

MINUTES OF THE MEETING  
OF  
THE NEBRASKA JUDICIAL RESOURCES COMMISSION  
January 25, 2019

The Chair updated the Commission on membership changes since the last meeting on December 11, 2018. Jacqueline Tessendorf was welcomed as our newest member, appointed to replace Mark Sipple who announced his retirement after 26 years of service to the Commission. Mr. Engler and Mr. Parker will draft a resolution for the Commission's consideration at our next meeting, recognizing and thanking Mr. Sipple for his many contributions to this body. Mr. Sipple's retirement also means we need to elect a new vice-chair, and commissioners were asked to consider nominations as the matter will be taken up at our next meeting.

A meeting of the Nebraska Judicial Resources Commission was held on the 25<sup>th</sup> day of January, 2019, in Room 1510, State Capitol Building, in Lincoln, Nebraska, with Commission members attending by video conferencing with locations in Omaha, North Platte, McCook and Hastings, as provided by law.

Justice Stacy called the meeting to order in Room 1510 at the hour of 10:00 a.m. The following commissioners attended either in person or by videoconference:

PRESENT

Justice Stephanie Stacy, Chair  
Judge Robert O'Neal  
Judge Anne Paine  
Judge John Samson  
Charles Conrad  
William Dittrick  
Timothy Engler  
Coby Mach  
Robert Parker  
Robert Slovek  
Darlene Starman  
Jacqueline Tessendorf

ABSENT

Stephen Bader  
Michael McCarthy  
Christopher Nielsen  
Brian Phares  
Lori Scherer

The Chair called for approval of the minutes of the annual meeting of December 11, 2018. It was moved by Charles Conrad and seconded by Timothy Engler that the corrected minutes be approved. Voting yes, all present.

The Chair announced that the purpose of the hearing was to determine whether:

1. A judicial vacancy exists in the County Court, 11<sup>th</sup> Judicial District, due to the appointment of Michael E. Piccolo to district court judge, effective December 14, 2018.

2. A judicial vacancy exists in the District Court, 9<sup>th</sup> Judicial District, due to the retirement of Judge Teresa K. Luther, effective December 31, 2018.

3. A judicial vacancy exists in the County Court, 2<sup>nd</sup> Judicial District, due to the retirement of Judge John F. Steinheider, effective December 31, 2018.

The Chair identified and received into the record Exhibits 1 through 10. The Chair then called for testimony. Testimony was offered in support of declaring the various vacancies by Corey Steele. There was no testimony offered in opposition to the vacancies.

It was moved by Timothy Engler and seconded by Jacqueline Tessendorf that a vacancy be declared in the office of the County Court of the 11<sup>th</sup> Judicial District and that the primary office be in North Platte, Lincoln County, Voting yes 12, voting no 0. Motion carried.

It was moved by Timothy Engler and seconded by Darlene Starman that a vacancy be declared in the office of the District Court of the 9<sup>th</sup> Judicial District and that the primary office be in Grand Island, Hall County, Voting yes 12, voting no 0. Motion carried.

It was moved by Timothy Engler and seconded by Charles Conrad that a vacancy be declared in the office of the County Court of the 2<sup>nd</sup> Judicial District. The Commission recommended that the primary office of this vacancy should be alternatively in either Plattsmouth, Cass County, Nebraska or Nebraska City, Otoe County, Nebraska. Voting yes 12, voting no 0. Motion carried.

There being no further business to come before the Commission, the Chair asked whether there was any objection to adjourning the meeting. It was moved by Coby Mach and seconded by Jacqueline Tessendorf that the meeting be adjourned. All voting yes.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "John E. Samson", written over a circular stamp or seal.

Judge John Samson  
Secretary

**AGENDA**  
**JUDICIAL RESOURCES COMMISSION**

**January 25, 2019 - 10:00 a.m.**  
**Room 1510, State Capitol, Lincoln, Nebraska**  
**VIDEO CONFERENCE HEARING**

- I. Roll call of members by secretary.
- II. Approve the minutes of the annual meeting held on December 11, 2018.
- III. Due to the appointment of Michael E. Piccolo to district court judge, effective December 14, 2018, the Commission will determine, pursuant to Neb. Rev. Stat. § 24-1204 and § 24-1206, whether a judicial vacancy exists in the office of county court of the 11th Judicial District, and if so make a recommendation to the Supreme Court as to the primary place of office of said vacancy.
- IV. Due to the retirement of Judge Teresa K. Luther, effective December 31, 2018, the Commission will determine, pursuant to Neb. Rev. Stat. § 24-1204 and § 24-1206, whether a judicial vacancy exists in the office of district court of the 9<sup>th</sup> Judicial District, and if so make a recommendation to the Supreme Court as to the primary place of office of said vacancy.
- V. Due to the retirement of Judge John F. Steinheider, effective December 31, 2018, the Commission will determine, pursuant to Neb. Rev. Stat. § 24-1204 and § 24-1206, whether a judicial vacancy exists in the office of county court of the 2<sup>nd</sup> Judicial District, and if so make a recommendation to the Supreme Court as to the primary place of office of said vacancy.
- VI. Any and all other business that may come before the meeting.
- V. Adjournment.

MINUTES OF THE ANNUAL MEETING  
OF  
THE NEBRASKA JUDICIAL RESOURCES COMMISSION  
December 11, 2018

The annual public hearing of the Nebraska Judicial Resources Commission was held on the 11<sup>th</sup> day of December, 2018, in Room 1510, State Capitol Building, in Lincoln, Nebraska. Justice Stacy Chaired the annual public hearing and called the meeting to order at the hour of 10:00 a.m. Roll call by the acting Secretary:

PRESENT

ABSENT

Justice Stephanie Stacy, Chairperson  
Judge Anne Paine (via video conference)  
Judge Robert O'Neal  
Judge John Samson  
William Dittrick  
Timothy Engler  
Stephen Bader  
Michael McCarthy (via video conference)

Mark Sipple  
Robert Slovek  
Coby Mach  
Brian Phares  
Charles Conrad  
Robert Parker  
Christopher Nielsen (via video conference)  
Lori Scherer  
Darlene Starman

The Chair called for approval of the minutes from the last meeting on October 23, 2018, and for approval of the minutes from the 2017 annual meeting. It was moved by Brian Phares and seconded by Charles Conrad that the minutes be approved. Voting yes, all present; voting no, none. Minutes are approved.

The following exhibits were examined and considered by the Commission:

1. Current Annual Caseload Reports for the county, district and separate juvenile courts;
2. Current Weighted Caseload Reports for the county, district and separate juvenile courts;

3. Letter dated December 11, 2018 from District Court Judge James E. Doyle IV;
4. PowerPoint slides with supplemental information on caseload trends, population trends, judicial workload trends, retirement predictions, and the need for an updated judicial time study to support the weighted caseload determinations.
5. Chart on Judicial System Relationships prepared by retired judge and former Commission member Patrick McDermott.

All of the exhibits listed above are attached to these minutes (except the annual caseload reports and weighted caseload reports which are available on the Supreme Court's website).

The Commission heard reports/testimony from the following individuals concerning the allocation of judicial resources and access to the courts: Corey Steel, Court Administrator; Jennifer Rassmussen, Deputy Court Administrator for Information Technology; William Mueller on behalf of the Nebraska State Bar Association; Pat Cooper, President of Omaha Bar Association; Hon. Patrick McDermott, retired; and Chief Justice Mike Heavican.

It was moved by Timothy Engler and seconded by Robert Slovek that the Commission again recommend the creation of an additional district judgeship in the 4th judicial district. On roll call vote, the motion carried unanimously.

It was moved by Timothy Engler and seconded by Judge Robert O'Neal that the Commission recommend fully funding the judiciary's budget request of \$250,000, to enable the Administrative Office of the Courts to conduct, with the assistance of the National Center for State Courts, a new statewide judicial time study. During discussion of the motion it was noted that the weighted caseload reports are compiled using a judicial time study from 2005, which did not measure the judicial time required to handle cases involving self-represented litigants or language interpreters, both of which have increased dramatically in the past 10 years. And since the 2005 time study was completed there have been significant changes in the criminal law, an expansion of problem solving courts, changes in the civil docket, changes in judicial travel practices, and an increase in the time devoted to judicial case management. Because the weighted caseload reports are relied upon by the Commission to inform nearly every issue brought before it, the Commission was in agreement that a new time study is necessary to accurately evaluate current judicial workloads. On roll call vote, the motion carried unanimously.

No other motions were made with regard to judgeships, judicial districts, or the more balanced use of existing judicial resources. However, it was suggested

that the Commission consider studying judicial redistricting alternatives in the future.

There being no other matters brought before the Commission, the Chair asked whether there was any objection to adjourning. There being no objection, the meeting was adjourned.

Respectfully submitted:

Judge John Samson  
Secretary



# STATE OF NEBRASKA OATH OF OFFICE

STATE OF NEBRASKA )  
County of Lincoln ) ss.

"I, **Michael E. Piccolo**, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of ***District Court Judge, 11<sup>th</sup> Judicial District*** according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."

(Signed)

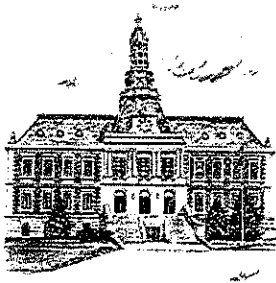
Michael E. Piccolo

Subscribed in my presence and sworn to before  
me this 14<sup>th</sup> day of December, **2018**.



Notary or Witness Authorized  
to Administer Oath

\*Constitution of the State of Nebraska, Article XV, Section One. For Executive, Judicial Officers and Members of the Legislature.



# District Court

Ninth Judicial District  
**Teresa K. Luther, Judge**  
Hall County Courthouse  
111 West First Street  
Grand Island, Nebraska 68801

Lisa M. Hagman, Court Reporter  
Judy A. Stevenson, Bailiff/Secretary

Telephone (308) 385-5666  
Fax (308) 385-5669

September 13, 2018

Chief Justice Michael Heavican  
Nebraska Supreme Court  
State Capitol #2214  
PO Box 98910  
Lincoln, NE 68509

Dear Chief Justice Michael Heavican:

Although I have spoken to you about my intentions to retire at the end of the year, please consider this my formal notification to retire on December 31, 2018.

It has been an honor to serve as a district judge for the last 24 years. I owe a debt of gratitude to my court reporter, bailiff, the Clerk of the District Court and all other court staff who have assisted me and provided capable and professional service to the public. Our State is fortunate to have a Judicial Branch, including judges, lawyers, and staff that are dedicated to providing legal services and access to justice for all. I am proud to have been part of that system for so long.

Very truly yours,

Teresa K. Luther  
District Judge

TKL/jas



[illegible]

**Ph: 402-296-9334**  
**Fax: 402-296-9545**

CC: Eileen Janseen  
Administrative Office of the Court  
1213 State Capitol  
PO BOX 98910  
Lincoln NE 68509-8910

Nebraska Judicial Branch

# Weighted Caseload Report

## County Courts

**Reporting Period**  
**Fiscal Year 2018**

July 1, 2017 to  
June 30, 2018



July 1, 2017 - June 30, 2018

# Nebraska County Courts Weighted Caseload Report

## **Fiscal 2018 (July 1, 2017 — June 30, 2018)**

This Weighted County Court Caseload Report contains caseload statistics for Nebraska's 93 District Courts, grouped into twelve Judicial Districts. The judiciary of Nebraska currently assesses the need for judicial positions using a weighted caseload method based on cases opened. Weighted caseload systems provide objective, standardized determinations of resource needs.

*No quantitative judgeship assessment method, including a weighted caseload system will determine the exact number of judges required within a judicial district. But quantitative methods, such as weighted caseload can approximate the need for judgeships and provide a point of reference or standard for comparing relative need among judicial districts. Other measures, both qualitative and quantitative, may be used in conjunction with the weighted caseload standard calculation to support the assessment of judicial need. In particular, should the standard calculation show the need for a fractional judge (less than the full-time equivalent), additional assessments as to the relative workload per judge within a district and travel per judge may be useful. Also, other useful measures may include analyses of budget constraints, population trends, and other factors that may differentially affect the need for judges across districts.*

---

### **Mission of the Nebraska Administrative Office of the Courts:**

Under the direction of the Nebraska Supreme Court, the Administrative Office of the Courts' mission is to ensure the public has equal access to justice, using leadership, education, technology, and administrative services to implement consistent, efficient, and effective court practices.



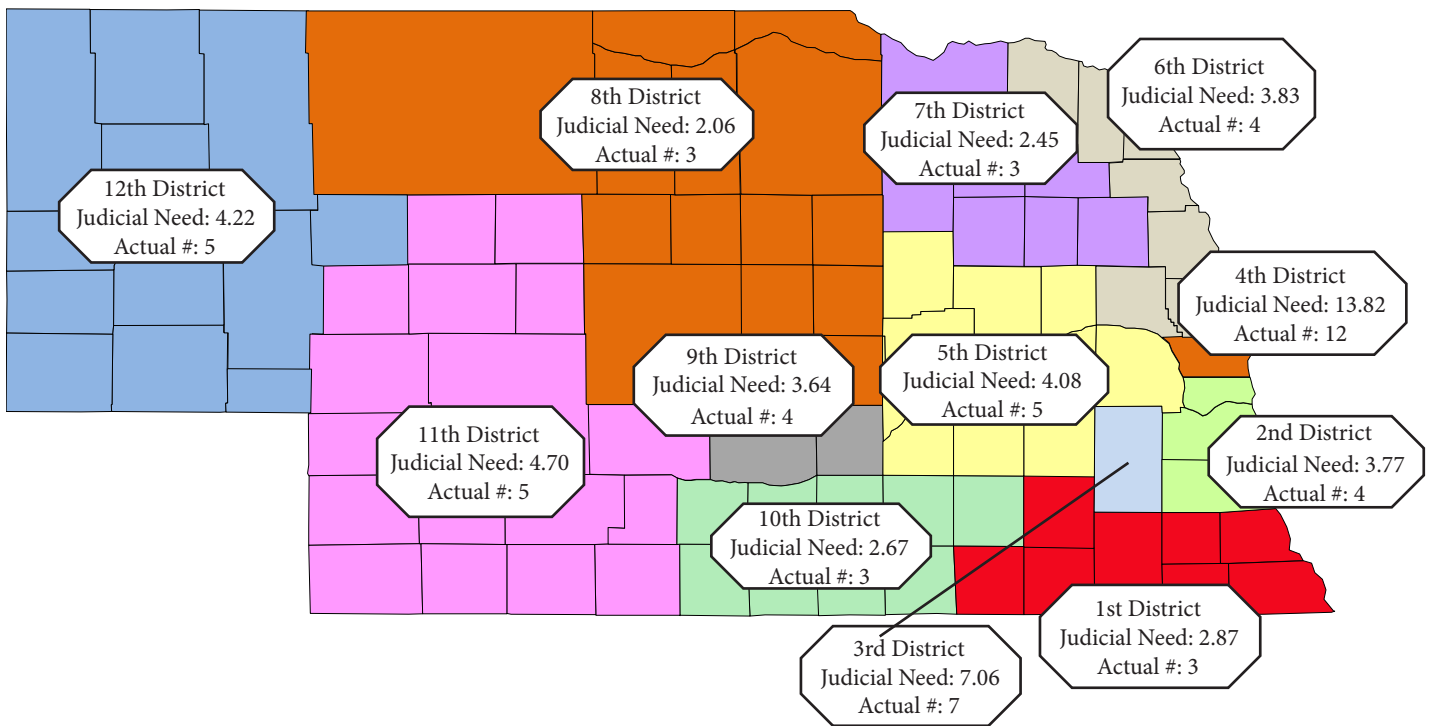
**Corey R. Steel | Nebraska State Court Administrator**  
**Nebraska Supreme Court**

