

Nebraska Supreme Court

# *In Memoriam*

CHIEF JUSTICE WILLIAM C. HASTINGS

Nebraska Supreme Court Courtroom  
State Capitol  
Lincoln, Nebraska  
December 9, 2011  
1:30 p.m.

Proceedings before:

SUPREME COURT

Chief Justice Michael G. Heavican

Justice John F. Wright

Justice William M. Connolly

Justice John M. Gerrard

Justice Kenneth C. Stephan

Justice Michael McCormack

Justice Lindsey Miller-Lerman



CHIEF JUSTICE WILLIAM C. HASTINGS



# Proceedings

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CHIEF JUSTICE HEAVICAN: Good afternoon and welcome to everyone this afternoon. The Nebraska Supreme Court is meeting in special session on this 9<sup>th</sup> day of December, 2011, to honor the life and memory of former Supreme Court Chief Justice, William C. Hastings, and to note his many contributions to the legal profession.

I would like to start this afternoon by introducing my colleagues here on the bench. To my immediate right is Justice John Wright from Scottsbluff, and we would like to give him a special welcome being back with us today. To his right is Justice John Gerrard of Norfolk. And to Justice Gerrard's right is Justice Michael McCormack of Omaha. To my immediate left is Justice William Connolly of Hastings, and to his left is Justice Kenneth Stephan from here in Lincoln. And to Justice Stephan's left is Justice Lindsey Miller-Lerman of Omaha.

The Court further acknowledges the presence of the Hastings family here today and I'm going to ask you to please stand, if you would, when I call your name. And first up, of course, is Chief Justice Hastings' wife, Julie. Thank you very much. And the rest of the family can stand also. Present are Chief Justice Hastings' daughter Pam and her husband Jim Carrier. Their son, Daniel, was unable to be here today because he is at basic training for the Nebraska Army Guard in Fort Jackson, South Carolina. We also have son and daughter-in-law Chuck and his wife Jeanne Hastings of Hastings, their daughters Diane and Beth and Diane's husband Dustin were unable to be here today because of work commitments. And finally, son Steve Hastings is also with us here today. So, thank you very much all of the Hastings family and you may be seated. We certainly appreciate your presence here.

I would also like to welcome and recognize former members of the Nebraska Supreme Court and members of the Nebraska Court of Appeals who are here with us today. Other members of the judiciary and members of the bar and other guests, welcome to you all.

At this time, the Court recognizes Former Nebraska Supreme Court Chief Justice C. Thomas White. Justice White is the Chairman of the Supreme Court's Memorial Committee and he will now conduct the proceedings for us today.

Good afternoon, Mr. Chief Justice White.

CHIEF JUSTICE WHITE: Good morning, Your Honor. Good afternoon, rather. May it please the Court, four speakers have been arranged to honor the memory of Chief Justice Hastings. The first of these speakers is the Honorable D. Nick Caporale, former trial judge of the Fourth District in Omaha, Nebraska, and Justice of this Supreme Court.

Judge Caporale.

JUSTICE CAPORALE: Good afternoon, Your Honors. Ladies and gentlemen, members of the Hastings family, we find ourselves assembled in a chamber that echoes the life of one who contributed much to the jurisprudence of this state and to the work and legacy of this Court. William Charles Hastings, who preferred to be simply called Bill, spent almost two thirds of his 89 years on this life serving the law and half of that as a full-time jurist, an unusual accomplishment indeed.

Justice Hastings had considered a variety of careers, as a forest ranger, perhaps, as an engineer, or as a Navy man; however, color blindness kept him from the Naval Academy, and he returned to the interest he acquired in the law taking courses in public speaking and debate at Newman Grove High School. He entered the University of Nebraska. World War II intervened and he discharged his obligations to his country during that conflict by serving as a fingerprint specialist with the FBI and in the Army as well. Having discharged those duties, he returned to law school and began his legal career with what became known as Holland, Chambers, Dudgeon, and Hastings, started that in 1948. While with the firm, he served from time to time as a part-time county court judge. He remained with

the firm until 1965 when he was appointed to the district court bench by then-Governor Morrison where he served with distinction and was appointed to this Court by then-Governor Thone in 1979. In 1987, he was appointed Chief Justice by then-Governor Orr, and he remained in that capacity until retirement in 1995.

I would expect that if Justice Hastings were asked to isolate what he perhaps thought to be his most significant professional achievement, he would point to his leadership role, although he would not characterize it as such, in the establishment of the Nebraska Court of Appeals, which has demonstrated itself to be a worthy servant of the rule of law in this state, and without the existence of which the appellate process would take far more time than reasonableness would allow.

