

MINUTES OF THE MEETING
OF
THE NEBRASKA JUDICIAL RESOURCES COMMISSION
August 21, 2018

A meeting of the Nebraska Judicial Resources Commission was held on the 21st day of August, 2018, in Room 1510, State Capitol Building, in Lincoln, Nebraska, with Commission members attending by video conferencing with locations in Omaha, North Platte, McCook and Grand Island, as provided by law.

Justice Stacy called the meeting to order in Room 1510 at the hour of 10:00 a.m. The meeting was recessed for several minutes to address technological problems with the videoconferencing, but reconvened when the problems were resolved. Roll call by the Chair:

PRESENT

Justice Stephanie Stacy, Chair
Judge Robert O'Neal
Judge Anne Paine
Michael McCarthy
Christopher Nielsen
Brian Phares
Mark Sipple
Robert Slovek
Charles Conrad
Darlene Starman

ABSENT

Judge John Samson
Timothy Engler
Robert Parker
Coby Mach
Stephen Bader
William Dittrick

The Chair identified and received into the record Exhibits 1 through 11.

The Chair called for approval of the minutes of the meeting of July 25, 2018. It was moved by Charles Conrad and seconded by Robert O'Neal that the 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 due to the appointment of John R. Freudenberg to the Nebraska Supreme Court, effective July 6, 2018.
2. A judicial vacancy exists due to the retirement of Judge Donald E. Rowlands, effective July 31, 2018.
3. A judicial vacancy exists due to the death of Judge W. Mark Ashford on August 1, 2018.

The Chair called for testimony. Testimony offered in support of declaring a vacancy by the following: (1) Honorable Timothy Phillips; (2) Honorable David Urbom; (3) Bill Troshynski; and (4) Liz Neeley. There was no opposition to any vacancy.

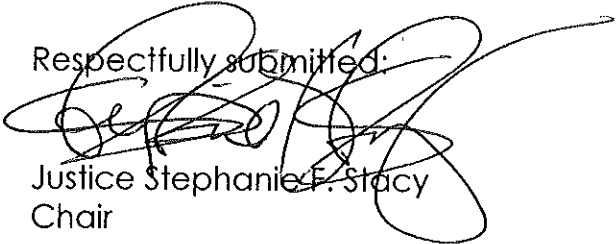
It was moved by Robert O'Neal and seconded by Darlene Starman that a vacancy be declared in the office of the County Court of the 3rd Judicial District and that the primary office be in Lincoln, Lancaster County, Voting yes 11, voting no 0. Motion carried.

It was moved by Michael McCarthy and seconded by Charles Conrad that a vacancy be declared in the office of the District Court of the 11th Judicial District and that the primary office be in North Platte, Lincoln County, Nebraska. Voting yes 11, voting no 0. Motion carried.

It was moved by Robert Slovek and seconded by Lori Scherer that a vacancy be declared in the office of the District Court of the 4th Judicial District and that the primary office be in Omaha, Douglas County, Voting yes 11, 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. There being no objection, the meeting was adjourned.

Respectfully submitted:



Justice Stephanie F. Stacy
Chair

AGENDA
JUDICIAL RESOURCES COMMISSION

August 21, 2018 - 10:00 a.m. (central time)
Room 1510, State Capitol, Lincoln, Nebraska
VIDEO CONFERENCE HEARING

- I. Roll call of members by secretary.
- II. Approve the minutes of the meeting held on July 25, 2018.
- III. Due to the appointment of John R. Freudenberg to the Nebraska Supreme Court, effective July 6, 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 3rd 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 Donald E. Rowlands, effective July 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 11th 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 death of Judge W. Mark Ashford on August 1, 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 4th 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 MEETING
OF
THE NEBRASKA JUDICIAL RESOURCES COMMISSION
July 25, 2018

A meeting of the Nebraska Judicial Resources Commission was held on the 25th day of July, 2018, 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. Roll call by the Chair:

PRESENT

Justice Stephanie Stacy, Chair
Judge Robert O'Neal
Judge John Samson
Michael McCarthy
Christopher Nielsen
Timothy Engler
Robert Parker
Brian Phares
Mark Sipple
Charles Conrad
Darlene Starman

ABSENT

Judge Anne Paine
William Dittrick
Robert Slovek
Stephen Bader
Coby Mach
Lori Scherer

The Chair identified and received into the record Exhibits 1 through 9.

The Chair called for approval of the minutes of the meeting of May 31, 2018. It was moved by Timothy Engler and seconded by Darlene Starman that the minutes be approved. Voting yes, all present.

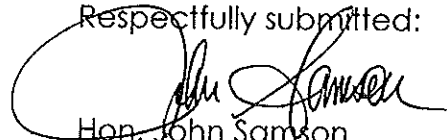
The Chair announced that the purpose of the hearing was to determine whether a judicial vacancy exists in the County Court of the 5th Judicial District as a result of the retirement of Judge Patrick McDermott, effective January 31, 2018.

The Chair called for testimony. Testimony offered in support of declaring a vacancy by the following: (1) Honorable Frank Skorupa; (2) Patrick McDermott; (3) Liz Neeley; (4) Tom Klein; (5) Katherine Chadek; (6) Benjamin Dennis; (7) Katrina Harris and (8) Corey Steele. There was no opposition to the vacancy. It was moved by Mark Sipple and seconded by Judge Robert O'Neal that a vacancy be declared in the office of the District Court of the 5th Judicial District

and that the primary office to be either in Wahoo, Saunders County, Nebraska or Schuyler, Colfax County, Nebraska. Voting yes 9, voting no 2. Motion carried.

There being no further business to come before the Commission, the Chair asked whether there was any objection to adjourning the meeting. There being no objection, 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.

Hon. John Samson
Secretary

Mussmann, Dawn

From: Freudenberg, John
Sent: Monday, July 16, 2018 2:29 PM
To: Mussmann, Dawn
Subject: FW: Oath/Judicial Resources Commission

Dawn

As requested, this is written confirmation that I was sworn into my current judicial position on July 6, 2018. Please let me know if you need any further information.

Thanks,

Justice Freudenberg

From: Nolte, Ashley
Sent: Monday, July 16, 2018 2:16 PM
To: Freudenberg, John <john.freudenberg@nebraska.gov>
Subject: Oath/Judicial Resources Commission

Hi Judge,

Please email Judge Stacy's assistant, Dawn Mussmann, and inform her of the date you signed your oath.

She is aware that you signed it on Friday, July 6, 2018, but she needs written confirmation from you (an email will work).

This information is needed for the judicial resources commission.

Dawn.Mussmann@nebraska.gov

Thank you!



Ashley J. Nolte | Administrative Assistant
Justice John R. Freudenberg's Office
Nebraska Supreme Court | State Capitol | Lincoln, NE 68509
T 402.471.3735 | ashley.nolte@nebraska.gov | www.supremecourt.ne.gov

DONALD E. ROWLANDS

District Judge

Eleventh Judicial District
301 North Jeffers
North Platte, Nebraska 69101

Tania Fox, Court Reporter
Patty Wonch, Bailiff
308-534-4350, ext. 311
FAX 308-535-3528

June 11, 2018

Governor Pete Ricketts
State Capitol Building
P.O. Box 94848
Lincoln, Nebraska 68509-4848

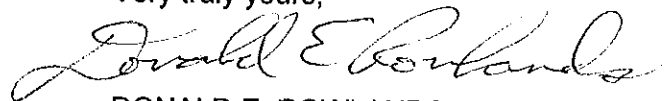
Dear Governor Ricketts:

I hereby tender my notice of retirement from the District Court of the 11th Judicial District effective July 31, 2018.

Being a trial judge for the past 32 years has been the highlight of my legal career, and I owe a debt of gratitude to former Governor Robert Kerrey who selected me at the age of 36 from a group of outstanding attorneys who applied for this position. I would also like to acknowledge and thank all of the Clerks of the District Court, their staff, my court reporter, and most importantly my bailiff since 1988, Patty Wonch, for their dedicated assistance and service to the public.

I can say without hesitation that the judiciary in the State of Nebraska is among the finest in our nation. It has been my honor and privilege to have served with them.

Very truly yours,



DONALD E. ROWLANDS
District Judge

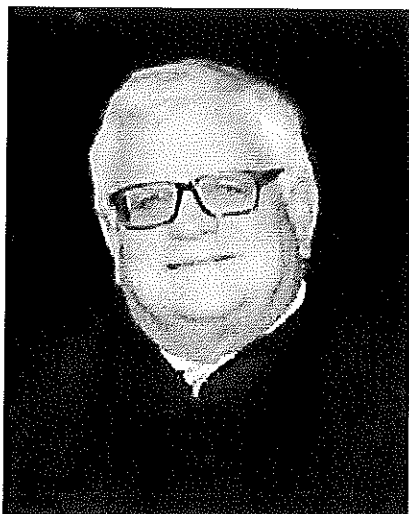
DER/pw

pc: Chief Justice Michael G. Heavican
Justice Stephanie F. Stacy
Corey Steel-State Court Administrator

IN LOVING MEMORY OF

W. MARK ASHFORD

FEBRUARY 14, 1952 - AUGUST 1, 2018



The Honorable W. Mark Ashford, age 66, the son of John D. and Ellen M. (Swanson) Ashford, was born February 14, 1952 in Omaha, Nebraska. He passed away August 1, 2018 in Omaha, Nebraska.

The Honorable W. Mark Ashford was preceded in death by his parents, John D. and Ellen Ashford; nephew, Nathan Ashford. He is survived by his wife, Deb Ashford; sons, Steven Ashford and Sam Ashford; step-sons, Keith Klanderud, Kristopher Klanderud, Kent (Megan) Klanderud; brothers, Brad (Ann) Ashford, Carl (Kristin) Ashford; aunt, Mary K. Anderson; nieces and nephews,

John (Allison) Ashford, Ellie Ashford, Tom Ashford, Molly Ashford; six grandchildren; other relatives and many great friends.

SERVICES will be held 10:00 A.M., Tuesday, August 7, 2018 at Augustana Lutheran Church (3647 Lafayette Ave., Omaha, NE 68131). Visitation 5:00 to 8:00 P.M., Monday, August 6, 2018 at Augustana Lutheran Church. Burial at Forest Lawn Cemetery. In lieu of flowers, memorials are suggested to Douglas County Veterans Treatment Court Foundation.

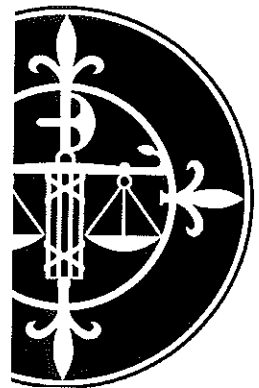
Nebraska Judicial Branch

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.



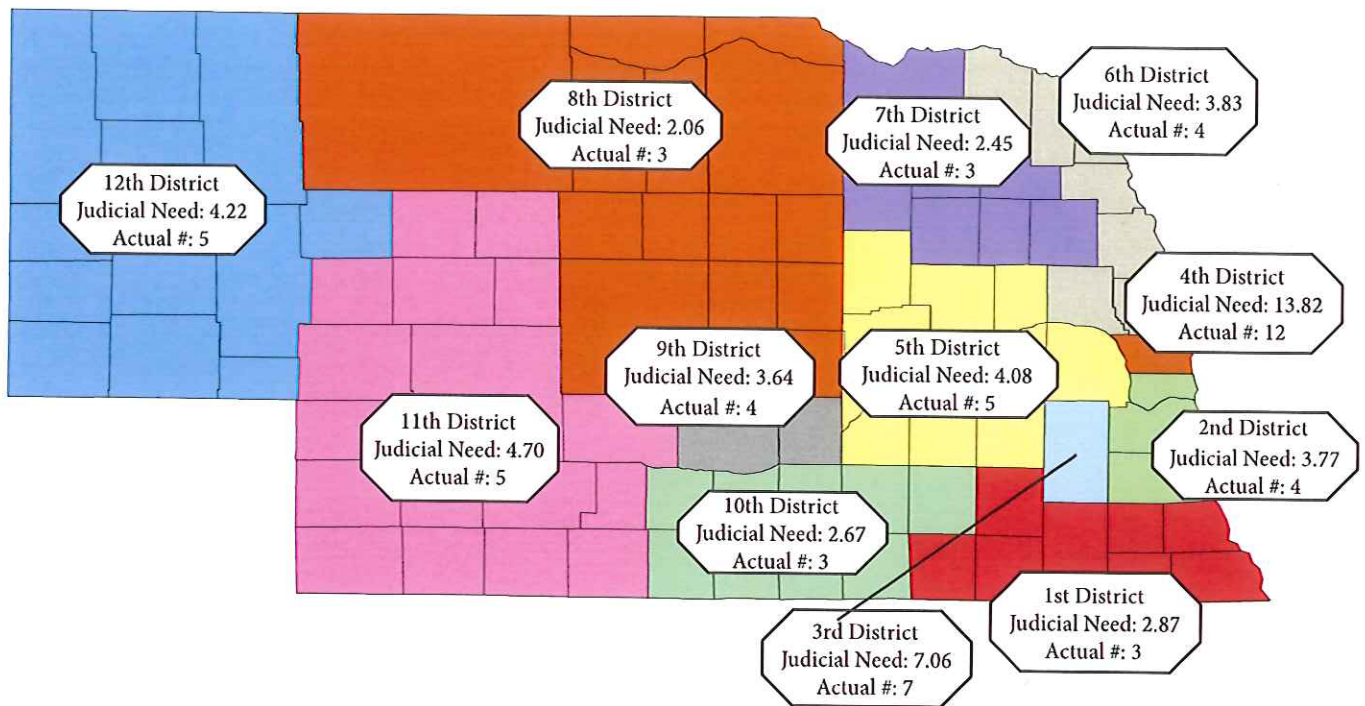
**Corey R. Steel | Nebraska State Court Administrator
Nebraska Supreme Court**

Rm. 1213 State Capitol | P.O. Box 98910 | Lincoln, NE 68509
T 402.471.3730 | F 402.471.2197
www.supremecourt.ne.gov

July 1, 2017 - June 30, 2018

Nebraska County Courts Judicial Needs

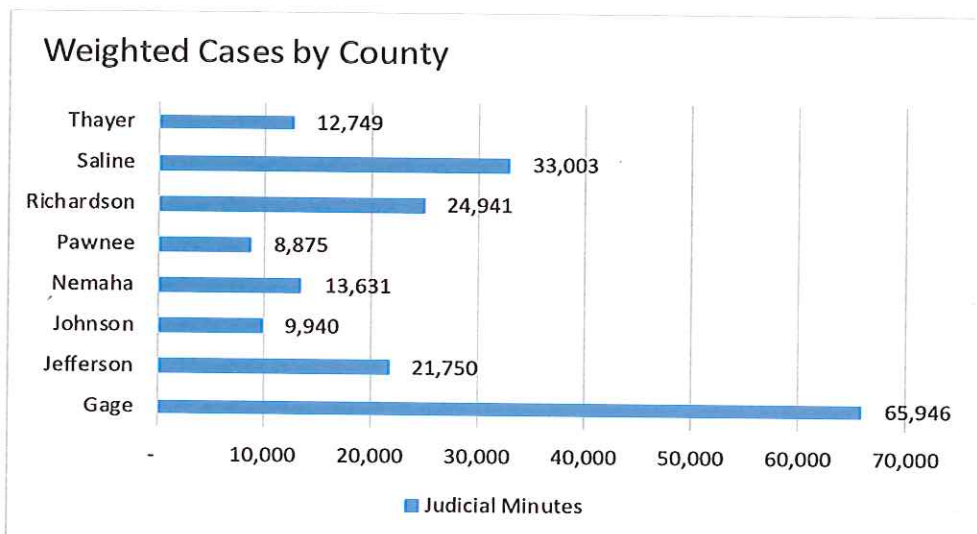
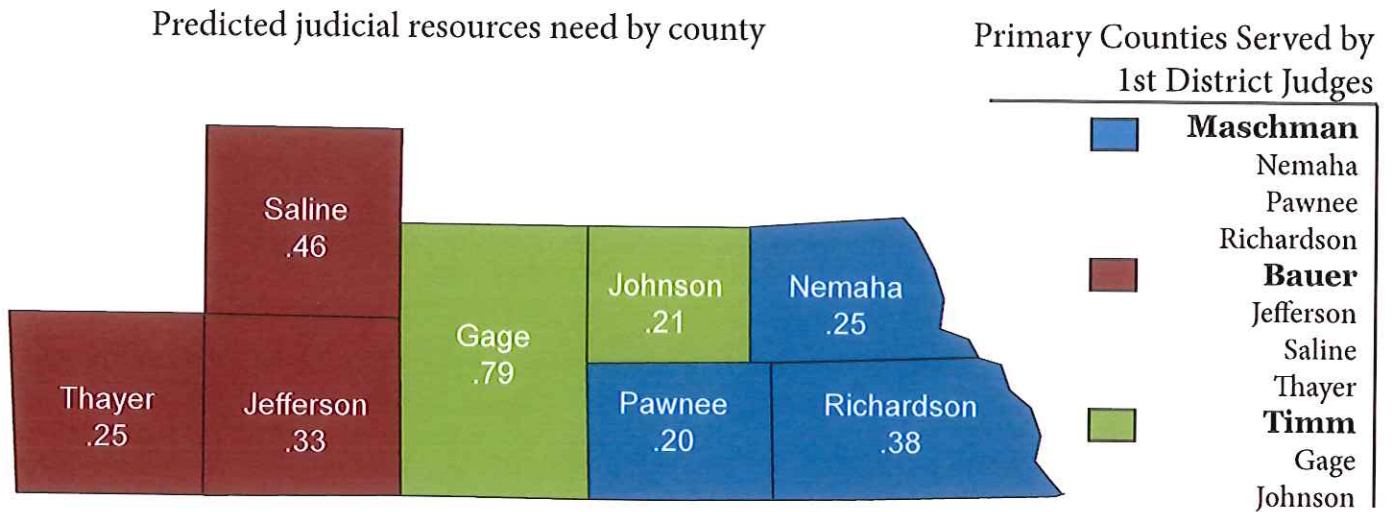
Fiscal Year 2018 (July 1, 2017 - June 30, 2018)



Weighted Caseload Report

1st Judicial District - County Court

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

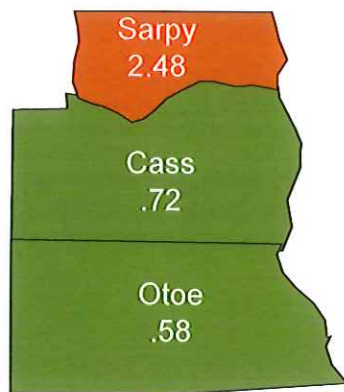


Weighted Caseload Report

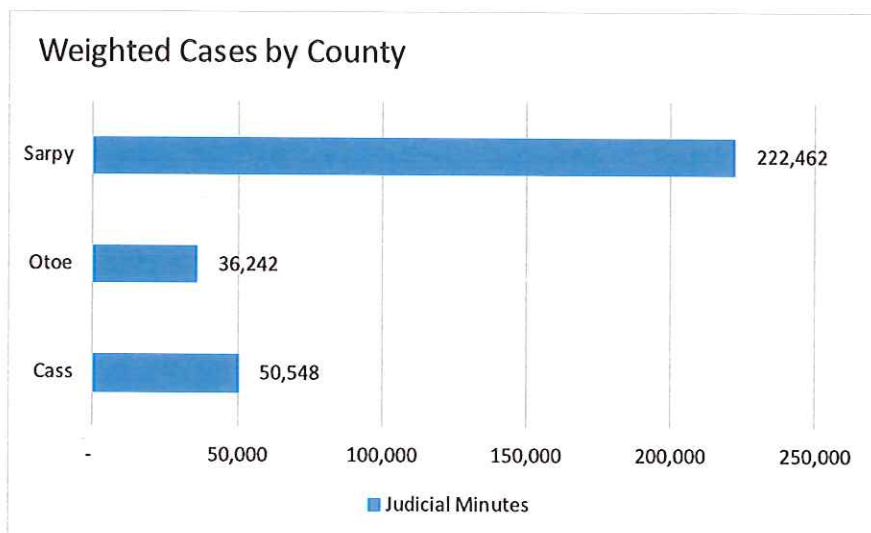
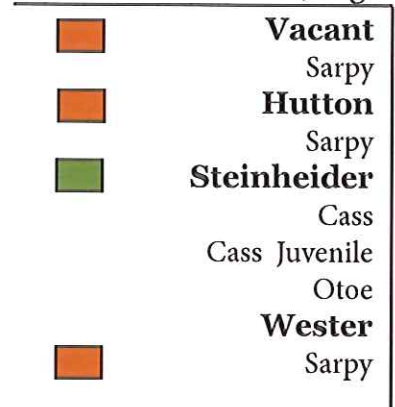
2nd Judicial District - County Court

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



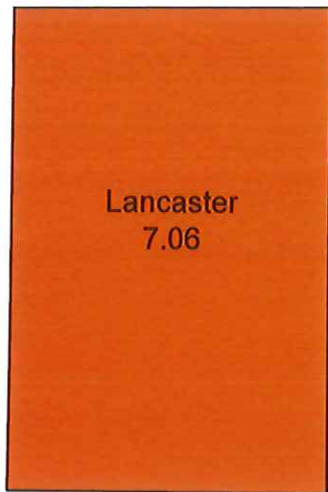
*Sarpy County Juvenile Judge Robert O'Neal hears all Otoe County Juvenile Cases
 (Juvenile cases have been removed from Otoe County weighted cases and added to Sarpy County weighted cases.)