Rm. 1213 State Capitol | P.O. Box 98910 | Lincoln, NE 68509  
T 402.471.3730 | F 402.471.2197  
[www.supremecourt.ne.gov](http://www.supremecourt.ne.gov)

July 1, 2017 - June 30, 2018

# Nebraska County Courts Judicial Needs

Fiscal Year 2018 (July 1, 2017 - June 30, 2018)



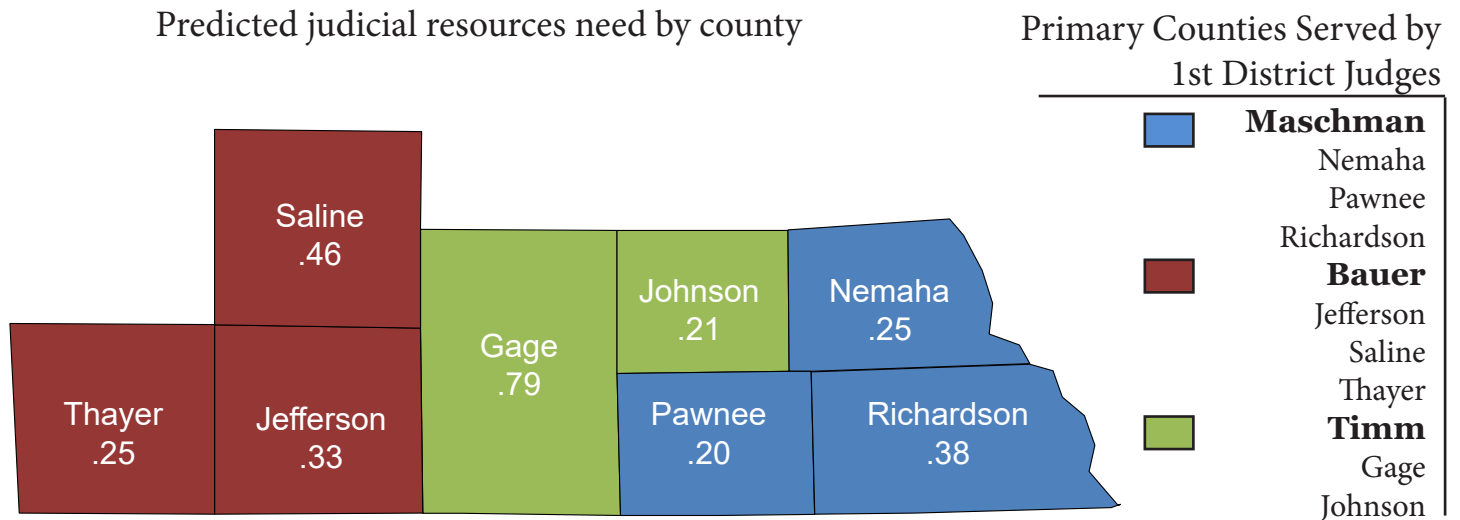
July 1, 2017 - June 30, 2018

# Weighted Caseload Report

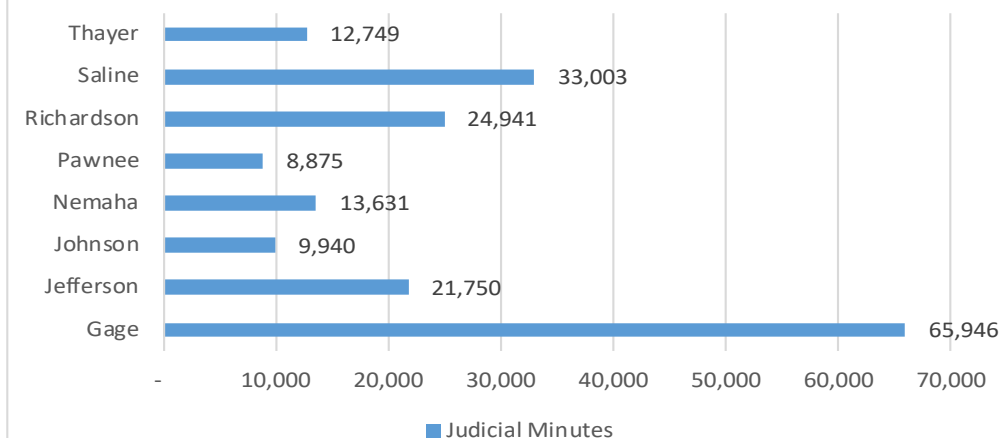
## 1st Judicial District - County Court

County court need for judges: 2.87  
 Current number of judges: 3

Predicted judicial resources need by county



Weighted Cases by County



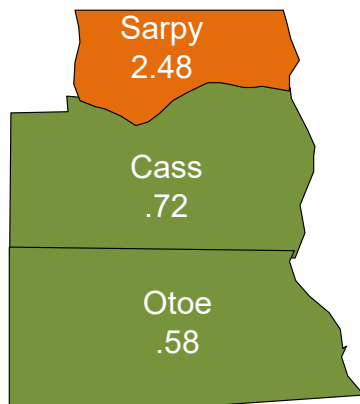
# Weighted Caseload Report

## 2nd Judicial District - County Court

County court need for judges: 3.77

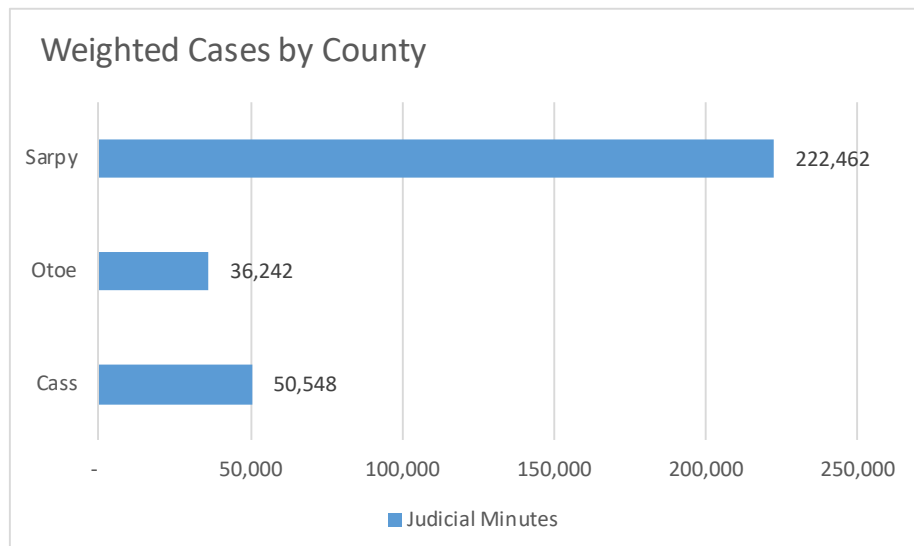
Current number of judges: 4

Predicted judicial resources need by county



Primary Counties Served by  
2nd District Judges

<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span>	<b>Vacant</b>
<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span>	Sarpy
<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span>	<b>Hutton</b>
<span style="display:inline-block; width:15px; height:15px; background-color:olive; border:1px solid black;"></span>	Sarpy
<span style="display:inline-block; width:15px; height:15px; background-color:olive; border:1px solid black;"></span>	<b>Steinheider</b>
	Cass
	Cass Juvenile
	Otoe
<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span>	<b>Wester</b>
	Sarpy



\*Sarpy County Juvenile Judge Robert O’Neal hears all Otoe County Juvenile Cases  
(Juvenile cases have been removed from Otoe County weighted cases and added to Sarpy County weighted cases.)

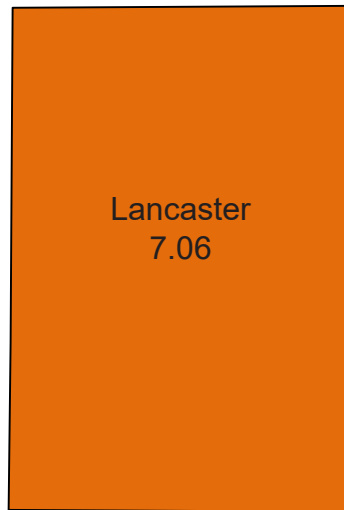
# Weighted Caseload Report

## 3rd Judicial District - County Court

County court need for judges: 7.06

Current number of judges: 7

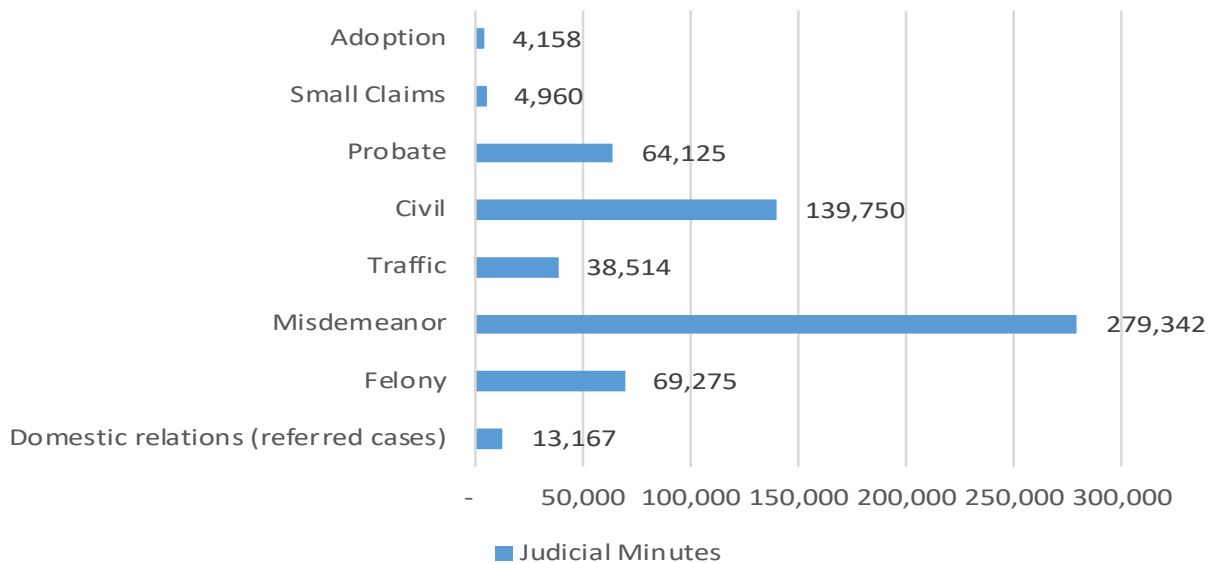
### Predicted judicial resources need



### Judges Serving the 3rd District County Court

Acton  
Frudenberg  
Parsley  
Phillips  
Reuter  
Yardley  
Zimmerman

### Weighted Cases by Case Type





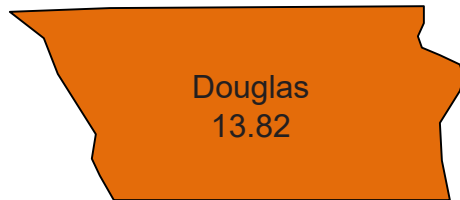
# Weighted Caseload Report

## 4th Judicial District - County Court

County court need for judges: 13.82

Current number of judges: 12

Predicted judicial resources need

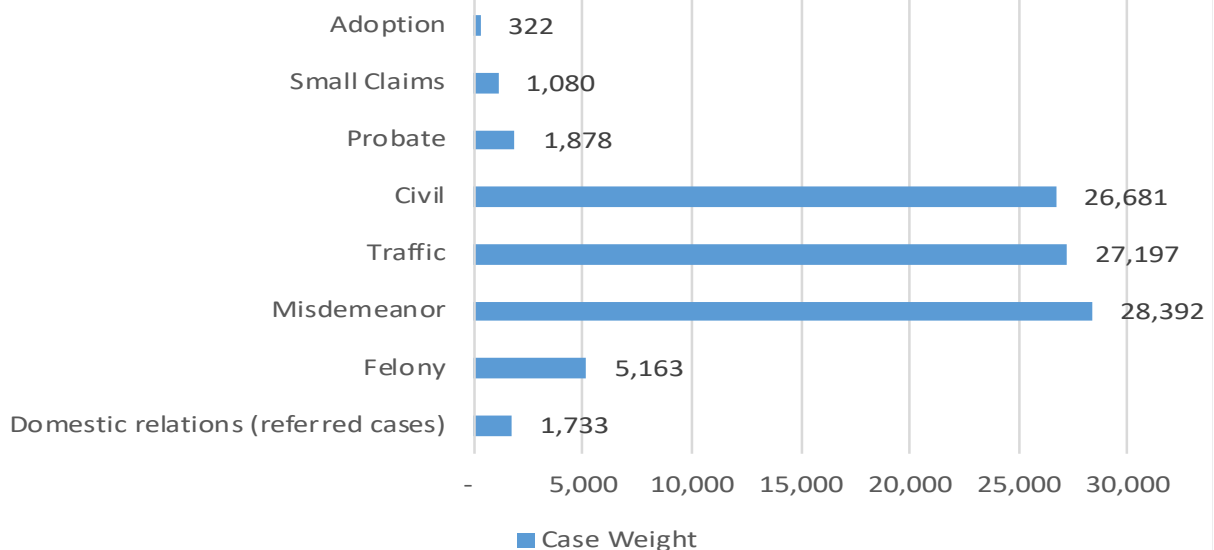


Judges Serving the 4th District

County Court

Barrett  
Hansen  
Harmon  
Hendrix  
Huber  
Keim  
Lohaus  
Lowe  
Marcuzzo  
McDermott  
Shearer  
Vaughn

