

STATE OF NEBRASKA
TWELFTH JUDICIAL DISTRICT
COUNTY COURTS

February 10, 2026

Justice John R. Freudenberg
Nebraska Supreme Court
P.O. Box 98910
Lincoln, Nebraska 68509
Emailed to: ashley.jenkins@nejudicial.gov

Dear Justice Freudenberg and Members of the Commission:

Please accept this letter as written testimony in support of the request of the County Judges of the Twelfth Judicial District to declare that a vacancy exists in the office of the County Court, Twelfth Judicial District, due to the retirement of Judge James Worden.

As you are probably aware, the Twelfth Judicial District includes twelve counties: Sheridan, Dawes, Sioux, Grant, Box Butte, Morrill, Scotts Bluff, Banner, Kimball, Cheyenne, Deuel and Garden. The district has for quite some time had five county court judges, two of which were primarily based out of Scotts Bluff County. There was a logical reason for this as a high number of the district's caseload originates in Scotts Bluff County. With Judge Worden's well-deserved retirement comes the specter of covering his large caseload with the remaining four judges in the district. This has been arranged whereby Judge Roland (based in Sidney), Judge Wess (based in Alliance) and I (based in Chadron) have agreed to cover roughly five days per month in Scotts Bluff County. This is in addition to Judge Mickey (based in Gering) covering multiple other dates. Just for some perspective, each of those five travel days for Judge Roland will involve two hours and thirty minutes round trip. That's roughly twelve hours and thirty minutes just on the road per month. And while videoconferencing is a great tool that can be utilized on many occasions, it will be unlikely that such videoconferencing can be utilized for hearings such as those just mentioned. These four to five days per judge per month are normal motion days in Scotts Bluff County Court – not special evidentiary hearing and trial dates. In other words, the hearings on the four to five motion days per month for each judge will entail the entire workday. Videoconferencing will likely be impractical for such hearings.

While Judge Roland will be taking two and a half hours on each of his trips to and from Gering, Judge Wess will be closer to three hours roundtrip to and from Gering. This means that Judge Wess will need to travel roughly fifteen hours per month to help in Scotts Bluff County. Likewise, I will be traveling approximately three hours and forty minutes roundtrip to and from Gering on each individual trip during this interim period. That means that I will spend approximately eighteen hours and twenty minutes of windshield time per month just to preside over court in Scotts Bluff County. I ask you to keep in mind that the above windshield hours merely constitute monthly travel to Scotts Bluff County. They do not include the drive-time each

of us dedicates to monthly travel to our normal counties such as Sioux, Grant, Morrill, Deuel, Kimball, Garden and Banner.

Additionally, the time each of the remaining four judges in our district will be required to devote to both the additional travel mentioned above and courtroom duties approximately five times per month will detract from each of our abilities to be in our offices conducting legal research or writing written decisions that are a requirement of our profession. I believe that none of the remaining four judges in our district have court bailiffs, judicial assistants, legal interns or law clerks that could assist with some of the administrative and judicial tasks that are required outside of the courtroom. Speaking for myself, the drive time, combined with in-court time will leave my schedule only able to accommodate approximately two to three full days per month for the scheduling of any evidentiary hearings or trials over this interim coverage period.

Admittedly, my schedule should still allow for approximately three to four half days per month to set aside for other matters. Nonetheless, it is impractical to believe that these few additional days and half days can be utilized solely for in-court hearings; much of that time will need to be devoted to legal research, writing and preparation for upcoming hearings. Keeping such a schedule is ultimately unworkable and will damage the dispensation of justice for the public.

Finally, I will not bore the commission members with the weighted caseload reports for the relevant years; this information is more than likely already in the record. Nonetheless, I conducted a little research of my own by calculating the raw caseload numbers for the calendar years 2024 and 2025. After comparing the numbers (between Criminal, Traffic, Juvenile, Small Claims, Civil, Probate and Adoption), the raw case count in the Twelfth District climbed from 2024 to 2025. The case count across the district for 2024 was 19,294 while for 2025 it was 19,781, a rise of 487 cases or approximately a 2.5% increase. Obviously, case counts fluctuate over time but combined with the factors mentioned above relating to travel as well as various time constraint pressures which will of necessity be imposed upon the remaining four county court judges in our district, it is self-evident that declaring a vacancy and permitting Judge Worden's seat be filled is the prudent and reasonable thing to do.

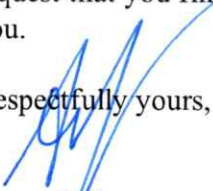
Fortunately, this Commission determined that there was still a need for a fifth county court judge in the Twelfth Judicial District in 2022 upon the retirement of Judge Harford. I appreciate this Commission making that determination then and suggest the need for five judges still exists. Based on the Weighted Caseload Report for the fiscal year 2025, the Twelfth Judicial District had a Workload per judge of 0.82 (this was even before the raw numbers I mentioned above). I recall a Nebraska Bar Association article written sometime in 2022 (I believe) suggesting that if the workload per judge in a district was less than a 0.60 (I believe), then in that event a district should not declare a vacancy and the seat should move elsewhere. I also recall that the article mentioned that if the workload per judge was 1.15 or above, an additional judgeship should be created for that district. The Twelfth's numbers (as of the 2025 Weighted Caseload Report) sit somewhere between both extremes.

As part of the meeting set for February 13, 2026, the Commission is also set to consider whether a county court judge should be replaced in the Ninth Judicial District because of the recent retirement of Judge Wetzel. The Ninth Judicial District has a workload per judge factor of 0.81, which is less than the Twelfth. I do not wish to be understood as "advocating" specifically for the

Ninth district but would ask that if the Commission were to fill the Ninth District seat, it would only be fair to likewise fill the Twelfth District seat. Furthermore, when the Nebraska legislature passed a law during the 2023 legislative session creating the fifth county judge in the Ninth Judicial District, they must have done so – in part - based on the County Courts Weighted Caseload Report for the fiscal year 2022 (running from July 1, 2021 to June 30, 2022) which indicated a need for county court judges at 4.43 and a Workload per judge of 1.11 in the Ninth. At that time of course, the Ninth District only had four judges. But the legislature must also have considered the County Courts Weighted Caseload Report for the *calendar* year 2022 (running from January 1, 2022 to December 31, 2022) which indicated a need for county court judges at 4.12 and a Workload per judge of 1.03. As stated above, the need for county judges in the Twelfth (4.10) now stands higher than that of the Ninth (4.07). Both seats should be filled.

Finally, I apologize for not appearing in person. It is approximately 392 miles from Rushville to Lincoln, and I'd already scheduled (prior to receipt of notice of Judge Worden's retirement date) an out-of-state travel day. I would ask that this Commission not construe my absence as in any way apathetic about Judge Worden's replacement. For the aforementioned reasons, I respectfully request that you fill the county judge vacancy created by the retirement of Judge Worden. Thank you.

Respectfully yours,



Aaron J. Conn
Presiding Judge
Twelfth County Court Judicial District