

Nebraska Supreme Court

*In Memoriam*

JUSTICE MICHAEL McCORMACK

Nebraska Supreme Court Courtroom  
State Capitol  
Lincoln, Nebraska  
May 19, 2023  
3:00 p.m.

Proceedings before:

SUPREME COURT

Chief Justice Michael G. Heavican

Justice Lindsey Miller-Lerman

Justice William B. Cassel

Justice Stephanie F. Stacy

Justice Jonathan J. Papik

Justice John R. Freudenberg



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# Proceedings

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CHIEF JUSTICE HEAVICAN: And good afternoon to everyone. We're here this afternoon with the family and friends of Justice Michael McCormack who passed last year, and we're here to celebrate his – his life and his time for his service on this Court. I believe, 19 years of service on this Court. We will begin with introductions from the members of this Court, and then I will attempt to introduce a number of the rest of you in the audience. I am Mike Heavican, and I am the 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.

JUSTICE CASSEL: William Cassel. Good afternoon.

JUSTICE STACY: I'm Stephanie Stacy. Good afternoon.

JUSTICE PAPIK: Jonathan Papik. Good afternoon.

JUSTICE FREUDENBERG: Good afternoon. I'm John Freudenberg.

CHIEF JUSTICE HEAVICAN: Thank you very much, members of the Court. Justice Jeff Funke is out of town and could not be with us this afternoon.

And now, I will introduce some other judges and members of the family. And we have, I believe, all three daughters of Mike.

Daughter, Kelley Coutts, you're here today, you might wave.  
(Laughter.)

And you have with you your daughter, Ellie, I believe. Thank you very much.

Daughter, Kris Uhl, good afternoon.

And, daughter, Shannon Wachsmann. Thank you very much.

And other members of the family, I believe, here today are cousins Tim and Jim and his wife Patty. And if I've missed – I apologize if I've missed other members of the family.

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CHIEF JUDGE PIRTLE: Mr. Chief Justice.

CHIEF JUSTICE HEAVICAN: Yes.

CHIEF JUDGE PIRTLE: If it please the Court, Tim McCormack was not able to make it, but Cousin Robert McCormack is here, along with Jim and Patty McCormack.

CHIEF JUSTICE HEAVICAN: Okay. Very good. My apologies then.

Thank you for being here, everybody, and our judges. You just heard from Chief Judge Mike Pirtle who's going to be the MC for us here this afternoon. And we have Judge David Arterburn.

Thank you.

Judge Frankie Moore, Judge Riko Bishop, and Judge Larry Welch, all members of – current members of the Court of Appeals. And Judge Inbody is here, also, this afternoon, a retired member of the Court of Appeals.

And other judges we have with us today, retired Justice Connolly, Bill Connolly, who's going to present today; Justice Caporale, I believe you're here; and retired Chief Justice Hendry; and Justice Stephan; and, I believe, the wife of former Judge Carlson from the Court of Appeals; Judge Gerrard from the federal district court. Thank you very much.

And those are all of the introductions I'm going to do, and I apologize to any and all of you that I have missed. And now, we're going to begin the program.

So, Chief Judge Pirtle?

CHIEF JUDGE PIRTLE: May I approach, Your Honor?

CHIEF JUSTICE HEAVICAN: You may approach, and you may proceed.

CHIEF JUDGE PIRTLE: (Indiscernible.) Good afternoon, Mr. Chief Justice and members of the Supreme Court, my fellow judges on the Court of Appeals, many other judges and dignitaries present in this courtroom this afternoon, members of Justice McCormack's family, many of his friends, and other distinguished guests. I am deeply honored to be in this courtroom this afternoon to serve as moderator for this special

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proceeding in honor of our good friend and my former law partner, the Honorable Michael McCormack.

I want to begin by saying that I know I would not be where I am today had it not been for Justice McCormack, his wife Mary Kay, and my former law partners Mike Mooney and Gene Hillman. Mr. Hillman is here with us today, and he will be our first speaker. But I would like to say a few words before I introduce him and our three other speakers who will follow him.