### Weighted Cases by Case Type



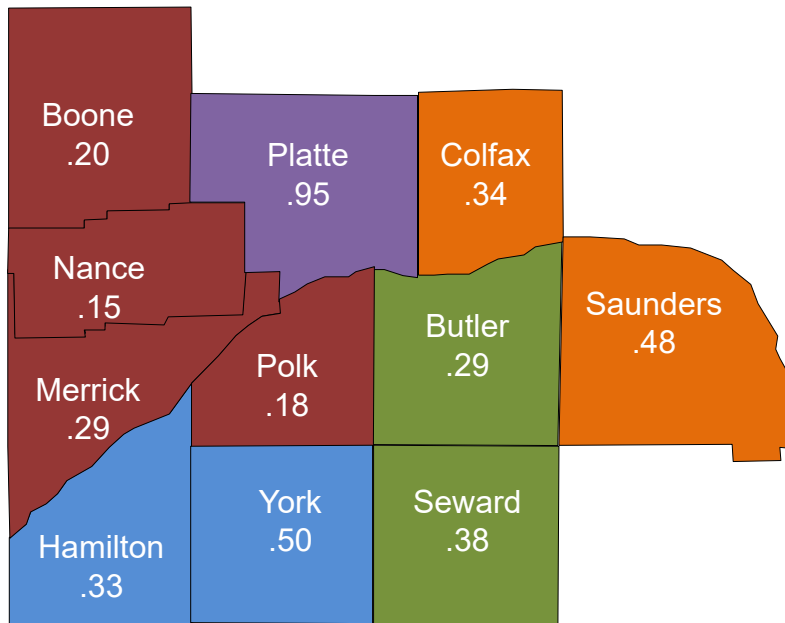
# Weighted Caseload Report

## 5th Judicial District - County Court

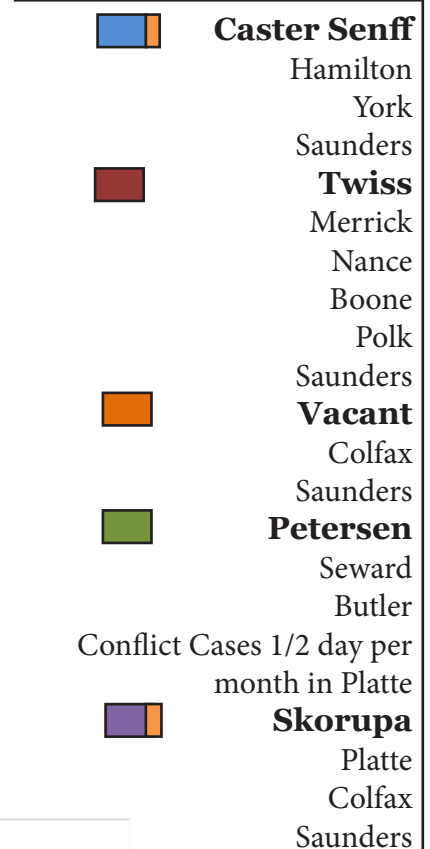
County court need for judges: 4.08

Current number of judges: 5

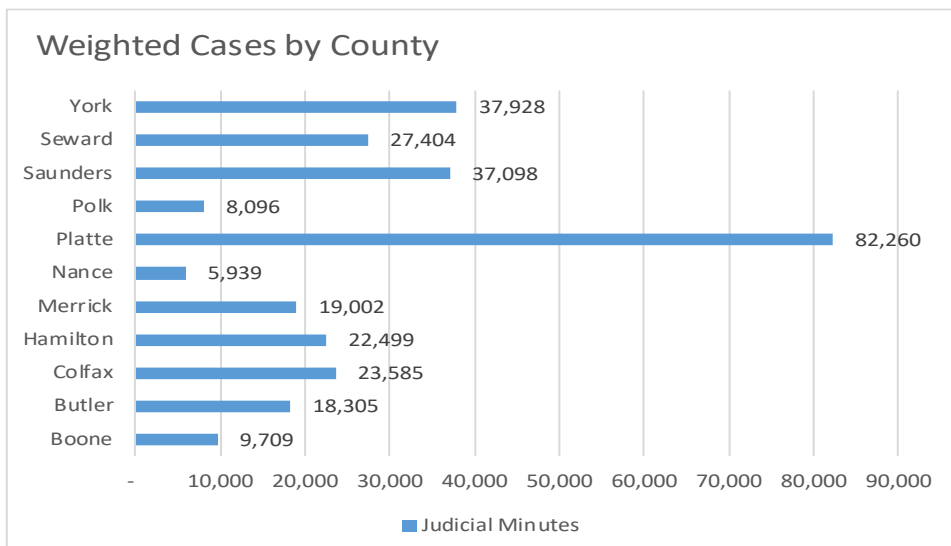
Predicted judicial resources need by county



Primary Counties Served by  
5th District Judges



Weighted Cases by County



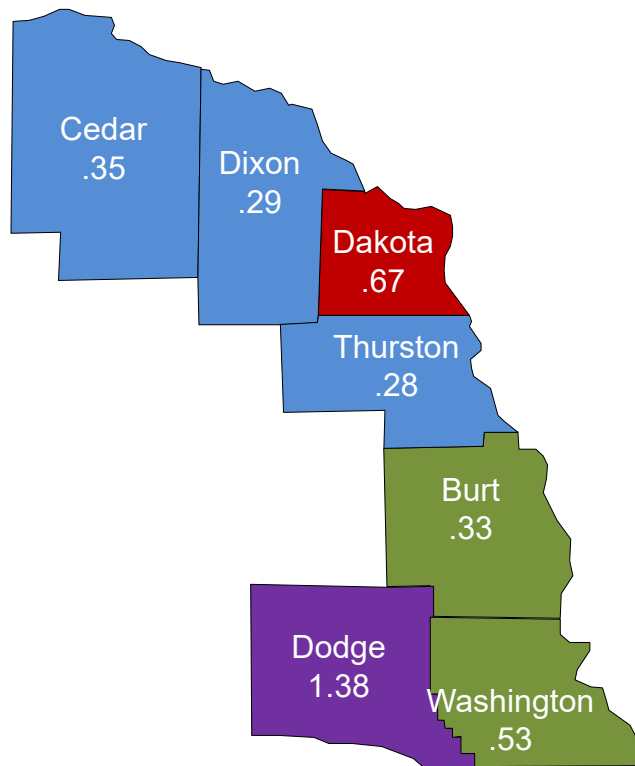
# Weighted Caseload Report

## 6th Judicial District - County Court

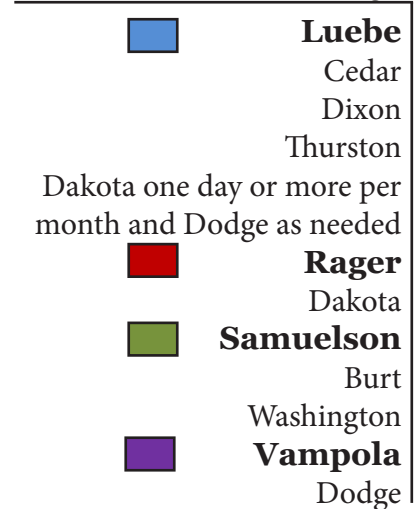
County court need for judges: 3.83

Current number of judges: 4

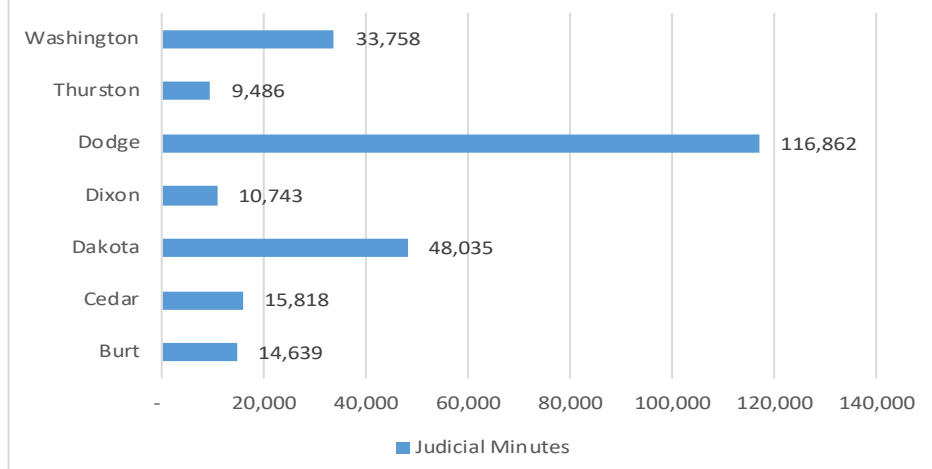
Predicted judicial resources need by county



Primary Counties Served by  
6th District Judges



Weighted Cases by County



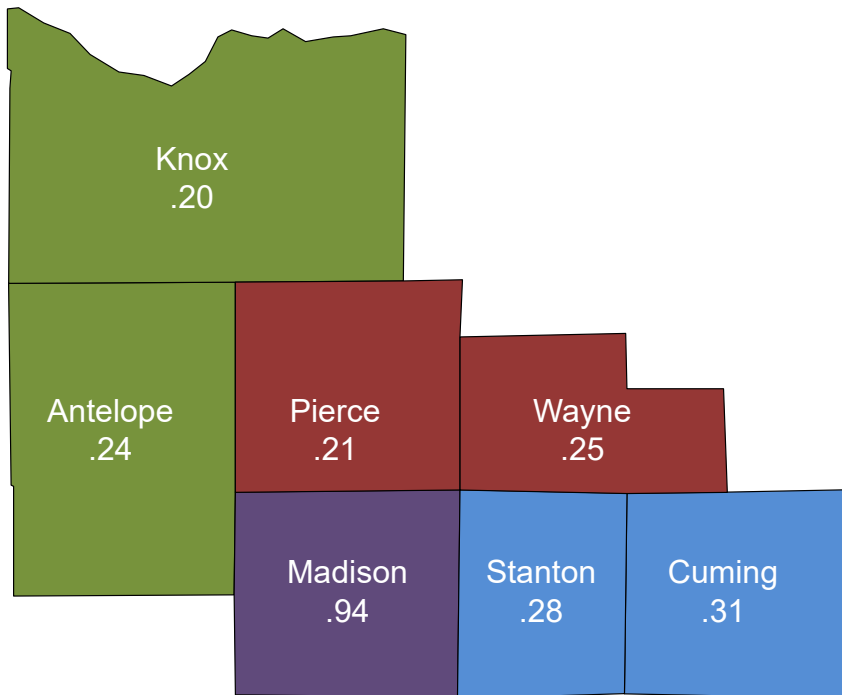
# Weighted Caseload Report

## 7th Judicial District - County Court

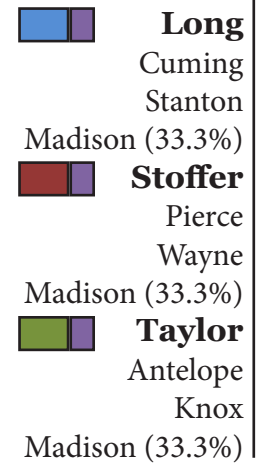
County court need for judges: 2.45

Current number of judges: 3

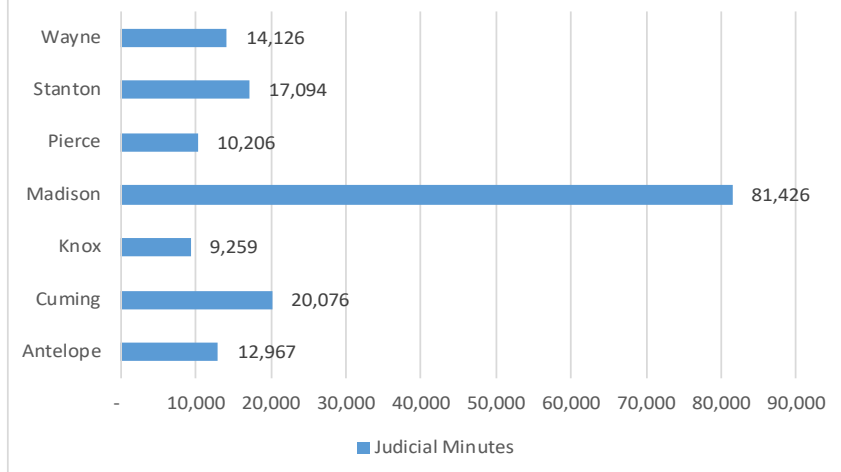
Predicted judicial resources need by county



