Nebraska Supreme Court

In Memoriam

Chief Justice Norman Krivosha

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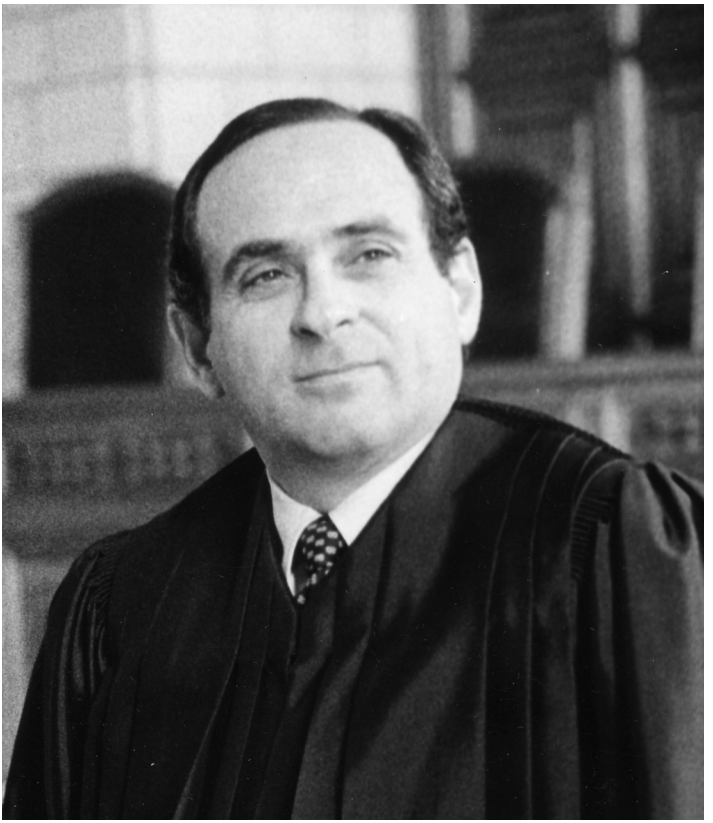
Proceedings before:
SUPREME COURT
Chief Justice Michael G. Heavican
Justice Lindsey Miller-Lerman
Justice William B. Cassel
Justice Stephanie F. Stacy
Justice Jeffrey J. Funke
Justice Jonathan J. Papik
Justice John R. Freudenberg



Chief Justice Norman Krivosha

Proceedings

CHIEF JUSTICE HEAVICAN: Thank you. You may be seated. And good afternoon to everybody, and welcome to this memorial service honoring former Chief Justice Norman Krivosha. And this is something we have been going to do for a while, but because of the pandemic, it's been put off. So, we are honored to be here today to honor Chief Justice Krivosha, and we thank everybody for being here.

And we will start with introductions for this Court. I have Mike Heavican, and I am the chief justice of the Nebraska Supreme Court, the current chief justice. And now, by order of seniority as to service on the Court, the other members of the Court will introduce themselves.

JUSTICE MILLER-LERMAN: Good afternoon. I'm Lindsey Miller-Lerman.

JUSITICE CASSEL: William Cassel. Good afternoon.

JUSTICE STACY: Stephanie Stacy. Good afternoon.

JUSTICE FUNKE: Good afternoon. Jeff Funke.

JUSTICE PAPIK: Jonathan Papik. Good afternoon.

JUSTICE FREUDENBERG: Good afternoon. John Freudenberg.

CHIEF JUSTICE HEAVICAN: Thank you, Members of the Court.

And I will also recognize former Justice Nick Caporale, who's going to be speaking this afternoon, and David Williams, who's also going to be speaking this afternoon, and Terri Krivosha, daughter of Chief Justice Krivosha. And I'm not sure if there are other members of the Krivosha family here, I understand, also because of the pandemic. And I want to recognize Ken Stephan, former member of this Court. And then, I want to apologize to everybody else in the audience. All of you are distinguished, and so we appreciate you all being here.