I first met Mike McCormack in early 1979. I was a very young lawyer having graduated from the University of Nebraska College of Law in the spring of 1978. I'd accepted a job with a small law firm in Lincoln, and I was engaged in a general practice but, unfortunately, wasn't doing that well financially, and I was generally unhappy. I wanted to become a trial lawyer. Not just a good one, I wanted to be a very good one. I wanted to be one of the best.

So, one Sunday afternoon in the dead of winter in early 1979, I was looking through the Nebraska State Bar Association's directory, and I came upon the Nebraska Association of Trial Attorneys. I had not heard of them before, and they were not yet recruiting in the law schools like they do now. So they were new to me. I decided I would write the four officers of NATA and include my resumé asking them if they needed a new associate; and, if not, could they please forward my letter and resumé to another lawyer or firm who might be looking.

The first response I received was from the, then, president, who I will not name here, and he started out by saying that he did not know he was an employment agency.

(Laughter.)

He, then, went on for several pages describing for me what he thought it took to be a great trial lawyer. I learned eventually that, basically, he was describing himself. However, I also received a letter back from Mike Mooney whom I believe was the secretary or treasurer of NATA at that time. He thanked me for my letter, and he said his firm in Omaha had lost an associate several months before, so they were interested in talking

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to me. He said I should contact Gene Hillman and schedule an interview, which I did. The interview went well. I met all of the attorneys in the office and we went to lunch. Following lunch, they thanked me for coming and said they would get back to me.

At that time, my widowed mother was still working as a bookkeeper for an accounting firm located in south Omaha, and she was living with her retired older sister, my aunt Elizabeth Dugan, who was retired from her long career as a nurse anesthetist at the old St. Joseph Hospital. And they were living in an apartment near 70th and Blondo Street, so I decided to stop by there to visit with my aunt before driving back to Lincoln. As we were talking, her kitchen wall phone rang. Mind you this was before cell phones and before caller ID. We looked at each other, and she said, "Who could that be?" So she got up, and she answered the phone. She was talking very quietly. Pretty soon, she said – she turned to me and she said, "It's for you. A man wants to talk to you." And I thought that was kind of strange because only my family knew I was in Omaha that day. So I went to the phone and, lo and behold, it was Gene, and he said, "Mike, we'd like to hire you, but we need to agree on a salary. Could you come back? Could we discuss this further?"

So, I returned to the office at 72nd and Mercy Road, and I think it took all of about 20 minutes for us to reach an agreement. I would join them as an associate at a starting salary of \$1,200 a month plus benefits. I was ecstatic. That was the most money I had ever made. I was ecstatic to be joining such a prestigious firm and getting to return to Omaha to practice law. Going to work for McCormack, Cooney, Mooney, and Hillman, which would affectionately become to know – be known as McCormack, Cooney, Looney, Rooney, and Toomey, that was a life-changer.

(Laughter.)

We had a great time. We all got along. We worked hard, and we played hard. I know Gene will talk more about that, so I won't steal any more of his thunder.



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Gene Hillman is certainly no stranger to this Court and hardly needs an introduction. Having said that, he hails from Crofton, Nebraska, or as we affectionately call it, Crawdad, Nebraska. Gene is a small-town lawyer practicing in a big city. He has a loyal following of many lifelong clients. Quite frankly, he is the best general practice lawyer I've ever been around. He is equally comfortable litigating in a courtroom, drafting a will, incorporating a business, representing an SID, handling a real estate closing, and probating an estate. He is a former partner and good friend of Justice McCormack's, and I'm proud to call him my good friend and my former law partner.

Gene?

MR. HILLMAN: Thank you, Mike.

Thank you, Court (indiscernible) all the other former judges and retired judges and active, friends and family. I promise to keep this short. Well, maybe not. But, anyway, for those of you who don't know me but you've just been told about me, my name is Gene Hillman. I'm Mike McCormack's former partner. Over 50 years ago in the late spring of 1972, at the end of my freshman year at Creighton, I went into what was then the law firm of McCormack, Cooney, and Mooney looking for a job as a summer law clerk. I was actually hired by Pat Cooney without him bothering to consult with the other partners. And there was two reasons for this. It certainly wasn't for my – unrelated to my academic accomplishments. The reasons were that I had been recommended to Pat – by Pat Green to Pat Cooney, my torts professor at Creighton. And, as Pat told me at our first meeting, he – he and I would be the only people in the office that weren't from Omaha.