Primary Counties Served by  
7th District Judges



Weighted Cases by County



# Weighted Caseload Report

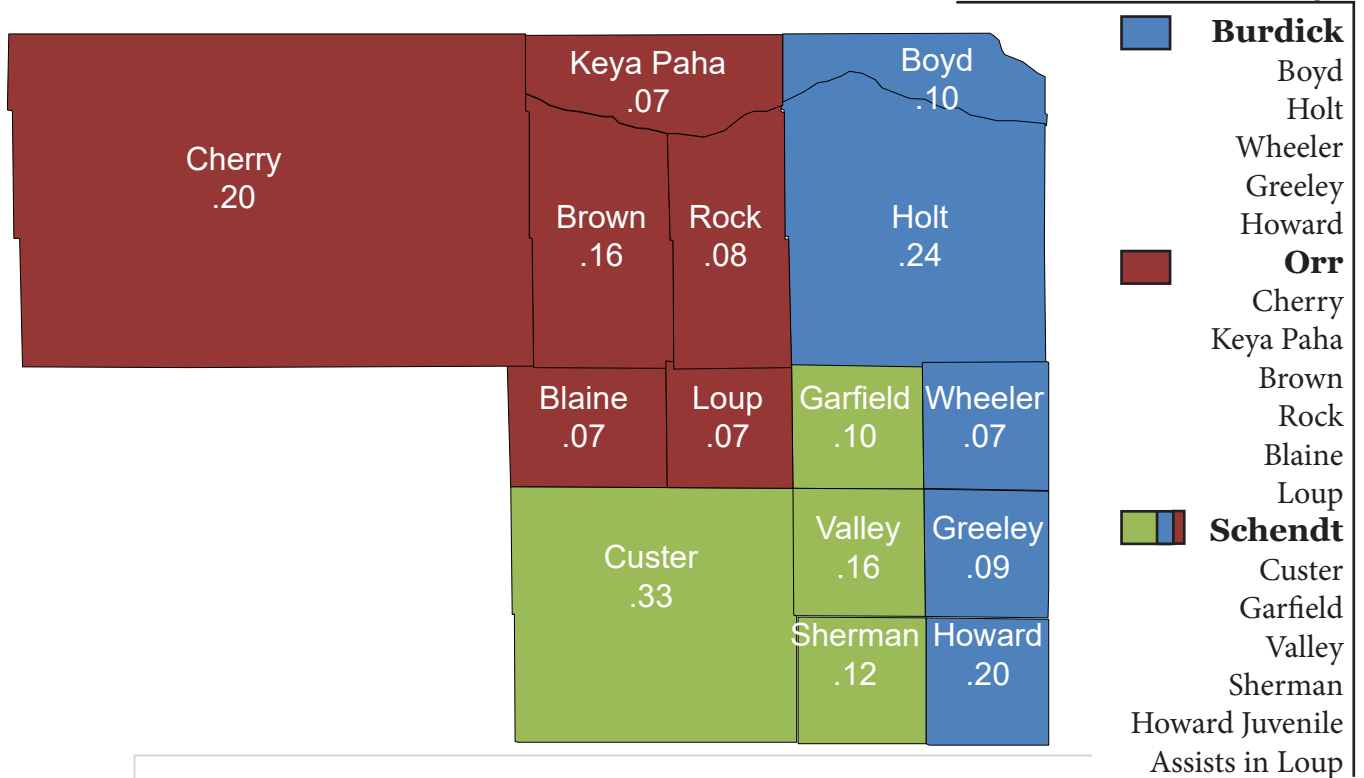
## 8th Judicial District - County Court

County court need for judges: 2.06

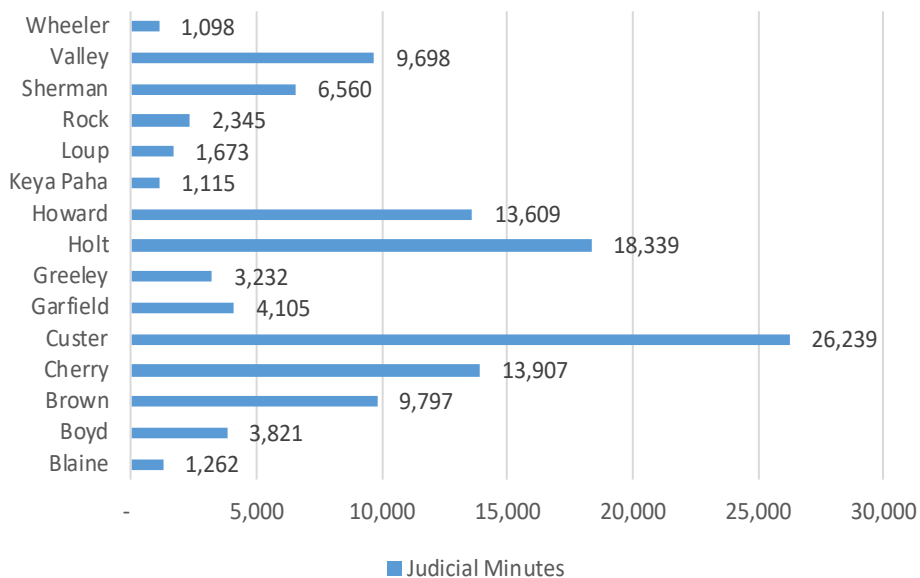
Current number of judges: 3

Predicted judicial resources need by county

Primary Counties Served by  
8th District Judges



Weighted Cases by County



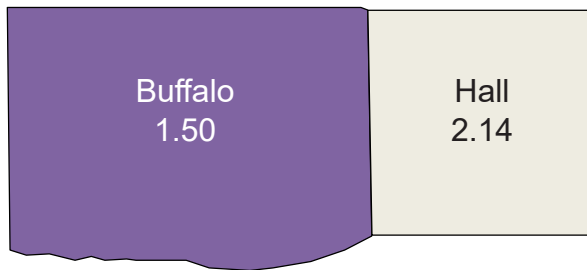
# Weighted Caseload Report

## 9th Judicial District - County Court

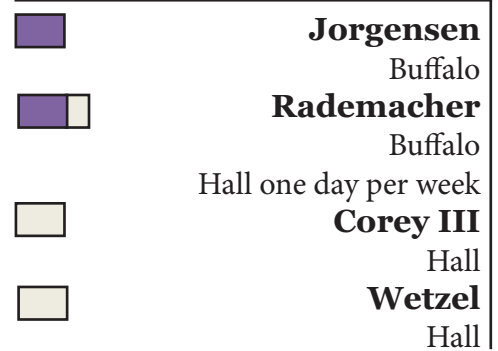
County court need for judges: 3.64

Current number of judges: 4

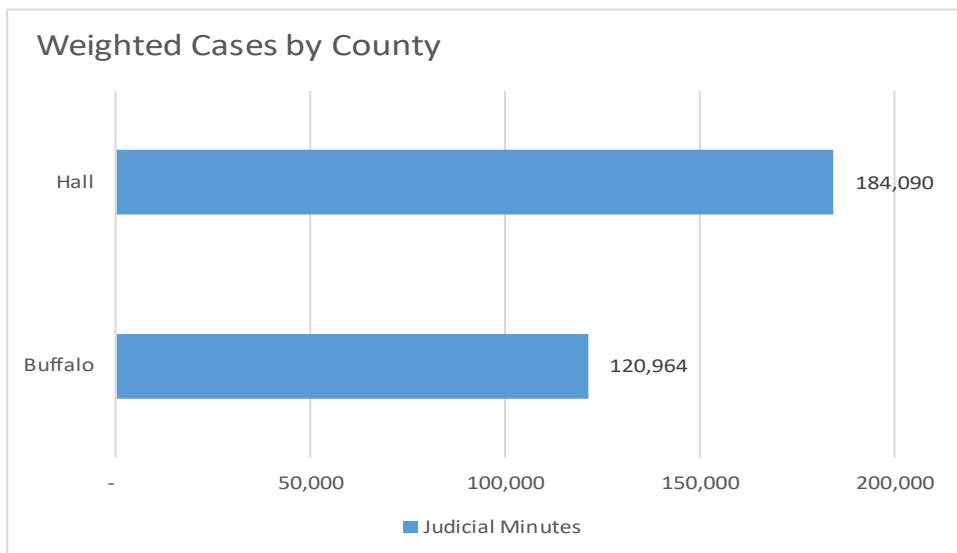
Predicted judicial resources need by county



Primary Counties Served by  
9th District Judges



Weighted Cases by County



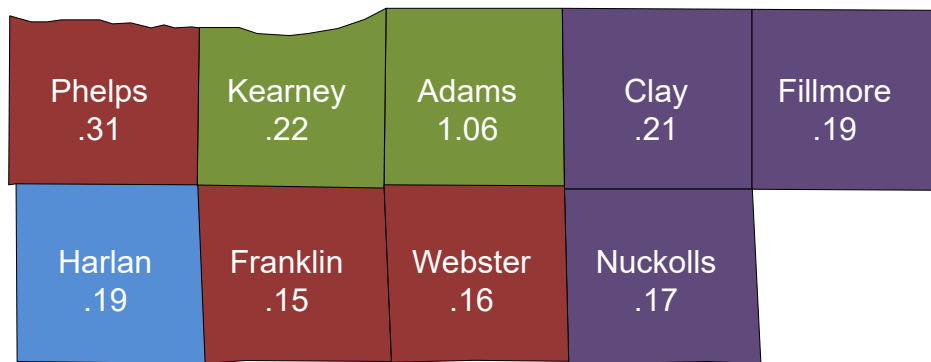
# Weighted Caseload Report

## 10th Judicial District - County Court

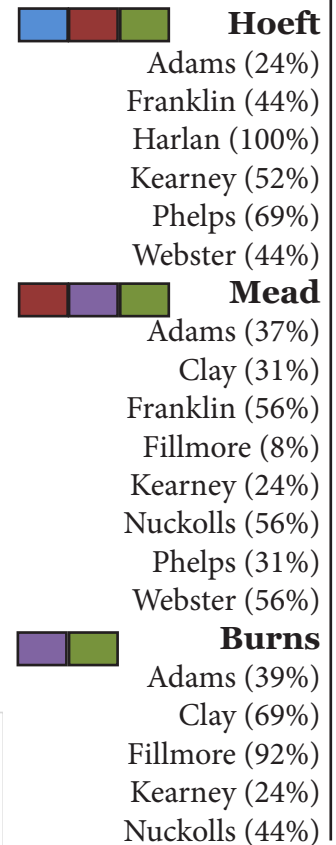
County court need for judges: 2.67

Current number of judges: 3

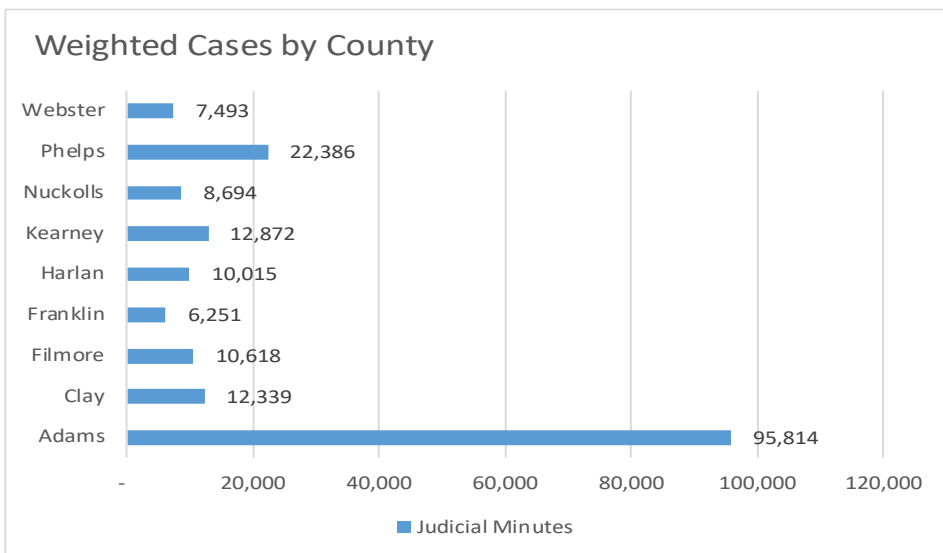
Predicted judicial resources need by county



Primary Counties Served by  
10th District Judges



Weighted Cases by County





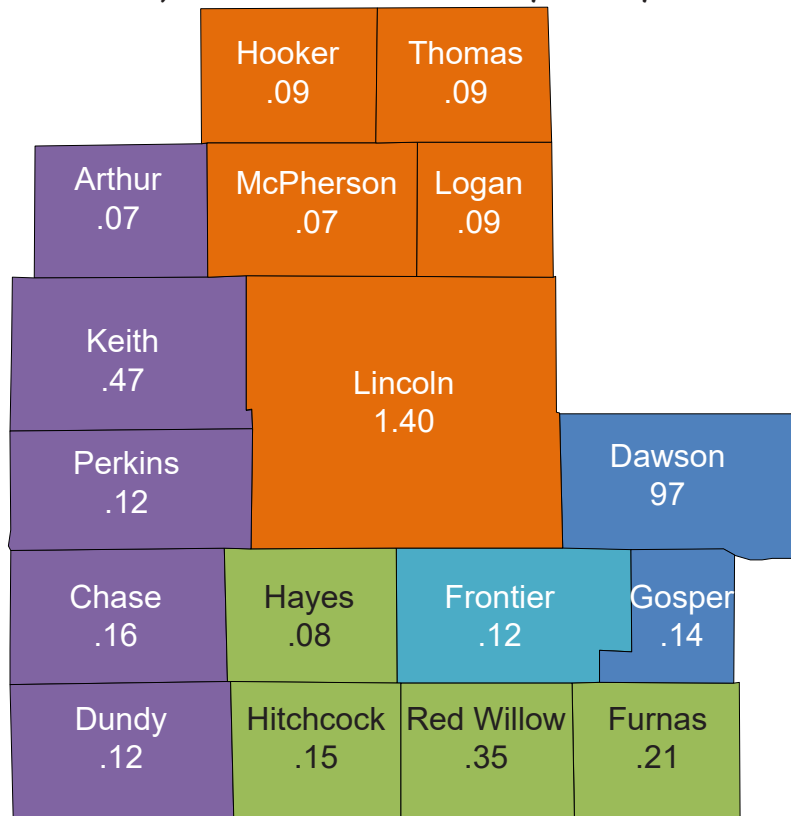
# Weighted Caseload Report

## 11th Judicial District - County Court

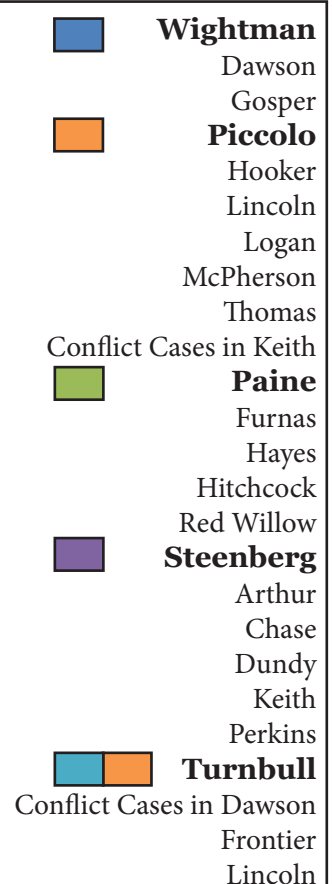
County court need for judges: 4.70

Current number of judges: 5

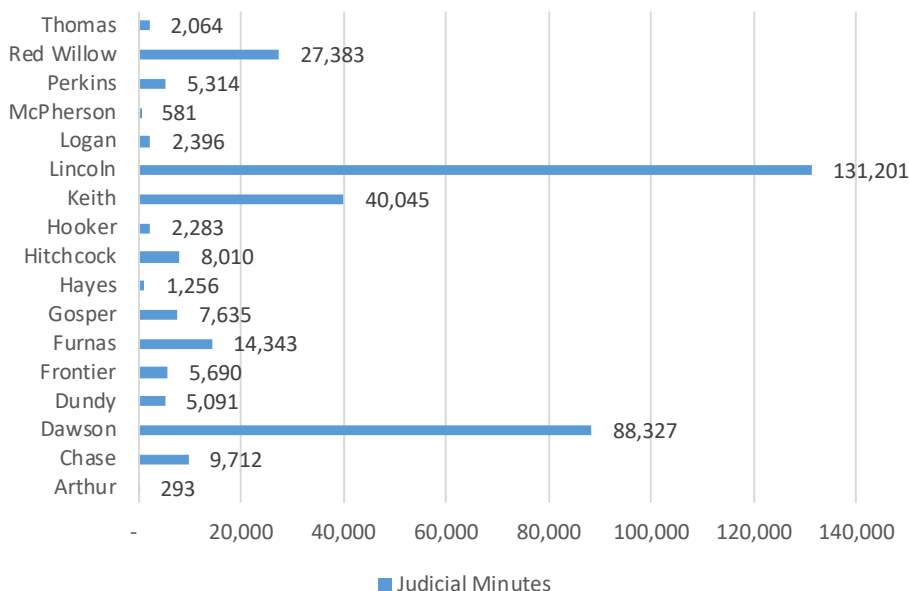
Predicted judicial resources need by county