Weighted Caseload Report

3rd Judicial District - County Court

County court need for judges: 7.06
 Current number of judges: 7

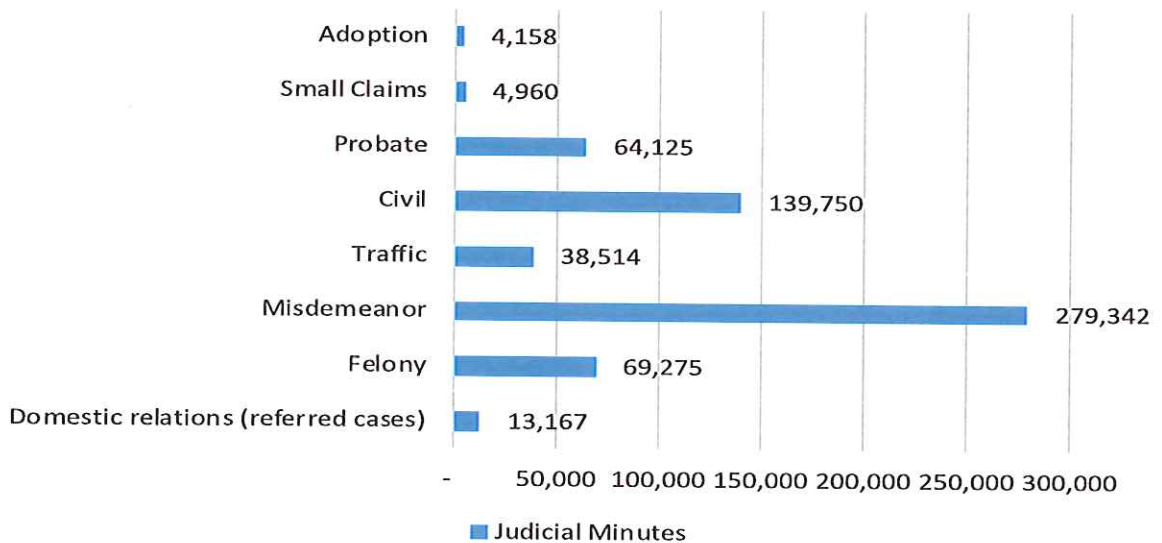
Predicted judicial resources need



Judges Serving the 3rd District
County Court

- Acton
- Fruedenberg
- Parsley
- Phillips
- Reuter
- Yardley
- Zimmerman

Weighted Cases by Case Type

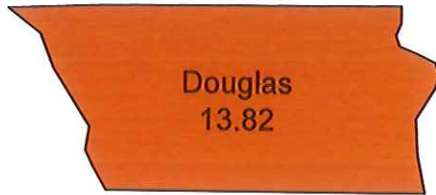


Weighted Caseload Report

4th Judicial District - County Court

County court need for judges: 13.82
 Current number of judges: 12

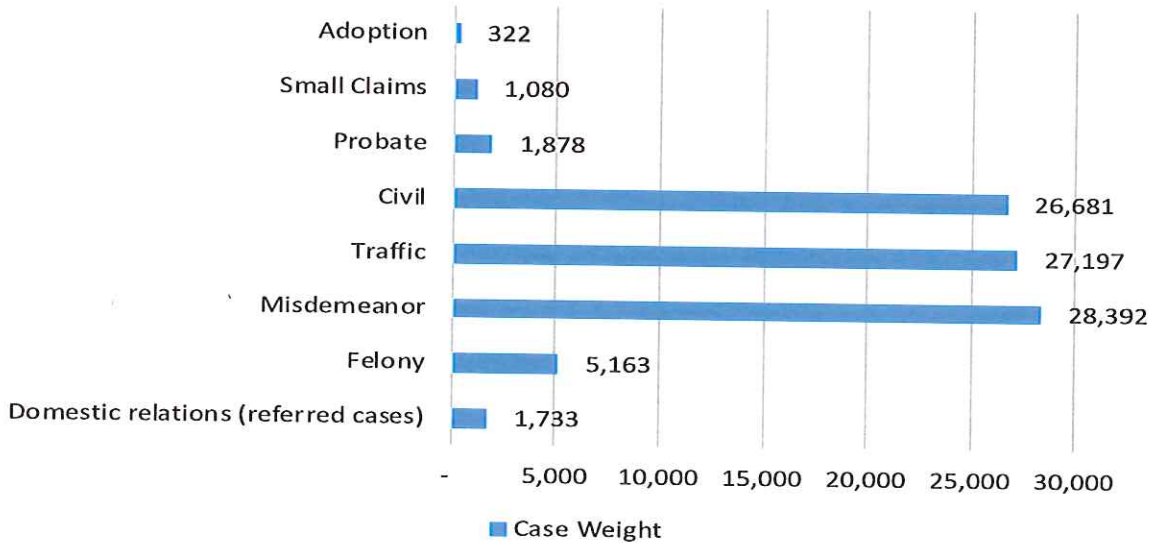
Predicted judicial resources need



Judges Serving the 4th District
 County Court

- Barrett
- Hansen
- Harmon
- Hendrix
- Huber
- Keim
- Lohaus
- Low
- Marcuzzo
- McDermott
- Shearer
- Vaughn

Weighted Cases by Case Type

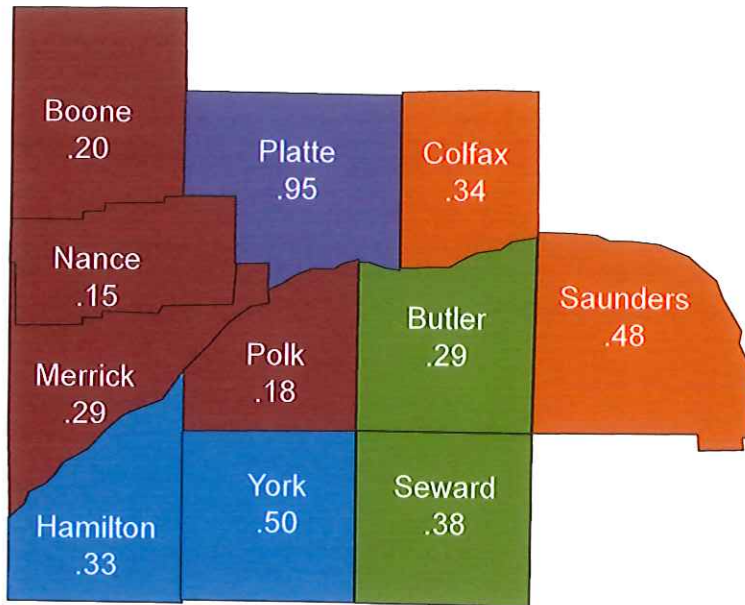


Weighted Caseload Report

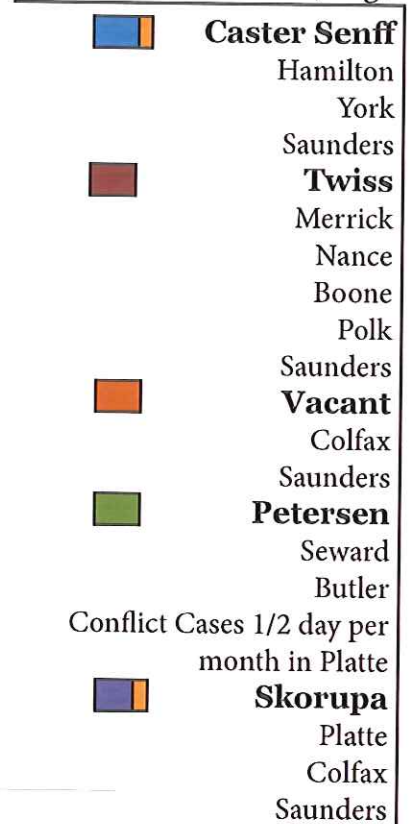
5th Judicial District - County Court

County court need for judges: 4.08
 Current number of judges: 5

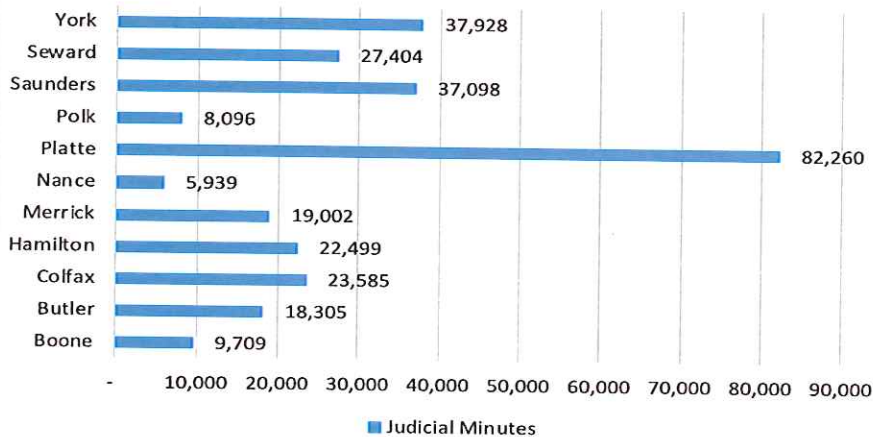
Predicted judicial resources need by county



Primary Counties Served by 5th District Judges



Weighted Cases by County

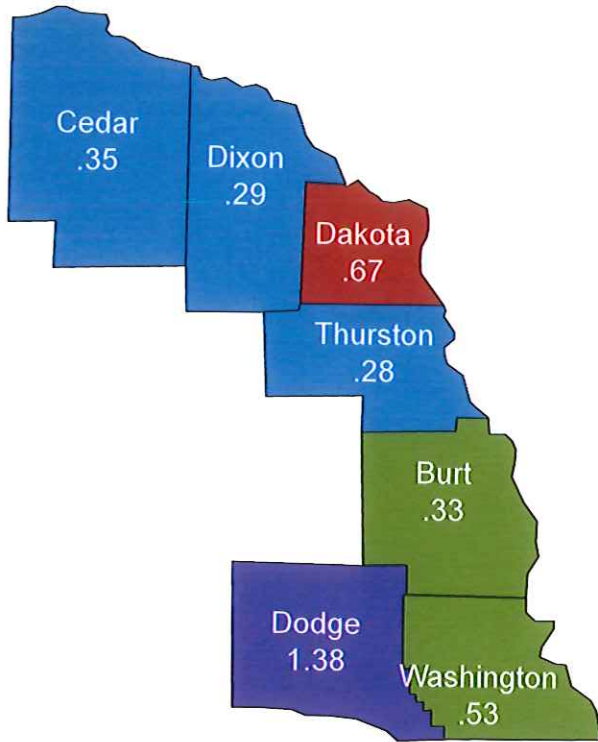


Weighted Caseload Report

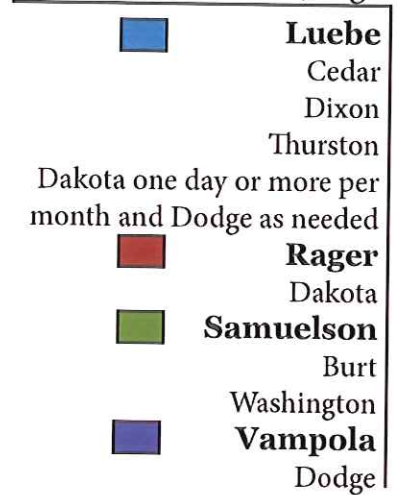
6th Judicial District - County Court

County court need for judges: 3.83
 Current number of judges: 4

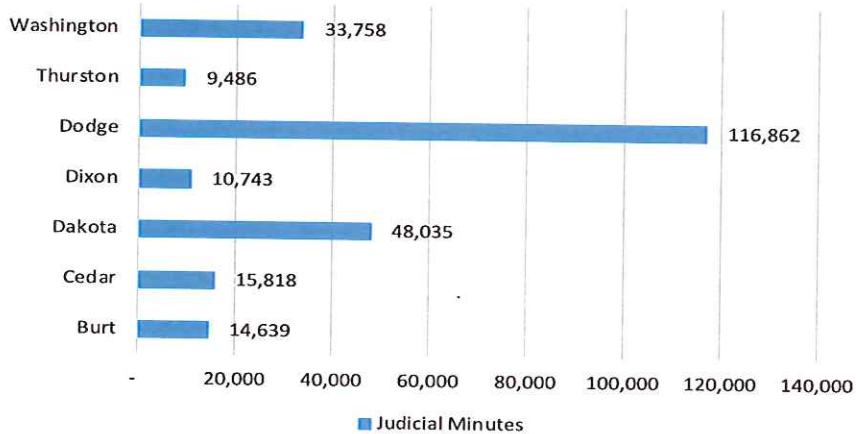
Predicted judicial resources need by county



Primary Counties Served by 6th District Judges



Weighted Cases by County

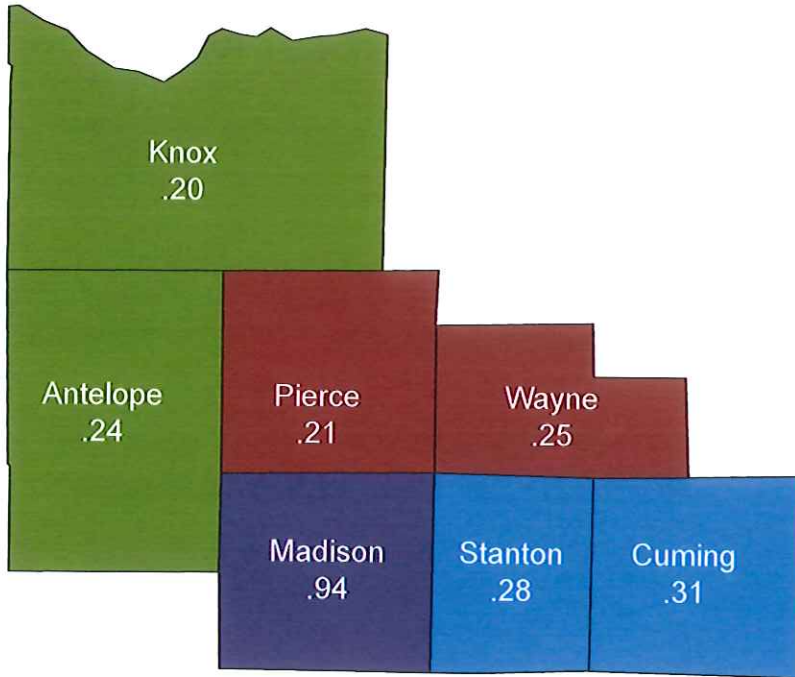


Weighted Caseload Report

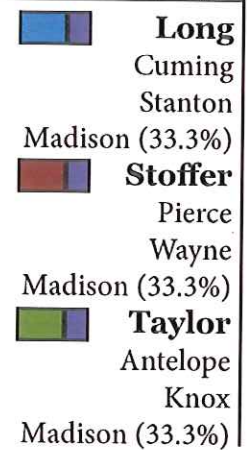
7th Judicial District - County Court

County court need for judges: 2.45
 Current number of judges: 3

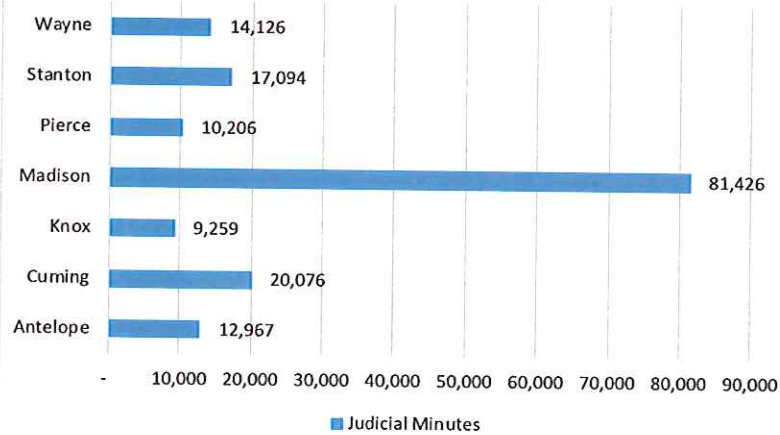
Predicted judicial resources need by county



Primary Counties Served by 7th District Judges



Weighted Cases by County



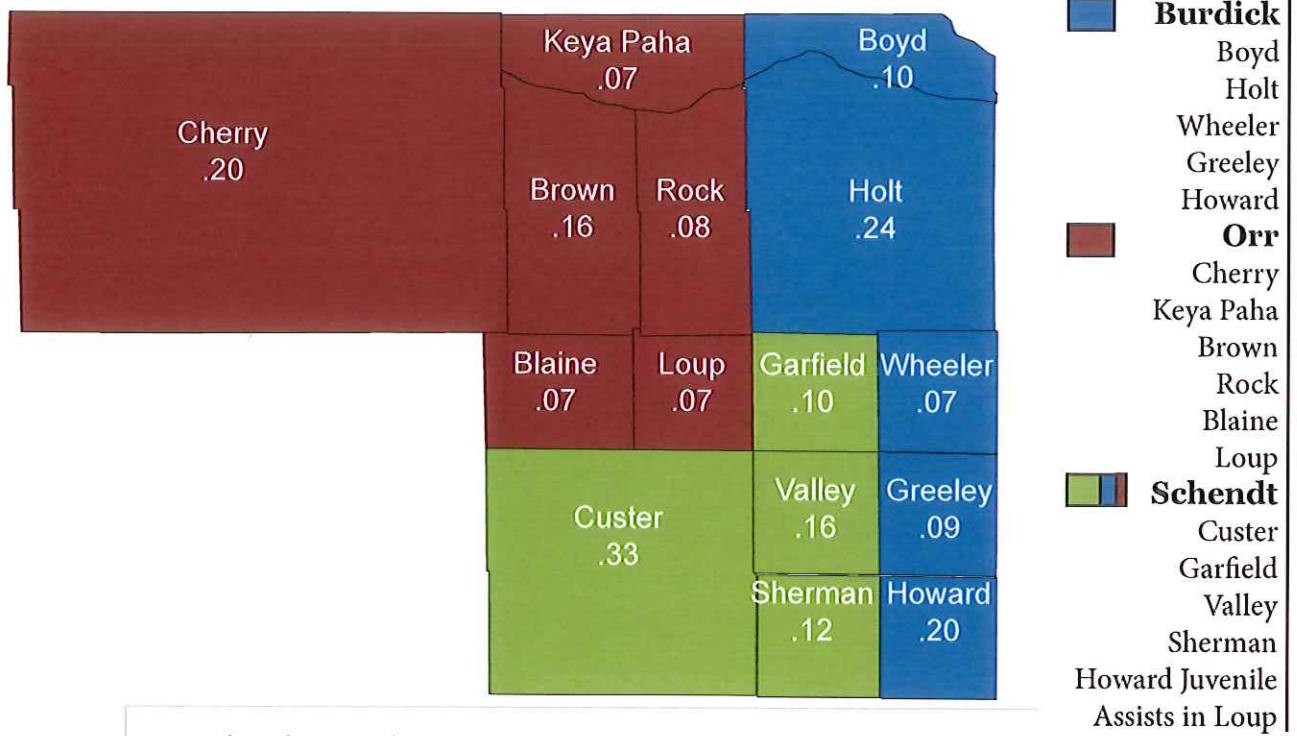
Weighted Caseload Report

8th Judicial District - County Court

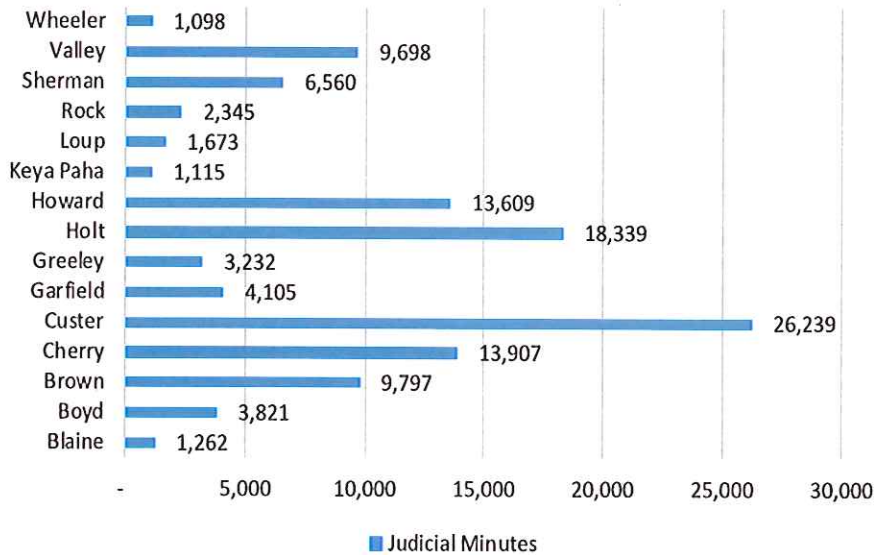
County court need for judges: 2.06
 Current number of judges: 3

Predicted judicial resources need by county

Primary Counties Served by
8th District Judges



Weighted Cases by County

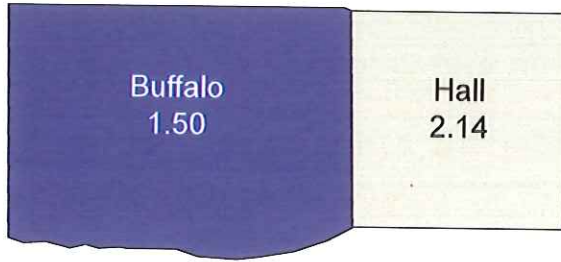


Weighted Caseload Report

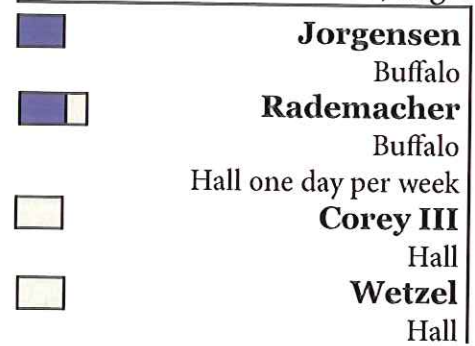
9th Judicial District - County Court

County court need for judges: 3.64
 Current number of judges: 4

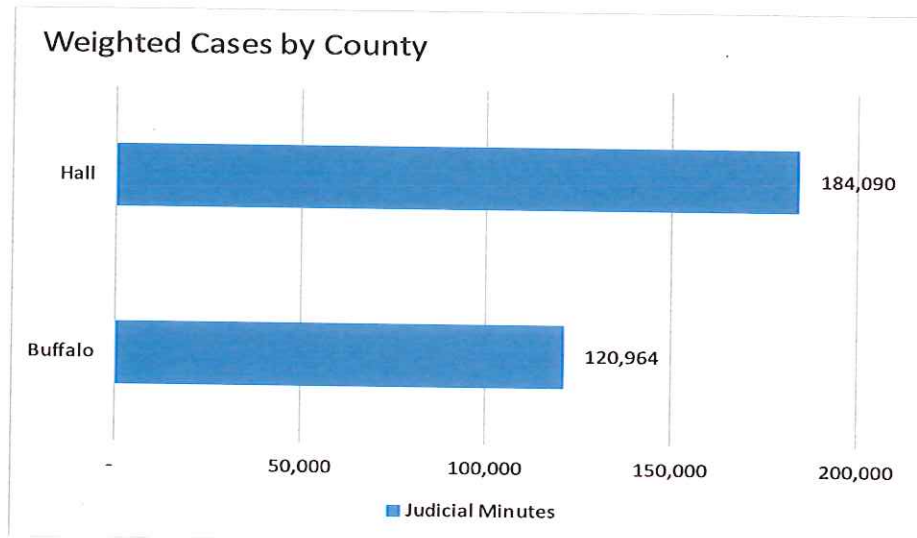
Predicted judicial resources need by county



Primary Counties Served by 9th District Judges



Weighted Cases by County

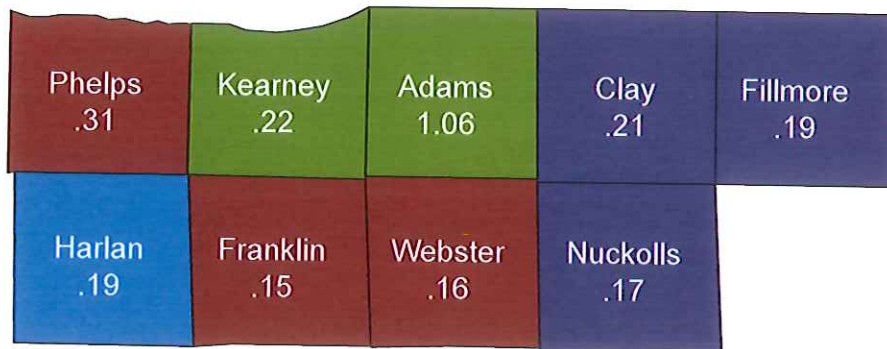


Weighted Caseload Report

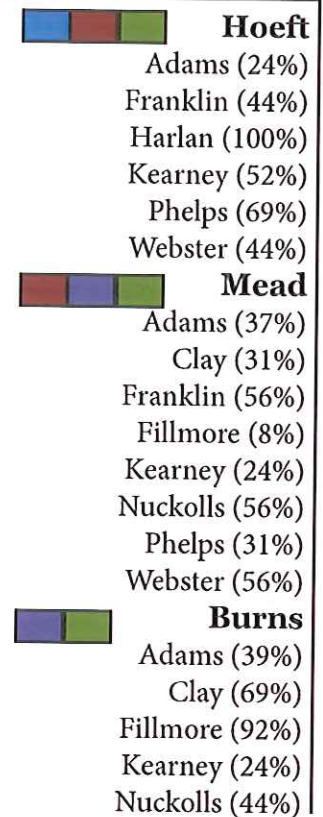
10th Judicial District - County Court

County court need for judges: 2.67
 Current number of judges: 3

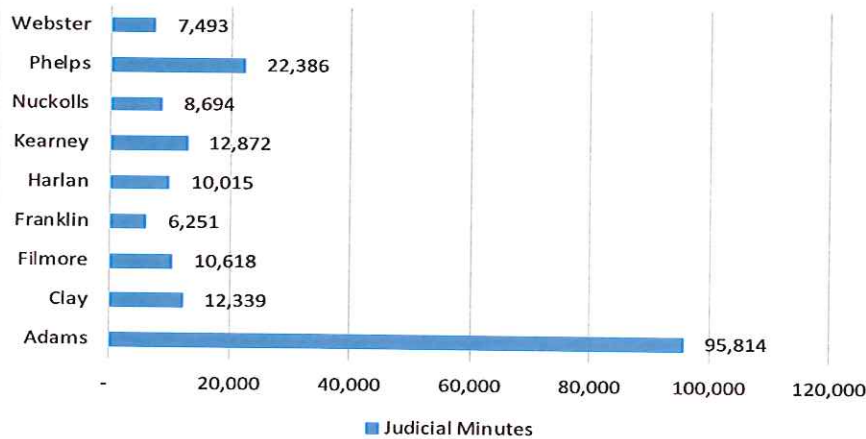
Predicted judicial resources need by county



