

**STATE OF NEBRASKA
SECOND JUDICIAL DISTRICT
COUNTY COURTS
(Sarpy, Cass & Otoe Counties)**

JUDGES

**Hon. Todd Hutton
Hon. David J. Partsch
Hon. S. Colin Palm
Vacant**

COURT CLERKS

**Barb Pouson (Sarpy)
Konia Fries (Cass)
Dana Ritchheart (Otoe)**

August 12, 2025

RE: SECOND JUDICIAL DISTRICT (COUNTY COURTS)

Dear Justice Jonathan J. Papik and Members of the Commission:

On behalf of the county court judges of the Second Judicial District, thank you for the work you perform in the critical task of declaring vacancies when judicial positions need to be filled. We are asking you to declare a judicial vacancy in the county courts of our district caused by the elevation of Judge PaTricia Freeman to the Nebraska Court of Appeals.

The county courts of the Second Judicial District cover matters in Sarpy, Cass, and Otoe Counties. We have been operating with a total of four (4) judges – three (3) in Sarpy County (Hutton, Freeman, and Palm) and one (1) traveling between Cass and Otoe Counties (Partsch). Judge Freeman’s promotion leaves Sarpy County currently operating with two (2) county court judges, and we have been fortunate to have retired judges covering her courtroom daily since she left. They are staying busy, and Judges Hutton and Palm have taken on extra duties to ensure continuity of court operations.

The FY 2025 Weighted Caseload Report was published to the Supreme Court website on August 6, 2025.¹¹ Looking at the numbers, the Second Judicial District’s caseload reflects a judicial need of 4.11 judges. With four (4) judges each has an average workload of 1.03 per judge. As comparison, no other county

¹¹ <https://supremecourt.nebraska.gov/sites/default/files/publication-report-files/FY2025-County-Court-Weighted-Caseload-Report.pdf> (accessed 8/6/2025)

court judicial district in the state has an average workload of higher than 0.96 per judge. The workload of four county court judges in our district is also fairly evenly distributed, as Sarpy County's judicial need is 3.01 and Cass/Otoe's combined judicial need is 1.10. Shuffling caseloads would not alleviate the need for a fourth county court judge in our district.

Another comparison for these FY 2025 numbers is looking back at prior years to see the trends. The FY 2024 Weighted Caseload Report for the Second Judicial District reflected a judicial need of 3.75 judges (2.7 in Sarpy; 1.05 in Cass/Otoe), with an average workload per judge of 0.94. This was up from the FY 2023 numbers which reflected a judicial need of 3.30 judges (2.42 in Sarpy; 0.88 in Cass/Otoe), with an average workload per judge of 0.83. In other words, in just 3 years the average workload per judge in the Second Judicial District has increased by 32.5% (1.10/0.83). Should this trend continue, a fifth judge may be needed in the district within the foreseeable future.

In further support of the current need to fill Judge Freeman's position, each of the second district's three counties continue to grow in population, with Sarpy County growing by far the fastest. In 2023-24 Sarpy County grew at a rate of 2.2%, Otoe at 0.9%, and Cass at 0.1%.² According to numbers compiled by Sarpy County Court Clerk Magistrate Barb Pouson, as of the end of July, the 2025 calendar year new case filings in Sarpy County are 9.4% higher than the filings received by this same time last year. We expect the caseload in the district will only continue to rise.

We also know you are keenly aware of additional factors to the caseload numbers that affect the actual hours judges work on their cases, including: (1) the significant increase in self-represented litigants (and related use of artificial intelligence); (2) the increase in need for language interpretation; (3) the increase in problem solving courts; (4) technology benefits and challenges; and (5) challenges with court staffing and training.

Based upon the current caseload of the county courts of the Second Judicial District, and in consideration of the continued increases in population and new

² U.S. Census Bureau, Population Estimates, Vintage 2024, Annual Estimates of the Resident Population for Counties in Nebraska. The State's overall population grew by 0.9%; however, 43 counties lost population.

case filings, we respectfully request that members of the Judicial Resources Commission declare a judicial vacancy in the Second Judicial District county courts with a primary office in Papillion, Nebraska. If you have any questions, comments, concerns or need any additional information, we will have at least one of our judges present at the hearing.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "David M. Peters", written in a cursive style.

Presiding Judge of the Second Judicial District