

MINUTES OF THE MEETING
OF
THE NEBRASKA JUDICIAL RESOURCES COMMISSION
January 14, 2013

A meeting of the Nebraska Judicial Resources Commission was held on the 14th day of January, 2013, in Room 1507, State Capitol, with remote locations at Omaha, Nebraska; Hastings, Nebraska; North Platte, Nebraska; and Scottsbluff, Nebraska.

Judge McCormack called the meeting to order in Room 1507, State Capitol Building in Lincoln, Nebraska. Roll call by the Secretary:

PRESENT

Judge Michael McCormack, Chr.
Judge Patrick McDermott
Judge Robert O'Neal
Judge John Samson
Riko Bishop
Mark Sipple
Amy Schlichting
Darlene Starman
Steven Mattoon
Robert Parker
Thomas Hoarty
Richard Carter
Brian Phares
Lori Scherer
Wayne Mark
Mike Day

ABSENT

Jayne Mann

The Chairman called for approval of the minutes of the meeting of December 11, 2012. Moved by Ms. Bishop, second by Ms. Schlichting that the minutes be approved. Voting yes, all present.

Chairman announced that the purpose of the hearing was to consider whether or not the caseload statistics warranted the filling of certain judicial vacancies in the State of Nebraska arising from the retirement of Judges Rouse, Ensz, and Clark and the resignation of Judge Krepela.

The Chairman identified and received into the record Exhibits 1 through 13.

The Chairman then called for consideration of the vacancy in the County Court of the 5th Judicial District of Nebraska, as a result of the retirement of Judge Rouse. The Chairman called for testimony. Testimony in favor of filling the vacancy was received by the Commission. There was no testimony in opposition. It was moved by Mr. Sipple and seconded by Mr. Mark that the vacancy in the office of County Judge of the 5th Judicial District be filled with the primary office being located at Seward, Seward County, Nebraska, or Wahoo, Saunders County, Nebraska. Voting yes, all present. Judge McDermott abstained. Motion carried.

The Chairman then called for consideration of the vacancy in the County Court of the 7th Judicial District of Nebraska, as a result of the resignation of Judge Krepela. The Chairman called for testimony. Testimony in favor of filling the vacancy was received by the Commission. There was no testimony in opposition. It was moved by Judge O'Neal and seconded by Judge McDermott that the vacancy in the office of County Judge of the 7th Judicial District be filled with the primary office being located at Madison, Madison County, Nebraska. Voting yes, all present. Motion carried.

The Chairman then called for consideration of the vacancy in the District Court of the 7th Judicial District of Nebraska, as a result of the retirement of Judge Ensz. The Chairman called for testimony. Testimony in favor of filling the vacancy was received by the Commission. There was no testimony in opposition. It was moved by Ms. Bishop and seconded by Ms. Schlichting that the vacancy in the office of District Judge of the 7th Judicial District be filled with the primary office being located at Wayne, Wayne County, Nebraska, or Madison, Madison County, Nebraska. Voting yes, all present. Motion carried.

The Chairman then called for consideration of the vacancy in the County Court of the 11th Judicial District of Nebraska, as a result of the retirement of Judge Clark. The Chairman called for testimony. Testimony in favor of filling the vacancy was received by the Commission. There was no testimony in opposition. It was moved by Judge O'Neal and seconded by Ms. Schlichting that the vacancy in the office of County Judge of the 11th Judicial District be filled with the primary office being located at Lexington, Dawson County, Nebraska. Voting yes, all present. Motion carried.

The Chairman then called for discussion of Judge McDermott's proposal for the Commission to discuss boundary changes and specifically to conform the present districts of the district and county court to the present boundaries of the six Supreme Court Districts. Judge McDermott explained that he did not intend to limit the ability of the Commission to explore other boundary proposals and that he had prepared and cleaned the current set of data that produces the Weighted Caseload Report for the Commission members and that those data would be sent to each member after the meeting. After discussion it was moved by Mr. Mattoon and seconded by Mr. Sipple that there be no further discussion on Judge McDermott's proposal to conform the trial court districts to the Supreme Court districts. Judge McDermott raised a point of order on whether such a motion could be made since the agenda limited this topic to discussion only. Point of order was not resolved and motion proceeded to vote. On roll call those voting in favor were Judge O'Neal, Mr. Mattoon, Mr. Sipple, Mr. Day, and Mr. Phares; voting against the motion were Judge McCormack, Judge McDermott, Judge Samson, Ms. Bishop, Mr. Hoarty, Mr. Mark, Mr. Parker, Mr. Carter, Ms. Scherer, Ms. Schlichting, and Ms. Starman. Motion failed. Chairman announced matter would remain on the table until the anticipated June, 2013 meeting, and that would be limited to establishing further processes on consideration of the concept.

There being no further business to come before the Commission, it was moved by Judge McDermott and seconded by Mr. Sipple, that the Commission stand adjourned. Voting yes, all present. Motion carried. Meeting adjourned.

Respectfully submitted:

A handwritten signature in black ink, reading "Patrick R. McDermott". The signature is written in a cursive style with a large, prominent initial "P".

Judge Patrick McDermott, Secretary