Primary Counties Served by 10th District Judges



Weighted Cases by County

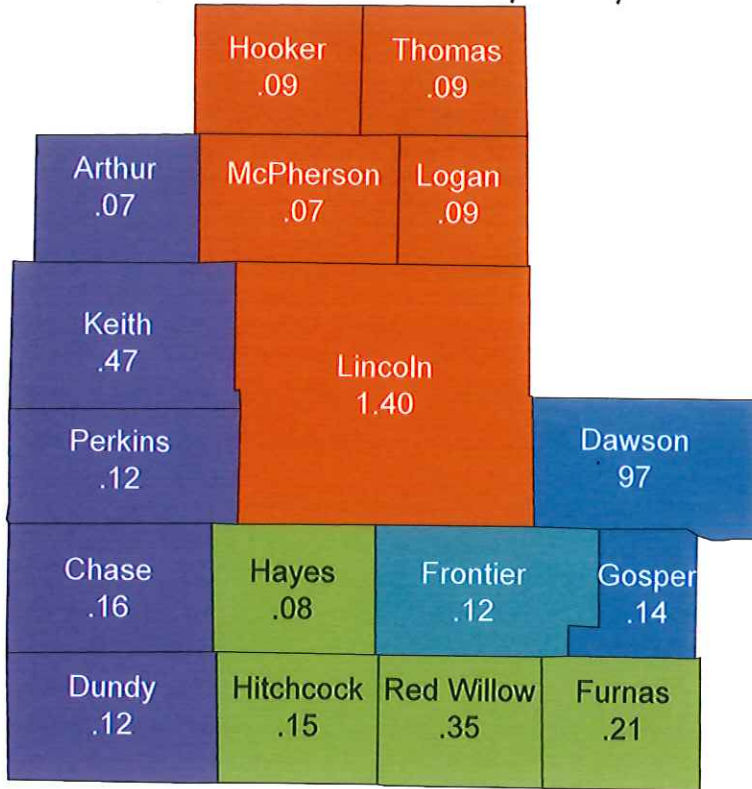


Weighted Caseload Report

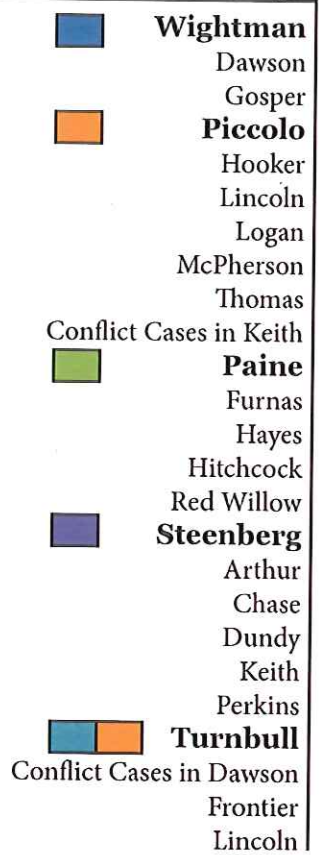
11th Judicial District - County Court

County court need for judges: 4.70
 Current number of judges: 5

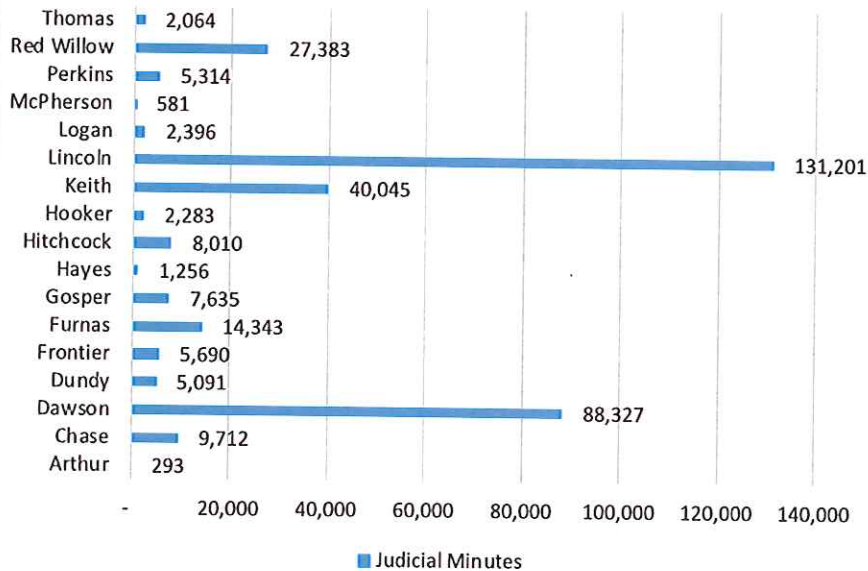
Predicted judicial resources need by county



Primary Counties Served by 11th District Judges



Weighted Cases by County

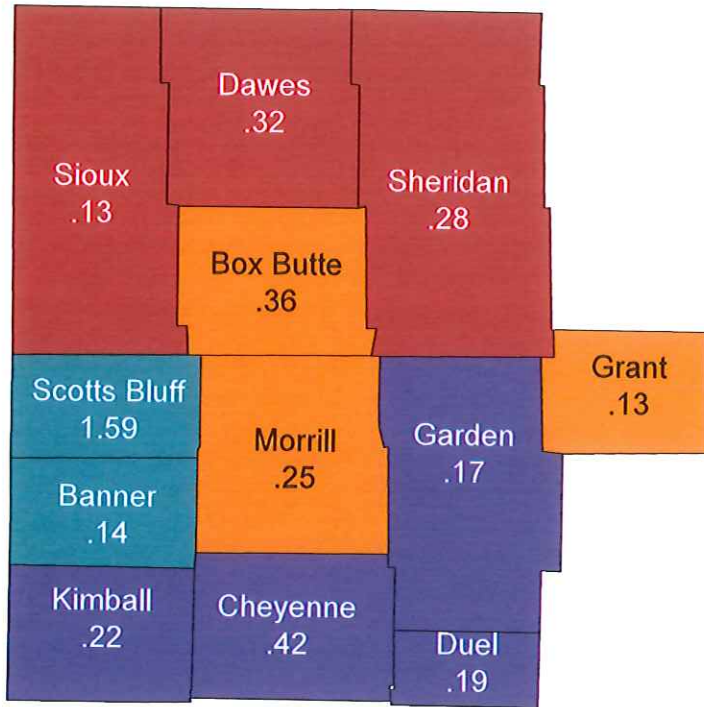


Weighted Caseload Report

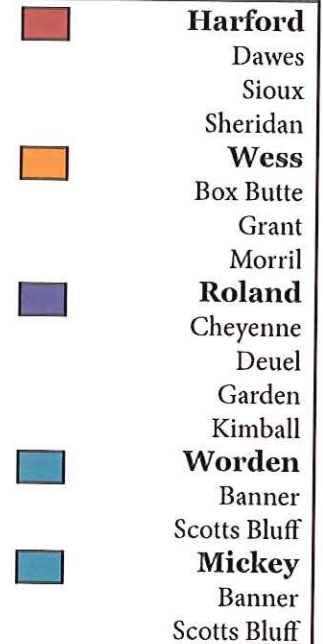
12th Judicial District - County Court

County court need for judges: 4.22
 Current number of judges: 5

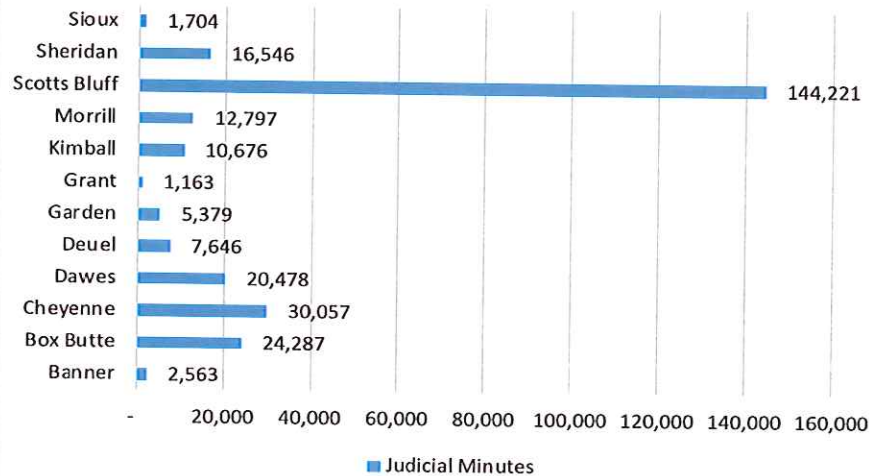
Predicted judicial resources need by county



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.



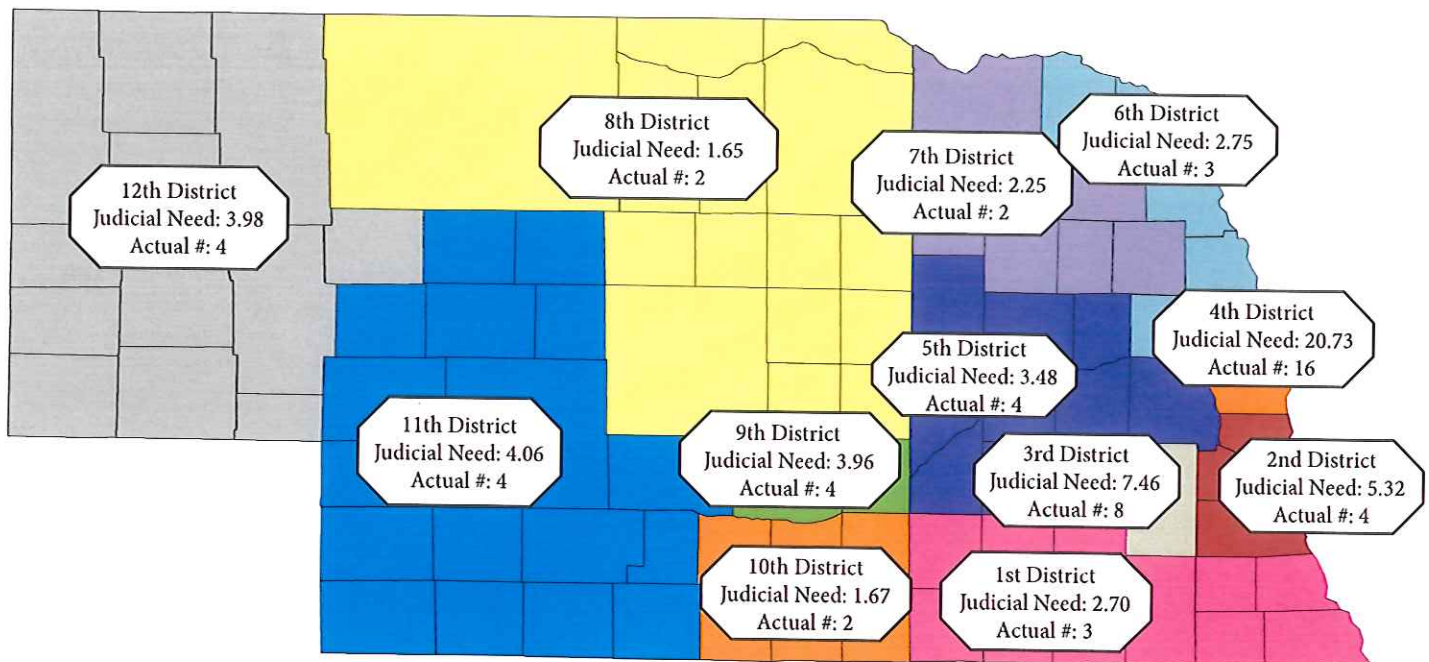
**Corey R. Steel | Nebraska State Court Administrator
Nebraska Supreme Court**

Rm. 1213 State Capitol | P.O. Box 98910 | Lincoln, NE 68509
T 402.471.3730 | F 402.471.2197
www.supremecourt.ne.gov

July 1, 2017 - June 30, 2018

Nebraska District Court Judicial Needs

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

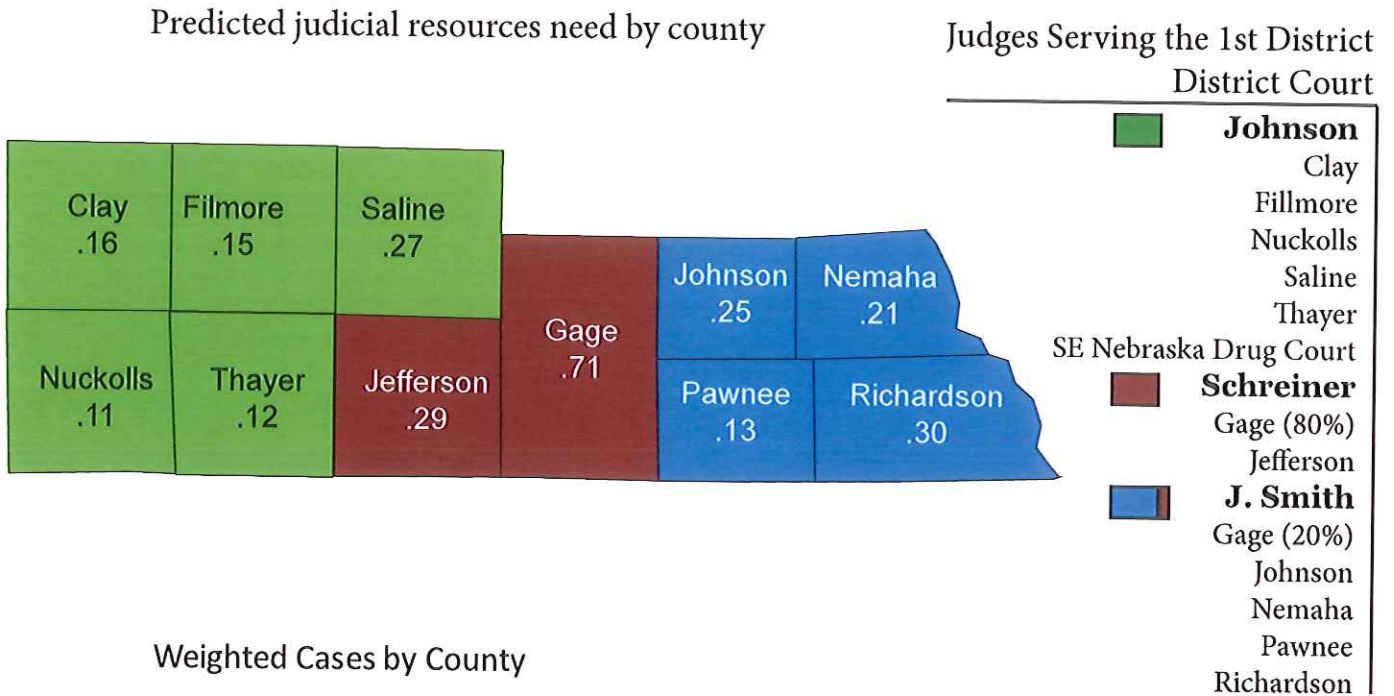


Changes in district boundaries due to LB 697 are effective July 19, 2018 and will be reflected in the Calendar Year 2018 report.

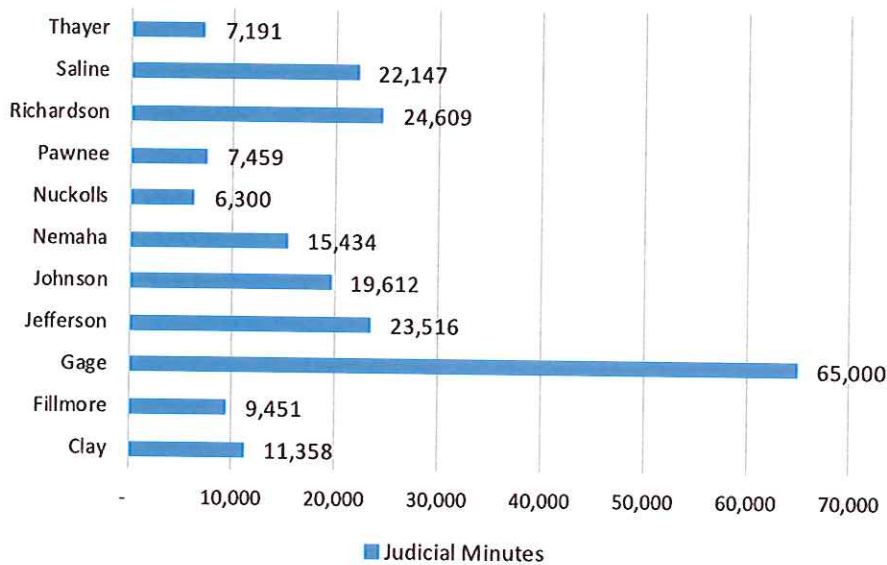
Weighted Caseload Report

1st Judicial District - District Court

District court need for judges: 2.70
 Current number of judges: 3



Weighted Cases by County

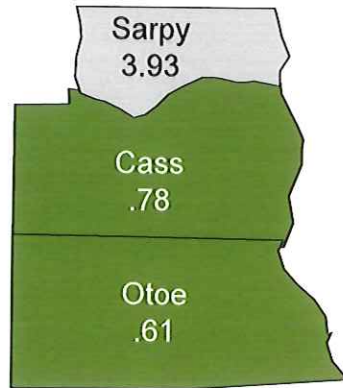


Weighted Caseload Report

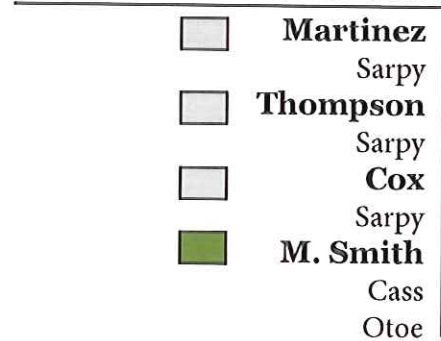
2nd Judicial District - District Court

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

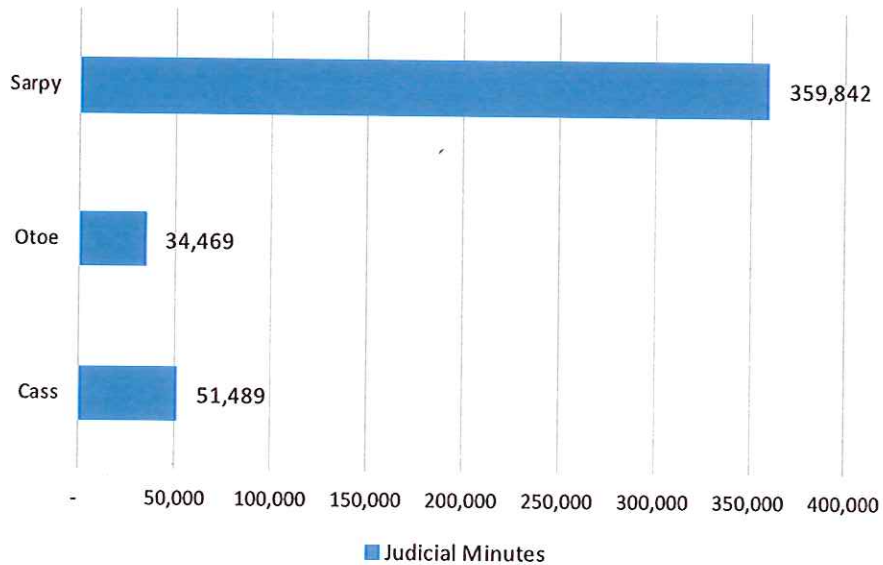
Predicted judicial resources need by county



Judges Serving the 2nd District District Court



Weighted Cases by County

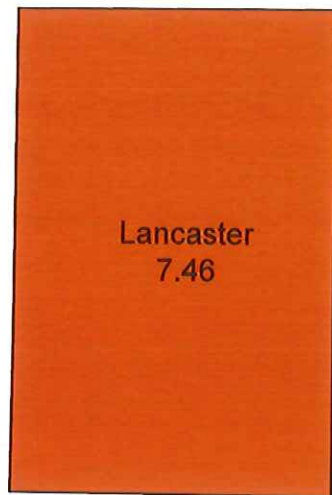


Weighted Caseload Report

3rd Judicial District - District Court

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

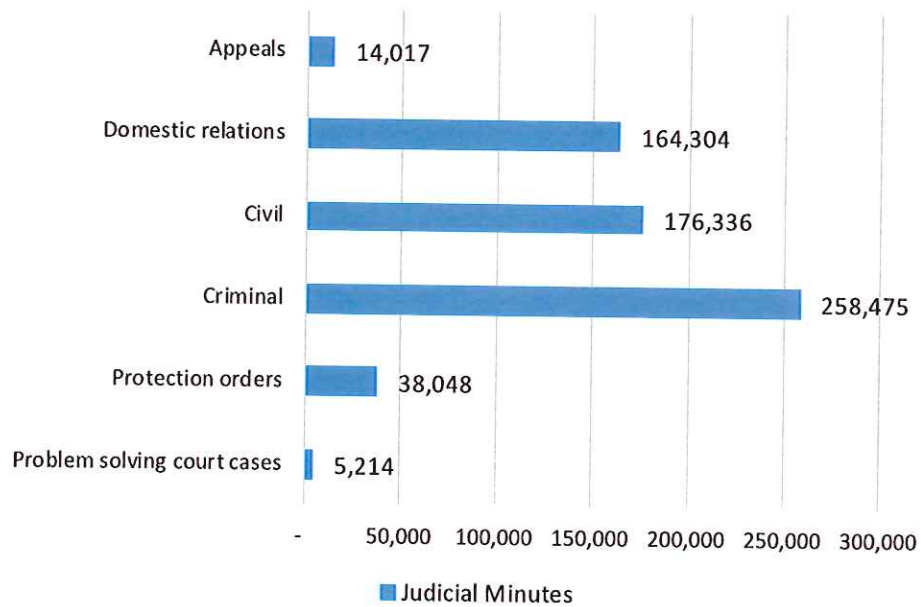
Predicted judicial resources need



Judges Serving the 3rd District
District Court

- Colborn
- Ideus
- Jacobsen
- Maret
- McManaman
- Nelson
- Otte
- Strong

Weighted Cases by Case Type

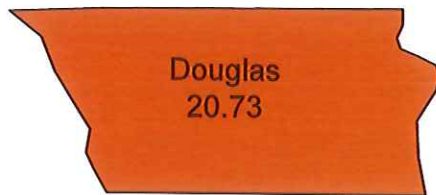


Weighted Caseload Report

4th Judicial District - District Court

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

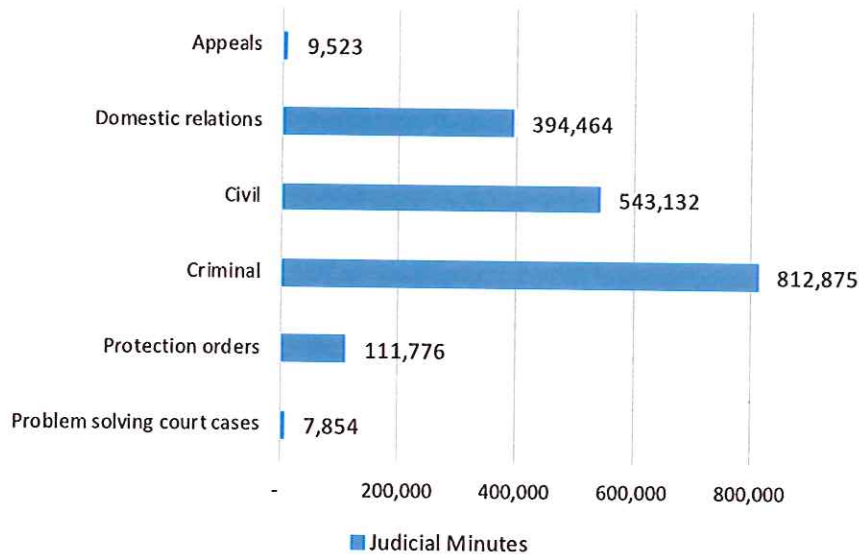
Predicted judicial resources need



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

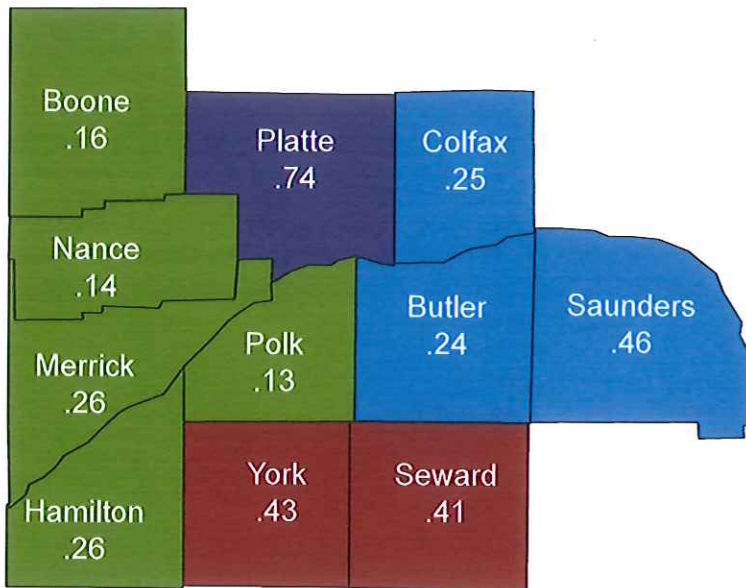


Weighted Caseload Report

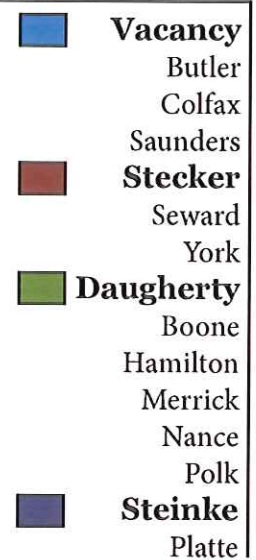
5th Judicial District - District Court

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

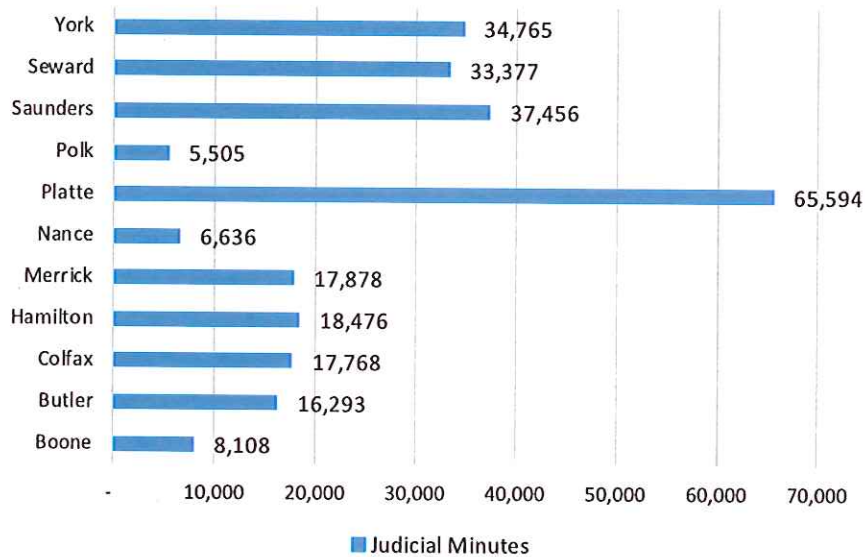
Predicted judicial resources need by county