With that, Justice Caporale, you are the first speaker.

JUSTICE CAPORALE: Thank you.

CHIEF JUSTICE HEAVICAN: And I think we have a podium this time around. Justice Caporale has been part of a number of memorial services recently. And, before, we were using this podium, but this I hope will make it better for everybody involved.

JUSTICE CAPORALE: Thank you.

CHIEF JUSTICE HEAVICAN: You may proceed.

JUSTICE CAPORALE: Norman Krivosha, a man of slight physical stature, but large character and intellect. We met in 1954 when we both became students at the University of Nebraska College of Law, and we shared a lot of classes together. We didn't graduate together, because he was in the four-year program and I was in the three-year program. But, in our class interactions, I learned that he was a good, engaged, and engaging student who nearly always had a humorous comment to make no matter what topic was being discussed. And, although I got to know him through those interactions, I can't really say that I got to know him well. We didn't move in the same circles, mostly because, I suppose, I didn't move in any at all. But that's possible.

(Laughter.)

However, we became good friends – good family friends after he swore me in, first, as a district judge and then as a member of the Supreme Court. And one of the delightful things that I learned from that was that, in marrying Helene, he not only acquired a bright and charming lady, but a wonderful cook.

As most of you know, he had an interesting, varied, and successful career. First, with the preeminent Lincoln law firm of Ginsberg, Rosenburg, Ginsberg, and, ultimately, Krivosha, where he had clerked. While still a partner of that firm, he also served in the Office of the City Attorney for the City of Lincoln. He became chief justice. When he left that role, he became an officer and general counsel for Ameritas Financial

Services. And when he left that, he became part of the highly regarded law firm of Kutak Rock headquartered in Omaha.

He wasn't chief justice for very long, as the card you have will tell you, from 1978 to 1987. But, during that period of time, he had a profound impact on the service of the judicial system of our state. It is my understanding that, when he joined the Court, it did not have regularly scheduled consultations or meetings where they considered cases to either adopt or revise them. He changed that. He set weekly consultations and set a time within which the opinions to be considered there were to be filed or put the others in the Court. And he also circulated a list telling the members what judge was writing what case and when the case was argued as a gentle reminder to get the case done.

When he joined the Court, the argument time was 30 minutes; and that was largely because, as I understand it, the Courts did not read the briefs until after the arguments. Taking the position that there's a difference between an open mind and an empty one, the Chief also changed that so that the briefs were read before the arguments. As a result, of course, the Court knew what the facts were or alleged to be and what the issue were, so that it didn't take as much time for them to ask questions as to matters that concerned them. So, the argument time went from 30 minutes to 20 and, ultimately, to 10.

He was also instrumental in doing away with the municipal courts on the basis that there was nothing they were doing that the county courts could not do, and money could be saved by eliminating one branch of court.

He also changed the way salaries for the various courts were set. In the old days, each court levied – lobbied, sorry, the legislature and frequently got in each other's way. He changed that so that members of court inferior to the Supreme Court get a percentage of the salary of the Supreme Court judges so that nobody gets in their way.

As one got to know the Chief, they learned that he really had an innate sense of organization and leadership. When the

Krivoshas moved from Lincoln to Naples, Florida, my wife and I used to visit them from time to time. And one of the things that always struck me is it didn't seem to matter what venue we were visiting, Chief Krivosha was either the chair or the president thereof. In short, we are in a better place for Norman Krivosha having been here, and I miss him.

CHIEF JUSTICE HEAVICAN: Thank you, Justice Caporale, very much.

And David Williams will be our next presenter.

Mr. Williams, you may proceed.

MR. WILLIAMS: Thank you.

Good afternoon. My name is David Williams. And how do you follow Judge Caporale, a legend? A pure legend. Thank you. Thank you.

He actually – my wife Shirley's here, and she was your law clerk. And Judge Caporale married us in this courtroom. So.