Over the next 50 years, Mike McCormack was my boss; my mentor; my law partner; and, most importantly, one of my best friends. We tried many cases together from Omaha to Sidney, Nebraska. In the Omaha cases, he taught me how important connecting with potential jurors could be and is. In Sidney, I told him before we – on our way out there that I knew the superintendent of schools in Sidney. And he insisted that I call him up and ask him if we could go out to dinner, so that the

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locals would see us and know what great guys we were. So that's just how Mike always was.

It always took Mike a long time to get through jury selection. He seemed to know everyone in Omaha or, at least, a member of their family or a mutual friend. You couldn't go out for lunch, dinner, or just a libation or two at a local pub where Mike didn't know someone in the house. My wife Sue thinks that latter event happened too many times.

(Laughter.)

The community connection Mike had probably came from his grade school years at Holy Name Grade School; his high school years at Creighton Prep; his undergraduate and law school years at Creighton; then at least three years of trying cases as an assistant public defender with A. Q. Wolf. He and, as I recall, Fred Montag both later became judges, were the only – that was the public defender's office, and it was basically part-time jobs. The public defenders – I don't know how many folks they have now, but it's a lot more than three.

Anyway, I have two quick stories about – that Mike told me over the years about his PD office experience. He once tried a case with A. Q. When the jury came back with a guilty verdict against their client, the client started screaming at A. Q. and Mike, "Appeal, appeal, appeal." Without looking up from his notes at the counsel table, A. Q. responded, "Escape, escape, escape."

(Laughter.)

The second one was – actually occurred, him telling me about it occurred a year after I joined the firm as an associate. Mike came back from the courthouse one day to discover we had a new receptionist. Now, we had – the office was divided down there when we were at 19th and Farnam. You could go one way off the reception area and close the door, and you could go the other way and close the door, and there was – I can't remember who was on which. But anyway, Mike was on the other – was on my side. He comes in, he opens the door, closes it, and he just screams out that you could hear on the other side, "Who hired that woman?" Actually, it was a little

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more profane than that. But, apparently, he had represented this lady in his – at his time in the public defender’s office. And he – he recognized her right away, and his recollection was that he had tried her for her involvement for the murder of her husband.

(Laughter.)

I can’t remember exactly what the result was, but Mike thought maybe she wouldn’t be the best person to have around the office.

(Laughter.)

Mike was always sincerely interested in everyone else’s family and friends. He was (indiscernible). And, as an advocate for his clients, he was relentless and always thinking outside the box at all times. Mike Mooney used to say, “We’ve got to come up with a theory here, Gene. Let’s go ask Mike McCormack.” And he would have a theory. Probably nine out of 10 of them weren’t going to work, but there was always one out there that had a chance. He never had a client who had a losing case or that he felt was a loser; and, if he did, he wouldn’t admit it. He was always looking for a decision from Nebraska or elsewhere, an obscure statute, or even a dissenting opinion from a case (indiscernible). That would make his client’s case a winner, even if a judge and jury weren’t going to buy it. He just – I mean, he could think of more theories for recovery than anybody I’ve ever seen.

Mike had great times outside the office too. Many – too many to mention but a few, I will: Playing golf, neither one of us were very good; fishing trips, despite the fact he was allergic to fish; snow skiing, where I once found him with his legs straddling a pine tree, and I’d tried to convince him, but he had refused to take lessons; playing four-point pitch where he was known to over-move with a jack-high and win. Those of you who are familiar with the game know that doesn’t generally happen.

I’m going to let others tell you about his time on the Court, his opinions during his time on the Court. Some of those opinions I disagreed with, but I will say this. They always came

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from his heart and belief in what was right. I want to thank the Court for this opportunity to share my recollections.

Just a minute and I'll get out of here. Whoops, I forgot something,

CHIEF JUSTICE HEAVICAN: Thank you very much Mr. Hillman.