Judges Serving the 5th District District Court



Weighted Cases by County

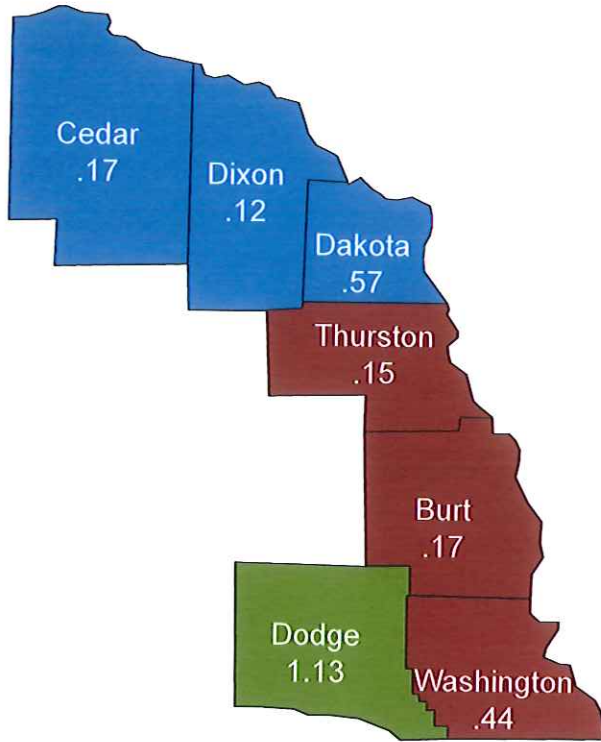


Weighted Caseload Report

6th Judicial District - District Court

District court need for judges: 2.75
 Current number of judges: 3

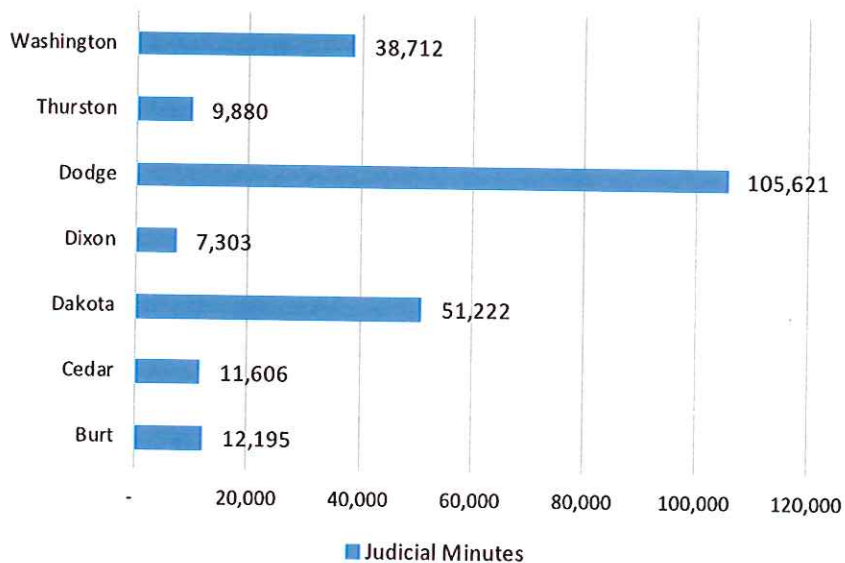
Predicted judicial resources need by county



Judges Serving the 6th District
 District Court



Weighted Cases by County

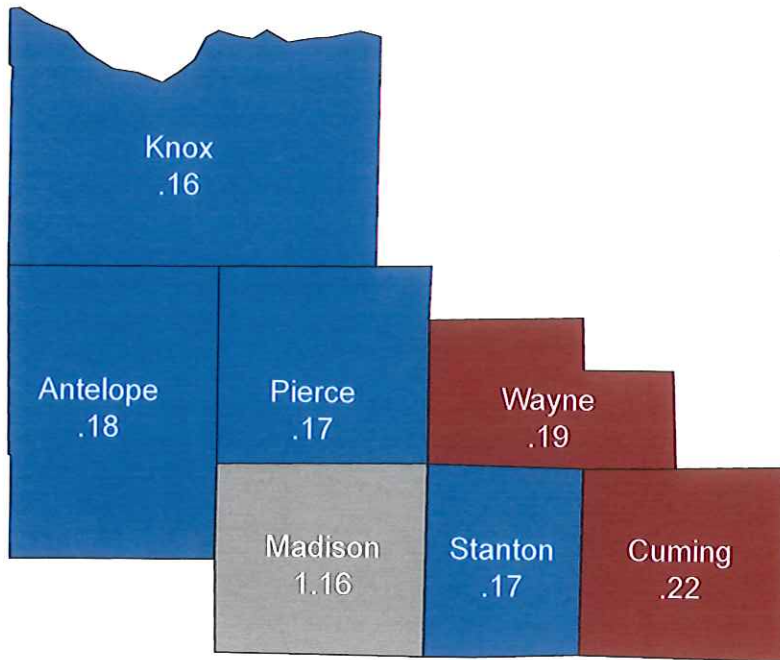


Weighted Caseload Report

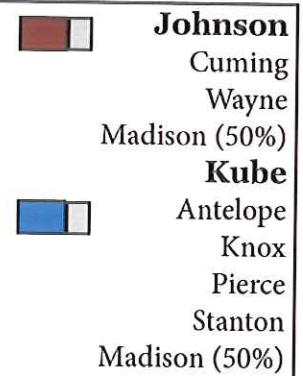
7th Judicial District - District Court

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

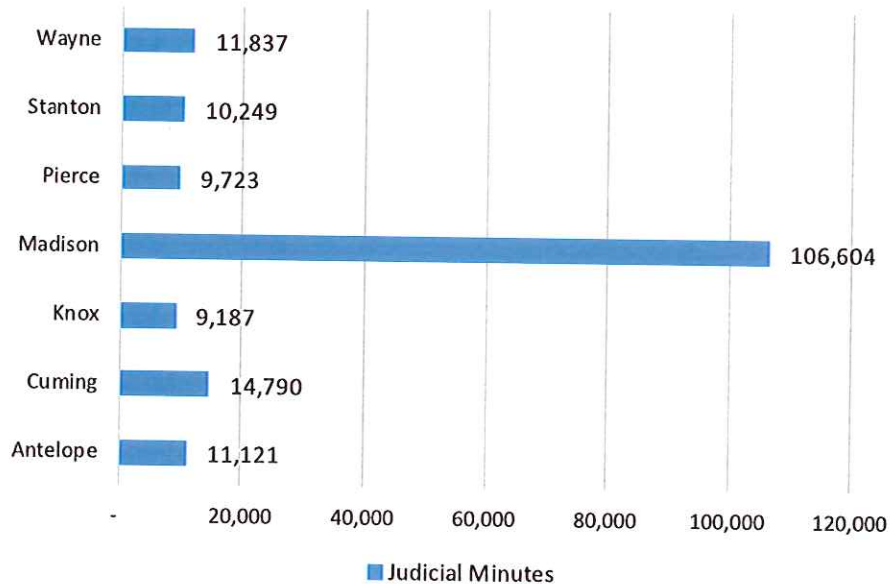
Predicted judicial resources need by county



Judges Serving the 7th District District Court



Weighted Cases by County



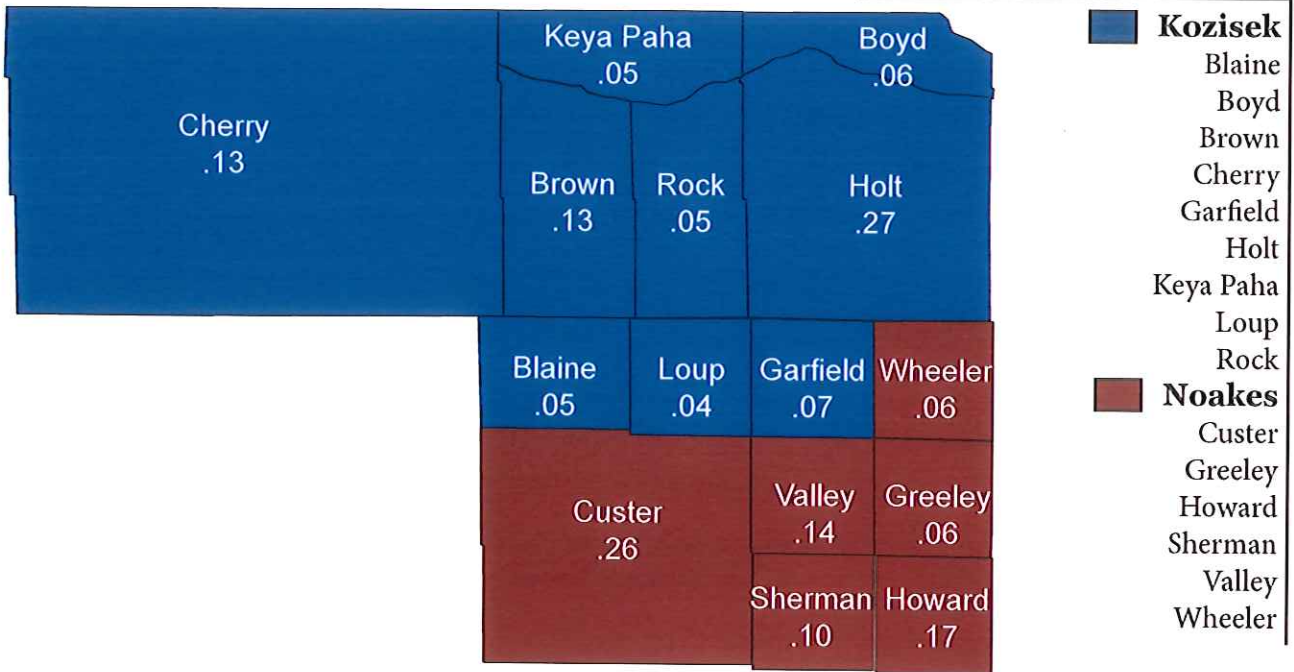
Weighted Caseload Report

8th Judicial District - District Court

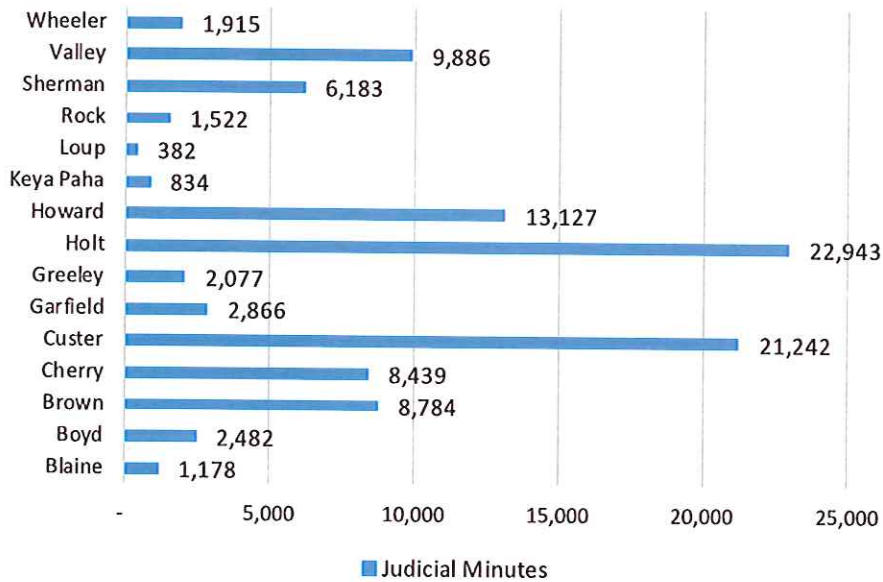
District court need for judges: 1.65
 Current number of judges: 2

Predicted judicial resources need by county

Judges Serving the 8th District District Court



Weighted Cases by County

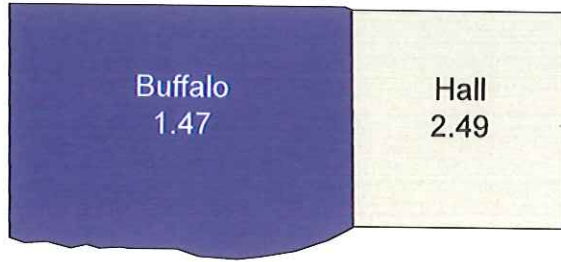


Weighted Caseload Report

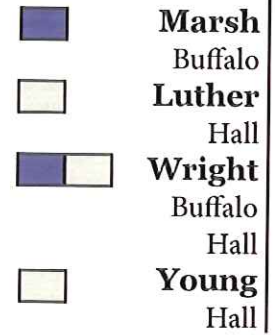
9th Judicial District - District Court

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

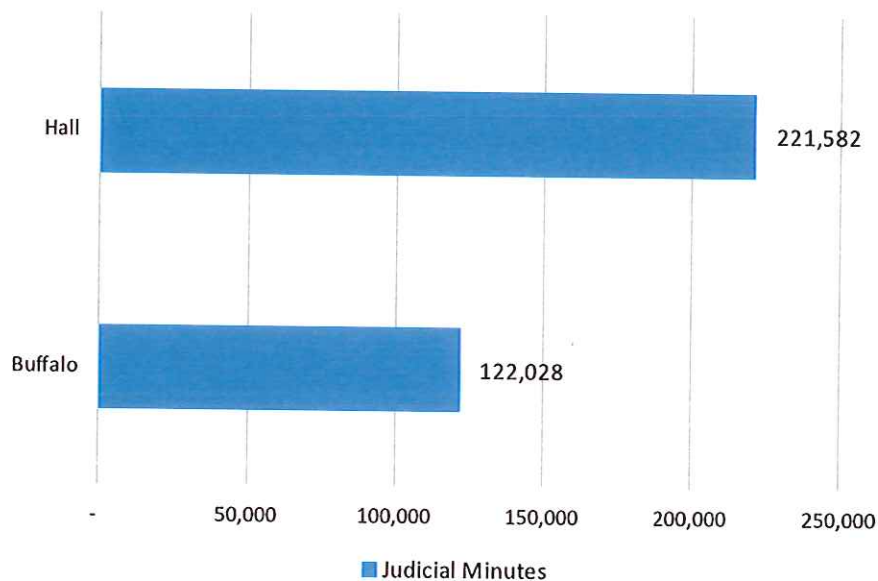
Predicted judicial resources need by county



Judges Serving the 9th District
District Court



Weighted Cases by County



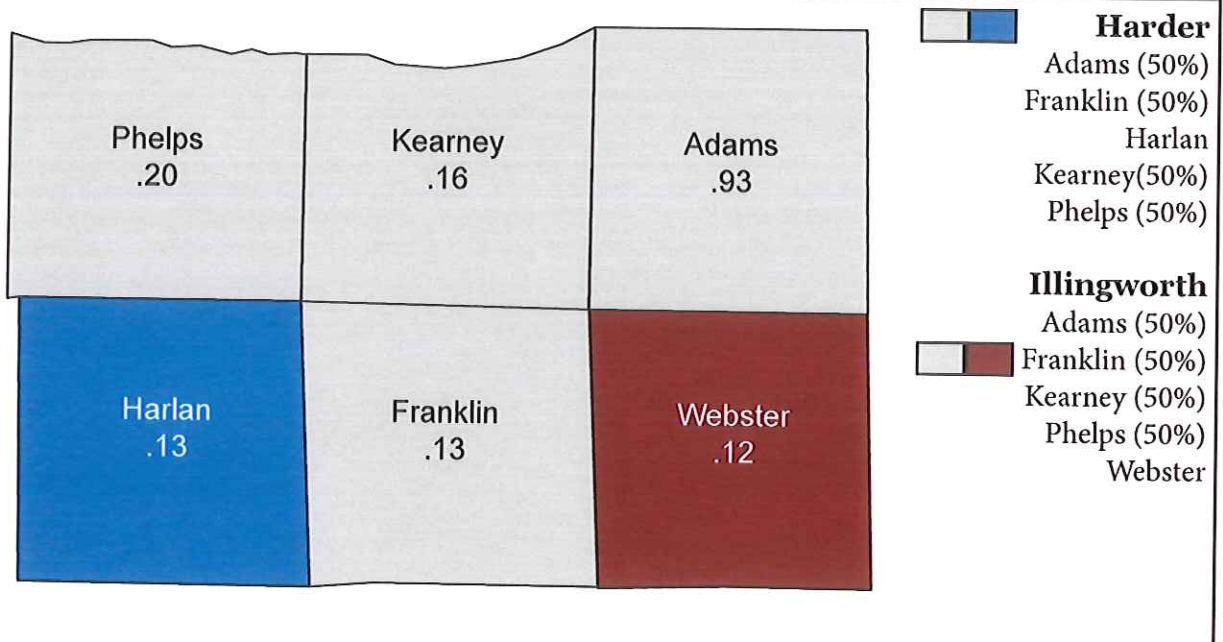
Weighted Caseload Report

10th Judicial District - District Court

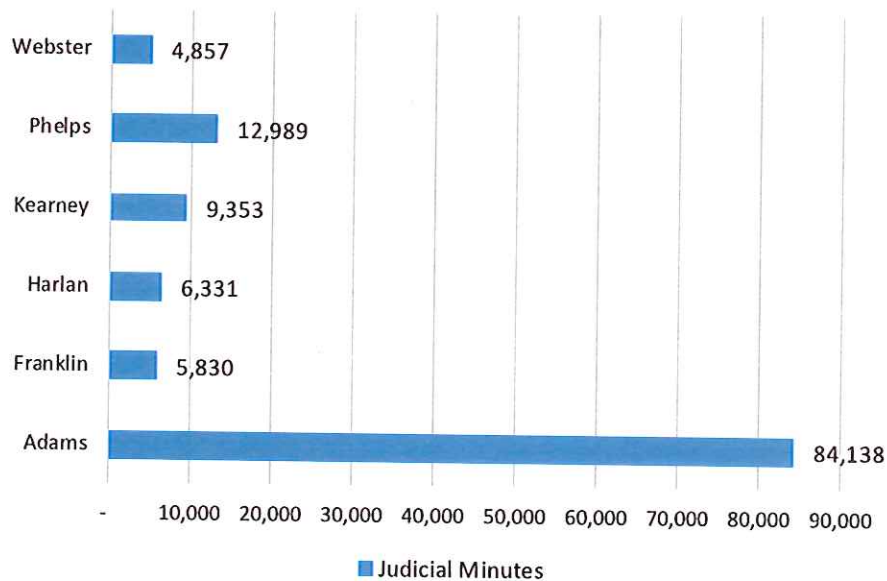
District court need for judges: 1.67
 Current number of judges: 2
 Child Support Referee: 0.11

Predicted judicial resources need by county

Judges Serving the 10th District District Court



Weighted Cases by County

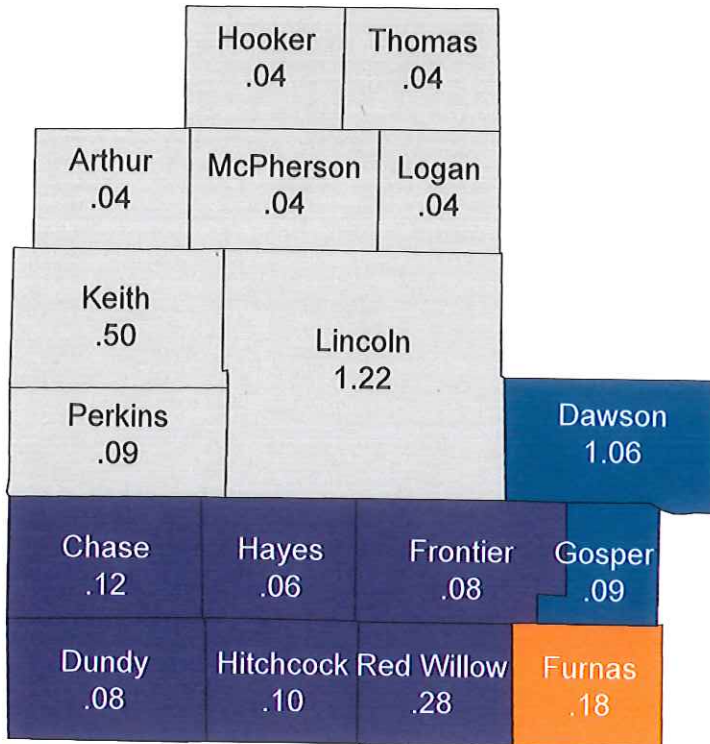


Weighted Caseload Report

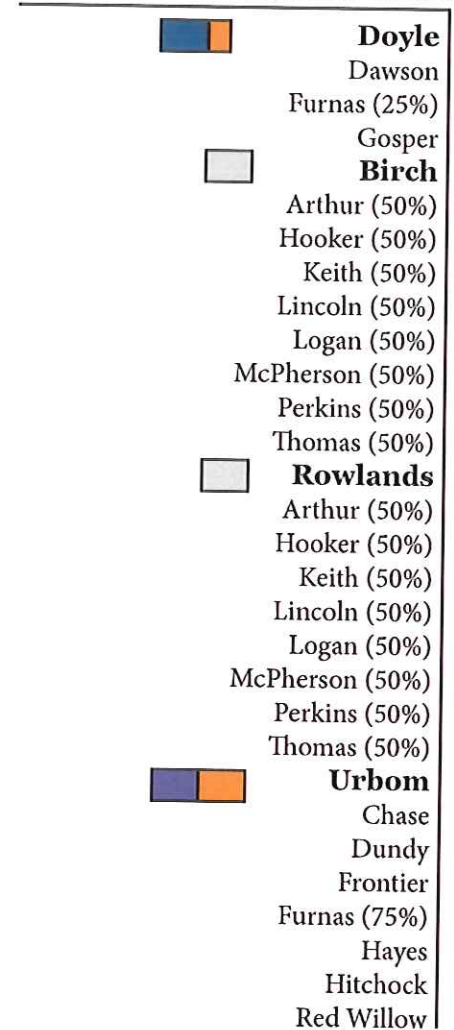
11th Judicial District - District Court

District court need for judges: 4.06
 Current number of judges: 4

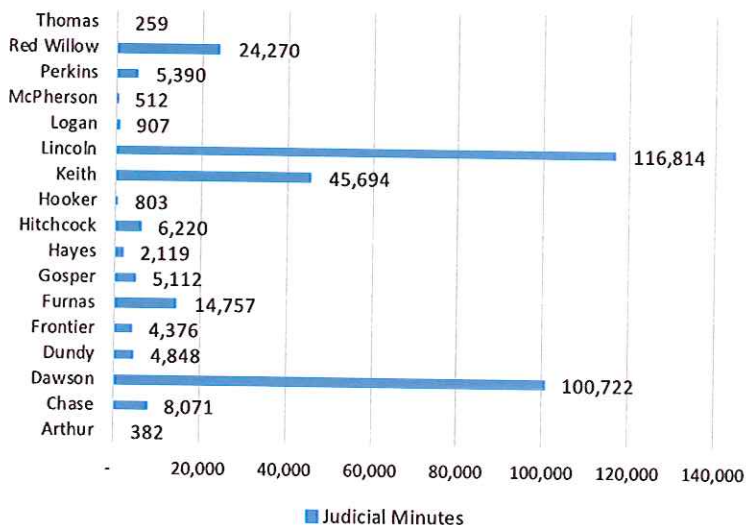
Predicted judicial resources need by county



