

Nebraska Court of Appeals

*In Memoriam*

JUDGE EDWARD E. HANNON

Nebraska Supreme Court Courtroom  
State Capitol  
Lincoln, Nebraska  
April 15, 2019  
3:00 p.m.

Proceedings before:

COURT OF APPEALS

Chief Judge Frankie J. Moore

Judge Michael W. Pirtle

Judge Francie C. Riedmann

Judge Riko Bishop

Judge David K. Arterburn

Judge Lawrence E. Welch, Jr.

In attendance:

SUPREME COURT

Chief Justice Michael G. Heavican

Justice Lindsey Miller-Lerman

Justice William B. Cassel

Justice Jonathan J. Papik

Justice John R. Freudenberg



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# Proceedings

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

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

I also would like to introduce to you former members of the Nebraska Supreme Court and Nebraska Court of Appeals who are here with us today. We have Justice Bill Connolly, who will be a speaker this afternoon. And we have Justices Nick Caporale, Justice C. Thomas White, Justice Ken Stephan, and Justice John Gerrard, all former members of the Nebraska Supreme Court, with us. We also have two former members

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of the Nebraska Court of Appeals, Judge John Irwin, also an original member of the Nebraska Court of Appeals along with Judge Hannon, and Judge Rett Inbody, who will be a speaker this afternoon.

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

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

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

Michael, if you would please stand?

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

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

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

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

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

Good afternoon, Justice Cassel.

JUSTICE CASSEL: Good afternoon. May it please the Court, distinguished members of the Court of Appeals, my colleagues on the Nebraska Supreme Court, many other judges,

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members of Judge Hannon's family, and distinguished guests. I am especially grateful for the honor of serving as chair for Judge Hannon's memorial. I hope that the Court will indulge a few personal remarks from me before I call upon others.

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

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

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

By the time that I joined my father's firm, Ed Hannon was well-established as the preeminent lawyer in O'Neill and, over the few years before he moved to the district court bench, I had the pleasure of litigating both on the same side and, occasionally, as an opponent. Every instance was a great learning experience for me as a young lawyer. And that was only enhanced when Judge Hannon served as a district court judge. He led the bar by example, epitomizing fairness, high scholarship, and devotion to the law. So, to those of us in the 15th District when

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the Nebraska Court of Appeals was created, it was no great surprise that Judge Hannon was selected as one of the original six members of that Court.

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

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

"Other speakers will share Judge Hannon's life and legal career before I met him. When I assumed the governor's office in 1991, one of the first and most important tasks was to interview and appoint all of the judges to the newly authorized Nebraska Court of Appeals, a daunting task. But, during our interview, Judge Hannon made it less so. From the outset, I was impressed with his candor and obvious judicial temperament. I was already aware of his reputation for a solid work ethic and judicial competence. After our discussion and my caution about judicial activism, I was convinced that Judge Hannon would be an excellent appellate judge, and he proved to be.

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

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

CHIEF JUDGE MOORE: That motion will be granted.

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

JUSTICE CASSEL: Thank you.

Judge Sievers said, "I want to thank the — 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." He,



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perhaps, when he wrote that, didn't realize how recently that would have occurred.

(Laughter.)

"I extend," — this is Judge Sievers talking. "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 original six judges of the Court of Appeals. 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 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.

"Ed Hannon was a walking library — law library." Excuse me. "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 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.

"I have many fond memories of Ed, 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.

"He loved his rose garden and his red wine. He was also a fun and interesting dinner companion. As a Court of six, the six of us always went out for dinner one evening during our monthly argument session. He would regale us with his

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war stories from his days as a practicing lawyer and a district judge. He was a man who could laugh at himself. 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.”

Another member of the original Court of Appeals was Justice William M. Connolly, then of Hastings, Nebraska. Justice Connolly served with Judge Hannon on the appellate court until Justice Connolly was appointed to the Nebraska Supreme Court in 1994, where he served with great distinction until his retirement from the high court in 2016. Justice Connolly.

JUSTICE CONNOLLY: Thank you, Judge Cassel.