CHIEF JUDGE PIRTLE: Before I introduce our next speaker, I want to recognize a loyal and dedicated employee of the judicial branch who came to the Supreme Court with Justice McCormack when he was appointed to the bench and served as his administrative assistant for a total of 27 net years. She now serves the Court of Appeals, and we are fortunate to have her.

Tracie, where are you? Would you stand, please?

(Applause.)

Thank you all – for all you did for Justice McCormack, and thank you for all you do for me and the Court of Appeals. We are fortunate to have you with us.

Our next presenter is someone who knew Justice McCormack since their days as fellow students at Omaha Creighton Prep and Creighton University. Charlie O'Rourke was a lifelong friend and, as a Marine Corps Veteran, Charlie, we thank you for your service. Charlie worked for both IBM and First Data Resources in Omaha and then in Denver, retiring in 2006 and returning to Omaha.

Charlie, I invite you to come up and share some of your memories of Justice McCormack.

MR. O'ROURKE: May it please the Court, Chief Justice Heavican, members of the Supreme Court, Chief Judge Pirtle, members of the Appeals Court, and other judges and justices in the room. I'm honored to be able to speak today at this commemorative event for Michael McCormack – Justice McCormack. I also want to thank his daughters, Kris and Kelley and Shannon, for getting me up here. And I want to welcome all the – his cousins and especially Jimmy and Bobby who are here today and Patty and all the friends who are here today. The circumstances last year prevented me from going

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to Mike's vigil services and funeral services in Omaha, so I appreciate this opportunity to speak today.

Today I really want to focus on a few of the bits and pieces that I experienced with Justice McCormack, and from his more, let's say, lively years in the 1960s and '70s. And, like you, Judge Pirtle, I may not be here today were it not for Mike McCormack, but I'm not going to discuss that case in this setting. I respectfully would like some leniency on the 10-minute rule. I might go over a bit.

(Laughter.)

But I – I promise to be as pithy as possible, and – and on the – on the colorful language, separating it from His Honor, Michael McCormack, is challenging, but I do vow for verbal purity today.

(Laughter.)

I was first aware of Michael – my family moved to Omaha, Nebraska, in 1953, and I enrolled at Creighton Prep as a junior. But there were required courses I had to take, so I took – my junior and senior year, I was taking courses with some of Bill's class of '56, I think, and then also Mike's class of '57. So, for two years, I could – it's like, the first class I took was Latin. And that's actually where I first became aware of Mike McCormack. I don't know why it stuck with me all these years. I didn't know anybody, but in Father Canney's (phonetic) class – Father Canney's Latin class, there was this young man who seemed to be perfectly comfortable with Latin. He could conjugate verbs, he was – and so, he – he didn't have a problem. And I thought, well, that's – that's pretty good, 'cause I was struggling with Latin, you know, it was my first time out.

So, anyway, fast-forward to when I graduated in '55, he graduated in '57. And fast-forward past that to 1958. I had returned from the service and enrolled at Creighton University. And that's when I reconnected with Mike. And when I told that story, we then – we've been friends ever since.

So, this is – Michael's destiny. Why did I bring Latin up? Well, it's not necessary for lawyers to have a Latin background, but it doesn't hurt, does it? But it – mastering Latin for

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more spiritual activities is really good, and Mike did that. He had a calling out of high school, and he went in the seminary. Now, he didn't go very long.

(Laughter.)

In fact, I – I used to tell him, “I think you were in there all of 20 minutes, Mike.” But he – he found very quickly that that would not be his calling. So he returned to Creighton, obviously, and got his undergraduate degree and his law degree, and now we know what happened there. But I believe that it was preordained that Michael always served society in a long-flowing garment, it just wouldn't be a cassock.

(Laughter.)

So, by the way, when he was asked one time about did he return the gifts he got when he – he said no. Not a saintly move, for sure. Not even sure for a Justice.

Where's Michael? So, in 1961, there was a bar in Omaha opened called Player's Lounge, and many of us from Creighton frequented that place and, in fact, spent a lot of our free time there. A lot of free time there.

(Laughter.)