I'm not here to talk about me, but I need to share a tiny bit of myself to put my talk in perspective. I came from Pennsylvania to Creighton Law School in the mid-1980s. I knew no one in Nebraska, was the first in my family to graduate from college, knew no lawyers and very little about the law. A little over two years later, I interviewed with Chief Justice Krivosha, and he hired me to be his Supreme Court law clerk. After he retired from the Court, he asked me to come back from Kansas City to work with him again at Ameritas. Even after he retired from that job, he and I kept regular contact.

Why he chose me in the first place will always be a mystery to me. I came from a great family, but the law was a whole new world to me. But, for whatever the reason, serendipity or fate, this was a major life fork-in-the-road for me. He was one of my most important mentors and a highly influential role model. When I discussed with Terri Krivosha making my talk about her father as mentor, she told me how many calls, emails, and letters the family had received after his death from so many others he had mentored and for whom he served as a role model. So, I am here today as a representative of all those people.

As a brand-new attorney, Judge Krivosha taught me so much. As to the law, here is what he said, quote, "The law is an art; it's not a science. And, therefore, the answer you get depends on the question you ask – the question you seek. The job of the lawyer, for instance, is not to convince the Court what the law is, but to convince the Court what the question is. Once that happens, the answer becomes obvious." As, importantly, he had it clear that being an attorney was both a privilege and a responsibility. He stressed that attorneys need to strive every day to be honest, fair, compassionate, and to serve others. It was not just about a paycheck; it was really a calling. Not just a status symbol or a path to wealth and fame, but a duty and a responsibility to ensure fairness and justice. To see someone exemplify what it means to be a good attorney on a day-to-day basis was invaluable to me: how to act, how to dress, how to conduct oneself, how to be an attorney. Also, how to deal with a client. Yes, we are to zealously represent our clients; but, often, we also need to be strong enough to tell the client what they need to hear, not what they want to hear. As you can imagine, Judge Krivosha's client discussions could turn, sometimes, intense. But doing the right thing is not always easy or always quiet. The Ameritas people understand that. Sometimes, arguments broke out.

(Laughter.)

Sometimes people think of a mentor as one who sits on high and dispenses pithy platitudes to subordinates. In other words, a preacher not a role model. Judge Krivosha was not like that. Although he was always my boss, he always introduced me as his associate. When we were on work trips together, we'd always have a book of United Airlines First Class coupons that he'd earned with thousands of miles flown, and he would insist that, if he upgraded to first class, I use some of his miles to get upgraded as well. Although, I admit, I never took him up on his offer of his signature drink of Bombay gin martini with two olives though.

(Laughter.)

He loved those.

Speaking of flying, it's not an exaggeration to say that all the workers at the Lincoln Airport knew Judge Krivosha. Their faces brightened whenever they saw him, from the red-coated hospitality workers to the downstairs ticket counter agents. He knew them by name and knew some of their – some about their families. To see him treat these folks as equals and to see how he genuinely cared about them was a big lesson in mentoring 101: Everyone deserves respect. That's certainly not a platitude but a way of life. It was in his DNA, and he passed that on to many others.

Another example having to do with this Court that has stayed with me over the years was from my time at the Court. Each year, he and his law clerks visited Nebraska's death row to meet with any death row inmates that would meet with him. He did this, he said, because, if, as was likely, he would have a role in deciding whether any of these men would be executed, he wanted to make sure he never forgot that these men were not legal abstractions but real people; people who would be killed by the State of Nebraska with the stroke of a pen by a judge. It made being a judge more difficult but more human as well.

Now, don't misunderstand me. You knew him. Judge Krivosha did enjoy his celebrity status to a certain extent but not in an elitist way. The more people he knew, the more people he could connect with, the more people he could make a positive difference in their lives. But the main reason that his status was not a problem was because he was kept grounded at home by the love of his life, Helene. I recall early on when I was at the Court when he said that, if he ever had any problems being too caught up in the trappings of being chief justice, those were swiftly thrown out the window when he got home and Helene told him that he had forgotten to take out the garbage.