Primary Counties Served by 11th District Judges



Weighted Cases by County



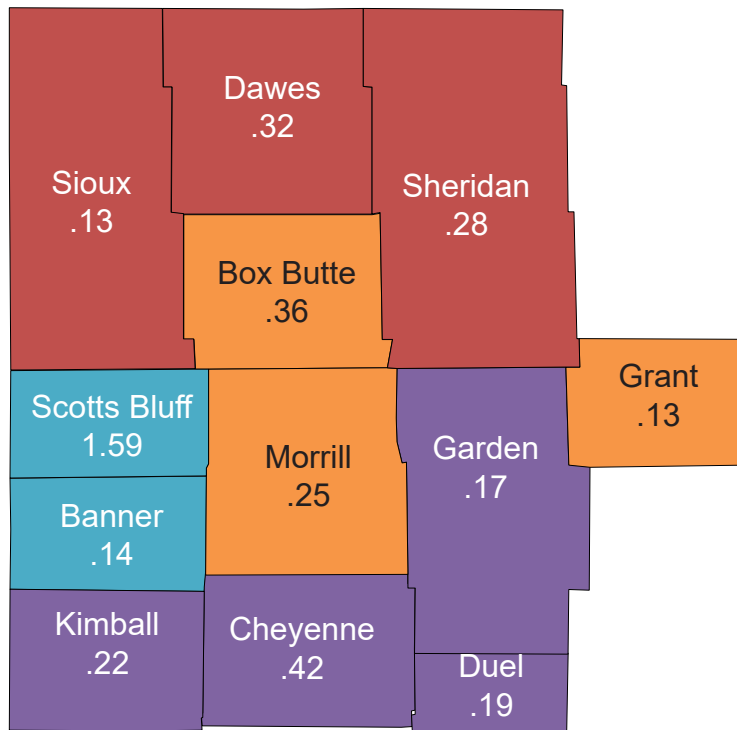
# Weighted Caseload Report

## 12th Judicial District - County Court

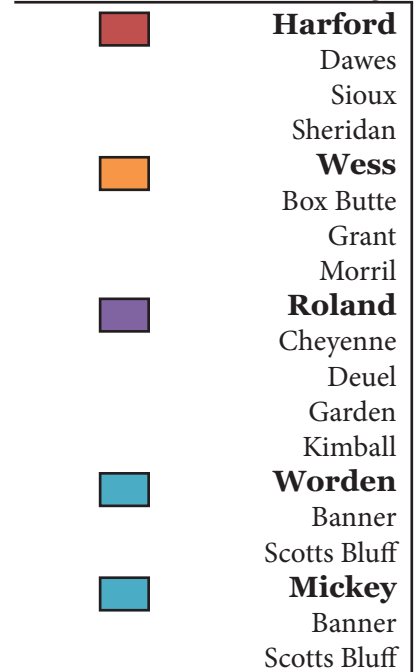
County court need for judges: 4.22

Current number of judges: 5

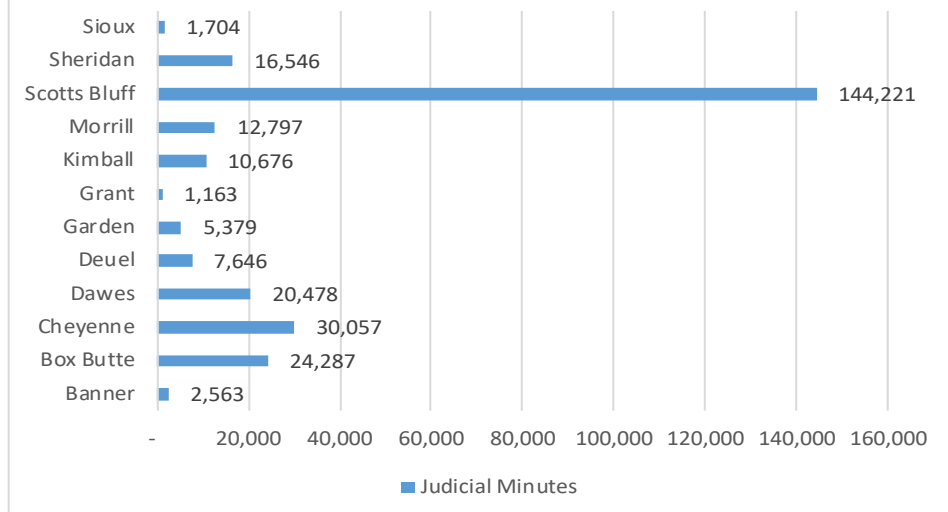
Predicted judicial resources need by county



Primary Counties Served by  
12th District Judges



Weighted Cases by County



Nebraska Judicial Branch

# Weighted Caseload Report

## District Courts

**Reporting Period**  
**Fiscal Year 2018**

July 1, 2017 to  
June 30 2018



July 1, 2017 - June 30, 2018

# Nebraska District Courts Weighted Caseload Report

## Calendar Year 2018 (July 1, 2017 - June 30, 2018)

This Weighted District Court Caseload Report contains statistics for Nebraska's 93 District Courts, grouped into twelve Judicial Districts. The judiciary of Nebraska currently assesses the need for judicial positions using a weighted caseload method based on cases opened. Weighted caseload systems provide objective, standardized determinations of resource needs.

*No quantitative judgeship assessment method, including a weighted caseload system will determine the exact number of judges required within a judicial district. But quantitative methods, such as weighted caseload can approximate the need for judgeships and provide a point of reference or standard for comparing relative need among judicial districts. Other measures, both qualitative and quantitative, may be used in conjunction with the weighted caseload standard calculation to support the assessment of judicial need. In particular, should the standard calculation show the need for a fractional judge (less than the full-time equivalent), additional assessments as to the relative workload per judge within a district and travel per judge may be useful. Also, other useful measures may include analyses of budget constraints, population trends, and other factors that may differentially affect the need for judges across districts.*

### **Mission of the Nebraska Administrative Office of the Courts:**

Under the direction of the Nebraska Supreme Court, the Administrative Office of the Courts' mission is to ensure the public has equal access to justice, using leadership, education, technology, and administrative services to implement consistent, efficient, and effective court practices.



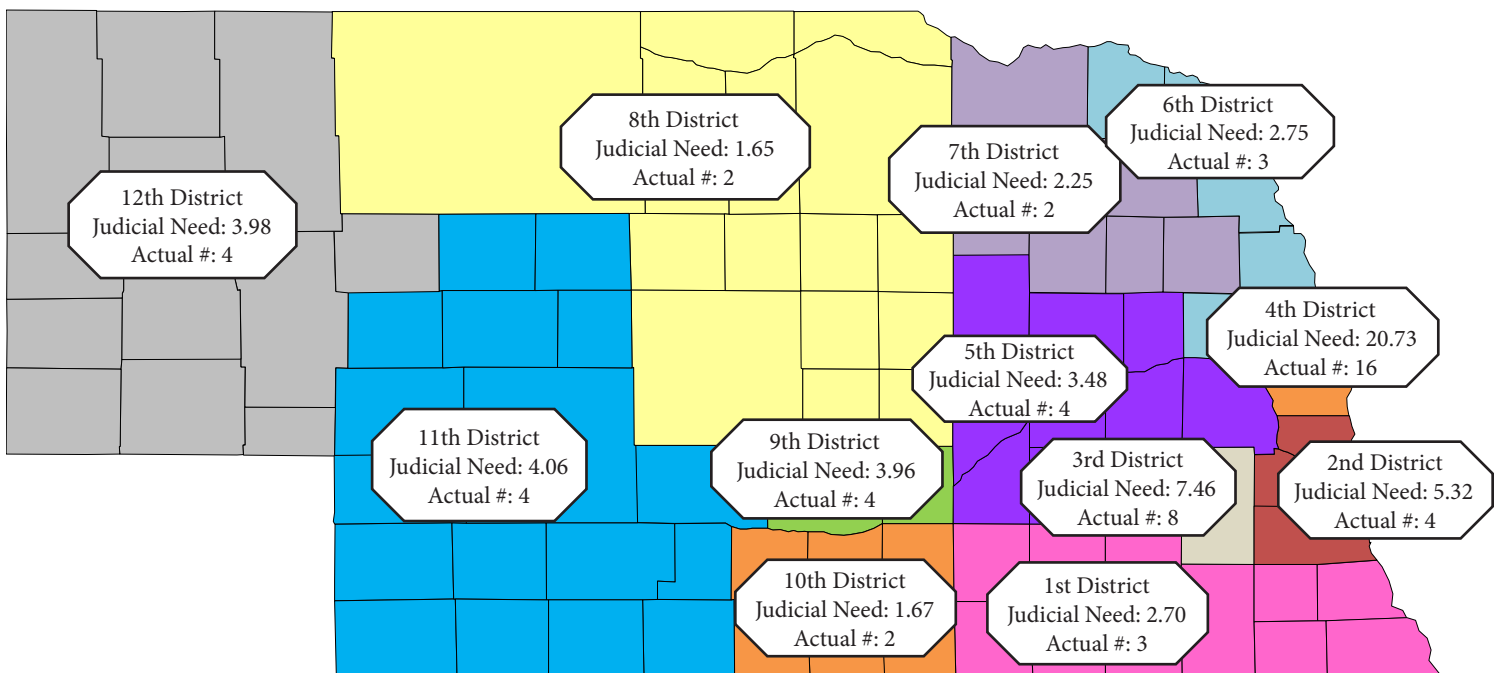
**Corey R. Steel | Nebraska State Court Administrator  
Nebraska Supreme Court**

Rm. 1213 State Capitol | P.O. Box 98910 | Lincoln, NE 68509  
T 402.471.3730 | F 402.471.2197  
[www.supremecourt.ne.gov](http://www.supremecourt.ne.gov)

July 1, 2017 - June 30, 2018

# Nebraska District Court Judicial Needs

Fiscal Year 2018 (July 1, 2017 - June 30, 2018)



Changes in district boundaries due to LB 697 are effective July 19, 2018 and will be reflected in the Calendar Year 2018 report.

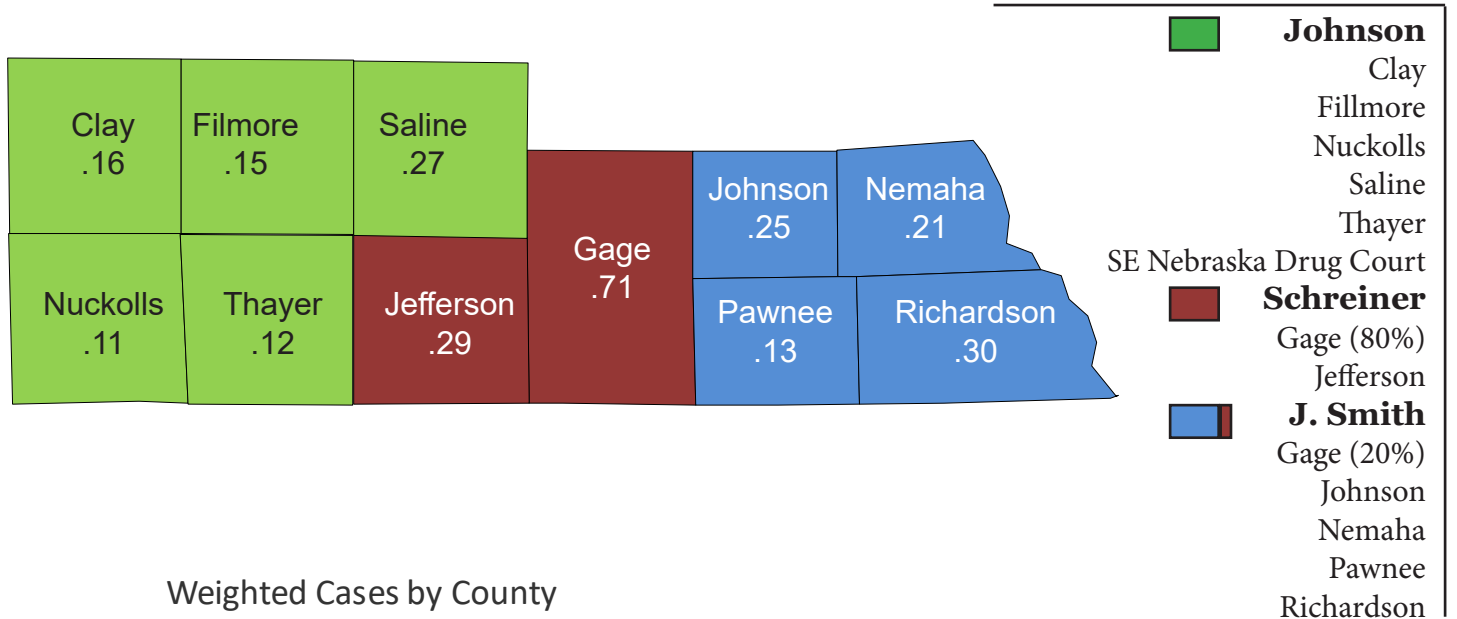
# Weighted Caseload Report

## 1st Judicial District - District Court

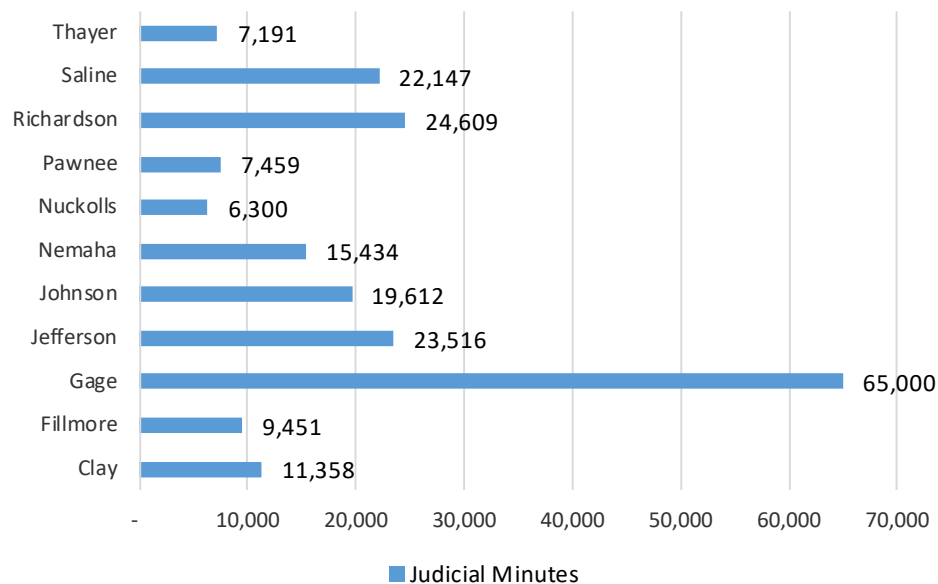
District court need for judges: 2.70

Current number of judges: 3

Predicted judicial resources need by county



Weighted Cases by County

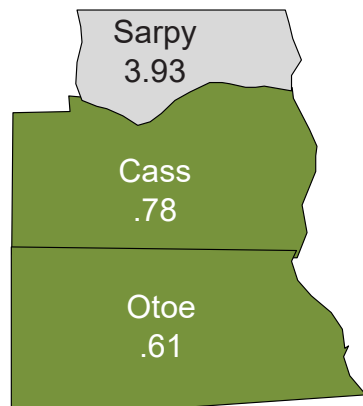


# Weighted Caseload Report

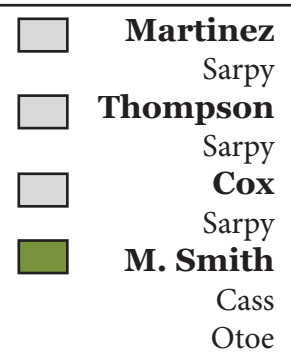
## 2nd Judicial District - District Court

District court need for judges: 5.32  
 Current number of judges: 4  
 Child Support Referee: 0.49

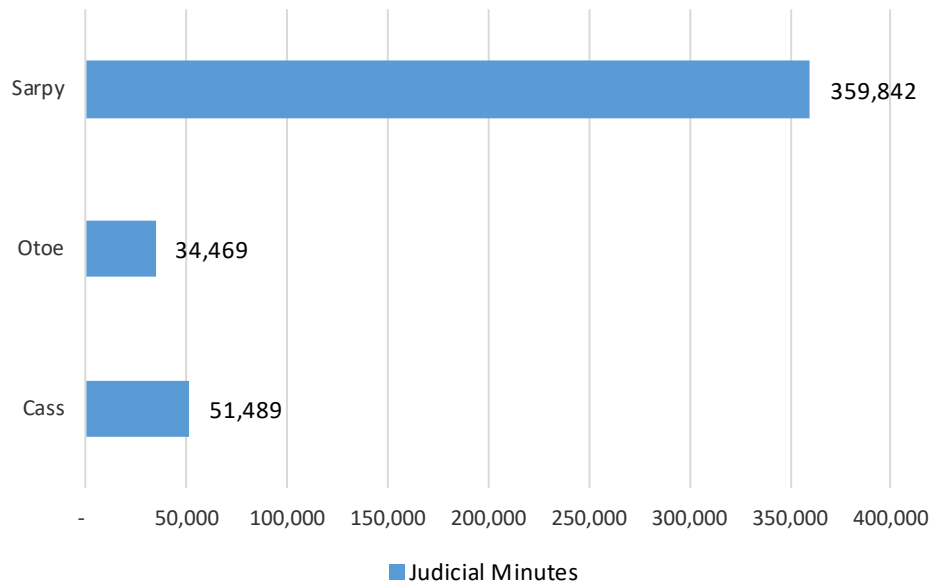
Predicted judicial resources need by county



