that I didn't at least smile, if not laugh out loud, as a result of something he said, most often about himself. So he combined humor with humility and intellect and critical thinking and all the things that all of us want for ourselves, let alone in our judges.

And so, as I thought about the life of Thomas Michael Shanahan, I can only say that those of us who knew him a little, those of you who knew him a lot, we were lucky indeed to know a man as good, as decent, and as great as Thomas Michael Shanahan.

Thank you.

(Applause)

CHIEF JUDGE SMITH CAMP: Thank you, Senator Kerrey.

Sue DeVetter was very kind to provide me with a copy of the transcript of Judge Shanahan's investiture ceremony for federal court that was held on December 10 of 1993, about ten years after his state Supreme Court investiture. And I would like to read you an excerpt from this ceremony, from his remarks, because I believe the excerpt captures the essence of a very humble, witty and brilliant man.

And now I quote: "[I]t was just a little over ten years ago that there was an assembly such as this and I looked out and there was Mom. And Dad was dead at the time. Still is, for that matter. Dad was deceased and I looked at Mom and I said that Dad was in heaven with God and they were looking down and smiling. And today, Mom's with God and Dad and they're looking down and this has to be a real knee-slapper.

"And I mention that because that kind of puts all this in perspective. All of us, even judges, are human beings and we're here for such a short time, but it is an opportunity to do so much good. And I hope, if I haven't embarked on that course yet, to certainly embark on that as a federal judge....

"I believe that our judicial system is a good thing. But it could be made better. And I hope to contribute toward making that a better thing and to make it, if you will, a fine thing. And in the words of another Irishman, William Butler Yeats, 'It's certain there's no fine thing since Adam's fall but needs much laboring.' So our judicial system, to become a fine thing, is going to require certainly your effort, my effort as well....

"[I]n all of this I'm reminded of a novel written by Thomas Wolfe and he entitled it, *You Can't Go Home Again*. Well, as Thomases are wont to do, he was wrong. Because Jane and I are coming home again.

"...God bless each one of you," end of quote.

Now, Judge Shanahan's comments bring to my mind the work of

another author, George Bernard Shaw, who wrote *Pygmalion*, that as you know was later made into *My Fair Lady*. And in *Pygmalion* there's a dialogue between Henry Higgins and Eliza Doolittle. Eliza says to Henry Higgins: Why can't you be more like Colonel Pickering? Colonel Pickering treats a flower girl as if she were a queen. And Henry Higgins responds: Well, I treat a queen as if she were a flower girl. The important thing is that we both treat everyone the same.

Judge Shanahan treated flower girls as if they were queens. And he treated the down-and-out with the same compassion that many others reserve for the rich-and-famous.

He was a man we admired and respected and he is greatly missed.

And at this time, I turn to the Chief Justice for any remarks you wish to share.

CHIEF JUSTICE HEAVICAN: Thank you again, Judge Smith Camp.

I just want to thank everybody for being here today on behalf of the Nebraska Supreme Court and all of Nebraska's judiciary. Thanks especially to all of the presenters and to you, Jane and Mary Beth and Tim, for your presence and for sharing Tom Shanahan with us over the years and especially for the ten years that he served on the Nebraska Supreme Court.

And I would also note that this is a unique ceremony in the judicial and legal history of Nebraska, to the best of my

knowledge, the shared ceremony between the federal bench and the state bench, so I want to thank our federal comrades for putting this together and for having us share this occasion.

Again, thank you very much.

(Applause)

CHIEF JUDGE SMITH CAMP: And before I close, because we are making a record, I don't want to miss anyone. And if there was someone who wished to make a remark or intended to make a remark, I do want to give you that opportunity.

All right. Well, I will mention one more thing about the investiture ceremony back in 1993 and that is that Judge Shanahan referred to his wife, Jane, as his right hand, his heart and his soul. And, Jane, I echo Chief Justice Heavican's comments: Thank you for sharing Tom with the court system -- the state court system, and the federal court system -- and for allowing us to have this ceremony to honor his service.

And to Tom, who is now with God and Mom and Dad, looking down at us and smiling or laughing: Thank you for sharing part of your short time with us and in your hands the justice system was indeed a fine thing.

We are now adjourned to the reception.

(Applause)

(The Memorial Service was adjourned at 3:57 p.m.)