Judges Serving the 11th District
 District Court



Weighted Cases by County

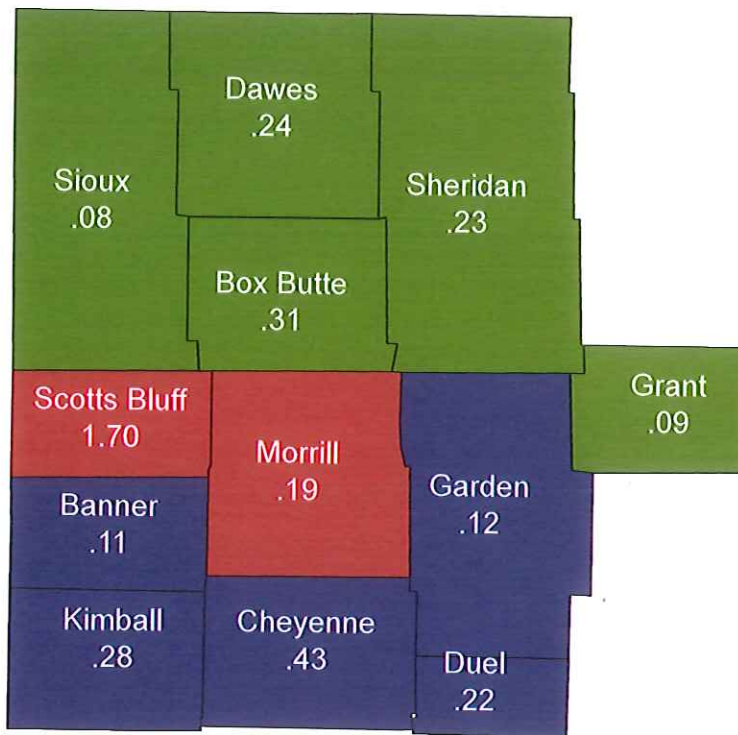


Weighted Caseload Report

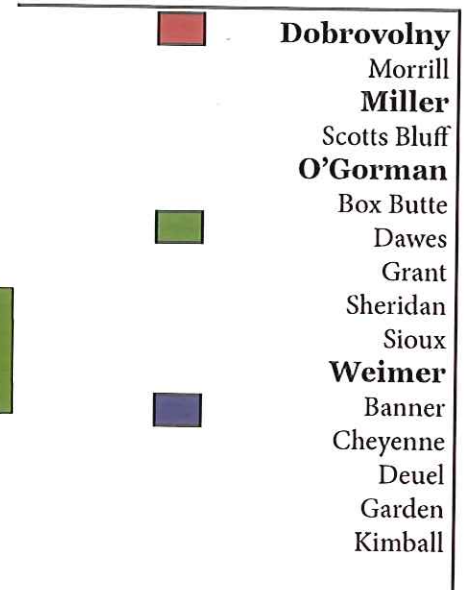
12th Judicial District - District Court

District court need for judges: 3.98
 Current number of judges: 4

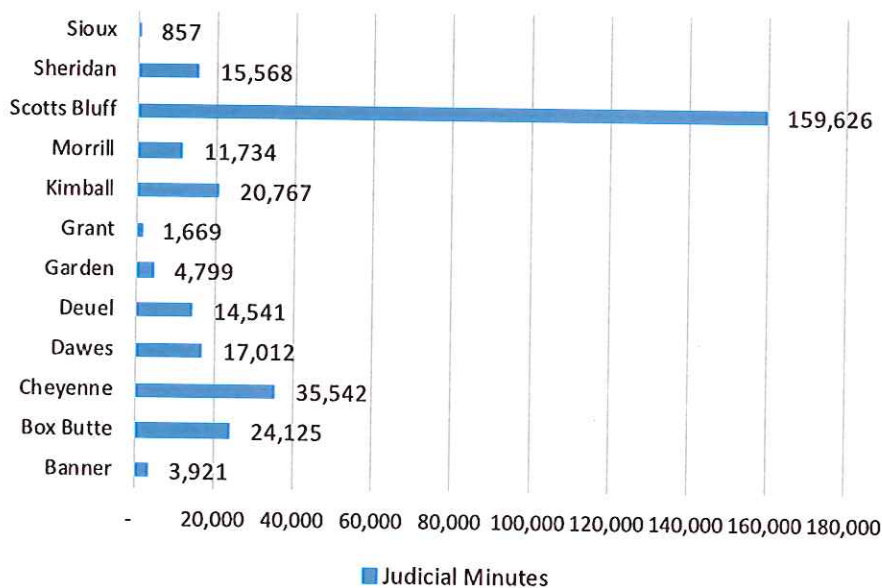
Predicted judicial resources need by county



Judges Serving the 12th District District Court



Weighted Cases by County



Nebraska State Bar Association

"Helping lawyers help people"



August 8, 2018

The Honorable Stephanie F. Stacy
Nebraska Supreme Court
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 vacancy in the District Court, 4th Judicial District due to the death of Judge W. Mark Ashford, the District Court, 11th Judicial District due to the retirement of Donald E. Rowlands and in the County Court, 3rd Judicial District due to the appointment of John R. Freudenberg to the Nebraska Supreme Court.

The Committee met on August 8 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 June 2018. Based upon this discussion the Committee concluded that the State's justice system will not have adequate judicial resources available unless the current vacancies are filled expeditiously.

Therefore, the Committee recommends that the current vacancy in the District Court, 4th Judicial District be filled, with the principle office in Omaha; the vacancy in the District Court, 11th Judicial District be filled, with the principle office in North Platte; and the vacancy in the County Court, 3rd Judicial District be filled, with the principle office in Lincoln.

Thank you for your consideration of the recommendation set forth herein. Please include this letter with the materials provided to the members of the Judicial Resources Commission ahead of your August 21st meeting.

Sincerely,

Timothy Engler
NSBA President

CC: Corey Steel
Tim Engler
Liz Neeley

Lancaster County Court THIRD JUDICIAL DISTRICT

August 13, 2018

The Honorable Stephanie F. Stacy, Chairperson
Judicial Resources Commission
P.O. Box 98901
State Capital Building
Lincoln, NE 68509-8910

JUDGES

Matthew L. Acton
John R. Freudenberg
Holly J. Parsley
Timothy C. Phillips
Rodney D. Reuter
Laurie J. Yardley
Thomas E. Zimmerman

JUDICIAL ADMINISTRATOR

Becky Bruckner



575 South
10th Street
Lincoln
Nebraska
68508
402-441-7291

Re: Judicial Resources Commission Hearing, August 21, 2018

Dear Justice Stacy:

The Lancaster County Court judges request the Judicial Resource Commission find that a judicial vacancy exists in the office of the County Court of the 3rd Judicial District, due to the appointment of Justice John Fruedenberg to the Nebraska Supreme Court. We further request that the Judicial Resource Commission make a recommendation that the position remain in the 3rd Judicial District.

Please find twenty (20) copies of a memorandum to be distributed to the members of the Judicial Resources Commission prior to the upcoming hearing. Thank you for your assistance.

Sincerely,


Timothy C. Phillips

Lancaster County Court Presiding Judge

Enclosures:

Cc: Judges Laurie Yardley, Matthew Acton, Holly Parsley, Thomas Zimmerman and Rodney Reuter

To: Nebraska Judicial Resources Commission
% The Honorable Stephanie F. Stacy, Chairperson
From: Timothy C. Phillips, Lancaster County Court Presiding Judge
Date: August 13, 2018
Re: Nebraska Judicial Resources Commission Hearing – August 21, 2018

History of the Court

From 1985 through 2011, the Lancaster County Court operated with six judges even though the caseload grew from 44,000 cases in 1985 to 63,905 cases in 2011. In 2011, the Weighted Caseload Report indicated that Lancaster County should have 7.93 judges to handle its caseload. Accordingly, in 2011 the Commission made a recommendation (and in 2012 legislation was passed) to transfer a county judicial position from the Fifth Judicial District to the Third, giving the Lancaster County Court seven judges. Since that time, the weighted caseload studies continue to show that Lancaster County needs at least seven judges.

Current Caseload Statistics

The Fiscal Year 2018 County Court Annual Caseload Report shows that Lancaster County had 52799 cases filed in the 2018 Fiscal Year. An additional 399 District Court domestic and/or protection order cases were also handled by the Lancaster County Court (See attached Exhibit A.) The most recent Weighted Caseload Report (FY 2015 July 1, 2017 - June 30, 2018) shows that Lancaster County Court needs 7.06 judges and has 7 judges currently assigned. (See attached Exhibit B.) The only other district showing a need for more judges than are currently assigned is the Fourth District (Douglas County). Although the latest Caseload Report shows that the number of filings has dropped since the Fiscal Year 2017 County Court Annual Caseload Report, we anticipate that the number of class 1 misdemeanor filings that previously had been filed as felonies will continue to increase since the passage of LB 605. The number of cases filed in the Lancaster County Court through July 2018 would indicate that we are on track to have the same number of cases filed by year's end as we have in previous years (See attached Exhibit C.)

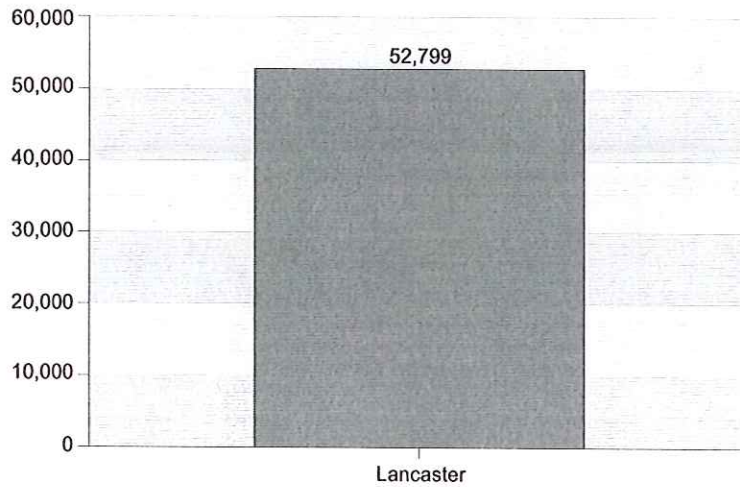
Request for Recommendation

We request that the open position in the 3rd District (due to the appointment of Justice Fruedenberg) be filled, and that the position again be assigned to Lancaster County. The statistics cited above show that Lancaster County still has the need for seven (7) judges and that the Court should be allowed to maintain the status quo. I welcome the

opportunity to answer any questions and discuss this matter in further detail at the Commission hearing. Thank you for your time and consideration.

3rd Judicial District - County Court Adult Cases Opened

Fiscal Year 2018 County Court Adult Cases Opened by District



Historical Cases Opened

Year	Adult Court	Juvenile Court	Total Case Filings
FY 2009	72,920	0	72,920
FY 2010	66,740	0	66,740
FY 2011	64,494	0	64,494
FY 2012	63,178	0	63,178
FY 2013	59,051	0	59,051
FY 2014	61,824	0	61,824
FY 2015	57,886	0	57,886
FY 2016	55,820	0	55,820
FY 2017	54,575	0	54,575
FY 2018	52,799	0	52,799

Fiscal Year 2018 Adult Court Cases Opened by County and Category

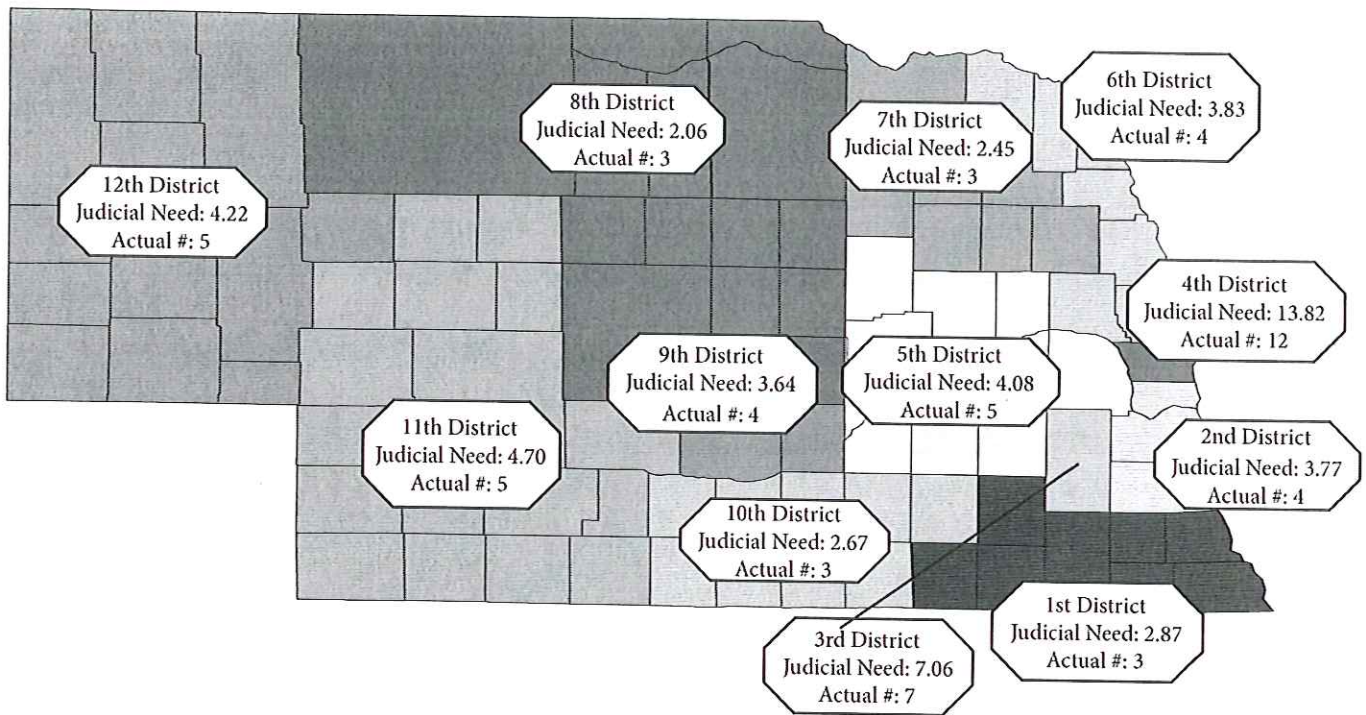
	MISD/ Ordinance Traffic	MISD/Ordinance Non-Traffic	Felony	Civil	Small Claims	Probate/ Inheritance Tax	Guardian/ Conservator	Adoption	Summary
Lancaster	19,257	15,072	2,750	13,975	494	788	337	126	52,799
Summary	19,257	15,072	2,750	13,975	494	788	337	126	52,799

399 domestic relations cases were referred to county judges.



Nebraska County Courts Judicial Needs

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



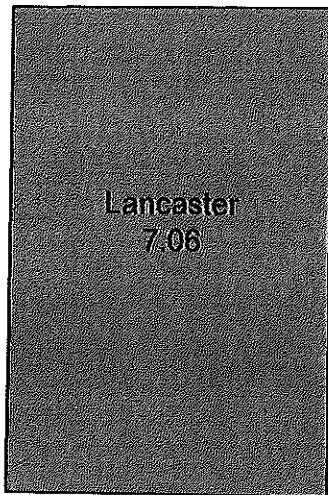
July 1, 2017 - June 30, 2018

Weighted Caseload Report

3rd Judicial District - County Court

County court need for judges: 7.06
 Current number of judges: 7

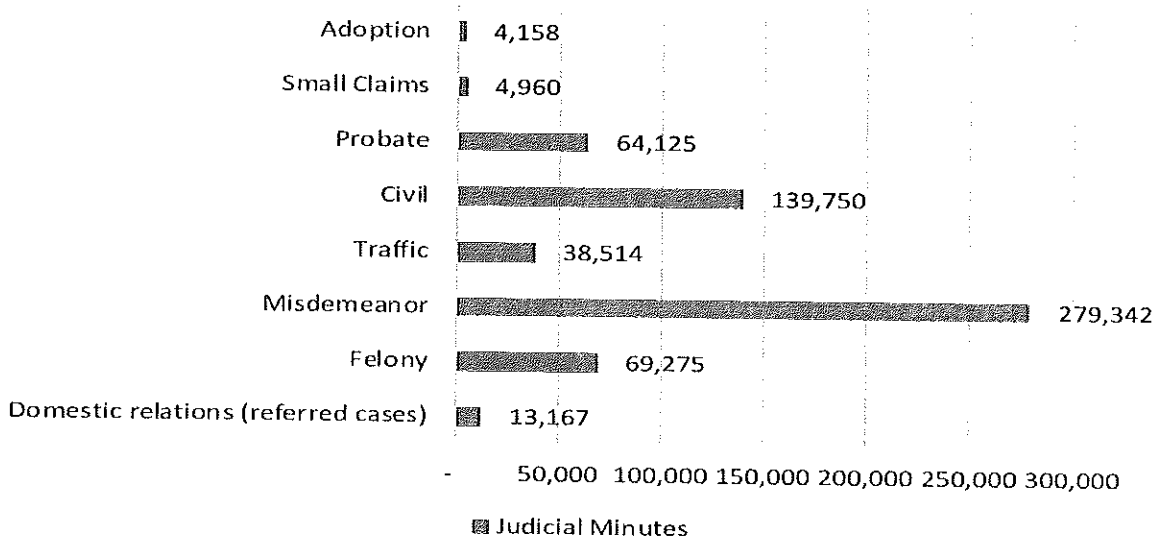
Predicted judicial resources need



Judges Serving the 3rd District
County Court

- Acton
- Fruedenberg
- Parsley
- Phillips
- Reuter
- Yardley
- Zimmerman

Weighted Cases by Case Type



2018 Cases Filed
Lancaster County Court

	misd/ord traffic	misd/ord nontraffic	Felony	Civil	small claims	probate/in her tax	guard cons	adoption	TOTALS
JAN	1467	1262	239	1218	44	67	33	8	4338
FEB	1356	1064	230	1030	54	67	26	12	3839
MAR	1608	1217	214	1278	44	73	33	9	4476
APR	1466	1065	243	1088	37	62	24	10	3995
MAY	1661	1294	226	1314	38	64	21	13	4631
JUN	2063	1307	256	1290	36	67	30	8	5057
JUL	1860	1363	265	1174	47	65	33	8	4815
AUG									0
SEP									0
OCT									0
NOV									0
DEC									0
TOTAL	11481	8572	1673	8392	300	465	200	68	31151
2017	12104	8897	1481	7738	289	437	213	69	31228
	-5.15%	-3.65%	12.96%	8.45%	3.81%	6.41%	-6.10%	-1.45%	-0.25%



COPY

**STATE OF NEBRASKA
DISTRICT COURT
11TH JUDICIAL DISTRICT**

**Donald E. Rowlands
District Judge**

**Richard A. Birch
District Judge**

**Lincoln County Courthouse
P.O. Box 1616
North Platte, Nebraska 69103
308-534-4350**

July 11, 2018

Honorable Michael G. Heavican
Chief Justice
Nebraska Supreme Court
State Capitol Building #2214
P.O. Box 98910
Lincoln, Nebraska 68509

RE: Retirement of Judge Donald E. Rowlands

Dear Mr. Chief Justice:

As you know, Judge Rowlands will be retiring effective July 31, 2018, which will leave Judge Birch as the district judge serving Lincoln, Keith, Perkins, Arthur, Logan, Thomas, Hooker and McPherson Counties until a new judge is appointed and takes the bench. Judge Rowlands spoke with Justice Stephanie Stacy on July 10th, and was informed that the Judicial Resources Commission will be meeting to consider this vacancy on August 21, 2018. We have every reason to believe that the Commission will vote to fill the vacancy, which would mean that the Judicial Nominating Commission would probably not meet until late September or early October of 2018. Assuming the Governor takes several weeks to select a candidate, and that the person selected will need to close a law practice or make other arrangements to leave their position, we would not anticipate having a replacement for Judge Rowlands before November 1, 2018.

Judge Rowlands has agreed to serve on a part-time basis if you will authorize him to do so. We would anticipate that six days per month would be sufficient to keep the criminal docket moving forward, and to accommodate any criminal or civil jury trials.

Based upon filings during the first half of this year, we anticipate that in 2018, Lincoln County will have approximately 400 felonies filed, and Keith County, which has experienced a dramatic increase in felony filings following the legalization of marijuana in Colorado, will see approximately 300 felony cases filed. Keith County also has a second degree murder case which is ready for jury trial following a recent affirmance of a denial of a transfer to juvenile court by the Nebraska Court of Appeals. See: *State v. LeRoux*, 26 Neb. App. 76 (2018). There is also a pending motor vehicle homicide case involving four victims which will be ready for trial following a ruling on the motion to suppress filed by defense counsel, which is currently set for hearing on July 26, 2018. See: *State v. Cisneros-Hernandez*, CR17-113.

We fully recognize that the budget of the State of Nebraska, as well as of the Nebraska Supreme Court is tight, but as Constitutional Officers of the State of Nebraska we believe that providing basic judicial services for pending felony cases is of an absolute necessity. We therefore request your favorable consideration to allow Judge Rowlands to work on a part-time basis, approximately six judicial days per month, until a replacement for his position has taken the oath of office.

Thank you very much for your consideration of this request.

Very truly yours,



RICHARD A. BIRCH
District Judge



DONALD E. ROWLANDS
District Judge

pc: Hon. Stephanie F. Stacy

DER/RAB/pw

James E. Doyle, IV
District Judge
11th Judicial District
State of Nebraska
700 North Washington Street
Lexington, Nebraska 68850

August 17, 2018

Members of the Nebraska Judicial Resources Commission
c/o Honorable Stephanie F. Stacy
Room 2219
State Capitol
Lincoln, NE 68509

Re: Vacancy in the District Court of the 11th Judicial District

Dear Commissioners,

I ask you to determine a vacancy exists in the District Court in the 11th Judicial District and that the location of the vacancy is in North Platte. I believe the case filings, the weighted caseload statistics, the presence and growth of the Midwest Nebraska Adult Drug Court, and the district judges' participation in the operation of the Judicial Branch all support the declaration of the vacancy.

I. Background

I have been a district judge in the 11th Judicial District for sixteen years. During the entirety of such time the 11th Judicial District has had four district judges. Until his retirement at the end of July 2018, District Judge Donald Rowlands served with District Judge Richard Birch in North Platte. District Judge David Urbom is stationed in McCook and I am stationed in Lexington.

The 11th Judicial District serves 17 counties, the boundaries extend from Lexington on the east, Ogallala on the west, McCook on the south and Thedford on the north. The largest town in the district is North Platte, the counties with the largest population are Lincoln and Dawson, and two of the smaller county seats are Benkelman in the southwest corner and Beaver City in the southeast corner. The traveling distance from the District's east edge to its west edge is 150 miles and the north-south traveling distance from McCook to Thedford is 134 miles.

II. Increasing case filings

Enclosed with this letter is a set of charts which show the case filings in the Nebraska District Courts since 2007. An examination of the charts show the trend in total case filings for the 11th Judicial District has shown a steady increase over the last twelve years, while other districts have shown flat or declining trends.

III. Weighted caseload statistics

The Nebraska Supreme Court's 2017-2018 Weighted Caseload report shows 4.06 District Judges are needed in the 11th Judicial District. According to the Preface of the Supreme Court's Weighted District Court Caseload Report, "[o]ther measures, both qualitative and quantitative, may be used in conjunction with the weighted caseload standard calculation to support the assessment of judicial need." I believe two additional assessments should be considered: the operation and growth of the Midwest Nebraska Adult Drug Court and the District Judges' participation on various committees used by the Supreme Court to administer and operate the Judicial Branch.

A. Midwest Nebraska Adult Drug Court

The Midwest Nebraska Problem-Solving Court has been in operation in the 11th Judicial District since 2006 and operates drug courts in Dawson and Lincoln Counties and as of August 2018, has 60 participants. The drug court accepts participants from all the counties, but the participants now served are primarily from Dawson and Lincoln counties. I am the only judge who serves in the Midwest Nebraska Problem-Solving Court.

The time study which provides the formula for determining the weighted case load report attempted to measure case complexity in terms of the average amount of judicial time actually spent processing different types of cases, from the initial filing to final resolution, including any post-judgment activity that may occur. As a result of the time study, each drug court case was assigned a total of 66 minutes, i.e., the weighted caseload study calculates that for each drug court case I handle, I will spend 66 minutes on the case from start to finish. The value of 66 for each case grossly underestimates the time required for drug court cases.

A simple illustration will prove the point. Under the time study, for the 60 participants presently in the drug court, the time allocated to my annual work in the court is 66 hours (66 minutes per participant x 60 participants ÷ 60 minutes per hour). In actuality, the actual time I spend each year to operate and administer the drug court programs for the 60 participants in the drug court work is not less than 300 hours. On average I spend not less than six (6) hours per week performing work for the Midwest Drug Court.

The Midwest drug court proceedings are held on Mondays starting at 11:30 a.m. and usually ending at 3:30 or 4:00 p.m., not including travel time. The drug court sessions alternate between Lexington and North Platte. Like most drug courts, each drug court proceeding begins with an out-of-court, confidential review of the participants' individualized plans of progress. Such review is conducted by a team consisting of the judge, the drug court coordinator, the supervising probation officer, the county attorney, the public defender, treatment professionals, including drug and alcohol counselors, a community support worker, an employment specialist, and a law enforcement officer. After the team has advised the judge and the judge has determined how each participant will be reviewed, the proceeding continues with the courtroom session with the participants.