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

But to tell you the truth, I don’t think Ed’s first impression of me was all that good. Because, back in the early 80s while I was a practicing lawyer, I appeared to — before him up in O’Neill. I represented a client, KN Energy, and they — that company sold natural gas to most of the cities in greater Nebraska. It was a rate case, which established rates for the city. And it was complex litigation with a lot of economists, accountants, real estate appraisers, different formulas how to figure out rate of return and return on equity, things of that nature. And I’d tried a few of those cases, and my thought was I really have to, you know, repeat a lot of the evidence because is the judge going to understand this, because trial judges, this wasn’t their bag. It was the type of case that should have really been before a regulatory body. So, we have the trial scheduled for about four days. And about the second and a half — two and a half days into the trial, I have an economist on the witness stand and I’m plowing old ground. And Ed looks

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down at me and he says, “Counsel, I think you think I’m deaf and dumb.”

(Laughter.)

And he said, “I can assure you I’m not deaf. You can draw your own conclusions on the dumb.”

(Laughter.)

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

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

I really got to know Ed when I came onto the Court of Appeals in 1991. And then, I really became impressed with Ed Hannon. We’ve all heard the term about student of the law. You know, I never quite grasped what a student of the law was. I thought it was kind of like a cliché. Well, his — I think Judge Cassel mentioned Sievers mentioned it — Ed had the uncanny ability to recollect cases — Supreme Court decisions that would go back 20 years. He would remember the result, the issues, and sometimes would even remember who authored the opinion. And so, he was a fountain of knowledge, as Judge Sievers indicated. And, as Judge Sievers indicated, he was the only member of the newly created Court of Appeals that had judicial experience. And, as indicated, we really sought Ed out. Because, when the Court of Appeals was created, there wasn’t any handbook, rules, regulations, procedure, protocol. And so, Dick Sievers — Judge Sievers and Ed, for the most part, was a guiding light in getting the Court of Appeals started and earning, quickly, the respect of the practicing bar.

Ed had a love and a passion for the law. And, as Judge Sievers indicated, if you really had a problem, if I had run into

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a bump in writing an opinion, as most of us do, or a substantive issue that I wasn't clear on, I could always go to Ed and he was always open — his door was always open and I had the opportunity to sit down with him. And most — on most occasions, I came out of that discussion with a good feeling because — well, also a bad feeling, because I would say, well, why didn't I think of that.

(Laughter.)

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

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

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

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

JUDGE INBODY: Good afternoon. May it please the Court, Chief Judge Moore, members of the Court of Appeals, Supreme Court members, retired Supreme Court members, friends, colleagues of Honorable Edward E. Hannon. Thank you for giving me this opportunity to appear before this Honorable Court to speak about my colleague and friend Edward E. Hannon.

I had the honor and pleasure to serve with Judge Hannon on this Court from April 20th, 1995, until his retirement on December 31st, 2004. As been indicated, I was not one of the original individuals appointed to the Court of Appeals in December 1991. My term began after Justice Connolly was selected to the Nebraska Supreme Court in November of 1994. I was quite intimidated by going — coming onto the Court

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of Appeals with four of the original members still being on the Court. After all, they had started an appellate court from scratch and had done a tremendous job; and now, I was going to get to be a part of this new adventure.

My wife, Patti, and I met Ed and Mary at a district court dinner in the summer of 1991. Ed and I were both from small town Nebraska serving a multi-county district as district court judges. We had a lot in common. Had a lot — a wonderful conversation that evening. But, by the end of that year, Ed had been selected as one of the original members of the six [judges] to the Court of Appeals. As a result, we did not have much interaction for the next few years. But, when I was selected to join the Court in 1995, Ed immediately reached out and made me feel comfortable. We were the only members of the Court that had practiced law in a small community and had been trial court judges. We had many similar experiences and, thus, began a close relationship.

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

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

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

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agreed that Ed should be assigned just this one case because the record was so big.

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

In the 90s, there was a program for appellate court judges known as Spencer-Grimes through the American Bar Association. The program had been co-started by Justice Henry — Harry Spencer of the Nebraska Supreme Court. Members of the Court of Appeals were encouraged to attend these programs. Some of the summer conferences Ed and I would attend with Mary and Patti were in Canada where it was always cooler and a relief from the Nebraska heat was much appreciated. After a conference, we would spend a few extra days in the area taking in a major league baseball game or go to a botanical garden or both. One August, it was especially hot, and Patti said, “Let’s drive straight north until we get out of this heat.” So, I called Ed to see if he and Mary would like to join us, and they immediately said yes. Two days later, we drove north to Winnipeg, Manitoba. We enjoyed several days just visiting the area and, because of the cooler conditions in Canada, the flowers always seemed more colorful.