(Laughter.)

Norm and Helene came of age in the so-called mad men time when it was often accepted that life was second class, and the much more recent concept of work/life balance was

not even a thing yet. But it was in the Krivosha household. It was eye-opening to see how Norm and Helene were a true equal partnership. I will always recall how he greeted Helene on the phone, "Hello, Dear," with a smile and just pure delight every time he talked to her. He was more vocal, maybe, then Helene, but she was just as firm and opinionated. And having two strong daughters only added to the positive family dynamic. The Krivosha family version of work/life balance was a delightfully pure role model because it – before it became more accepted in the wider culture. Helene; his daughters; their husbands; and, of course, then the grandchildren were priorities of Judge Krivosha. He worked hard, to be sure, but family time, vacations to Barbados, and religious holidays were very, very important. That showed me the new and better – the new normal in practice.

What made Judge Krivosha such an important mentor to me? I use this metaphor. He always encouraged me not to be afraid to swim in the deep end of the pool. That was how I could challenge myself and have the best chance of becoming a better attorney and a better person. To me, micromanaging most of the time is saying, "I don't really trust you to do it right." But he never micromanaged out there in the deep waters with me. However, I always knew that he supported me and, if I ever felt I truly was in over my head, beyond my capabilities, he would instantly be there, not in a judgmental way or in a way that made me feel like I was failing but with the attitude of, "Okay. What do we do next?" Honestly, I very rarely made that SOS call, but just knowing that that lifeline was available gave me the confidence to be brave enough to go out of my comfort zone and, I think, made me a better attorney and hopefully a better person.

As I previously mentioned, Judge Krivosha believed that being an attorney was a privilege, a privilege that came with obligations and responsibilities, and he took these responsibilities seriously, giving his time and talents to his synagogue; his fraternity; nonprofits; candidates for public office; his teaching; and, of course, mentoring. A common metaphor for the

influence of a life well-lived is a stone cast into a lake which continues to ripple outward as a person's influence expands. But for a mentor, that influence is magnified as his mentees can also be stones cast into the lake, and those people's mentees, and so on, and so on. So, I'll close by saying that, if you take anything away from my talk today, I hope it that all of us, lawyers or not, have that responsibility to use your own time and talents to help others in the best way we can but, also, to keep your focus on your family. And I'm confident that Judge Krivosha would be proud of that legacy. Thank you.

CHIEF JUSTICE HEAVICAN: Thank you, Mr. Williams, very much.

Now, we are going to hear from Terri Krivosha, who is a lawyer and the daughter of Norman and Helene Krivosha.

Ms. Krivosha, good afternoon. And you may proceed.

MS. KRIVOSHA: Chief Justice Heavican, may it please the Court. I am very honored to be here. Thank you so much to the Chief Justice for asking us to participate in this ceremonial session. We had hoped that our family could be present today, but because of illnesses, including COVID, other debilitating illness, and the grave illness of my mother-in-law, I am the sole family representative. Thanks to Nebraska public media for live streaming this event so that my sister Rhonda and her husband Adam could join us, as well as their children, Alana and Micah and his wife Pricilla; my husband Hayim and our children, Tama and Avi and his wife Shaina; and our grandchildren, Noam, Liba, and my dad's namesake, Orly. We are also so sorry that our mom can't join us. Unfortunately, she has Alzheimer's and lives in a memory care facility in Naples.

If I start crying this early – I practiced this about a hundred times so this wouldn't happen, but you've all said such nice things about my mom so far.

But if she could have been here, there was no one prouder of our dad, and our dad would have been the first to say that her devotion to him was entirely responsible for his success. So, we've all got the same story.