In fact, some of us did homework there. And it was customary, if we left the Player's to go to another party, to another event or another venue, that we have a designated driver. Well, Mike was a perfect designated driver. He – and he took the job seriously, and it was very – and he was – he was a – you could rely on him. But he had two rules. The first rule had two criteria. You couldn't go anywhere that he didn't approve of, and you couldn't go if he didn't want to go. That wasn't too bad, but you had to satisfy both of those. The second was, when he said it was time to leave, that was not a suggestion. He gave you a warning once, “The bus is leaving,” he'd say. And you had a very short period of time to form your evacuation plan and get with him, because he was out the door, in the car, and gone. It was adios; like Houdini, he vanished. He disappeared and was gone, and you were stranded there saying, “Where did Michael go? Where did Michael go?” Now, in Omaha,

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Nebraska, it wasn't too bad because you – you knew how to get around. But if you were on a trip somewhere –

In 1965, we went to a Nebraska football game. They were playing Air Force. A couple of years before, I think they lost – they lost, and it was the only game they lost in '63. So we were holed up in Denver at a hotel, and for about three or four days we were out there. And we were going to a – going to go to a club. And one of the clubs we wanted to go to was in an area called Five Points. Now, Five Points in Denver is – it was formed – it was right off the downtown area. And it was formed about the turn of the last century, so it had a lot of history, a rich cultural background, but it also had periods of decline. And, in 1965, it was a little bit sketchy and maybe a little bit risky. However, the entertainment in some of these clubs was great, so we went.

We were in the club for a little bit of time, and I looked around and I couldn't see anybody I knew. And that was scary. So, I did make a hasty exit. There was a cab terminal – you know, a taxi terminal where all the cabs go. I got a cab and headed back to the hotel. The next morning, I got up and we were getting on the bus – a real bus, 'cause there were 20 or 25 of us going to the game. And I confronted Michael. I said, and these were my exact words, “Golly, gee whiz, Michael, why did you leave me at that bar?” And he said, “I said the bus is leaving twice.” I said, “Gosh darn, Michael, considering the circumstances, you could have been a little more persistent.” He said, “Considering the location, you should have been more alert.”

(Laughter.)

Say the many sacrifices of youth.

What did Michael like to drink? In those days – I think, later on, he probably didn't change this a bit. His preferred drink was cream – actually, heavy cream and maybe Drambuie, Kahlua, white or green Crème de Menthe. Those were his favorites. And so his drinks were White Russians, Black Russians; he loved Stingers. He liked those Stingers. He liked Brandy Alexanders, were in the mix. And his favorites were

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Grasshoppers. Occasionally, he'd drink a Moscow Mule. Those were pretty good. And, if somebody whipped up a Ramos Gin Fizz, he'd probably drink that, too, but those were his favorites. And by the way, his – his Grasshoppers made with ice cream, ice cream. Now, you know, Justice McCormack liked sweet stuff. He liked sausages, but he liked sweet things. He ate that ice cream with white – green Crème de Menthe. His Grasshoppers were world class.

He was always prepared, too. If he went to a place that didn't have his – that was – that was where his favorite alcohol was not available, he'd just go out to his car, open his trunk, get a bottle of Drambuie or Kahlua and take it back inside, and he was all set.

(Laughter.)

It'd be the – I think, in the '70s Bailey's Irish Cream came out. And Mike, I think, was ecstatic about that because it saved a lot of time making these from-scratch creamy drinks, and it was less expensive. Plus, it had the added benefit that he had another creamer in morn- -- for his morning coffee, which more than occasionally he would drink.

Mike was my best man at my wedding in 1971. And let me tell you how that came about. Sally and I went down to the courthouse – my wife Sally – and – to get a marriage license. And we got there, went inside, and they told us that they'd changed the waiting period from three days to five. Well, this is catastrophic. We've got a wedding on Friday. This is Monday. This isn't going to work. So, I was panicked. My wife's crying on the – on the courtroom steps. Her sister's crying on the courtroom steps. I called Mike. And that's all I had to do.