During the courtroom session the judge spends not less than 3 (usually 5-7) minutes with each participant engaging in an on-the-record colloquy during which the participant's recent

performance, progress, and goals are reviewed. During this colloquy, reinforcement of positive change, incentives, and when necessary sanctions, are administered. The courtroom session is open to the public and is attended by the coordinator, supervisor, and all of the participants. Oftentimes supporters of the participant, including sobriety sponsors and community support workers, are present.

In addition to the drug court proceedings, problem-solving court judges also attend to the administration and governance of the individual problem-solving courts. This includes the development, review, and revision of policies which implement the governing standards adopted by the Supreme Court, budget and financial matters, quality assurance reviews, and consultation with the drug court coordinator and the probation administration chief on personnel and other administrative issues.

In conclusion, the Weighted Caseload report does not accurately account for the time I am required to spend properly administering and operating the Midwest Nebraska Adult Drug Court. At a minimum, the Weighted Case Load report should show a need for an additional fifteen-hundredths (.15) of a judge.

B. Committee work

The District Judges of the 11th Judicial District serve the Supreme Court on various committees. Such Committees are used by the Supreme Court to administer and operate the Judicial Branch of state government. Recently retired District Judge Rowlands served on the Ethics Committee (chairman from 2000-2002), the Language Access Committee, the Weighted Caseload Advisory Committee and the Judicial Branch Education Committee. For his sustained and extensive service he was awarded the Nebraska Supreme Court's Outstanding Judge for Service to the Community and the Supreme Court's Leadership in Education award.

Judge Urbom serves on the Protection Order Subcommittee, Forms Committee, Judge Portal Committee, District and Juvenile Court Record Committee, and the Evidence-Based Practices Committee.

I serve on the Case Management Committee for Nebraska Trial Courts and the Technology Committee (formerly the Automation Advisory Committee). I am also the chair of the Nebraska Supreme Court Committee on Problem-Solving Courts. The committee's charge is to evaluate the feasibility of implementing "drug courts" or other similar "community courts" in Nebraska. The committee advises the Supreme Court as to whether such courts would have a positive effect on the administration of justice in the State and, if so, to provide the Court with recommendations concerning the structure and integration of such courts into Nebraska's judicial system. The committee has twenty-five members, including the Chief Justice Mike Heavican, and 11 other judges.

The committee conducts its work through subcommittees and task forces. The committee has developed standards for the operation of Adult Drug and DUI courts, Veterans' Courts and Reentry Courts. The standards were adopted by the Supreme Court and are now in use to govern such courts. The committee is currently developing standards for mental health courts and family dependency courts. Through a taskforce chaired by a district judge, the committee is

conducting an extensive analysis of the political, constitutional, legal, and resource considerations bearing on the use of DUI courts in Nebraska.

On average, I spend four to six hours each week on matters involving the Supreme Court's Committee on Problem-Solving Courts. I spend such additional hours each week reviewing and monitoring the progress of the subcommittees and attending to other work of the committee. This includes the pursuit of the committee's strategic plan, the development, implementation and review of program evaluations, examining and reviewing methods to improve operational efficiencies statewide, developing means and programs to ensure equal access to and uniformity of services delivered by the courts, and developing, reviewing, and improving the training and education programs for the judges and the personnel operating the courts. Because of the workload of the regular business of the district courts I serve, most of this work is done before and after normal business hours and on weekends.

The Supreme Court's website lists 25 committees and commissions. As you know by reason of your service, properly preparing for and taking an active role in the work of a commission or a committee requires a substantial investment of time and energy. Further, many of these committees are charged not only with maintaining the effective operation of the courts and probation but also with researching and designing ways to improve the operations of the judicial branch and devising ways to meet the changing demands placed on the courts and probation. Such work is not included in the judicial workload studies, yet such work is vital to the proper functioning of the judicial branch.

IV. Conclusion

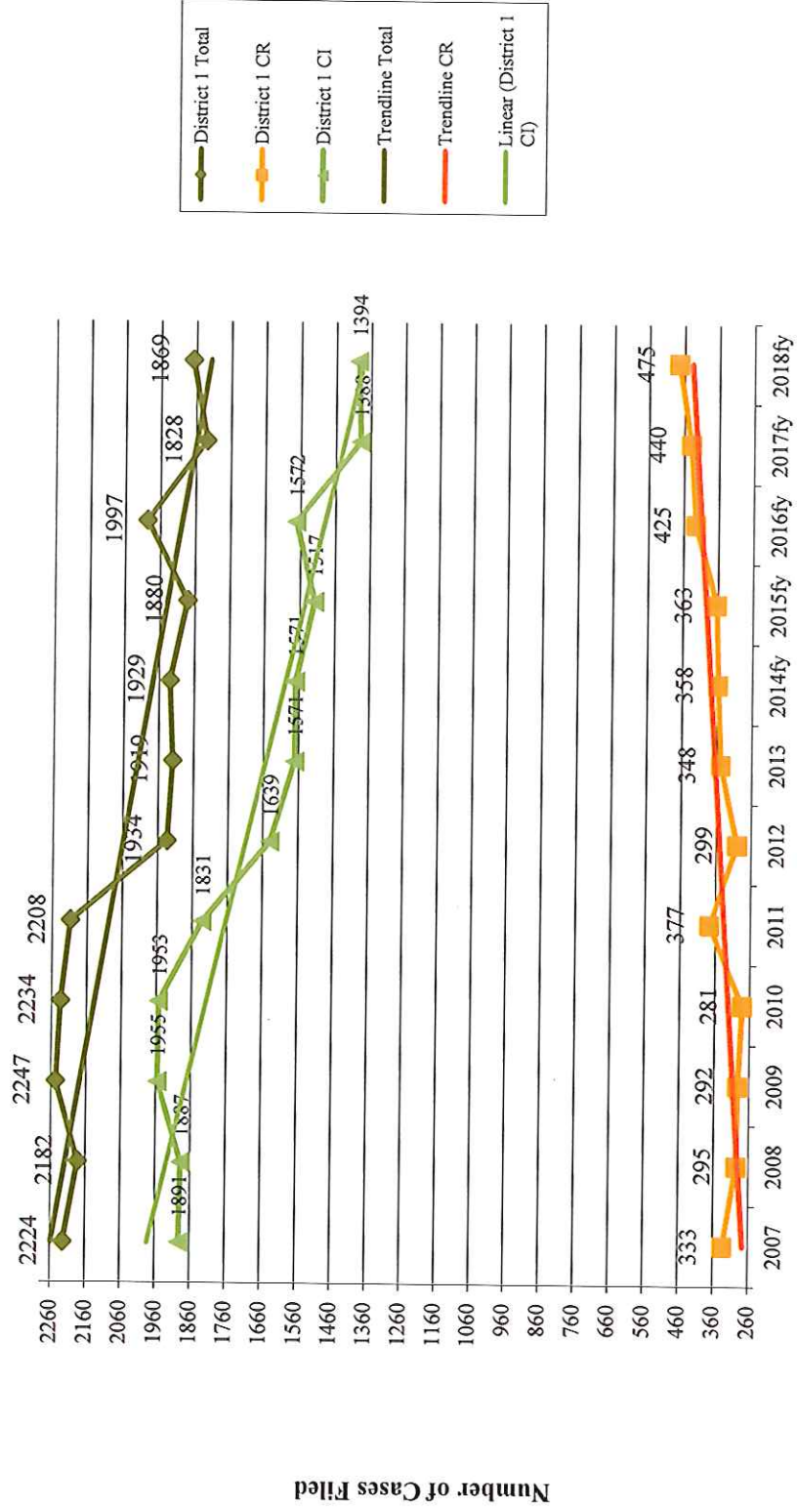
We have a manifestly real need for your determinations that a vacancy exists in the District Court in the 11th Judicial District and that the location of the vacancy is in North Platte. Please consider the information I offer when you make your decision concerning the needs of the District Courts of the 11th Judicial District.

Although my schedule will not permit me to attend your meeting, I will make myself available for any questions. Please call me at 308-324-8412. If I am on the bench, please ask the court's bailiff, Heather Smith, to interrupt me. Thank you.