Those few words tell us what Judge Hastings did. They do not tell us who he was. And though others will address that topic, I'd like to spend a moment or two reflecting on my relationship with Judge Hastings whom I first met as a trial lawyer appearing before him as a trial judge. What I remember is that I tried a couple cases before him, and that's all I remember about those cases. And that's not a complaint. It's a compliment, because it means that the cases were tried without drama. If I must be completely candid, I suppose it's also possible I don't remember them because I lost them.

(Laughter.)

But, my later experiences with Judge Hastings convinced me that they became forgettable because there was no drama.

What I learned in serving with Judge Hastings on this Court is that he approached all issues, legal or administrative in nature in the same calm, informed, deliberative way. It was that style which earned him justly the reputation of doing what needed to be done, when it needed to be done, in a fair and compassionate way. It was that same style which earned him a number of professional recognitions and awards including the George Turner Award by the Nebraska State Bar Association and the Herbert Harley Award presented by the American Judicature Society.

In sum, the recurring echoes of Bill Hastings make this a better chamber than it would be without them. Thank you.

CHIEF JUSTICE HEAVICAN: Thank you, Justice Caporale.

Chief Justice White.

CHIEF JUSTICE WHITE: The next speaker, Your Honor, is Pam Carrier, a retired member of the bar of this Court and Judge Hastings' daughter.

CHIEF JUSTICE HEAVICAN: Thank you.

MS. CARRIER: May it please the Court, members of the Court, past members of this Court, members of the Appellate Court, judges, lawyers, staff and friends, my family and I both present and those unable to attend extend our appreciation to you for your attendance today and for the Supreme Court's tradition to honor Court members after their death. Such events and the memories and condolences from friends and acquaintances since Dad's death mean so much to all of us, but would truly embarrass Dad. Dad said, "I'm just a guy who's up there on the bench because of circumstances. I happened to be at the right place at the right time." As he said, "In my life, I do not think I ever pointed to any of the things that came my way. I did what I did because someone asked me to."

I remember Dad's professional career for three major changes that were made during his term on the Court, and specifically as Chief Justice. Dad would never let me say they were his ideas or that he was responsible for them occurring, as he always reminded everyone that the Court was seven justices and none of them could do anything alone. However, I firmly believe the Gender Fairness Task Force, the Alternative Dispute Resolution system, and the Court of Appeals should be known as his legacies to the Nebraska justice system. Yet these changes occurred because Dad listened to people and respected them and their ideas. He then worked collaboratively with others to get these changes made. He worked well with the other members of the Supreme Court, with the other judges in the state judicial system, with the Legislature, with lawyers, and with the community at large.

Asked why he had agreed to accept the position of Chief Justice at the age of 66, he said he felt everyone had a duty to give back to society if they were able to do so. That duty



to return something to the community was the beacon leading his professional life and one of his legacies to his children and grandchildren and others around him.

In presenting a speech to the National Honor Society in his hometown, he reminded them of the four elements of the National Honor Society, leadership, scholarship, character, and service. He commented on the first three elements and then said, "The most important of all is service, for without service, you've wasted the other three. Talents not shared are not talents. Service is simply paying your dues for being a member of society." His service to his community included president of the Junior Chamber of Commerce, president of the Child Guidance Center, on the board of the Lincoln Symphony, as well as serving as deacon, elder, trustee and president of our church's foundation. He was a life-long member of the Masonic Lodge in Newman Grove, and active in Scottish Rite in Lincoln where he participated in many ceremonies over the years and was awarded the Honorary 33<sup>rd</sup> Degree.

During his retirement years, he was on the State Retirement Board and the Lincoln Parks and Recreation Board. He was a strong financial supporter of the United Way and other charitable community organizations throughout his life, again believing that it was his duty to give back. I have been told by persons who were on boards with him that he would listen to everyone going back and forth on an issue for a while, and then he would make a statement that clarified the issue for both sides and often resolved any dispute. That, in my opinion, was evidence of his wisdom and strength of character.

His devotion and participation in the church was not a duty for him, but a faithful commitment. He was at church every Sunday it was possible and was an active participant. I'm always surprised at church when people remark to me that he was always so nice to them despite the fact that he was Chief Justice.

(Laughter.)