IN MEMORIAM
CHIEF JUSTICE NORMAN KRIVOSHA

My dad was born in August 1934 in the Jewish ghettos of Detroit. His family was not educated. I don't think his mother went past third grade. He was an only child. Education is an important value in Judaism, and my grandparents just assumed my father would go to college and medical school and become a physician. My dad attended Cass Technical High School in Detroit and focused on pre-med science courses.

He had a cousin who, in 1953, was a professor in the Department of Bacteriology at the University of Nebraska. His name was Hilliard Pivnick. Hilliard and his wife Norma recognized the diamond in the rough that was our dad and invited him to come live with them and establish residency so he could attend the University of Nebraska. How else does a Jewish boy from the Detroit Jewish ghetto get to Nebraska?

When our dad would tell the story of how he came to Nebraska, he often said he was advised to "go west, young man," made it halfway, met our mom, and didn't go further. He also often said that he fell in love with our grandmother even before our mom. Because, once my grandmother, Fanny Sherman, heard there was a new Jewish boy in town she wasted no time when she realized he was the age of her daughter Helene. She got busy, met him, and before he knew what hit him, invited him to live in their basement. And he shared a room with his future brother-in-law and, because my dad was an only child, our mom's brother became a lifelong friend and confidant.

So our dad began his studies at UNL as a pre-med major, as was expected. But he also liked to have fun. He told us that, when he was growing up, he and his first cousin – they were both named for the same hated uncle, Norman – would often crash the weddings in their neighborhood on Sunday nights, starting at the top of the street with one wedding hall and going down their way to the end of the street during the evening. The story he always told about why he switched from business to law was that – or, sorry, from medicine to law was that he had a Saturday morning chemistry lab where he often arrived disheveled and hung over from the night before. He

said that, toward the end of the semester, the professor called him into his office and told him, "Krivosha, if you never take another pre-med class again, I'll pass you for this chemistry lab." He thought that sounded pretty good.

(Laughter.)

So some of the friends he had met through the Sigma Alpha Mu fraternity were planning to go to law school, and my dad said that sounded okay. So he decided to become a lawyer. Well, Divine Providence, call it what you want, but it suited our dad very well.

He met Herman Ginsburg when he was in law school, who, I believe, was an adjunct at the time, admired his intellect and his prowess as a lawyer. He has told us that, while he was still a student, he asked Herman – Uncle Herman to us – if he could just work for his law firm, Ginsburg and Rosenburg at the time, but don't pay me. He said, "I'm not looking to be paid. I just want to be around smart lawyers, and I just – I want to watch what you do." So, he began as an unpaid clerk for Herman and quickly was put on the payroll. Herman and Joe Ginsburg and their brother-in-law, Hyman Rosenburg, had the only Jewish law firm in town. Fortunately, they were superb lawyers, well respected in the community and by the bar. And our dad, with his confident and energetic style, soaked up their mentorship, and he began to assume much of the courtroom work for the firm. So, I tell my colleagues that, although I am not a trial lawyer and I've spent little time in the courtroom during the 39 years I've practiced law, I grew up waiting for juries.

The first time I had any sort of inkling about what our dad did was when I was in fifth grade. I had been hospitalized with pneumonia about the same time – maybe some of you remember this – that there was an accident where a Burlington Northern train derailed. The train carried anhydrous ammonia which caused damage to persons and property. The individuals who survived the spill with lifelong injuries included a woman named Sonia Safranek and her son. I can't remember his name. They were brought by ambulance to Lincoln General, which is

where I was hospitalized with pneumonia, and somehow the Safraneks realized by dad was in the house at the hospital and retained him to represent Sonia and her son in their personal injury suit against the railroad.

Our mom took us to the closing arguments. I don't remember there being any setup, any context. Today, you know, my son wouldn't – and daughter-in-law wouldn't take their kids somewhere without having a discussion about what they were doing. I just remembered we were going to get out of school and go sit in the courtroom and hear Dad talk The railroad's lawyer – but this is what I'll never forget. Try to imagine this picture. The railroad's lawyer got up with his yellow pad, asked the jury to please indulge him for using his notes for his final argument. And after what seemed like truly an eternity, he was finished and sat down. Then our dad stood up. And, without one note, he explained carefully and with great emotion to the jury why they needed to hold for the plaintiff. He talked about the injuries she was going to have to suffer for the rest of her life, how it was going to affect her life. It was certainly clear to me who should win.