Michael took charge immediately. Came down to the courthouse, went inside, talked to the people there, got ahold of some judges. By the way, he got ahold of Judge Montag, Freddie. He got ahold of Fred. He got ahold of Judge Brodkey. He got ahold of A. Q. Wolf who was a good friend of ours. He got ahold of him. And – but nothing could be done. We weren't going to get a license in Omaha, Nebraska. But he



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also discovered in his – in his time plodding around that South Dakota had a no wait. So, you could go up there, get a license, get married.

So, the next day, Mike McCormack was my best man. Susie, Sally's sister, was the maid of honor. Sally and I went to Elk Point, South Dakota. We got married there. So, we got a certificate. There was a judge, a former retired judge, who was justice of the peace. He married us. We went back home. On the way, we stopped and had a celebratory lunch at the marina in Sioux City and drove back.

Two days later, the wedding went off without a hitch. We had people there. Everybody said – nobody knew the difference, but we had a mock wedding in the ballroom. And Judge Brodkey, by the way, was officiating at that wedding, so he already knew what was happening. And, at the end, he said to Sally, "I'm going to introduce Sally," so he told them about the wedding. And the wedding went off perfectly. So, Michael saved the day. He was Michael the Archangel as far as I'm concerned.

(Laughter.)

My wife loved Michael ever since.

So, I know you've probably all – by the way, excuse me. Michael attended a lot of weddings, and he was also instrumental in a few, not the least of which was his own, of course. But I don't think he had much to do with that. Mary Kay handled all of that. But it's a little-known fact that Michael orchestrated and planned another wedding. Ron Henningson who was a – working – his dad was a publisher at the time, but Ron was with the Daily Record and a good friend of ours. He was about four or five, six years younger, but he was always with us, and he was a lot of fun to be with if you knew him. He was going to get married in Las Vegas, and Mike planned that whole thing. Went out to Vegas. My friend Ed Epsom and I were there. And that was due to Michael. And he brought – brought Mary Kay out, and so Michael planned that wedding.

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So, anyway, as you do things in life, sometimes if you ever – you’re doing something and you think automatically of an individual or a person. So, I was doing some research one time, and I forget what the area was about. It was leadership or something. And I ran across a – a tombstone with an inscription, an epitaph. And the epitaph read like this, “Remember, sir, as you pass by, as you are now, once was I. As I am now, so you will be. So be prepared to follow me.” Now, that’s – that’s heavy-duty. But at the bottom of that was – amateurishly scratched on the bottom of it was a reply by some passerby which read, “To follow you is not my intent until I know which way you went.”

(Laughter.)

Right away, I said – and that was from, probably, 200 years – 18th Century. I said, “Michael.” Michael would have written that on that tombstone had he been there to witness this. There’s no doubt about it.

In the fall of 2021, we met Mike at a place called Spezia and we had lunch with my wife and I and two other ladies, Mary Kay Rupek and Judy de Giancomo. We had a great lunch. It was a good time. We reminisced and shared memories. And when I was finished, we had to say farewell to Mike because Kelley was going to take him down to Florida, and he was going to live with her and her family. And, at that time, we didn’t know that would be the last time we’d see Justice McCormack.

The question for the ages or one of the questions that’s been asked: Are men angels? And, fortunately, our founding fathers didn’t think so. And, in fact, Madison wrote in one of his dissertations in the Federalist Papers spoke to that when he said, “If men were angels, there would be no need for government. And if angels governed men, there would be no need for constraints.” I think we can all agree that Mike – we’re not angelic. But I – in my mind, Michael came pretty damn close. He was a fun-loving, thoughtful, honest guy. His decisions were always made and guided by his faith and his core values. It was not just about what was right or what was wrong, it was

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about the right thing to do given the circumstances and the context. I read a – a quote by Winston Churchill, and it said, “We make a living by what we get, and we make a life by what we give.” Michael was a giver. He gave himself to everyone he knew, as a lawyer, as a Nebraska Supreme Court judge, as a father, as a friend. He never mailed it in. He was devoted to his family. I think his presence enriched us all. I was blessed to be his friend. I love Michael. I miss him.