Judges Serving the 2nd District  
 District Court



Weighted Cases by County



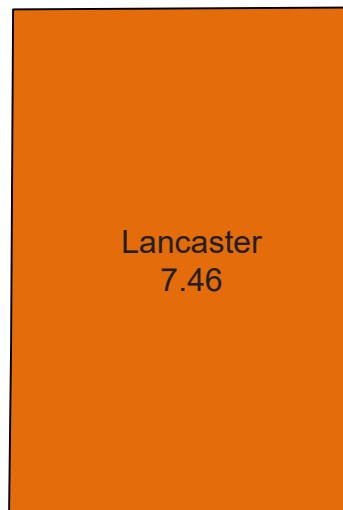


# Weighted Caseload Report

## 3rd Judicial District - District Court

District court need for judges: 7.46  
 Current number of judges: 8  
 Child Support Referee: 1.00

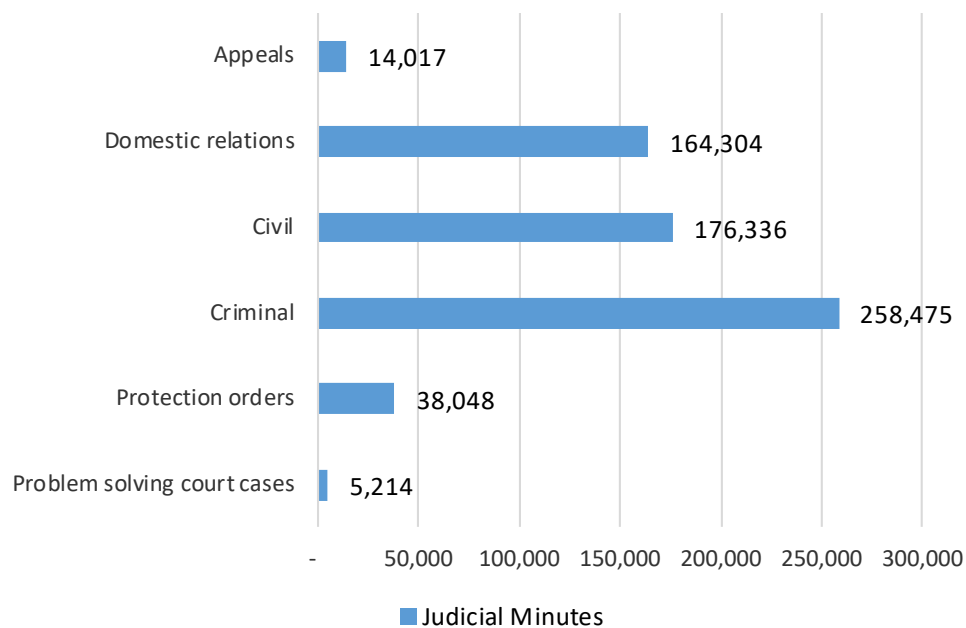
### Predicted judicial resources need



### Judges Serving the 3rd District District Court

Colborn  
 Ideus  
 Jacobsen  
 Maret  
 McManaman  
 Nelson  
 Otte  
 Strong

### Weighted Cases by Case Type

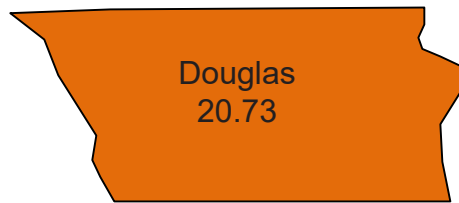


# Weighted Caseload Report

## 4th Judicial District - District Court

District court need for judges: 20.73  
 Current number of judges: 16  
 Child Support Referee: 2.00

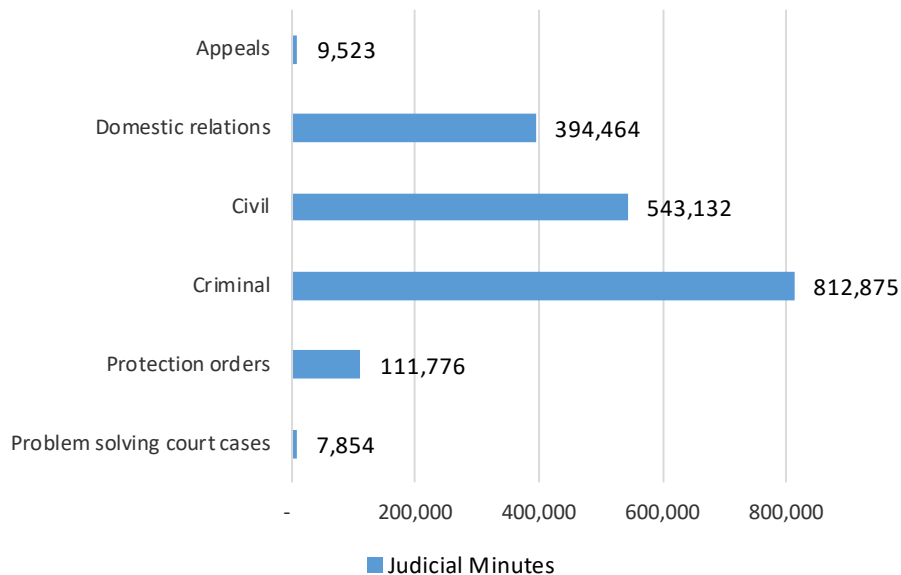
### Predicted judicial resources need



### Judges Serving the 4th District District Court

Ashford  
 Bataillon  
 Bowie  
 Burns  
 Coffey  
 Derr  
 Dougherty  
 Gleason  
 Miller  
 Otepka  
 Polk  
 Randall  
 Retelsdorf  
 Schatz  
 Stratman  
 Wheelock

### Weighted Cases by Case Type

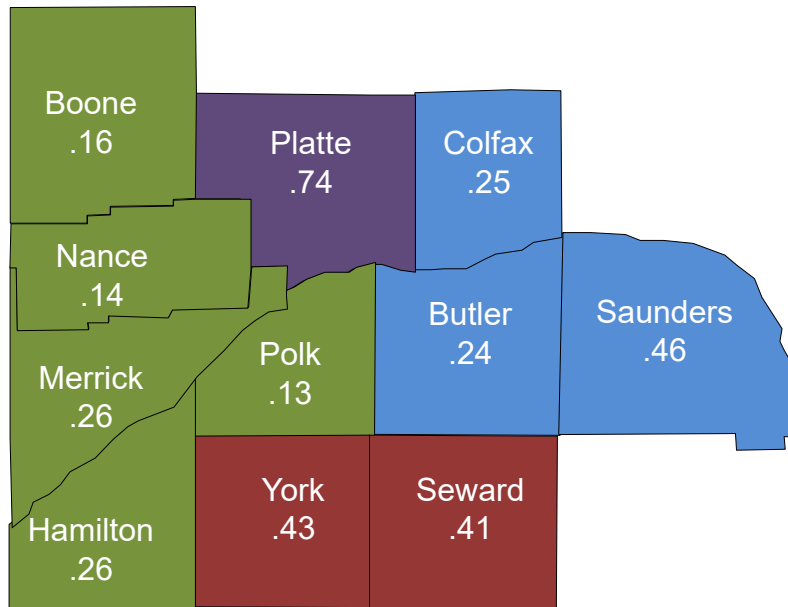


# Weighted Caseload Report

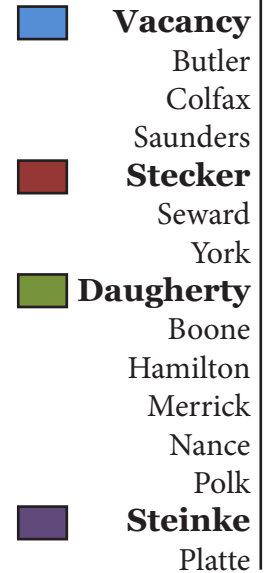
## 5th Judicial District - District Court

District court need for judges: 3.48  
 Current number of judges: 4  
 Child Support Referee: 0.08

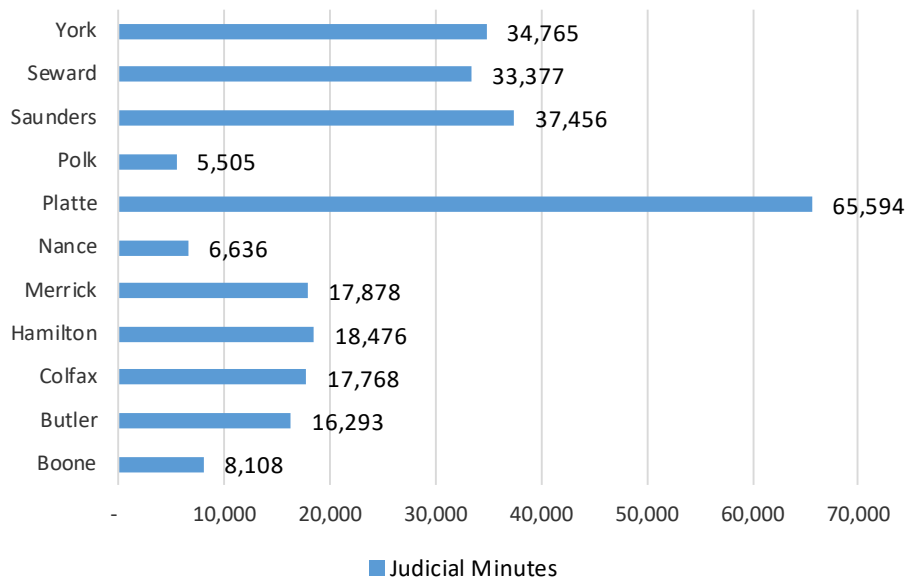
Predicted judicial resources need by county



Judges Serving the 5th District  
 District Court



Weighted Cases by County



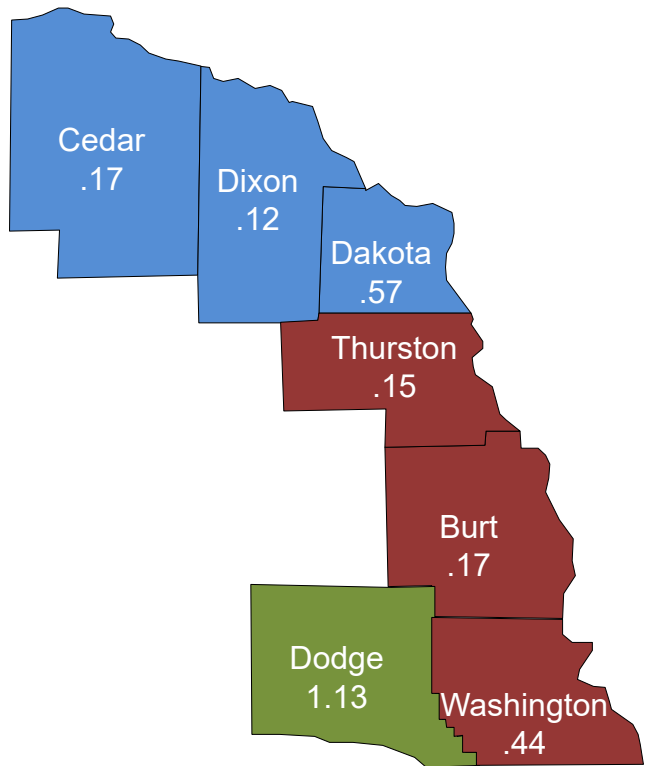
# Weighted Caseload Report

## 6th Judicial District - District Court

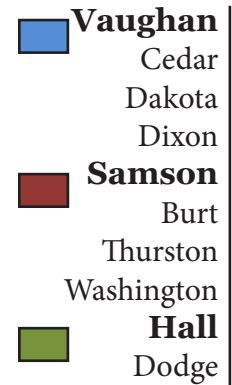
District court need for judges: 2.75

Current number of judges: 3

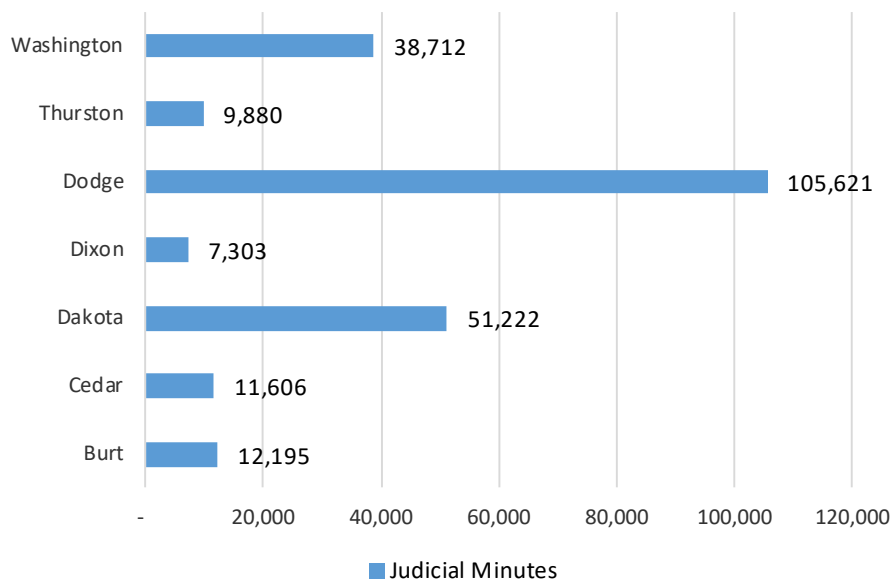
Predicted judicial resources need by county