That night, we went out to dinner, and my dad had told his law partner where we would be. He received a call at the restaurant who said, "The jury's in." So, he must have taken us home. I don't remember that part. But I do remember his returning home that night and telling us that, after the verdict was read, that not only had they won, but at the time it was the largest recovery ever had by a plaintiff in Nebraska.

I think what stuck with me about that experience was the passion I saw in our dad for his profession and his focus and energy. Our dad had about as broad a practice as one could imagine. He was general counsel for the electric company and the hospital, one of the finest trial lawyers in Nebraska, served as the city attorney for Lincoln on an unpaid basis during the late 1960s. The city attorney's office at the time was in a challenging state, and our dad, who loved doing any sort of turnaround, was brought in to turn around the office and find and train his successor. He would work at the city hall

on an unpaid basis part of the time and at his office at the Ginsburg law firm the other part of the time. And I believe that his firm recused themselves from any cases that they had against the City until my dad's work was done.

He also taught me a few things about his deposition style. I don't know, maybe some of you in this room or some of you listening have seen my dad take depositions. But he – when Uncle Herman died, he inherited his office, which had a desk and then had a big table, which was kind of a big deal, he thought, because nobody had tables in their office, and he could sit and have the depositions in his office. So, he would – the clients that he thought he had prepped really well, he would start the deposition, and then he would go sit at his desk and file and just kind of ignore what was going on. He'd object every once in a while, but I think – you can imagine why he used those – thought that was a good way to do a deposition. Other times, he would just get up and leave the room. So, opposing counsel would say, "Well, Mr. Krivosha, do you want me to" – "Oh, no, no, no. Go ahead. I've got some things to do. I'll be back."

So, anyway, maybe some of you remember that.

Believe it or not, today is only the second time I have been in what we called "Dad's courtroom". The first was when he swore me in as a member of the Nebraska bar in 1984 at a private ceremony attended by myself, our mom, and my husband. And it's the first time in 39 years of practicing law that I'm standing, I guess, close to the place where oral argument is given in a courtroom. Really, never. So, I feel my dad's presence today, and I can imagine he has leaned over to RBG, who I am sure he invited to sit next to him for this event, and has already said in a stage whisper, "My daughter once told me she'd be a litigator over my dead body. But, somehow, is not exactly what I intended."

(Laughter.)

Dad was a committed Democrat and became involved in politics while still in law school. He told us only a few years ago – and I saw Phyllis Acklie today, and she confirmed this.

I mean, I – I had never heard this until a few years ago. They were both interested in politics, but they concluded it made no sense for the two of them to be involved in the same party. So they – the story is they flipped a coin, and that's how he became a Democrat. I find that hard to believe, but they're sticking to their story. It's the only one I've got. Until the fir- -- the word democrat was one of the first words I learned, even before mother, before father, I was – I knew I was a Democrat. And when I returned from kindergarten the first day, I remember I told my parents I had met a new friend, and her name was Holly Acklie, but she was a Republican, according to Holly. Would it be okay if I was friends with her? They said, yeah, we'll make an exception for her. That's fine.

(Laughter.)

So, I attended the hearing when our dad applied to become the state's chief justice when Paul White retired suddenly in 1978. I was leaving that fall to spend my junior year in Jerusalem at Hebrew University and left before the decision of who would be the next chief justice was announced. My parents and I agreed they would send me a telegram – a telegram, yes, that's what we had then – if Dad was appointed so I wouldn't have to wait to receive an actual letter. No texts, no emails, no cell phones.