CHIEF JUDGE PIRTLE: Our next presenter is Justice McCormack’s nephew, Dr. John McClellan. Dr. McClellan is a board-certified orthopedic surgeon practicing in Omaha. Gene Hillman and I have known him since he was in elementary school, and it is hard for us to still not call him Johnny. Dr. McClellan will share some of his memories of being part of Justice McCormack’s extended family growing up in Omaha.

DR. McCLELLAN: Uncle Mike didn’t realize he was going to have a cheerleading section today.

(Laughter.)

Judge Pirtle, thank you for the opportunity to say a few words about my Uncle Mike. I want to thank the Nebraska Supreme Court for holding this celebration in his memory.

I’ve lived in the same town with Uncle Mike for the past 55 years. I was one of the many relatives that came to he and Mary Kay’s house on Thanksgiving and Christmas. Great conversation, incredible homecooked meals, free-flowing cocktails and Stingers, and lots of extended family and friends. The evenings generally ended with Uncle Mike falling asleep on the couch; a book across his chest; his glasses still on; surrounded by sleeping kids, nephews, and nieces.

During the summer, he and Mary Kay graciously opened their doors at the Woodcliff cabin entertaining most weekends, grilling and enjoying the lake during the day, playing cards until late in the evening at the big kitchen table. Uncle Mike and Mary Kay kept the cabin for the extended McCormack family for over three decades.

My early interactions with Uncle Mike made me wonder if he was Superman. He was able to balance family and work,

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maintain a home and a cabin, and foster many close friendships, a very difficult task for anyone. After raising four children of my own, I realized he truly was Superman.

I didn't see much of Uncle Mike after I headed off to college. When I finally returned and set up practice in Omaha, he and Mary Kay opened their home and their hearts as if we had never left. I would call Uncle Mike frequently for parent and parenting advice. Those of you that know him know that he was an incredible listener. He never told me what to do. He never used the word "should." He simply listened and helped me find my own path. Please don't get me wrong, when Uncle Mike did have an opinion, he let you know.

As time marched on, he became – or we became very close friends. I often would pick him up and drive around on a weekend. We meandered around town, often stopping at his numerous friends' homes to visit; or we would simply meet at one of his favorite breakfast or lunch places. We never had a set agenda. As he aged and health issues arose, he took them in stride with a positive attitude, and he never let it slow him down. When his mobility prevented him from attending his grandchildren's activities or traveling, he simply bought a portable scooter. He would pull the scooter out of his trunk, ride it to work, out to grandkids' activities, and even take it on flights. When I would join him at the grandkids' ball games, he was always easy to spot: dark sunglasses, baseball hat, huge smile, and a big wave.

When air travel became a challenge for Uncle Mike due to poor health, it didn't slow him down. He simply decided to drive everywhere. At the age of 80, he could be found driving himself to Valentine to check on a good friend; then, driving rural, two-lane highways to see his daughters and grandchildren. I was always amazed at his endurance and his independence. He also taught me the trick of turning off your cell phone the day before you – your intended travel to avoid calls from anyone trying to talk you out of the trip.

(Laughter.)

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Uncle Mike's friends meant the world to him. Their bond was so tight it seemed to have its own gravitational force that consistently pulled Mike back to Omaha. You could even bet on it. In short, we are all in a better place because of Mike McCormack, the life he lived, the family he raised, the friends he kept, the legacy he lives – or the legacy he leaves. Thank you.

CHIEF JUDGE PIRTLE: Before I introduce our last presenter, I am curious whether there are any former law clerks in the courtroom who clerked for Justice McCormack. If there are, would you please stand and be recognized? Thank you. I will tell you that Justice McCormack always talked about and praised his law clerks. He was very appreciative and thankful for your service. Thank you for that service to him and the judicial branch.

Our final presenter certainly is no stranger to this Court and hardly needs an introduction. Justice William Connolly served honorably on this Court from 1994 to 2016, and he was one of the original judges on the Court of Appeals, serving from 1992 to 1994. He was in private practice in Hastings prior to his appointment to the Court of Appeals. Another longtime friend of Justice McCormack, I invite Justice Connolly to come forward and say a few words.