Ed loved his family and the law. Over the years, we spent many a summer evening talking about family and the law while enjoying a bottle of chardonnay. Ed also loved his garden. When we would go to their home, he wanted to show me all the work he had done to upgrade the backyard. He was always improving it. I think he was most proud of the irrigation

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system that he had installed for all of his plants. He could control zones and determine how much water each plant in those areas would get. But none of the flowers he loved as much as the roses. And he had several varieties in his backyard, and he took great delight in explaining the differences to me.

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

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

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

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

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Court Judge for the Third Judicial District, and I'm pleased to call on Judge Acton.

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

Justice Cassel asked me to speak about Judge Hannon's recovery from his stroke. He did sustain a stroke while I was working for him that caused him to take some time off and to go through physical rehabilitation. As I recall, Judge Hannon returned quite quickly and with the same dedication and zeal for his work that he exhibited previously. The only difference was that he had a bit of a hitch in his gait. Now, Judge Hannon usually had several coins in his pockets, so I could almost tell when he was approaching my cubicle. If he was deep in thought, the clanging would be a little slower. If he was excited about an opinion he was working on, the clanging of the coins would be quicker. Once in a while, he wouldn't have any coins in his pocket, and he would surprise me in my cubicle. I like to think he did just to check and see if his law clerk was talking baseball again with Judge Inbody.

(Laughter.)

Fridays were Judge Hannon's favorite days, but not for the reason that most of us enjoy Fridays, the brink of the weekend. On Friday mornings, Judge Hannon would race off the elevator, coins a-bouncing in his pocket, and ask loud enough so the entire ninth floor of the Capitol could hear, "What's new from on high?" He so enjoyed reading the Nebraska Supreme Court



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opinions that were released first thing on Friday mornings. He was a true scholar of the law.

I am certain that Judge Hannon taught me quite a bit about legal research and writing. I fondly remember sitting across the large table in the Court of Appeals library from Judge Hannon reading and discussing case law or statutes. There is no doubt that he possessed an excellent memory and could recall facts in precedent from cases long past. But that's not what first comes to my mind when reflecting upon my time with him. My favorite memories are of Judge Hannon recounting humorous stories from his days as a practicing attorney or as a district court judge. The content of those stories is gone from my memory. Instead, it is the manner in which he told those stories that remain with me. Judge Hannon could tell a great story, often with such enthusiasm and excitement that he would burst out laughing while telling them. And while — and I, while laughing along with him, couldn't be sure if I had fully understood. I miss those stories.

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

I am grateful for my time with Judge Hannon. As is often the case with mentors, Judge Hannon gave me more than I gave him. He provided me with employment when no one else wanted to hire me, he encouraged me to become a trial attorney, he attended my wedding, and he was present when I was

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sworn in as a judge. But, most of all, he was kind to me. I miss my mentor, my friend, Judge Hannon.

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

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

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

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

From 1959 to 1992, Judge Hannon's legal career was centered in O'Neill, Nebraska. And I know there are a number of our friends from O'Neill here today, not only the former court reporter who served with me and Judge Hannon and three others, by the way, but many of the members of the bar and

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court staff from the O'Neill area. Shortly after the — shortly after Judge Hannon became the district court judge, a relatively — or then, relatively young lawyer was appointed to the County Court bench in the 15th Judicial District, headquartered at the same courthouse in O'Neill. From 1984 to 2017, Judge Alan Brodbeck served the 15th and then the 8th Judicial District with distinction and served on numerous committees and commissions at the state level. I call upon Judge Brodbeck.

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

(Laughter.)

Ed was a long-time resident of O'Neill, while I was new to that city. He gave me information and advice on the area: who were the best doctors, who were the friendly bankers, where to buy whatever was needed. He was a wealth of information on the town and its inhabitants, and he freely shared that with me. In later years, after he became a judge of the Court of Appeals, we saw less of each other due to the distance. But, when our paths crossed at bar meetings or elsewhere, we always took a little bit of time to sit down and talk and get caught up on what was going on in our lives.

