

MINUTES OF THE MEETING  
OF  
THE NEBRASKA JUDICIAL RESOURCES COMMISSION  
September 10, 2021

A public hearing and public meeting of the Nebraska Judicial Resources Commission was held on the 10<sup>th</sup> day of September, 2021, in Room 1510, State Capitol Building, in Lincoln, Nebraska, with some Commission members attending by WebEx conference as provided by law. The proceedings included virtual conferencing via WebEx.

The Chair called the meeting to order in Room 1510 at the hour of 10 a.m. Roll call by the Secretary showed the following members in attendance:

PRESENT

Justice Stephanie Stacy, Chair  
Judge Matthew Kahler  
Judge Anne Paine  
Judge John Samson  
Timothy Engler  
Roxanne Kracl  
Nancy McCabe  
Michael McCarthy  
Christopher Nielsen  
Robert Parker  
Brian Phares  
Darlene Starman  
Jacqueline Tessendorf

EXCUSED

Charles Conrad  
William Dittrick  
Robert Slovek

ABSENT

Lori Scherer

On a voice vote, the minutes of the June 4, 2021 meeting were approved, with all present voting yes.

The Chair announced that the purpose of the public meeting was to consider the following: (1) Whether a judicial vacancy exists in the District Court of the 4<sup>th</sup> Judicial District, due to the retirement of Judge Gregory M. Schatz effective July 1, 2021, and if so to make a recommendation to the Supreme Court as to the primary office location of such vacancy; (2) whether a judicial vacancy exists in the District Court of the 11<sup>th</sup> Judicial District, due to the retirement of Judge David W. Urbom effective August 31, 2021, and if so to make a recommendation to the Supreme Court as to the primary office location of such vacancy; (3) whether a judicial vacancy exists in the County Court of the 11<sup>th</sup> Judicial District, due to the resignation of Judge Kent Turnbull effective August 31, 2021, and if so to make a recommendation to the Supreme Court as to the primary office location of such vacancy; (4)

whether a judicial vacancy exists in the District Court of the 9<sup>th</sup> Judicial District, due to the retirement of Judge Mark J. Young effective September 1, 2021, and if so to make a recommendation to the Supreme Court as to the primary office location of such vacancy; and (5) whether a judicial vacancy exists in the District Court of the 4<sup>th</sup> Judicial District, due to the retirement of Judge Thomas A. Otepka effective September 10, 2021, and if so to make a recommendation to the Supreme Court as to the primary office location of such vacancy.

A public hearing was conducted to receive testimony regarding the five judicial retirements/resignations appearing on the meeting agenda. Exhibits 1-16 were identified and received for purposes of the hearing. Oral testimony was offered by Judge Michael Piccolo and by Corey Steel in support of declaring five vacancies; no testimony was offered in opposition to declaring a vacancy. After receiving testimony, the public hearing was closed.

The commission first took up whether a judicial vacancy exists in the District Court of the 4<sup>th</sup> Judicial District, due to the retirement of Judge Gregory M. Schatz. It was moved by Judge Matthew Kahler and seconded by Brian Phares that a vacancy be declared in the office of District Court of the 4<sup>th</sup> Judicial District, and that the commission recommend a primary office location in Omaha, Douglas County, Nebraska. Voting yes, all present. Motion unanimously carried.

The commission next took up whether a judicial vacancy exists in the District Court of the 11<sup>th</sup> Judicial District, due to the retirement of Judge David W. Urbom. It was moved by Brian Phares and seconded by Christopher Nielsen that a vacancy be declared in the office of District Court of the 11<sup>th</sup> Judicial District, and that the commission recommend the primary office location be in McCook, Red Willow County, Nebraska. Voting yes, all present. Motion unanimously carried.

The commission next took up whether a judicial vacancy exists in the County Court of the 11<sup>th</sup> Judicial District, due to the resignation of Judge Kent Turnbull. It was moved by Brian Phares and seconded by Christopher Nielsen that a vacancy be declared in the office of County Court of the 11<sup>th</sup> Judicial District, and that the commission recommend the primary office location be in North Platte, Lincoln County, Nebraska. Voting yes, all present. Motion unanimously carried.

The commission next took up whether a judicial vacancy exists in the District Court of the 9<sup>th</sup> Judicial District, due to the retirement of Judge Mark J. Young. It was moved by Judge Matthew Kahler and seconded by Judge Anne Paine that a vacancy be declared in the office of District Court of the 9<sup>th</sup> Judicial District, and that the commission recommend the primary office location be in Grand Island, Hall County, Nebraska. Voting yes, all present. Motion unanimously carried.

Finally, the commission took up whether a judicial vacancy exists in the District Court of the 4<sup>th</sup> Judicial District, due to the retirement of Judge Thomas A. Otepka. It was moved by Judge Matthew Kahler and seconded by Brian Phares that a vacancy be declared in the office of District Court of the 4<sup>th</sup> Judicial District, and that the commission recommend the primary office location be in Omaha, Douglas County, Nebraska. Voting yes, all present. Motion unanimously carried.

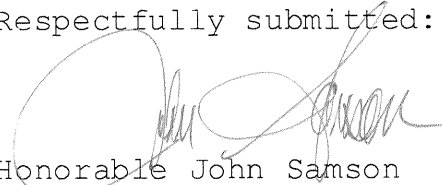
Under "Other business" the commission discussed available formats for videoconferencing. It was agreed that the WebEx format is (1) easier for IT to set up and support, (2) is far more convenient for commissioners and for members of the public than driving to one of several regional videoconferencing sites across the state. The commission agreed that, at least for the foreseeable future, when public hearings and public meetings are to include virtual conferencing, the commission will use WebEx rather than regional videoconferencing sites.

The commission was briefed on recent amendments to the statutes that authorize videoconferencing and telephone conferencing in connection with commission hearings/meetings. Leslie S. Donley, Assistant Attorney General, provided an overview of the statutory changes ushered in last session by L.B. 83, and answered questions regarding how those amendments impact the public hearings/public meetings of the Judicial Resources Commission.

Commissioners were reminded that the Annual Meeting is set for Friday, December 10, 2021. The standard meeting agenda was discussed, and commissioners were advised that if they have additional topics they would like to see included on the Annual Meeting agenda, they should advise the chair.

There being no objection to adjournment, the Chair thanked commissioners for their attendance and the meeting was adjourned.

Respectfully submitted:

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

Honorable John Samson  
Secretary