Sincerely,

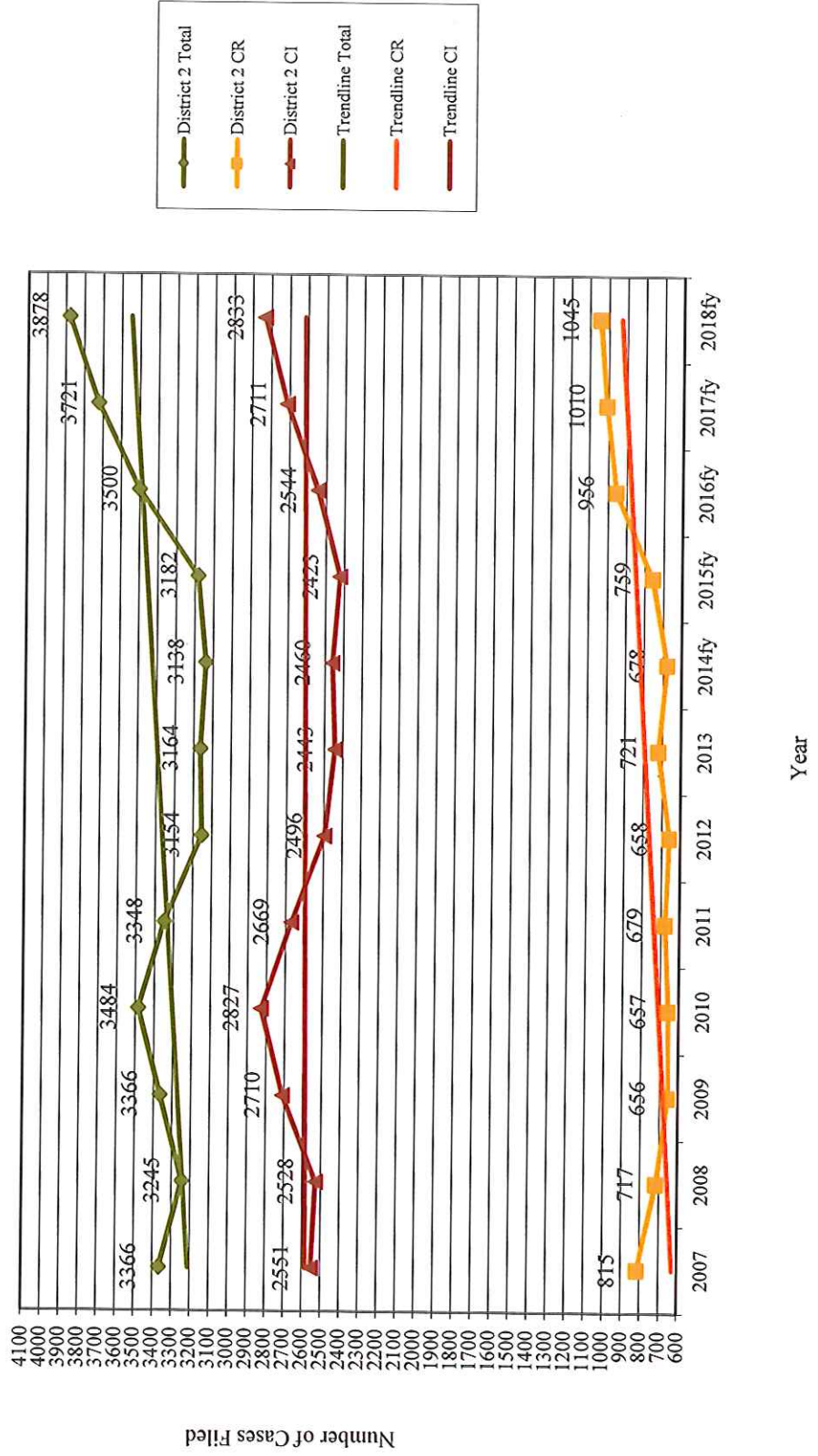
/s/ James E. Doyle, IV

District 1

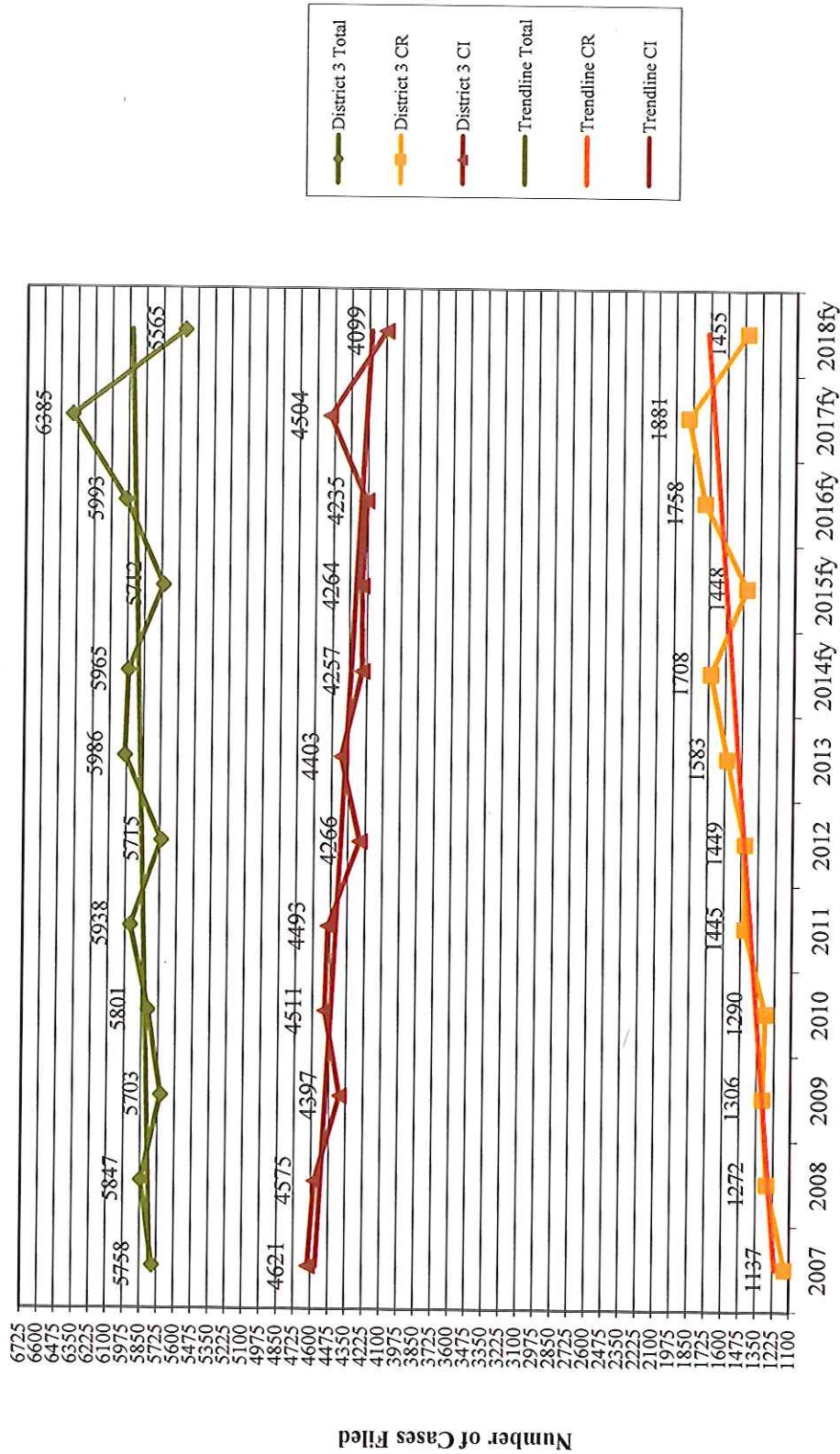


Year

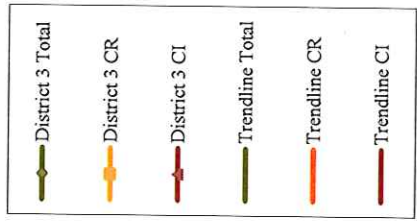
District 2



District 3

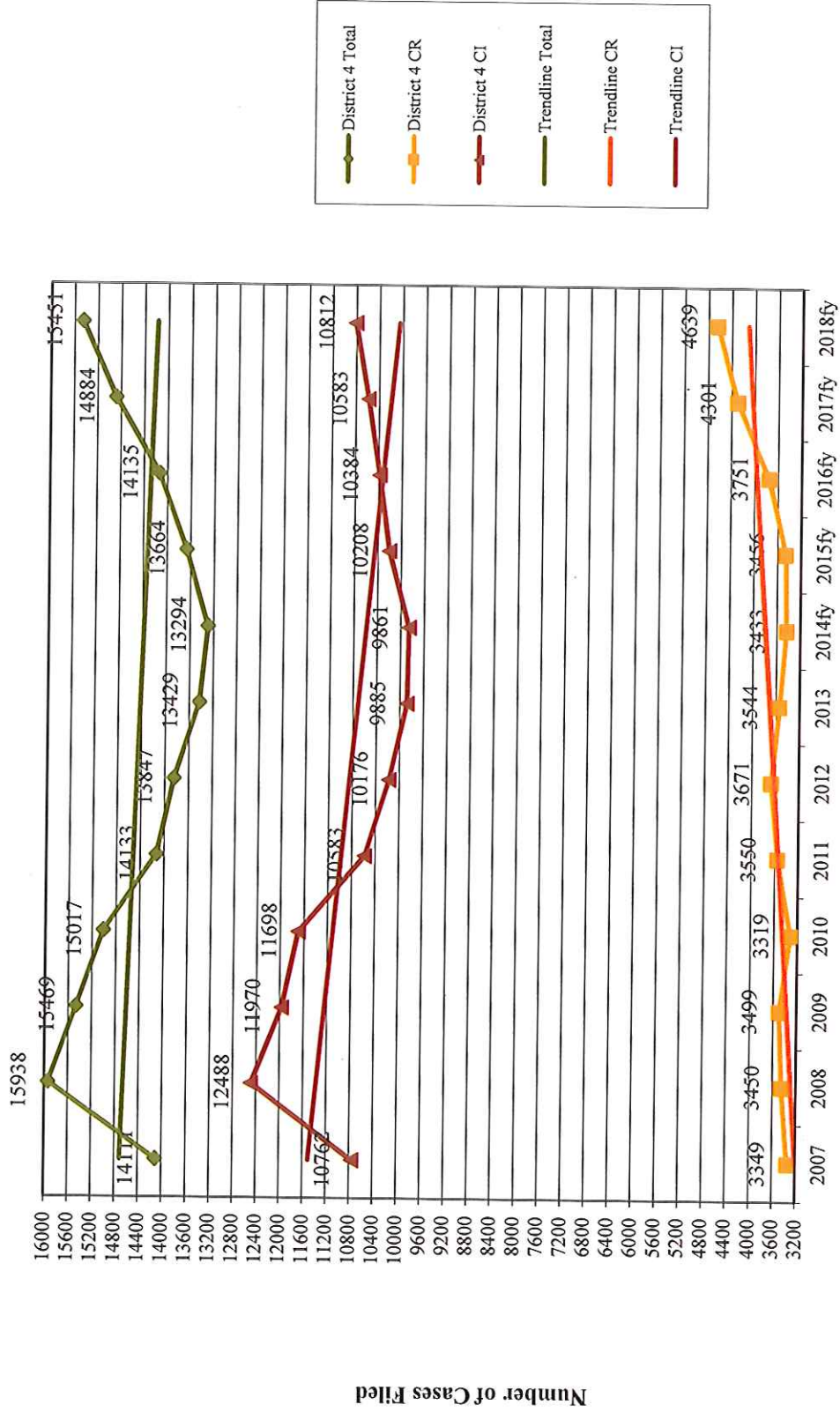


Year



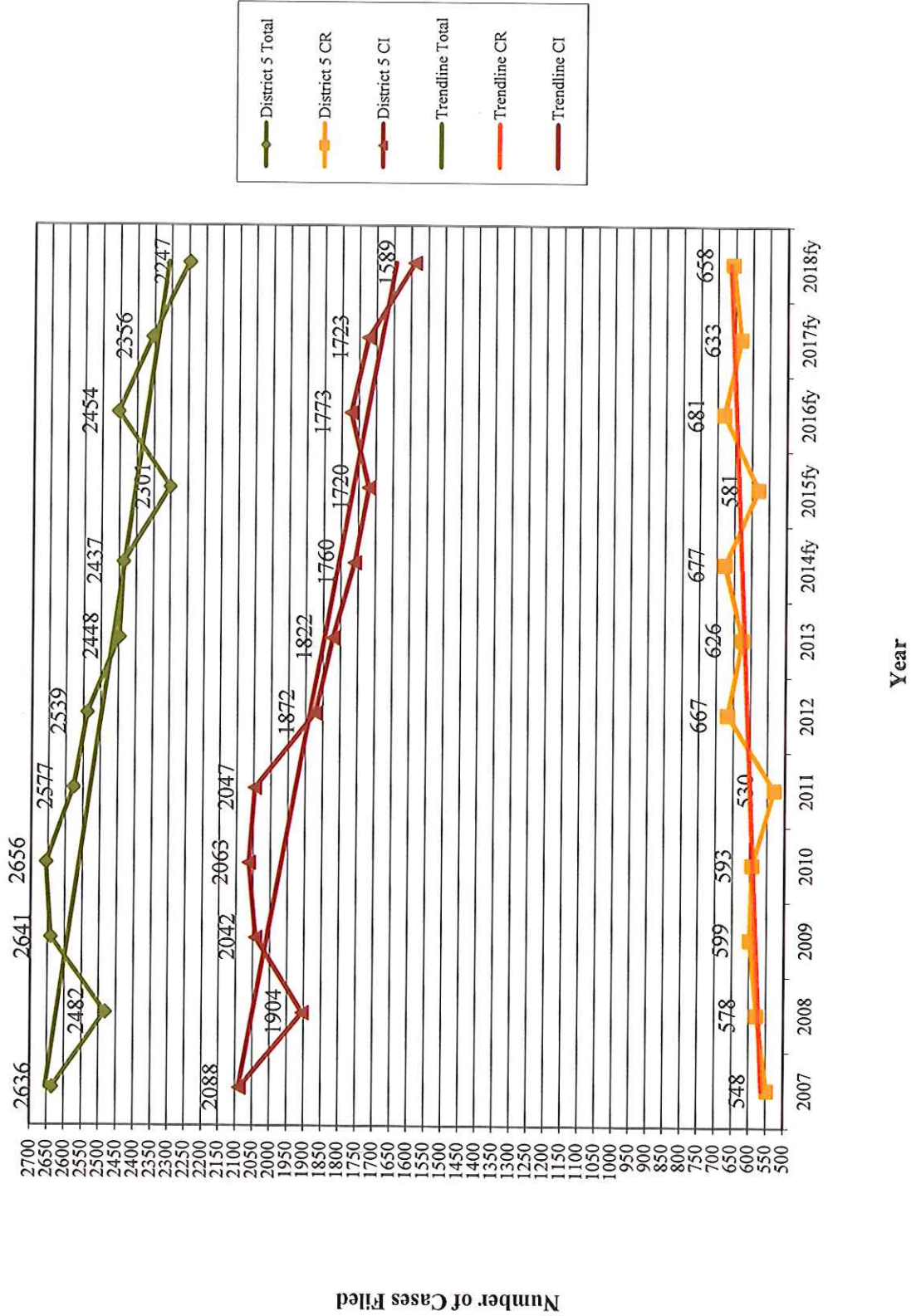
Number of Cases Filed

District 4

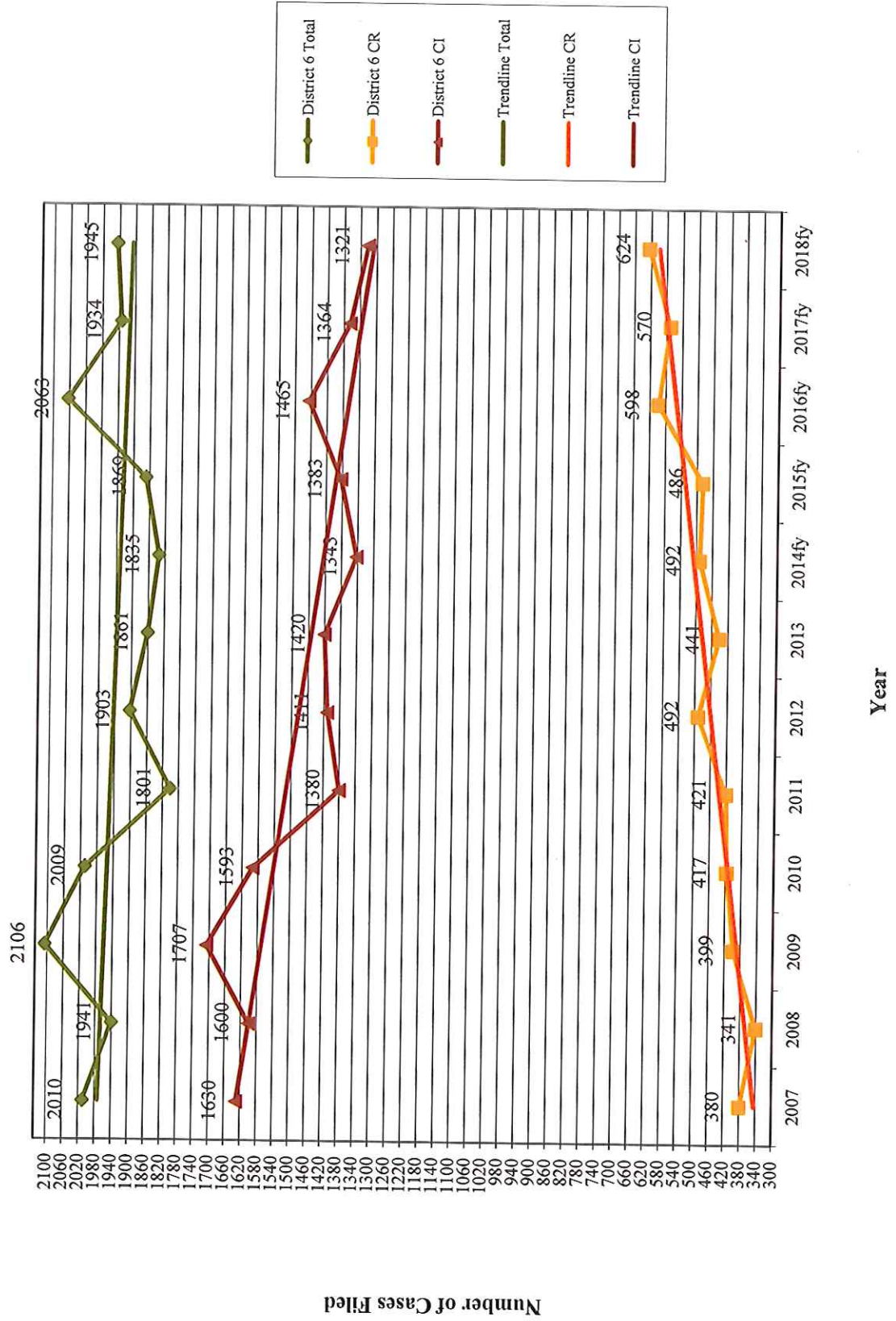


Year

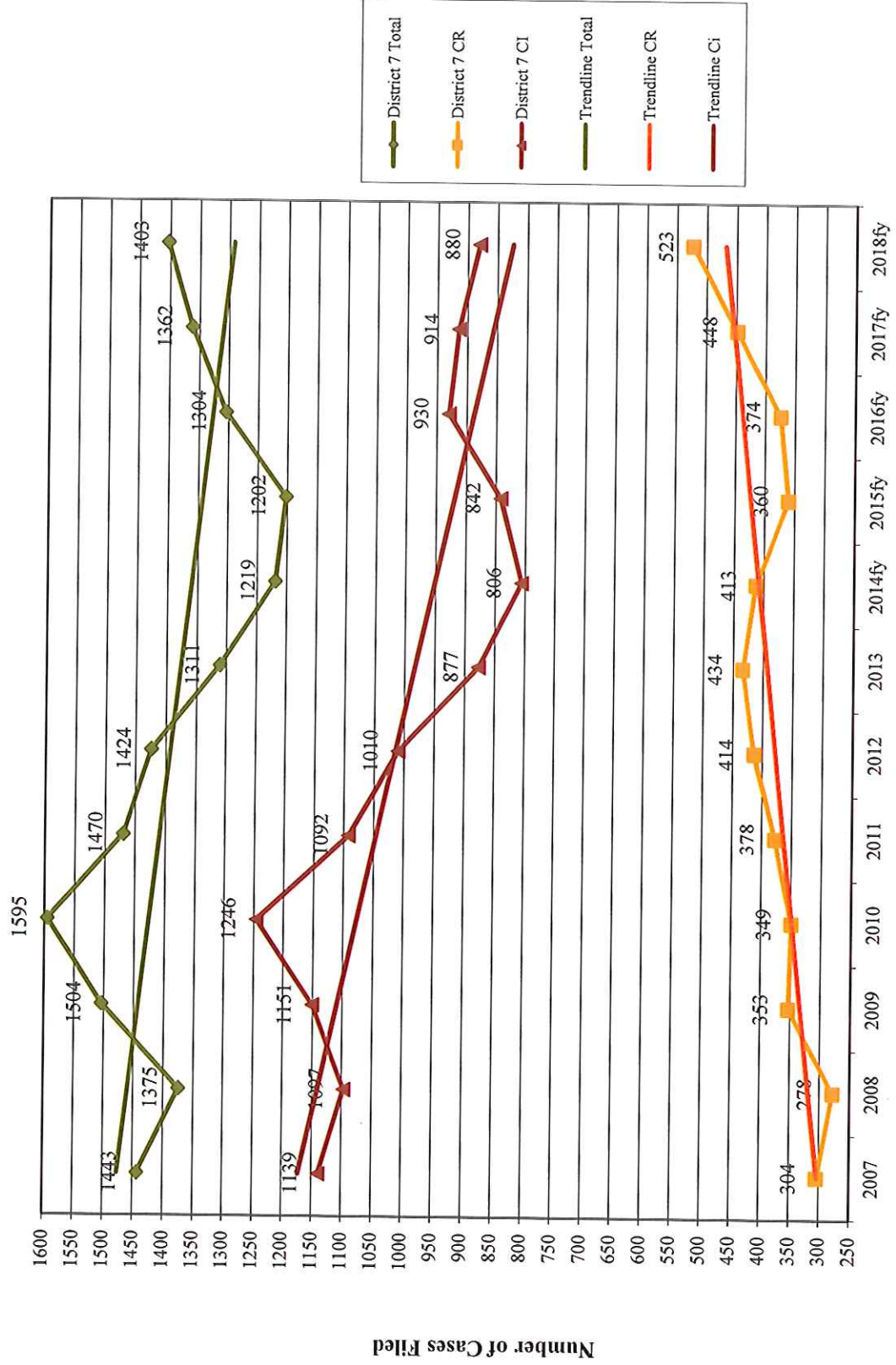
District 5



District 6



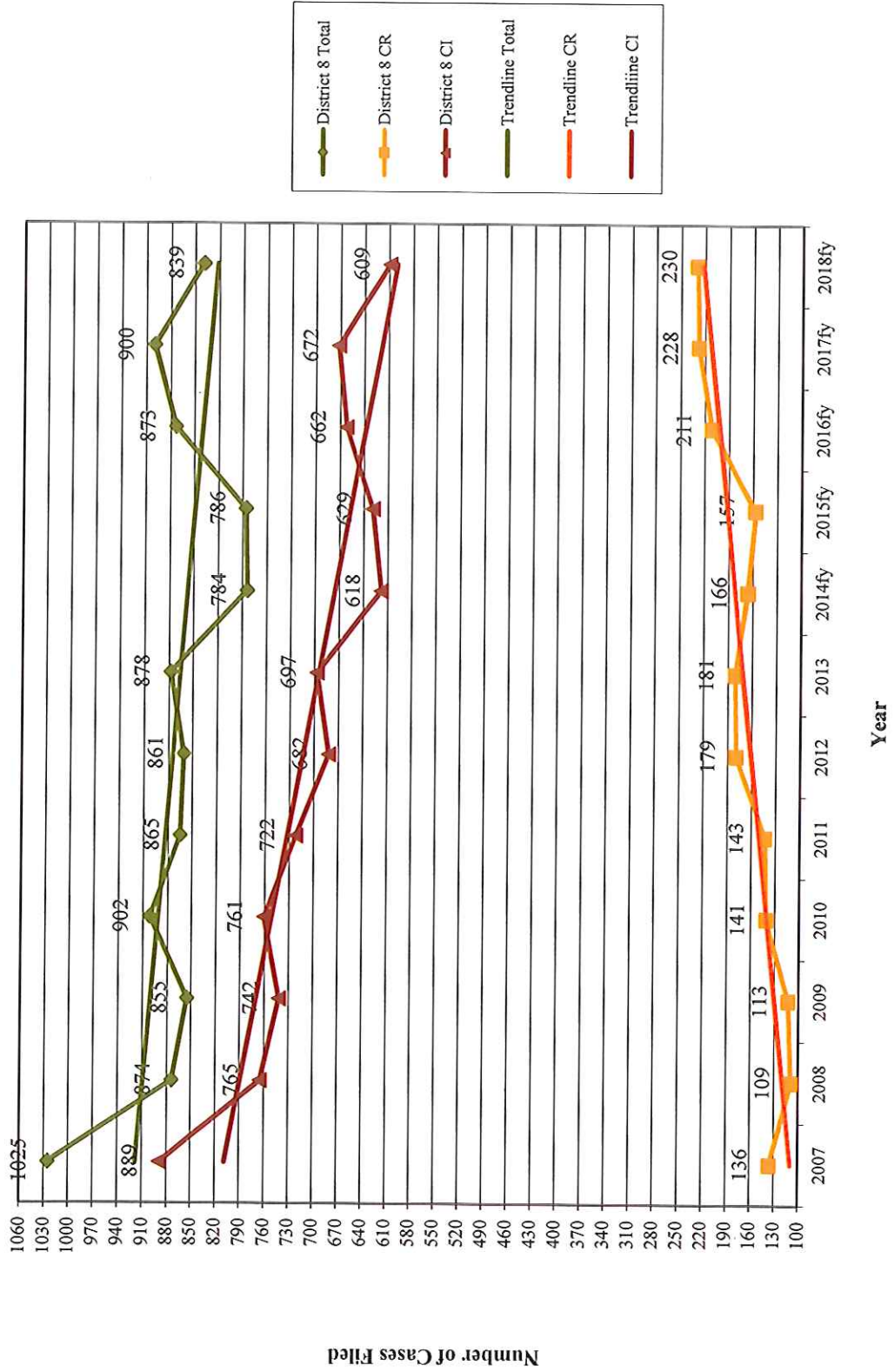
District 7



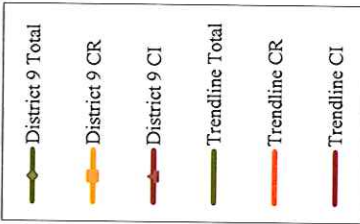
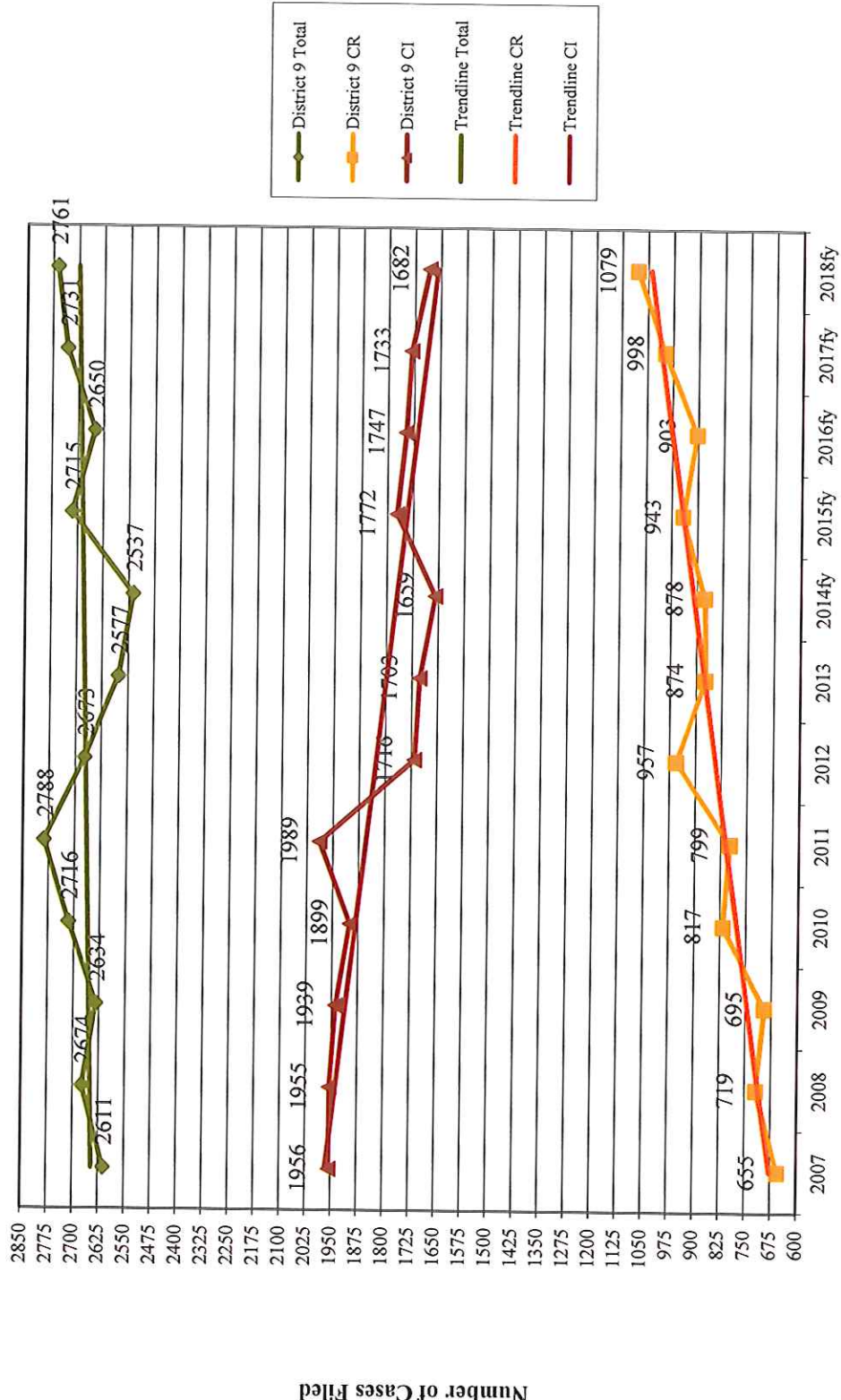
Number of Cases Filed