He always respected everyone no matter what their station in life. He never felt that he was better than anyone else. My brothers and I grew up assuming that was how everyone should

act. As an adult, I now see how special Dad was in treating everyone with equal respect. Dad was faithful in his prayers right up to the end. He prayed every night, some of which were repeated each night, but otherwise having a fresh conversation with God each day.

Dad was proud of his hometown, Newman Grove, and returned often to attend reunions and visit friends still there. Again, in the speech he made to the National Honor Society, he told the inductees to always play over their heads and that would lead to their success. He said he used to play tennis in his youth against older players. He said, "I usually got beat, but every once in a while I won. I feel I became a better tennis player by playing with tennis players better than I." He went on, "Same thing on the bench. After 18 years of practicing law, the opportunity to be a judge came up and I had a lot of doubts about whether I had the ability to do it. That's when I had this concept of playing over my head come into it again. I thought, well, if I play over my head, maybe I can make it, and I've been doing that ever since." When asked to be Chief Justice, he said, "I knew I was going to be—have to play over my head again," and he did, and I believe he won.

In spite of Dad's professional and community obligations, family was always his priority. My mother, Julie, and Dad were married for 63 years and had a true partnership in everything they did. Dad would be the first one to give Mom full credit for his successes. She was beside him and encouraged him all along the way. I am especially grateful for the opportunities that they had to travel in attending the chief justices conferences, that twice a year for over eight years they were able to travel to wonderful places with all their activities and arrangements planned for them. Planning and traveling was not something Dad enjoyed, but Mother did, and so with these trips, Mom was able to see many wonderful places while Dad participated in the meetings. These trips are part of Mom's special memories.

Dad's grandchildren would have loved to have been here today to celebrate their grandfather. Each one of them was influenced by him in a unique way. An example is that Dad was in the Army during World War II, and yet none of us

kids or Mom had ever heard stories of that time. But our son, Daniel, who has now enlisted in the Army Guard, told us of stories Dad had told him at the time when we were sharing memories after his death. We learned many things we did not know.

An incident occurred with a nurse aide near the end of Dad's life when he just didn't feel like eating, which showed that he remained in charge until the end. She was trying to get him to eat and told him it was against the law to starve yourself to death.

(Laughter.)

And Dad looked up at her and into her eyes and smiled, "Not in my court."

(Laughter.)

Dad's legacy will live on through the improved justice in Nebraska and he will live on in the hearts of his family and friends forever. I trust that each of us here today will be comforted by our memories of Chief Justice William C. Hastings, my dad. Thank you, again, for this special session of the Nebraska Supreme Court honoring Dad's memory. Thank you.

CHIEF JUSTICE HEAVICAN: Thank you, Ms. Carrier, for that wonderful presentation.

Chief Justice White.

CHIEF JUSTICE WHITE: Justice, Judge William Blue served on the trial bench with Bill Hastings. Many of the stories—and we're lucky some of them we should be able to get him to share.

(Laughter.)

Judge Blue.

JUDGE BLUE: I don't know what I can say after these presentations, but I'll try. I feel quite privileged to be asked to appear here to say some words about Chief Justice Bill Hastings who passed away last summer. As you heard, Bill served in the FBI, and in the artillery—as a member of the artillery in World War II. He graduated from the University of Nebraska Law School—Law College, when it was located on 10<sup>th</sup> Street. Maybe some of us, the old-timers, graduated in that old building on 10<sup>th</sup> Street. Now, of course, they have a real palace.

He practiced law when he graduated. He practiced law with Guy Chambers' firm, which was a very good law firm and I'm sure he learned a lot there. I hope not too much from Mr. Holland, but he learned a lot there.

(Laughter.)

He was a good lawyer and he presented cases, tried a lot of civil cases and tort cases in the district court. He was, essentially he was served—I don't know how this happened, but he was appointed as a part-time county judge. The history of that's very interesting. The county judge before—Ralph Slocum was county judge then and they—county judge before Ralph Slocum, I won't mention the name, refused to take any civil cases or criminal cases, no preliminary hearings, just the estate matters, and he did perform a few marriages, but when Ralph Slocum was appointed judge, he agreed to do the criminal stuff, all the traffic stuff, and civil matters along with all the probate matters. And so it was important that he have a helper and Judge Hastings was appointed. This is where I think we became really acquainted. We were in a little courthouse and my office was across the aisle from the County Court, and so it was very convenient. We had talked to—the Lincoln Police Department would bring the people over there and we'd violate all kinds of brand rules—

(Laughter.)