Judges Serving the 6th District  
District Court



Weighted Cases by County

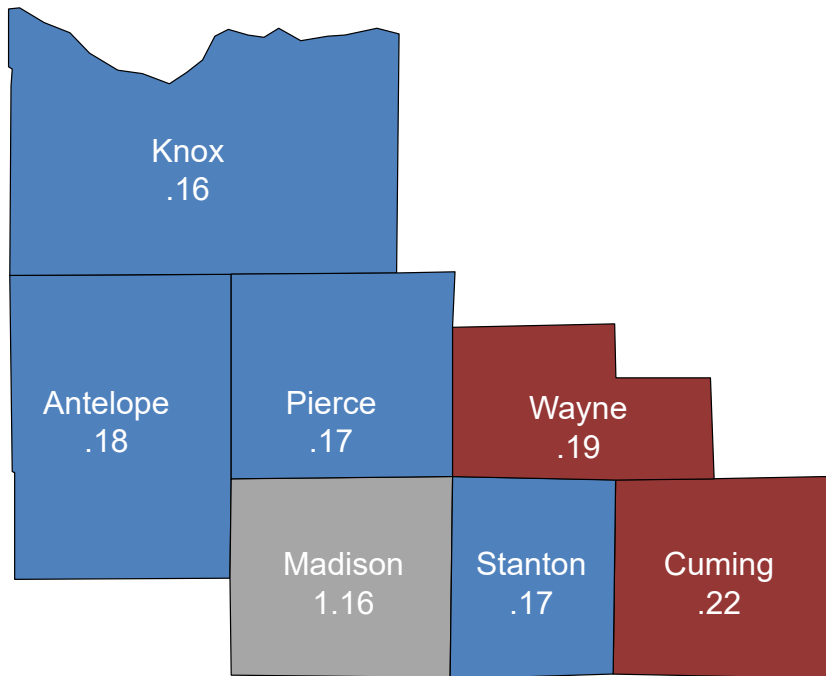


# Weighted Caseload Report

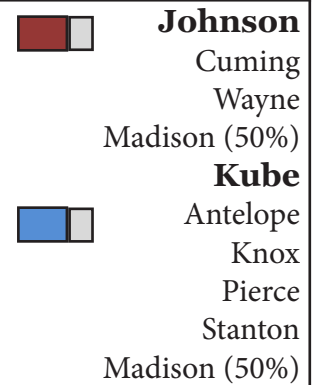
## 7th Judicial District - District Court

District court need for judges: 2.25  
 Current number of judges: 2  
 Child Support Referee: 0.07

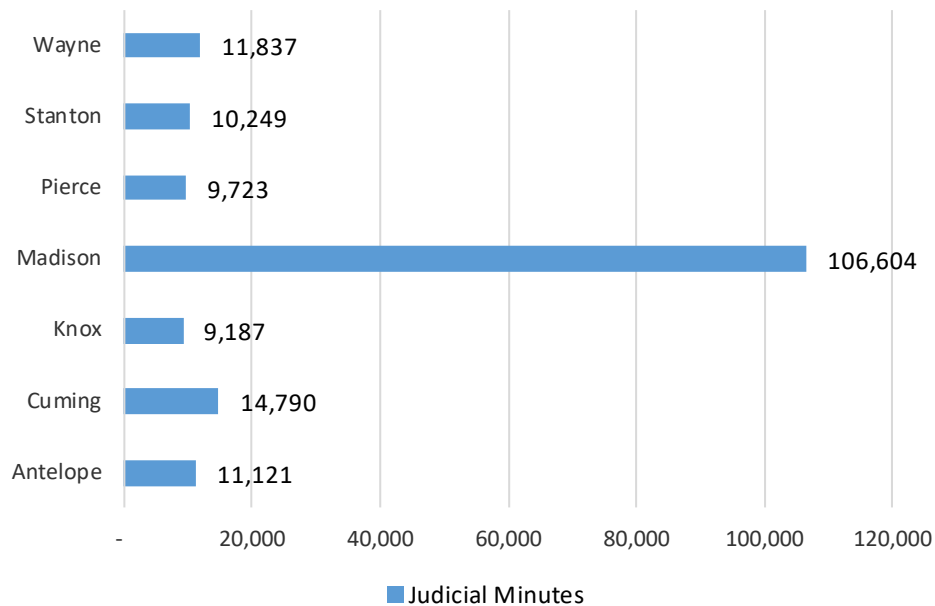
Predicted judicial resources need by county



Judges Serving the 7th District  
District Court



Weighted Cases by County



# Weighted Caseload Report

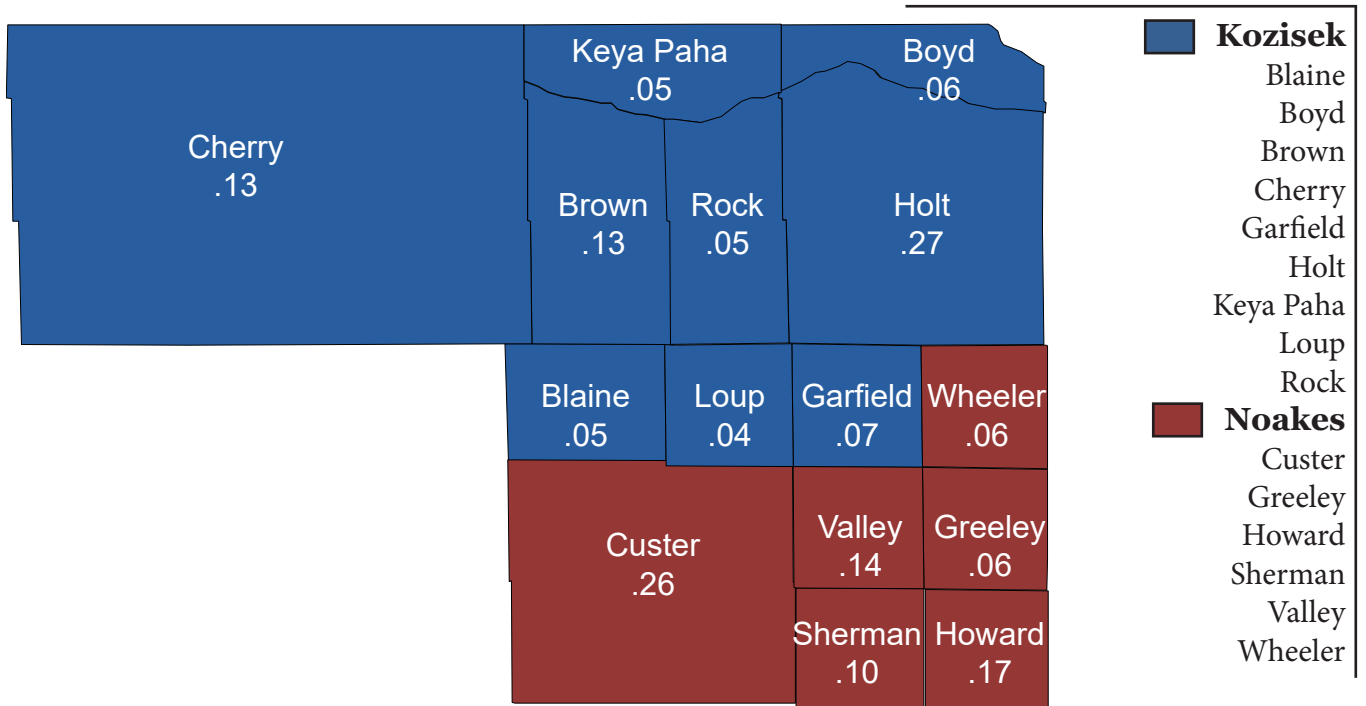
## 8th Judicial District - District Court

District court need for judges: 1.65

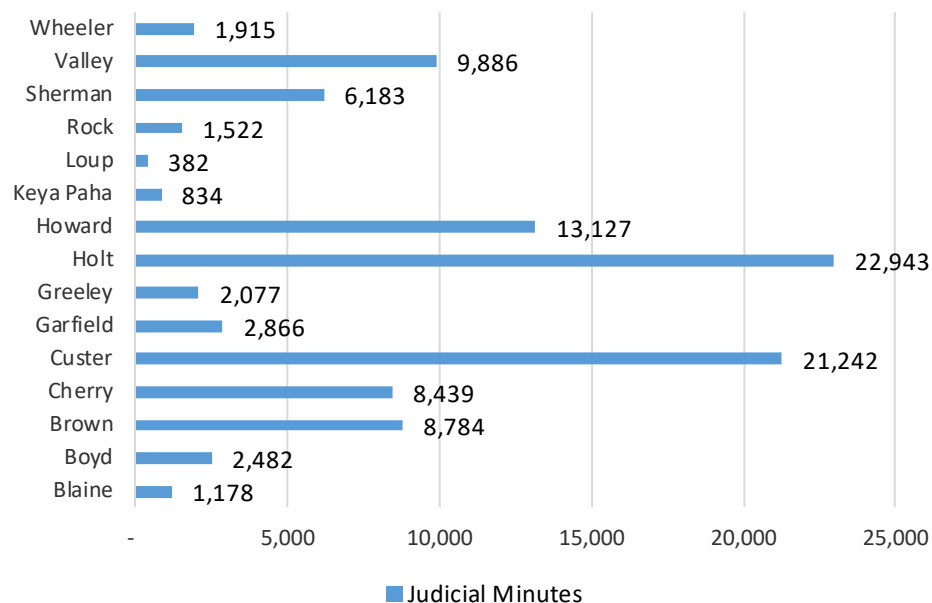
Current number of judges: 2

Predicted judicial resources need by county

Judges Serving the 8th District  
District Court



Weighted Cases by County

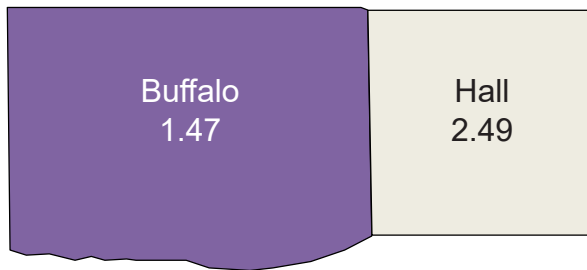


# Weighted Caseload Report

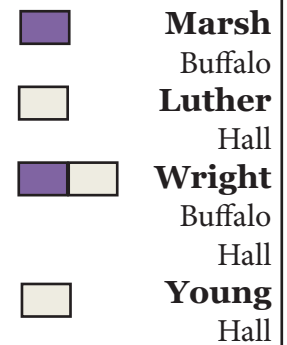
## 9th Judicial District - District Court

District court need for judges: 3.96  
 Current number of judges: 4  
 Child Support Referee: 0.23

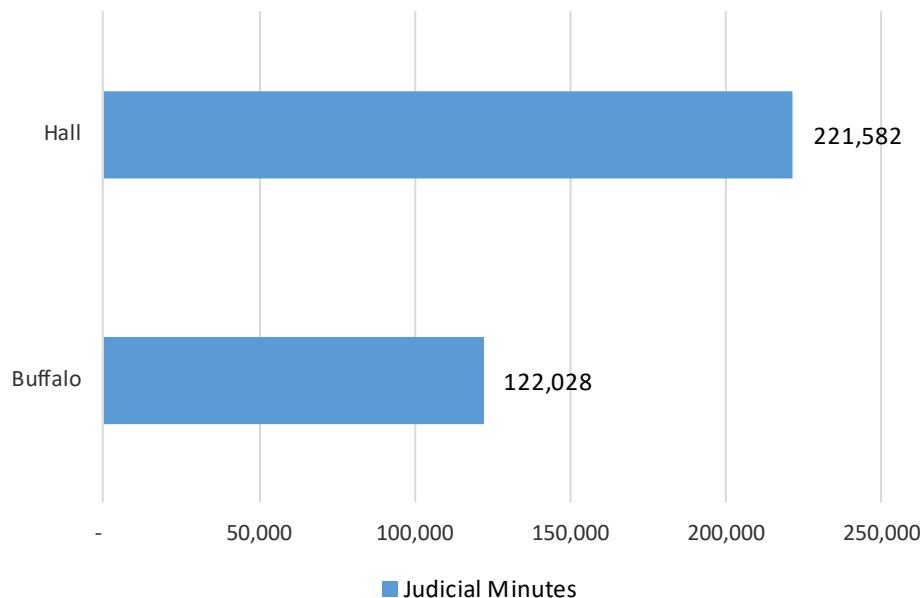
Predicted judicial resources need by county



Judges Serving the 9th District  
District Court



Weighted Cases by County





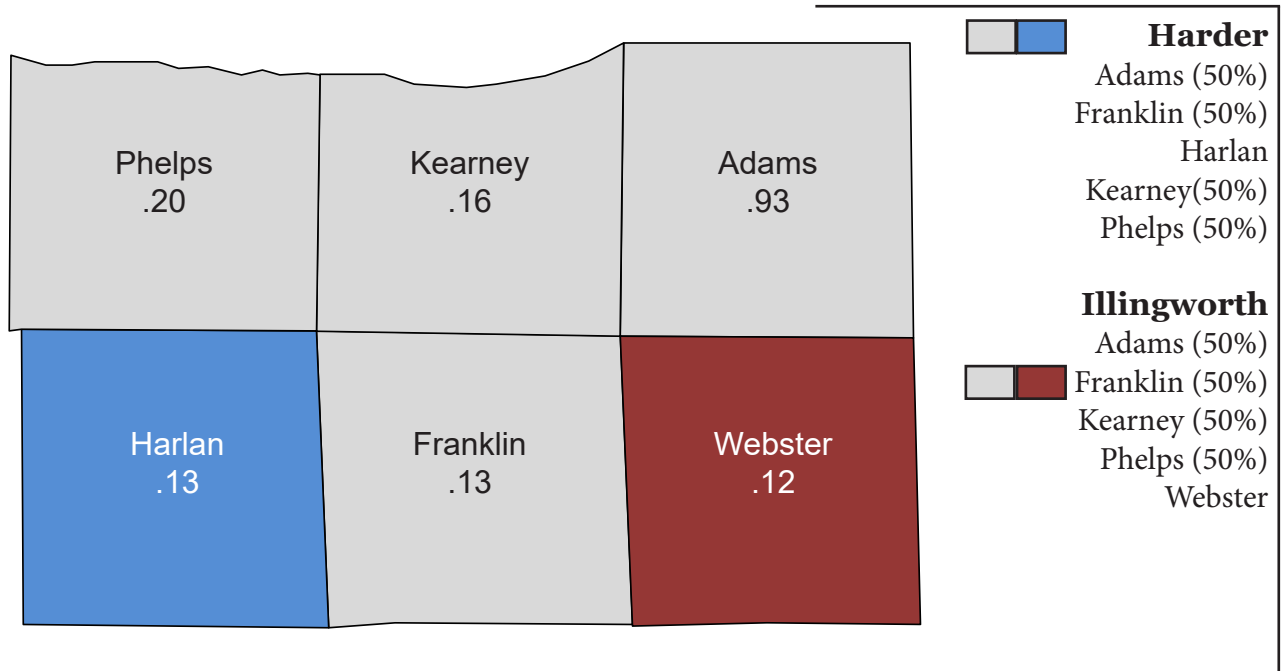
# Weighted Caseload Report

## 10th Judicial District - District Court

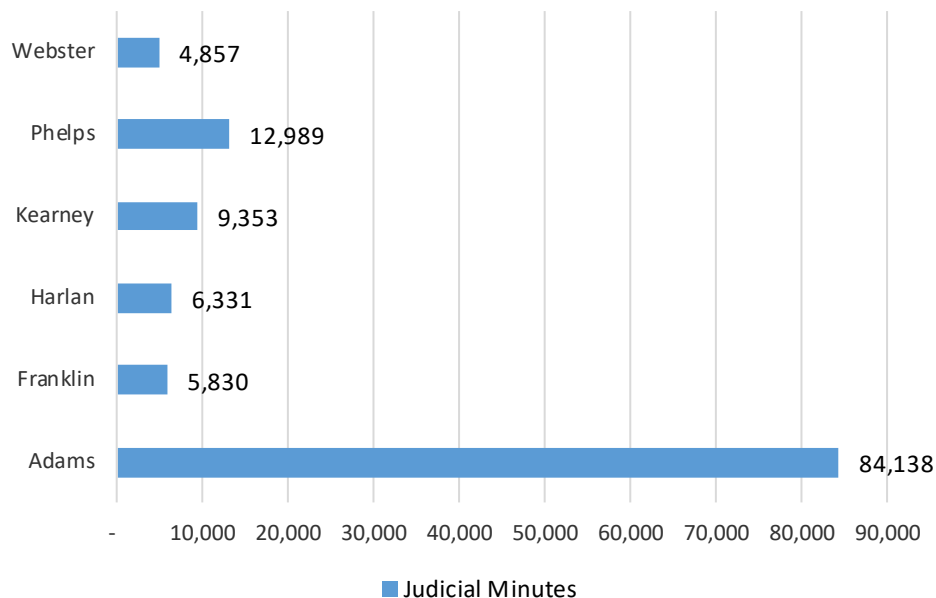
District court need for judges: 1.67  
 Current number of judges: 2  
 Child Support Referee: 0.11

