

MINUTES OF THE MEETING  
OF  
THE NEBRASKA JUDICIAL RESOURCES COMMISSION  
February 9, 2017

A meeting of the Nebraska Judicial Resources Commission was held on the 9<sup>th</sup> day of February 2017, in Room 1510, State Capitol Building, in Lincoln, Nebraska, with some Commission members attending by video conferencing locations in Omaha, Grand Island and North Platte, Nebraska

Justice Stacy called the meeting to order in Room 1510 at the hour of 10:00 a.m. Roll call by the acting Secretary:

PRESENT

Justice Stephanie Stacy, Chairperson  
Judge Patrick McDermott  
Judge Robert O'Neal  
Judge John Samson  
William Dittrick  
Robert Parker  
Mark Sipple  
Stephen Bader  
Christopher Nielsen  
Coby Mach  
Brian Phares  
Lori Scherer

ABSENT

Robert Slovek  
Charles Conrad  
Timothy Engler  
Darlene Starman  
Michael McCarthy

The Chairperson identified for the record exhibits 1 through 13. During the meeting, additional documents were provided for consideration, for a total of 16 exhibits.

The Chairperson called for approval of the supplemental minutes of the annual meeting of December 1, 2016. It was moved by Coby Mach and seconded by Lori Scherer that the supplemental minutes be approved. Voting yes, all present.

The Chairperson announced that the purpose of the hearing was to consider whether or not the caseload statistics warranted the filling of the judicial vacancy in the following locations:

1. In the district court of the 1<sup>st</sup> Judicial District, due to the retirement of the Honorable Daniel E. Bryan, Jr., effective December 31, 2016.

The Chairperson called for consideration of the position in the District Court of the 1<sup>st</sup> Judicial District of Nebraska as a

result of the retirement Judge Daniel Bryan, Jr. The Chairperson called for testimony. Testimony in favor of finding a vacancy was received by the Commission. There was no testimony in opposition. It was moved by Brian Phares and seconded by Robert Parker that a vacancy exists in the office of District Judge of the 1st Judicial District, and the primary office should be in Auburn, Nemaha County, Nebraska. Voting yes, all present. Motion carried.

2. In the district court of the 2<sup>nd</sup> Judicial District, due to the appointment of the Honorable David K. Arterburn to the Nebraska Court of Appeals, effective January 17, 2017.

The Chairperson called for consideration of the position in the District Court of the 2<sup>nd</sup> Judicial District of Nebraska as a result of the appointment of Judge David K. Arterburn to the Nebraska Court of Appeals. The Chairperson called for testimony. Testimony in favor of finding a vacancy was received by the Commission. There was no testimony in opposition. It was moved by Judge Robert O'Neal and seconded by Brian Phares that a vacancy exists in the office of District Judge of the 2<sup>nd</sup> Judicial District and the primary office should be in Papillion, Sarpy County, Nebraska. Voting yes, all present. Motion carried.

3. In the county court of the 3<sup>rd</sup> Judicial District, due to the resignation of the Honorable Thomas W. Fox, effective January 5, 2017.

The Chairperson called for consideration of the position in the County Court of the 3<sup>rd</sup> Judicial District of Nebraska as a result of the retirement Judge Thomas W. Fox. The Chairperson called for testimony. Testimony in favor of finding a vacancy was received by the Commission. There was no testimony in opposition. It was moved by Brian Phares and seconded by Judge John Samson that a vacancy exists in the office of County Judge of the 3<sup>rd</sup> Judicial District and the primary office should be in Lincoln, Lancaster County, Nebraska. Voting yes, all present. Motion carried.

4. In the county court of the 4<sup>th</sup> Judicial District, due to resignation of the Honorable Susan M. Bazis, effective January 1, 2017.

The Chairperson called for consideration of the position in the County Court of the 4<sup>th</sup> Judicial District of Nebraska as a result of the resignation of Judge Susan Bazis. The Chairperson called for testimony. Testimony in favor of finding a vacancy was received by the Commission. There was no testimony in opposition.

It was moved by Judge Robert O'Neal and seconded by Judge Patrick McDermott that a vacancy exists in the office of County Judge of the 4<sup>th</sup> Judicial District and the primary office should be in Omaha, Douglas County, Nebraska. Voting yes, all present. Motion carried.

5. In the county court of the 9<sup>th</sup> Judicial District, due to the retirement of the Honorable Philip M. Martin, Jr., effective February 1, 2017.

The Chairperson called for consideration of the position in the County Court of the 9<sup>th</sup> Judicial District of Nebraska as a result of the retirement Judge Phillip M. Martin, Jr. The Chairperson called for testimony. Testimony in favor of finding a vacancy was received by the Commission. There was no testimony in opposition. It was moved by Brian Phares and seconded by Judge Patrick McDermott that a vacancy exists in the office of County Judge of the 9<sup>th</sup> Judicial District and the primary office should be in Grand Island, Hall County, Nebraska. Voting yes, all present. Motion carried.

The Commission also discussed placing on the agenda for discussion at a future meeting whether moving Otoe County from the Second Judicial District to the First Judicial District might better balance existing judicial resources for both districts.

Under other business, the Commission was provided the following reports:

1. Judge Samson and Judge McDermott reported on steps they had taken since the last meeting to gather information for the commission's future consideration regarding more accurately measuring the time devoted by judges to problem solving courts in the various districts. Judge Samson thanked Corey Steel, and Statewide Problem Solving Court Coordinator Adam Jorgensen, for putting together the detailed map of current problem solving courts. It was agreed the issue would be carried over for future discussion as an agenda item.

2. Bill Mueller spoke to the Commission about LB 644 as it regards the Judicial Resources Commission. Mr. Mueller provided commissioners with a handout summarizing the history of the Judicial Resources Commission since 1911, and answered questions about the scope and status of the proposed legislation.

3. Justice Stacy inquired about the commissioners' interest in scheduling an informational meeting, perhaps over a noon hour (with videoconferencing), where those who compile the Annual

Caseload Reports and the Weighted Caseload Reports could explain the reports and the underlying data to the commissioners, and commissioners could ask questions. The commissioners were generally in favor of such training, and Justice Stacy will take steps to arrange a training session.

There being no further business to come before the Commission, it was moved by Robert Parker and seconded by Lori Scherer, that the Commission stand adjourned. Voting yes, all present. Motion carried. Meeting adjourned.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Patrick R. McDermott". The signature is written in a cursive style with some flourishes.

Judge Patrick McDermott  
Secretary