JUSTICE CONNOLLY: Chief Justice Heavican, honorable members of this Court, I'm on a different side of the bench this time. But I am pleased to be – pleased to be here to pay tribute to my friend and colleague, Justice Michael McCormack.

I was on this Court in 1997 when Judge McCormack was appointed by Governor Ben Nelson in January of 1997. But that's not the first time I met Mike. As noted by Mr. O'Rourke, we were fellow students at Creighton Prep in Omaha. And Michael came from a legal family. His father, John, and his Uncle Robert practiced in the firm of McCormack and McCormack.

But the thing I really remember about Michael McCormack was some of his high school – well, the high school days.

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Michael was not the pampered son of a prominent lawyer. Mike was a worker. Even in high school, he had jobs. A lot of jobs. He'd pump gas in the afternoon. In the mornings, he would get in his jalopy and deliver *Omaha World-Herald* papers in a wide swath of west Omaha at the time.

But I really got to know Mike when he was – when we were classmates at Creighton Law School. We graduated together in 1963. The law came – the study of law came easy for Mike. He had a knack for it. He got – he was a good student. I remember that – about – one thing about him. He seemed always happy-go-lucky. The study of law, he was – he was not stressed. He didn't suffer anxiety like some of the other students. But I really got to know Mike when we were classmates at Creighton Law School, and we both graduated in 1963. Michael was a good student.

But I remember one – one incident, an act of kindness that Mike exhibited or was to me. In law school, on graduation, I had a job – an offer to be the deputy county attorney in Hastings, Nebraska. I was married and had a family, two children. I was broke. I couldn't afford to move. The moving expenses, the rent, and the expenses to get – before the first paycheck. Mike knew of my situation, and Mike said, "I'll take care of it." Mike had his dad, John, loan me three or four-hundred dollars to move to Hastings for moving expenses and other rent, living expenses, until I got a first paycheck. Mike – that was just an example of his kindness, and I'll always remember.

When Mike came to the Court, he was well-equipped. He had a great wealth of legal knowledge and experience, as you've heard of his practice and the extent of his practice and his courtroom victories. But what he brought to the Court was – one important thing was common sense. Mike, when he came to the Court, had the ability to relate with the other judges. He was collegial. By that, I mean he would listen to the other viewpoints of the judges, he would consider their – the issues they may have with his opinions, and sometimes a judge would

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suggest that maybe he should – maybe the opinion should be tailored a little differently by deleting an issue or expanding on an issue. Mike always listened, and he usually would accommodate.

Mike had a sense of – of justice and a sense of fair play. He was not a – I would not – I would say that he was not blindly or slavishly – had an allegiance to the dictates of a mechanical justice. Mike understood that justice was probably something different than just being fair. Justice demonstrated humanity, and Mike had a lot of humanity. Mike knew that – that there's more than just the cold appellate record. He understood that justice meant also – meant also compa- -- companionship and an understanding of the litigants' rights as persons.

And so, in conclusion, if what they say, life is but a book, Mike's legal career was a bestseller. I'm just thankful for all the memories. Thank you, Chief Justice.

CHIEF JUSTICE HEAVICAN: Thank you, Justice Connolly.

CHIEF JUDGE PIRTLE: With that, Mr. Chief Justice, I just want to say that it has been my great honor and privilege to chair this event. And I thank you and the other members of the Court for allowing me to serve in this role. With that, I believe we are concluded.

CHIEF JUSTICE HEAVICAN: Thank you, Chief Judge Pirtle. And thanks for all the presenters here today. And, again, to – thanks to all the members of the family and friends who are here today.

I will add just a couple of words, and they will be largely redundant. But, as noted frequently this afternoon, Mike McCormack was the most social and congenial member of the Court, probably then and now.

(Laughter.)

And I, personally, frequently relied on his advice and diplomatic skills, particularly if we had a problem in Omaha. He was the face of the Court in Omaha. And we will always remember him for, as Justice Connolly said, his common sense and social and diplomatic skills.

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So, with that, we want to thank you all again. And the Court is adjourned, but please stay around and talk and engage in a little social prater. Michael McCormack would love that from all of you. So, thank you very much, and we'll be down talking to you all. Thank you.