I'm told that, the day of the announcement, Governor Exon sent letters to all of the applicants who were not appointed, indicating that our dad had been appointed chief, but he didn't send a letter to him. That day, our dad was at a hearing with Judge Fahrnbruch, who also was an applicant for the position. And I'm told Judge Fahrnbruch asked our dad if he'd like to postpone the hearing that was supposed to be held that day since congratulations were in order. And our dad said to Judge Fahrnbruch, "I don't know what you're talking about." And he then said the governor had selected him as the state's new chief justice. That night, I received a telegram from my parents that said simply "Hail to the Chief. Love, Judge and Mom."

IN MEMORIAM
CHIEF JUSTICE NORMAN KRIVOSHA

When I was in law school at the Benjamin N. Cardozo School of Law from 1980 to 1983, my dad was still on the bench. I had a constitutional law professor who had never been west of the Hudson. When he gave hypotheticals, he would then ask the class, "And if you were the chief justice of Nebraska, what would you do?" I mean, I thought one time, maybe, he realized I was in the class. Maybe he knew my dad. This went on for the entire semester. I knew he didn't know my dad. I knew he didn't know me from anybody. So, I waited until the last day of the semester and I went to the front of the class and I introduced myself to him, Professor Schwartzburger. He was probably two minutes older than me. I was 23, I think, at the time. When I explained that my dad actually was the chief justice of Nebraska, it's too bad I didn't have an i–Phone because I – he probably never used Nebraska again as a hypothetical in any of his classes.

(Laughter.)

When I graduated from law school in 1983, our dad was invited by my law school to hood me as part of our ceremony at Lincoln Center. The school wanted a photo op, my dad was thrilled, and I thought it was pretty cool. On the way to the graduation in the taxi, he turned to me and said, "Find a mentor, Terri, and you'll be okay." He was one of my most important mentors as I developed my practice. I often turned to him from the time I started law school to discuss questions, ask him to answer hypotheticals, help me find problems with arguments, and discuss issues at hand.

I never realized, as I told David, until he passed away how unique a person he was. I thought all dads were like our dad until I realized they weren't. Our dad was energetic, honest, indefatigable, smart, and worked hard. After he died, I was really stunned at the number of people who contacted us to tell us what an impact he had on their lives. I knew he had had an impact on my life, but I had no idea the important role he had played to so many other people.

He was a very optimistic person who always saw the glass half full. Never one to be disappointed with life, he lived life

to the fullest and, for me, was an amazing example of how to verbally joust with an opponent with respect and humor. He told me that my job, as we have heard already, was to figure out the questions that clients weren't asking. Once you determine the question, the answer becomes obvious.

Our dad was committed to his Jewish faith; and, as my sister and I became more involved in observing Judaism, so did he. Rather than many parents who fight their kids when they take on new ideas and observances, our dad followed suit, which gave us confidence and affirmation.

Our dad became ill in August of 2020 after the pandemic had started but before there were any available vaccines. His doctor had told him he would likely not live for more than a few weeks. Hospice was called in; and, after three weeks' time and our dad was still very much alive – you know, he was always very competitive – he asked the hospice nurse how much longer she thought he would live. Rather than answering that question right away, she asked him how much longer he wanted to live. He quickly answered he wanted to see Joe Biden elected and inaugurated as the next president. The nurse told him she thought he would make it, and he did. He died the day after Biden was inaugurated.

Our dad gave us many lessons throughout his life that we take with us today. When he turned 83, it's a custom in our Jewish tradition for individuals to have a second bar mitzvah. The first is at age 13, and the second is 70 years later. My sister and I planned the weekend, including working with the caterer at the hotel for the bar mitzvah party. Imagine her surprise when I introduced her to the 83-year-old bar mitzvah boy as the party began. I had never told her who the bar mitzvah boy was.