Predicted judicial resources need by county

Judges Serving the 10th District  
 District Court



Weighted Cases by County



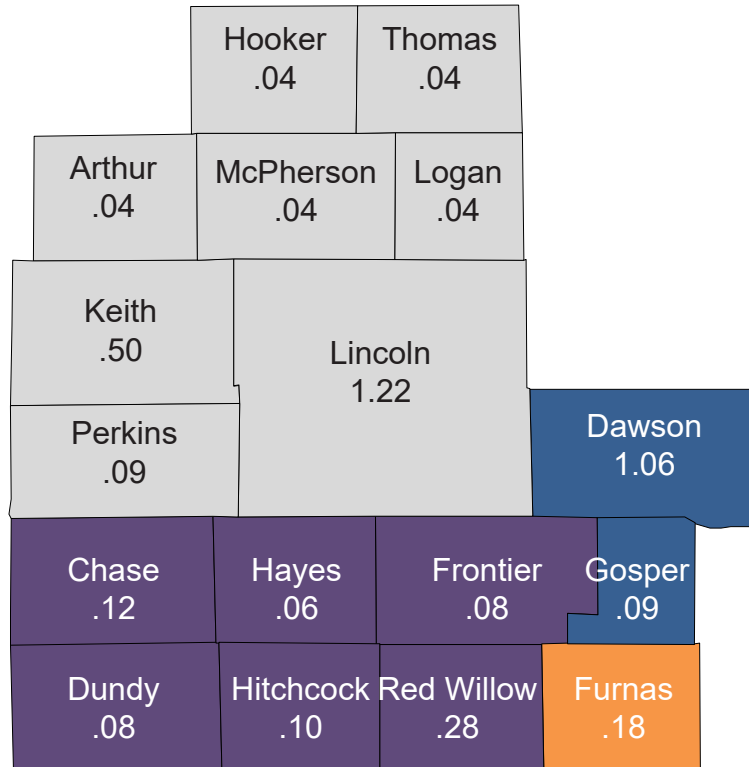
# Weighted Caseload Report

## 11th Judicial District - District Court

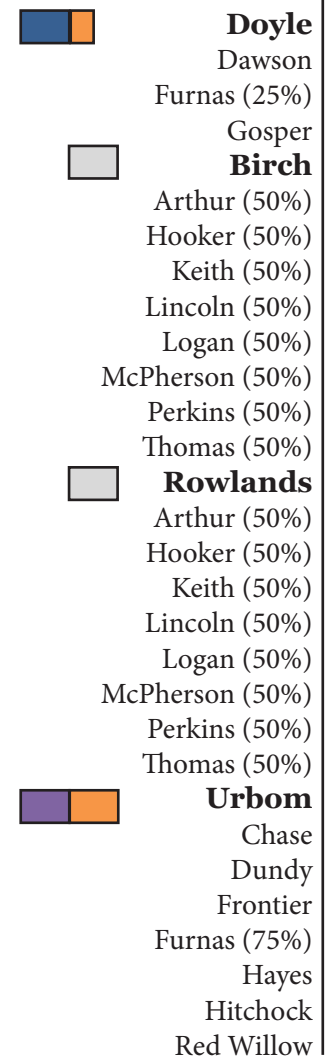
District court need for judges: 4.06

Current number of judges: 4

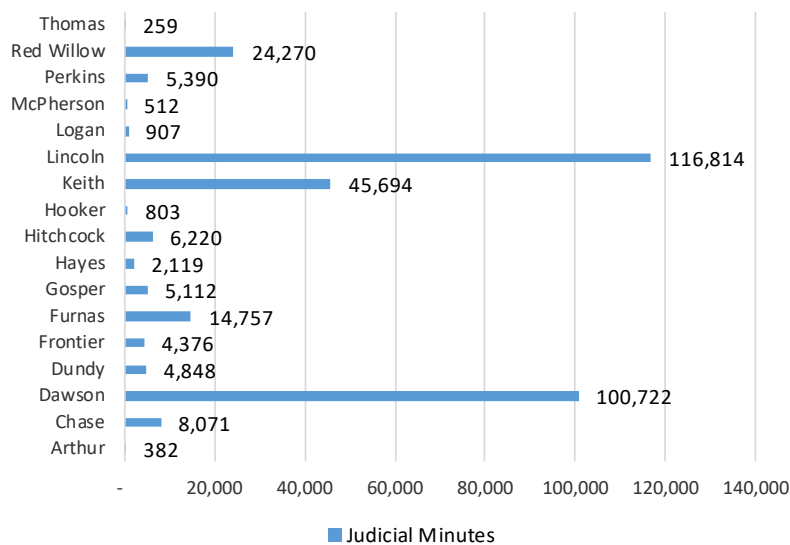
Predicted judicial resources need by county



Judges Serving the 11th District  
District Court



Weighted Cases by County



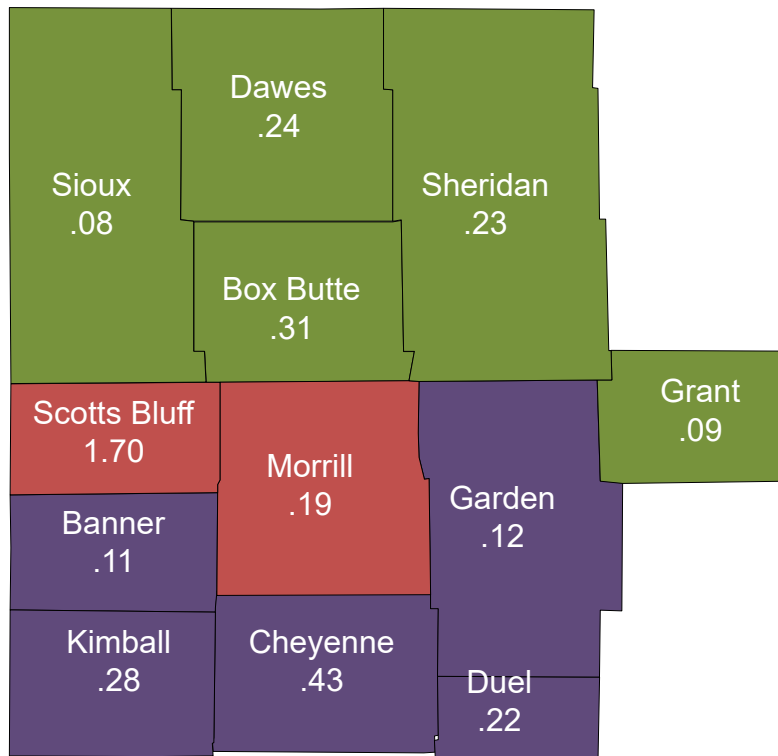
# Weighted Caseload Report

## 12th Judicial District - District Court

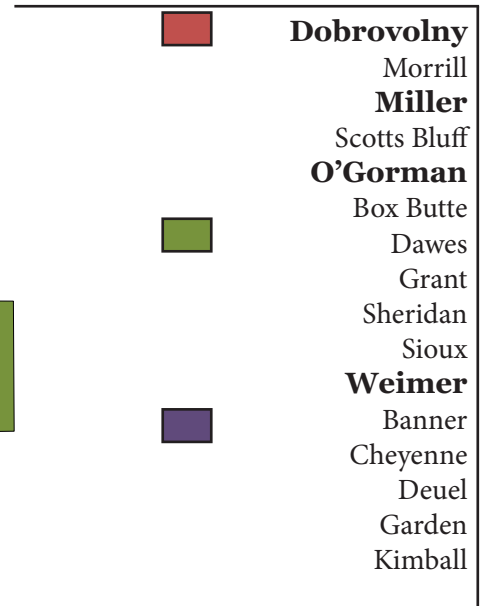
District court need for judges: 3.98

Current number of judges: 4

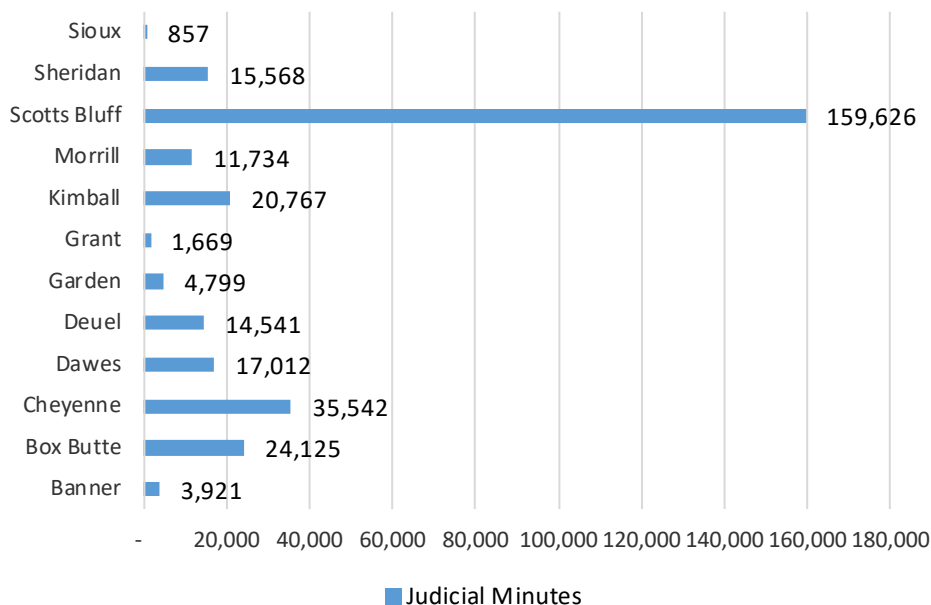
Predicted judicial resources need by county



Judges Serving the 12th District  
District Court



Weighted Cases by County



# Nebraska State Bar Association

*"Helping lawyers help people"*

January 12, 2019

The Honorable Stephanie F. Stacy  
Nebraska Supreme Court Justice  
State Capitol, #2219  
Lincoln, NE 68509

Dear Justice Stacy:

On behalf of the NSBA Judicial Resources Committee ("the Committee"), I wish to convey to the members of the Judicial Resources Commission our recommendation regarding the vacancies in the County Court, 2nd Judicial District due to the retirement of Judge John F. Steinheider and in the District Court, 9<sup>th</sup> Judicial District due to the retirement of Judge Teresa K. Luther, and the vacancy in the County Court 11<sup>th</sup> due to the appointment of Judge Michael E. Piccolo to district court bench.

The Committee met on October 9th and weighed a number of factors including caseload, case types and most importantly, access to the trial courts for Nebraska citizens. The members of the Committee also had available the Judicial Weighted Caseload Reports ("Judicial Workload Assessment") which included statistics through 2017. Based upon this discussion the Committee concluded that the State's justice system will not have adequate judicial resources available unless the current vacancy is filled expeditiously.

Therefore, the Committee recommends that the current vacancy in the District Court, 9th Judicial District be filled, with the principle office in Kearney. The Committee also recommends that the current vacancy in the County Court, 2<sup>nd</sup> Judicial District be filled, with the principle office in either Cass or Otoe County. The Committee also recommends that the current vacancy in the County Court, 11<sup>th</sup> Judicial District be filled, with the principle office in North Platte.

Thank you for your consideration of the recommendations set forth herein. Please include this letter with the materials provided to the members of the Judicial Resources Commission ahead of your January 25th meeting.

Sincerely,



J. Scott Paul  
NSBA President

Cc: Corey Steel



# McCARTHY & MOORE, LLP

ATTORNEYS AT LAW

A Limited Liability Organization

M. C. McCarthy (1914-2000)  
Lowell J. Moore  
Michael J. McCarthy

112 North Dewey, Suite A  
P. O. Box 1005  
North Platte, NE 69103-1005  
(308) 532-0551  
Fax (308) 532-0403  
[www.northplatteattorneys.com](http://www.northplatteattorneys.com)

January 22, 2019

The Honorable Stephanie F. Stacy and  
The Nebraska Judicial Resources Commission  
PO Box 98910  
Lincoln, NE 68509

*Via Regular US Mail &  
Email to Dawn.Mussmann@nebraska.gov*

RE: County Court Vacancy in Eleventh Judicial District

Dear Justice Stacy & Commissioners:

I would normally be at the Judicial Resources Commission Meeting scheduled for this Friday, January 25, 2019, at 10:00 a.m. However, there is now a funeral scheduled for that morning that I absolutely must attend. As a result, I will not be able to be in attendance for Friday's Commission Meeting.

I am an Estate Planning and Probate Lawyer in North Platte, Nebraska. As such, I appear in the County Court of Lincoln County, Nebraska, where Judge Piccolo, who was appointed to the District Court Bench, had previously served. That is one of the vacancies that will be considered on Friday morning. My practice in that Court would lead me to believe that filling Judge Piccolo's vacancy is critically important to the administration of justice in this area.

For that reason, I would strongly urge the Nebraska Judicial Resources Commission to declare a vacancy and to state that the principal place of residence of that Judge should be in North Platte, Nebraska.

My apologies for not being able to attend Friday's meeting. I hope it goes well.

Yours very truly,

  
Michael J. McCarthy  
[mike@northplatteattorneys.com](mailto:mike@northplatteattorneys.com)  
MJM:slm

F:\WPData\SKM\ltr-Judicial Res Comm 20190122.wpd

January 23, 2019

The Honorable Stephanie F. Stacy and  
The Nebraska Judicial Resource Commission  
PO Box 98910  
Lincoln, NE 68509

Sent via email

RE: Eleventh Judicial District County Court vacancy

Dear Justice Stacy and Commissioners:

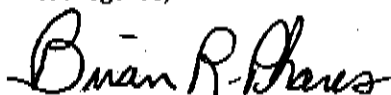
I apologize for not being at the meeting scheduled for Jan. 25, 2019, but will be traveling with my family and not able to get to any of the sites at the appointed time. I trust the meeting will go well.

I would like to briefly advocate for the Commission declaring a vacancy does exist in the Eleventh Judicial District County Court and the placement of the office should remain in North Platte. There is sufficient need based on the most recent Caseload Study to justify replacing Jude Piccolo, who was recently appointed as a District Judge. Based on the volume of cases and the fact that this Judge covers all or parts of five counties in our area I believe the need is clear to retain this Judgeship.

I am strongly recommending the Judicial Resource Commission declare a vacancy in the Eleventh Judicial District County Court and put the principal place of residence to be in North Platte, Nebraska.

Thank you for your service and for your consideration.

Best regards,



Brian R. Phares  
Judicial Resource Commission Lay member