One of his keen interests was collegiality in the bar. He firmly believed that the system functions better if lawyers are able to professionally work together and talk with one another

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in a friendly manner. Toward that end, he was adamant that we should have a monthly local bar meeting. This took place on the first Monday of every month after his motion day. Out-of-town lawyers were always invited, but frequently it was just the local attorneys that were there. And Junior Young who's — raised his hand — long-time clerk of the district court in O'Neill, he was always in charge of making everyone know we had a bar meeting that night.

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

Let's have — raise your hands if you're here from O'Neill.

Several of us were of the same age bracket, and the Judge enjoyed regaling us with stories of practice from days gone by. Those stories were always entertaining, 'cause Ed was a great storyteller. But they were also educational and informative. And the lawyers always looked forward to those monthly meetings. Those meetings were always held at the old Townhouse Steak House in O'Neill, because that was the only place in town that served frog legs. And Ed loved frog legs and he ordered those, I think, every month that we had a meeting.

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

(Laughter.)

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

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

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JUSTICE CASSEL: There have been several references today to Judge Hannon's family. He was very proud. Of course, he loved Mary enormously. But he was very proud of his four children and all of their academic and professional achievements. Two of his children have followed him to a career before the bar.

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

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

MS. LAMSKI: May it please the Court, Judge Moore, Justice Cassel, other judges from the Court of — from the Supreme Court and Appeals. I would like to thank everyone for all the time and preparation that went into this special ceremony. It is truly wonderful to see so many of my father's former coworkers, family, and friends here. Our father would have greatly appreciated it, just as he was always grateful that he had the opportunity to work in a profession that usually did not feel like work to him.

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

(Laughter.)

With a humor I did not fully appreciate at the time, he told me that a good attorney can always earn more than an honest judge. I did later learn that his judgeship would be a family affair, as he pressed my siblings and I into labor, removing

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the old inserts from what seemed like hundreds of law books at the courthouse in O'Neill and then replacing them with the updated inserts. He wanted to make sure everyone, including himself, had the most current opinions.

I was in high school when our parents told us that he was — that my dad had applied for an appointment to the newly created Court of Appeals. I remember the excitement of going to Lincoln for the announcement and the swearing in ceremony. It was so exciting to get to meet Governor Ben Nelson. But it was mostly exciting because my dad was so thrilled. He loved his work as an attorney, and he loved his work as a district judge. And now, he had the opportunity to love his work as an appellate judge. I know he truly enjoyed his time sitting on the Court of Appeals, where he could enjoy both the intellectual rigors, as well as the friendships he made with the fellow judges.

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

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

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

CHIEF JUDGE MOORE: Thank you very much, Maureen.

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

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

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

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

But my fondest memory was of a time that he taught me about punctuality. I'm thinking maybe his children learned that lesson, too, from their father. Not that I didn't always try to be punctual, but this was back in the day of no cellphones, of course, in the mid-80s. And this city girl was traveling up to Ainsworth for a hearing before Judge Hannon, and it was in the spring. And so, in the spring, sometimes, in the Sandhills, you come upon a cattle drive on the highway, which I did. I wasn't quite sure how to handle it, but I was only maybe five or 10 minutes late. But in his practical way, he begrudgingly forgave me for being a few minutes late and suggested that, in the springtime in Nebraska, you need to start out a little sooner than you might otherwise.

(Laughter.)

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

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

And we thank you all for your presentations here.

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

So, this concludes the special ceremonial session of the Nebraska Court of Appeals.



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James B. Gessford  
Rex R. Schultze\*\*\*  
Daniel F. Kaplan  
Gregory H. Perry  
Joseph F. Bachmann\*  
R. J. Shortridge\*  
Joshua J. Schauer†  
Derek A. Aldridge\*\*  
Justin J. Knight\*\*\*\*  
Charles Kaplan  
Hateigh B. Carlson  
Daniel K. Kaplan



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Richard D. Sievers  
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\*Also admitted in Iowa  
\*\*Also admitted in Kansas  
\*\*\*Also admitted in Wyoming  
\*\*\*\*Also admitted in Colorado

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.

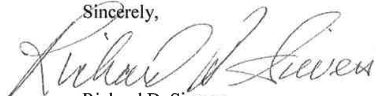
Ed Hannon was a walking law library; I truly believe that he never forgot a Supreme Court opinion that he had read---even if it was 25 years ago. We shared chambers throughout our mutual judicial careers, and he was my go-to guy whenever I was “stuck,” and he would dredge up from his memory bank a case 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.

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,



Richard D. Sievers

RDS/