Year

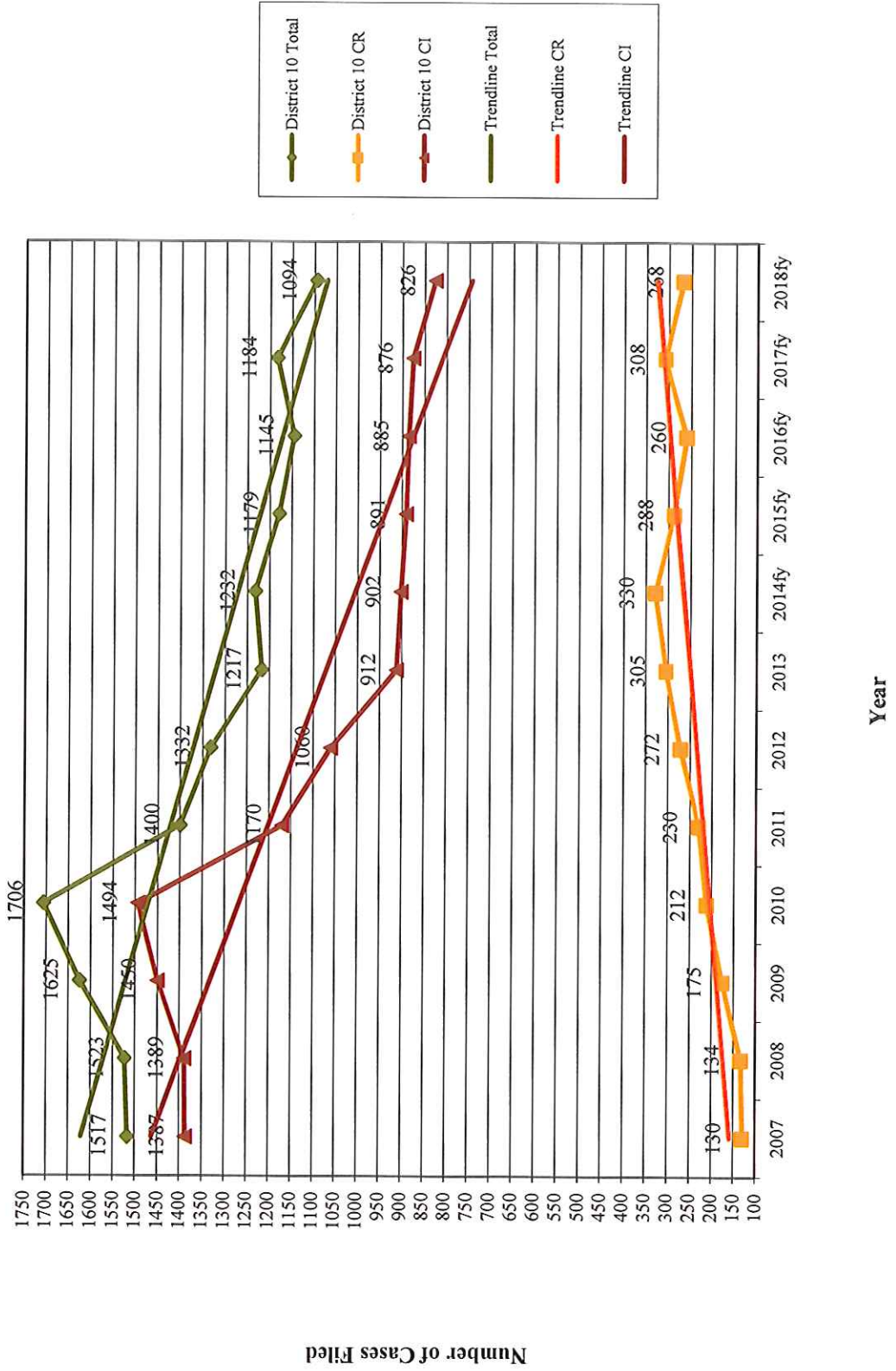
District 8



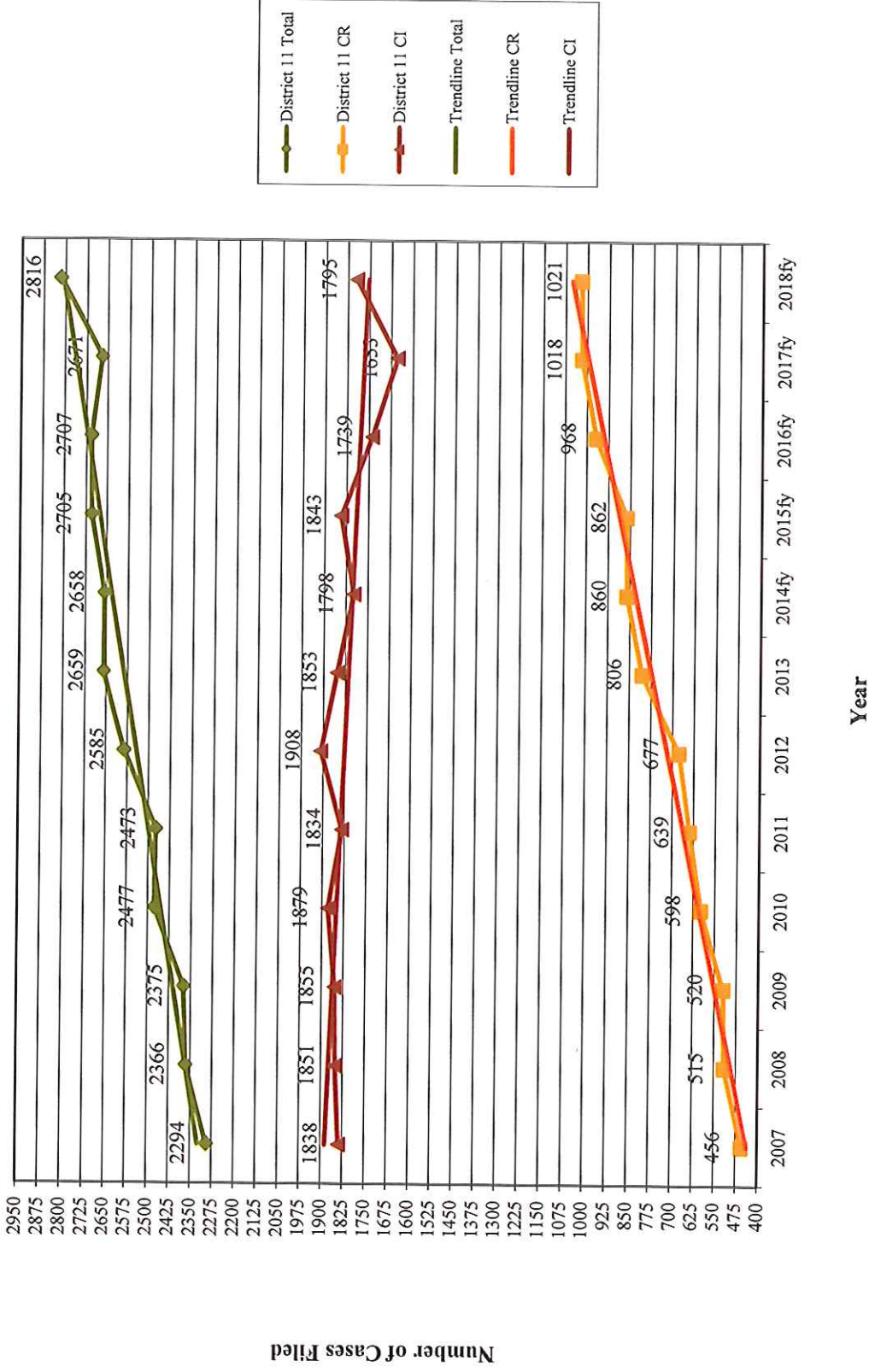
District 9



District 10



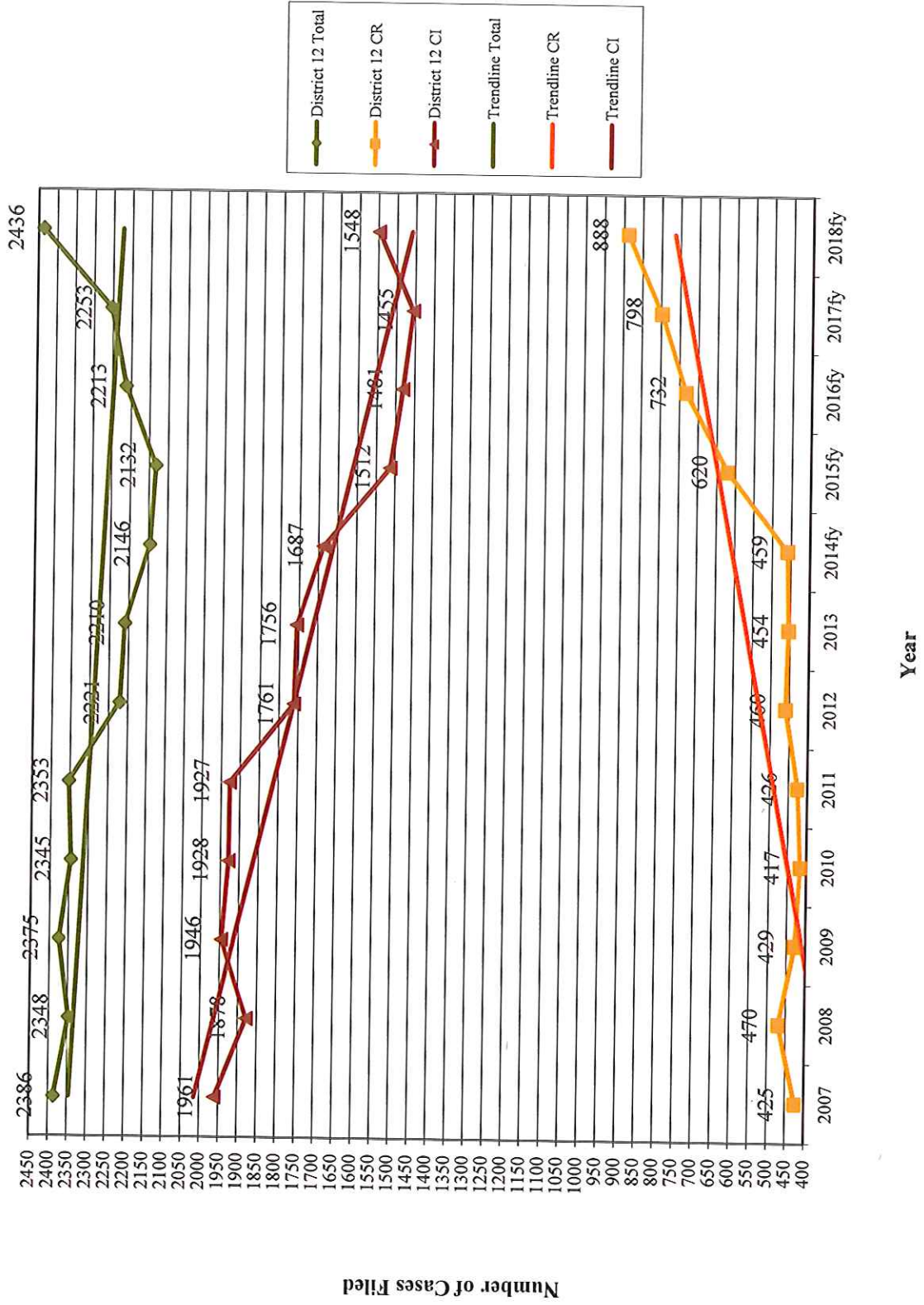
District 11



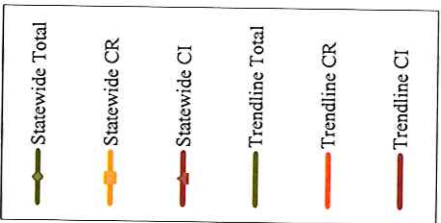
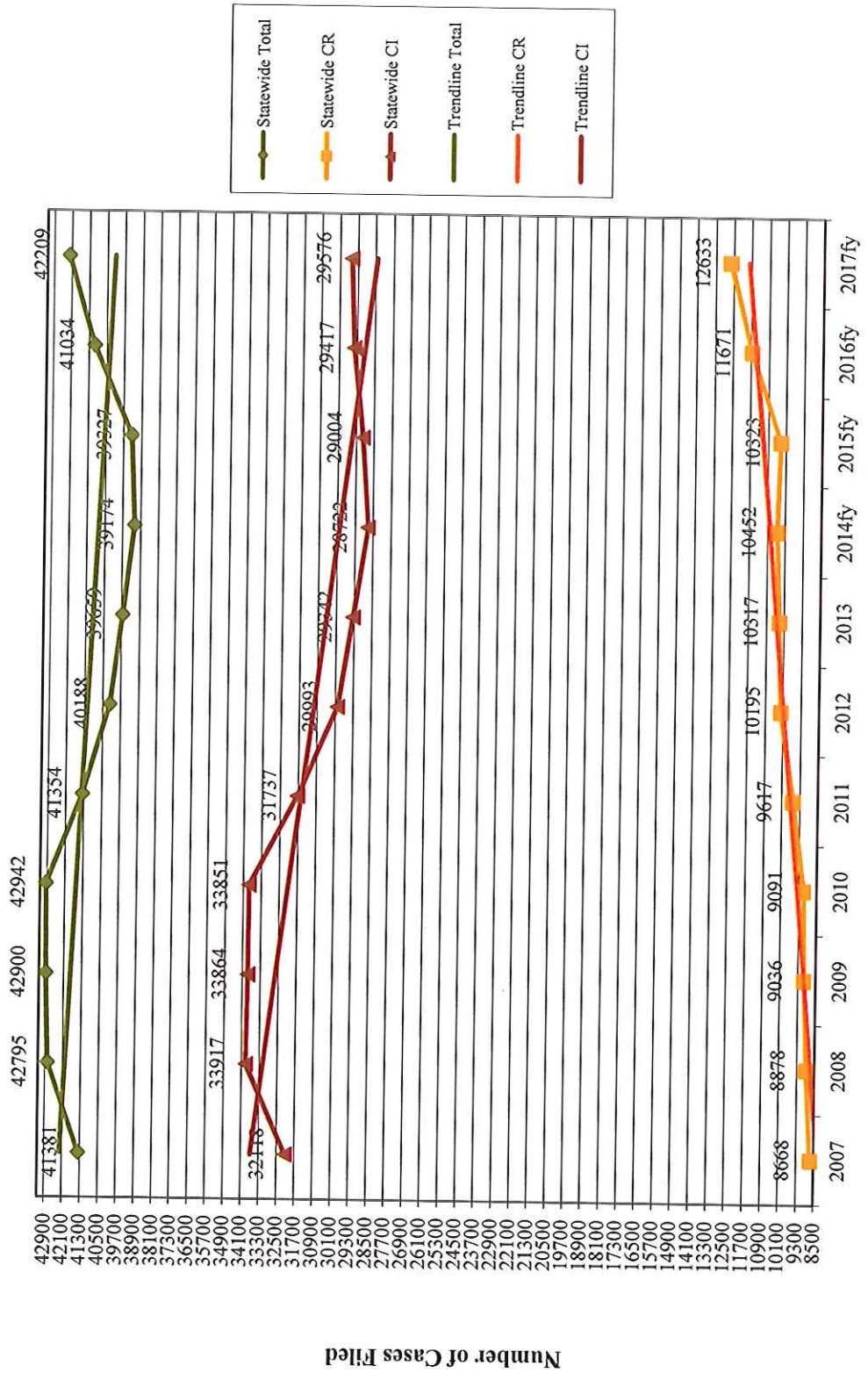
Number of Cases Filed

Year

District 12



Statewide



Number of Cases Filed

Year

DISTRICT COURT CASES BROKEN DOWN BY DISTRICT

	2007	2008	2009	2010	2011	2012	2013	2014fy	2015fy	2016fy	2017fy	2018fy
Total	2224	2182	2247	2234	2208	1934	1919	1929	1880	1997	1828	1869
CR	333	295	292	281	377	299	348	358	363	425	440	475
CI	1891	1887	1955	1953	1831	1639	1571	1571	1517	1572	1388	1394

	2007	2008	2009	2010	2011	2012	2013	2014fy	2015fy	2016fy	2017fy	2018fy
Total	3366	3245	3366	3484	3348	3154	3164	3138	3182	3500	3721	3878
CR	815	717	656	657	679	658	721	678	759	956	1010	1045
CI	2551	2528	2710	2827	2669	2496	2443	2460	2423	2544	2711	2833

	2007	2008	2009	2010	2011	2012	2013	2014fy	2015fy	2016fy	2017fy	2018fy
Total	5758	5847	5703	5801	5938	5715	5986	5965	5712	5993	6385	5565
CR	1137	1272	1306	1290	1445	1449	1583	1708	1448	1758	1881	1455
CI	4621	4575	4397	4511	4493	4266	4403	4257	4264	4235	4504	4099

	2007	2008	2009	2010	2011	2012	2013	2014fy	2015fy	2016fy	2017fy	2018fy
Total	14111	15938	15469	15017	14133	13847	13429	13294	13664	14135	14884	15451
CR	3349	3450	3499	3319	3550	3671	3544	3433	3456	3751	4301	4639
CI	10762	12488	11970	11698	10583	10176	9885	9861	10208	10384	10583	10812

	2007	2008	2009	2010	2011	2012	2013	2014fy	2015fy	2016fy	2017fy	2018fy
Total	2636	2482	2641	2656	2577	2539	2448	2437	2301	2454	2356	2247
CR	548	578	599	593	530	667	626	677	581	681	633	658
CI	2088	1904	2042	2063	2047	1872	1822	1760	1720	1773	1723	1589

	2007	2008	2009	2010	2011	2012	2013	2014fy	2015fy	2016fy	2017fy	2018fy
Total	2010	1941	2106	2009	1801	1903	1861	1835	1869	2063	1934	1945
CR	380	341	399	417	421	492	441	492	486	598	570	624
CI	1630	1600	1707	1593	1380	1411	1420	1343	1383	1465	1364	1321

	2007	2008	2009	2010	2011	2012	2013	2014fy	2015fy	2016fy	2017fy	2018fy
Total	1443	1375	1504	1595	1470	1424	1311	1219	1202	1304	1362	1403
CR	304	278	353	349	378	414	434	413	360	374	448	523
CI	1139	1097	1151	1246	1092	1010	877	806	842	930	914	880

	2007	2008	2009	2010	2011	2012	2013	2014fy	2015fy	2016fy	2017fy	2018fy
Total	1025	874	855	902	865	861	878	784	786	873	900	839
CR	136	109	113	141	143	179	181	166	157	211	228	230
CI	889	765	742	761	722	682	697	618	629	662	672	609

	2007	2008	2009	2010	2011	2012	2013	2014fy	2015fy	2016fy	2017fy	2018fy
Total	2611	2674	2634	2716	2788	2673	2577	2537	2715	2650	2731	2761
CR	655	719	695	817	799	957	874	878	943	903	998	1079
District 9 CI	1956	1955	1939	1899	1989	1716	1703	1659	1772	1747	1733	1682

	2007	2008	2009	2010	2011	2012	2013	2014fy	2015fy	2016fy	2017fy	2018fy
Total	1517	1523	1625	1706	1400	1332	1217	1232	1179	1145	1184	1094
CR	130	134	175	212	230	272	305	330	288	260	308	268
District 10 CI	1387	1389	1450	1494	1170	1060	912	902	891	885	876	826

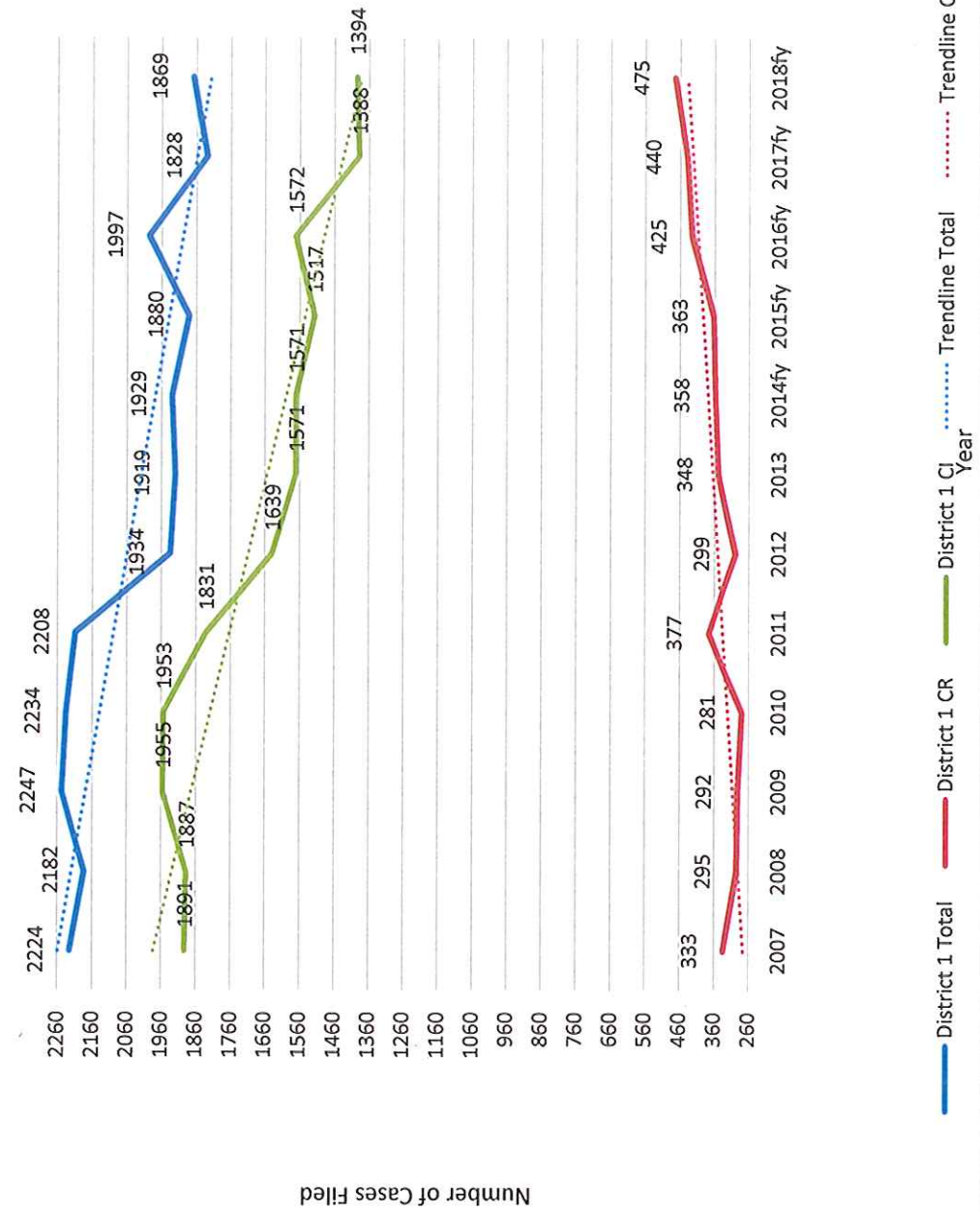
	2007	2008	2009	2010	2011	2012	2013	2014fy	2015fy	2016fy	2017fy	2018fy
Total	2294	2366	2375	2477	2473	2585	2659	2658	2705	2707	2671	2816
CR	456	515	520	598	639	677	806	860	862	968	1018	1021
District 11 CI	1838	1851	1855	1879	1834	1908	1853	1798	1843	1739	1653	1795

	2007	2008	2009	2010	2011	2012	2013	2014fy	2015fy	2016fy	2017fy	2018fy
Total	2386	2348	2375	2345	2353	2221	2210	2146	2132	2213	2253	2436
CR	425	470	429	417	426	460	454	459	620	732	798	888
District 12 CI	1961	1878	1946	1928	1927	1761	1756	1687	1512	1481	1455	1548

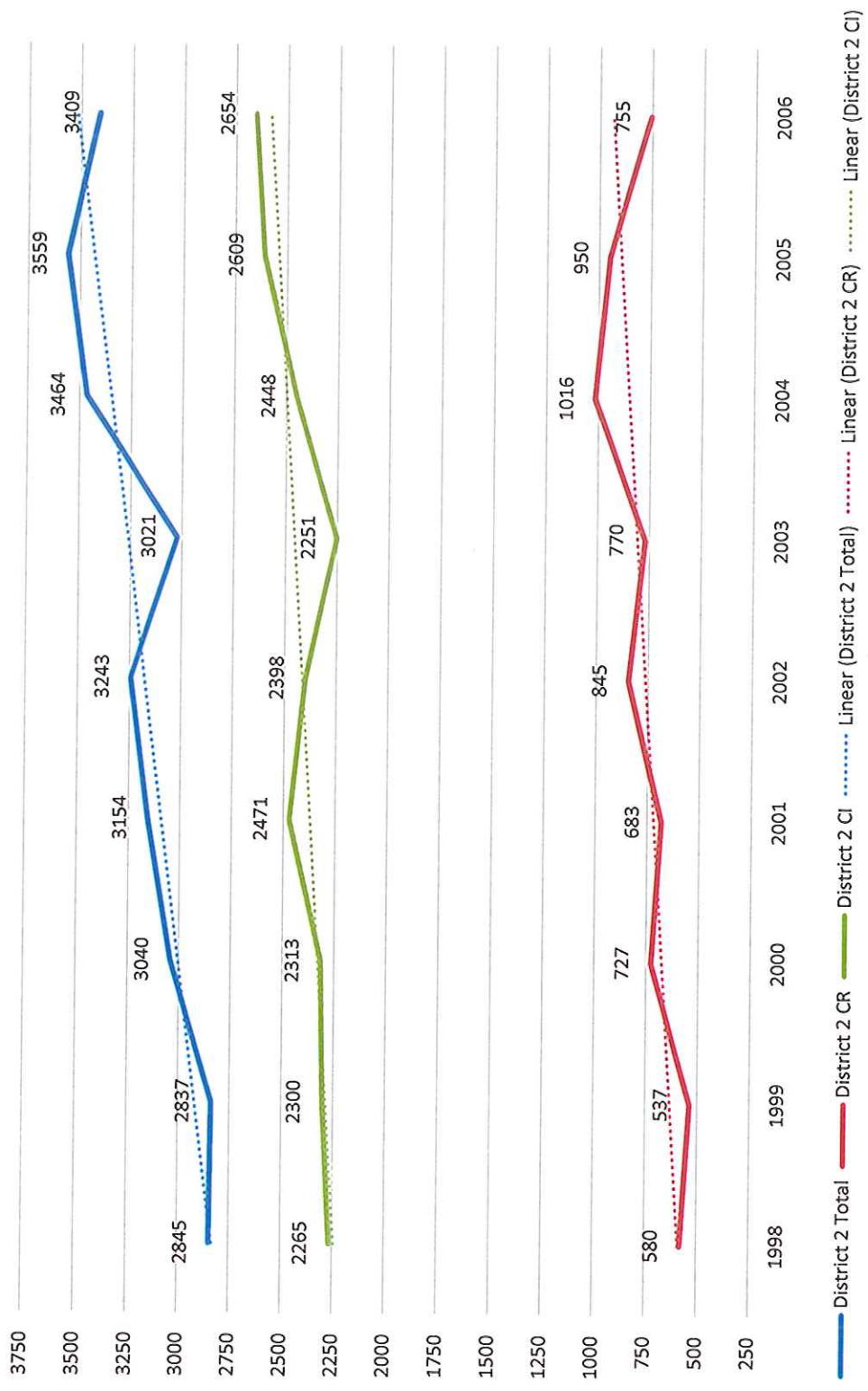
	2007	2008	2009	2010	2011	2012	2013	2014fy	2015fy	2016fy	2017fy	2018fy
Total	41381	42795	42900	42942	41354	40188	39659	39174	39327	41034	42209	42304
CR	8668	8878	9036	9091	9617	10195	10317	10452	10323	11671	12633	12916
Statewide CI	32118	33917	33864	33851	31737	29993	29342	28722	29004	29417	29576	29388

fy = figures are for fiscal year July 1 fo previous year thru June 30 of the year listed

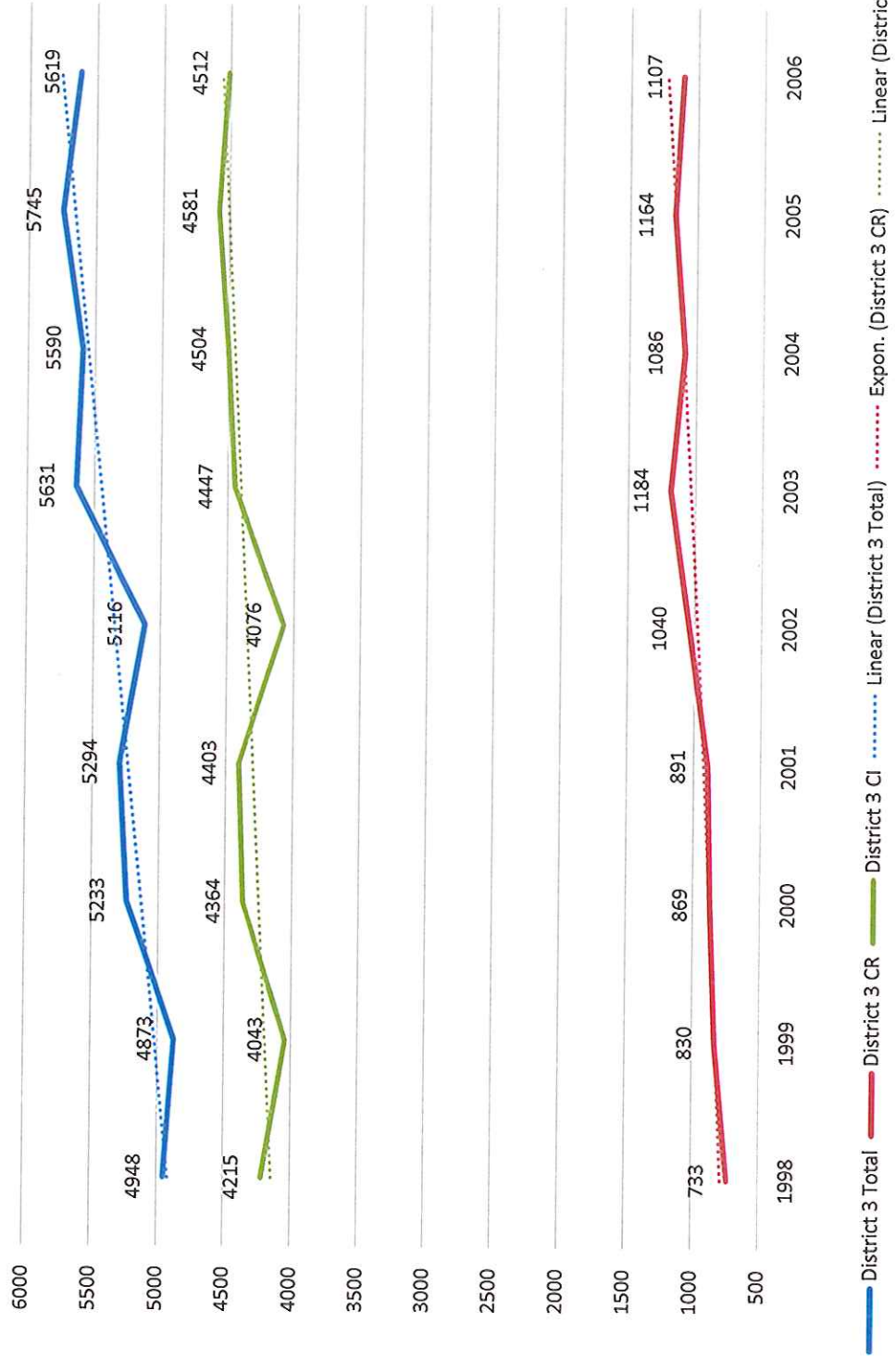
District 1



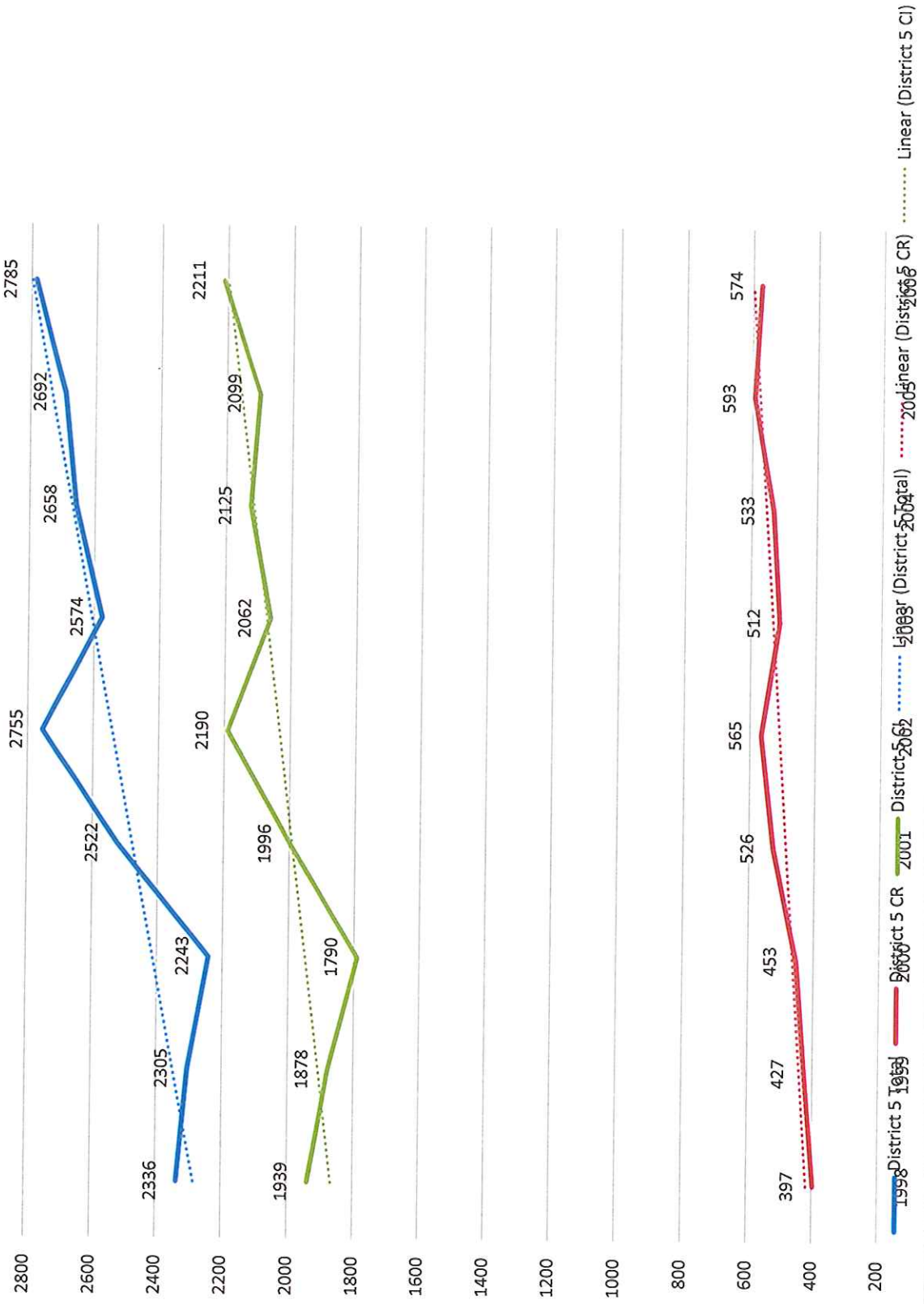
District 2



District 3



District 5



District 6