As part of that evening, we toasted our dad's life. My sister Rhonda wrote a "top ten things we learned from our dad." And with that list, I will close with a thank you, again, to the Court for honoring our dad and enabling us to have some closure. He – because he died during the pandemic, my sister was the only one with him at his funeral. I'm the only one

here today, but I thank you for the opportunity to really honor his life.

Okay. The top ten things we learned from our dad:

(1) Find your passion, then do what you love.

(2) Strength comes from within.

(3) Self-confidence is a choice.

(4) Challenges are not obstacles to overcome but, rather, opportunities from which to learn.

(5) Yesterday is done, tomorrow is uncertain, so make today count.

(6) Never stop learning; growing means living.

(7) Give not just of your time or your money; also give of your heart.

(8) Kindness matters, and words are powerful.

(9) Girls can too. Never feel limited.

Last but not least, (10) Martinis are best with Bombay gin and olives.

Thank you.

CHIEF JUSTICE HEAVICAN: Thank you, Terri Krivosha, very much.

And, again, thanks to all of the presenters here today for your wonderful presentations and for giving us or being part of our honored position in being able to have a memorial service for Chief Justice Krivosha.

I want to add a few personal words. Norman Krivosha was someone that I had contact with through my professional career a number of times, beginning early on after I had graduated from law school. So, this would be back, probably, in 1975 or 1976. I was working in the Lancaster County Attorney's Office. Justice Krivosha at that time was working – one of his jobs was counsel for the Lincoln Electric System, LES. And so, the City and County had just jointly purchased the land for the huge park along – along the Salt Creek that's still there today, Wilderness Park. And it had been purchased with funds – with federal funds for a grant of some kind. I believe it was a HUD grant. And LES wanted – the Lincoln Electric System wanted to put a guide wire, one wire, into the

park, but that would have violated part of the sacred you can't violate any of the wilderness provisions of the grant. So, we had to go to – the County, the City, and LES had to go to, I believe it was HUD, the regional center in Omaha to see if we could get permission to put this guide wire into the – it would barely go into the park.

So, Norm Krivosha and I and somebody from the City Attorney's Office traveled to Omaha. I'd just been out of law school a little bit. We talked to the bureaucrat involved, and the bureaucrat pretty much says, "Well, I think we'll probably let you do that. I'll know by this afternoon, so you can either come back this afternoon, or I'll let you know next week sometime for sure whether or not you've got permission to do this." And Justice Krivosha said, "We'll be back this afternoon. We'll go to lunch." And so, off we went to lunch, which I thought was a huge treat, having just got out of law school, that you could actually go to lunch rather than go back to work.

(Laughter.)

So, I said to Norman Krivosha, I said, "I thought we would go back to work rather than wait around for this opinion this afternoon." And he said, "When you've got them on the run, keep them on the run." It's something I've never forgotten and, I think, epitomizes Norman Krivosha.

I will also mention one other incident. When I was first appointed chief justice, it was the 1st of October or the 2nd of October, and Ken Stephan was here to witness this and may remember this also. I was – oral arguments were immediately the next day after I was appointed. I had not been anywhere near the Nebraska Supreme Court for 15 years and did not know how oral arguments were conducted. So, I sat in the audience and watched the rest of the Court have oral arguments the first month that I was appointed. Norman Krivosha was representing one of the appellees in a case that particular day. And the argument was very competitive, as you might expect. And, after the appellant had rebuttal time, Norman Krivosha stood up and wanted rebuttal time for the appellee. Now, that's something we never do. And I remember sitting

in the audience thinking, "Oh, my goodness. I'm glad I'm not presiding that day."

(Laughter.)

Anyway, bottom line, as all of you suggested, and as Terri Krivosha stated, Norman Krivosha had great passion, he had great focus, he had great energy, and he was hugely competitive. He was a wonderful person, and we are very honored to have this memorial service for him today.

We're going to adjourn now, but I want to encourage all of you to stick around so we can talk and trade stories and all of those kinds of things. So, please stick around; relax; and we, too, will come down and join you. Thank you all very much for this wonderful presentation.