—and get confessions of everybody, then slip across the street and have a preliminary hearing. And it worked pretty good, really.

And he served, as I say, a deputy county attorney and things became—yeah, part-time county attorney and things became a little more up to date in our procedures. And then he became—the county court began to take more civil and criminal matters. And so Judge Hastings did acquire a lot of experience there. He was appointed district judge and he was the first—the procedure was in those days, they'd divide up the duties and, of course, the new judge always got the divorce court, so he had the divorce court for two years and then he'd move on to the criminal court and the civil court. He served very well, very fairly in all courts he was in, the criminal courts, divorce court, civil courts. He wanted matters to be handled efficiently

and he wanted people to be on time to the court proceedings. I found that out when I was a deputy county attorney. I was visiting in the hall with somebody, with some friend, and Judge Hastings was on the bench. The defendant was there, the defendant's attorney, Clem Gaughan was there, the sheriff was there. Everybody was there except the deputy county attorney. So, I finally strolled in. And I can tell you about the efficiency of Judge Hastings. I really felt the brunt of it there. And I was never late again.

(Laughter.)

He was absolutely right. We had one district judge who would get everybody assembled there, then he'd stroll out the door and have a smoke, so we were kind of used to that business, but not with Judge Hastings.

Bill was an excellent judge in every way. He was fair and he had a great family and children, as we know now. Two are lawyers, one has a doctor's degree, so he has a great family.

Judge Hastings was a very good member of the Supreme Court and Chief Justice. When I was a lowly district judge, we'd come up here and occasionally fill in for a judge who was ill or something, and so I got to know the procedures very well. I think it started with Paul White when I'd come up here and Paul White was the Chief Justice, so I got kind of used to that. One little story about that. I was asked by Paul White, Chief Justice Paul White, to hear this case. So we were in the room and I came in there early and he turned around and said, "What the hell are you doing here?" And I said, "I think you appointed me to hear this case." "Oh, okay."

(Laughter.)

Anyway, but Judge Hastings ran quite an efficient and strict Supreme Court. I think that his greatest accomplishment was helping to establish the Court of Appeals. At that time, if you recall, it was almost chaos. There were so many cases on appeal and they tried all kinds of things. They started a special court that just contained district judges, but it was really a supreme court, and everybody realized, and certainly the Chief Justice realized there had to be some intermediate court and he was very important in establishing the Court of Appeals. He saw people downtown and asked for their support. And as

a result, we have the Court of Appeals, and I don't know what would happen without that, because it was a disaster when so many appeals were filed.

He was really a good guy. I think we forgot about our little fuss. I had lunch with him almost every day. We'd kind of sneak out and have lunch together by ourselves, and I miss him very much. I've had contact with him since he retired and I retired. Yeah, he was a good man and he was a great judge. He was a good friend and great to know. Thank you.

CHIEF JUSTICE HEAVICAN: Thank you very much, Judge Blue.

Chief Justice White.

CHIEF JUSTICE WHITE: May it please the Court, that completes the last of the formal speakers, but I'd like the Court to note something. That the passing of Judge Hastings was the passing of the last of the World War II warrior judges, people who sailed into harm's way, many of them into active combat, including Judges Fahrnbruch and Clinton, Judges McCown and Judge Grant. Judge Hastings and Judge Boslaugh as artillerymen. The last of them are gone. It is indeed the passing of people who served their country in time of war and returned to serve them in time of peace in an honorable fashion.

I served with Bill Hastings on the district bench since 1965. He followed me onto the Supreme Court. I was honored to follow him as Chief Justice. I leave you with the memory of him as a good man, a good friend, a great judge, and a fallen comrade. Thank you, Your Honors, for this appointment and your attention.

CHIEF JUSTICE HEAVICAN: Thank you very much, Chief Justice White. The Court so notes the passing of Chief Justice Hastings and the passing of our greatest generation.

I take this final opportunity to note for those present that these entire proceedings have been memorialized by the Court. After these proceedings have been recorded, which they have been today, they will be preserved on the Court's website and also published. On behalf of the Nebraska Supreme Court, I extend our appreciation to Former Chief Justice C. Thomas White, again, who chairs and chaired today the Court's memorial committee. And also, thanks to all of the presenters

here today for your excellent presentations. This concludes the special ceremonial session of the Nebraska Supreme Court. The Court would encourage you all, however, to stay around and meet and greet friends and acquaintances and we here on the bench will come down and participate hopefully in some conversation with you now. With that, the Court is adjourned and again, thank you all very much for being here.