

INVESTITURE PROCEEDINGS
FOR UNITED STATES DISTRICT COURT
JUDGE RICHARD G. KOPF,
HELD IN THE UNITED STATES DISTRICT COURTROOM NUMBER 1,
FEDERAL BUILDING,
215 NORTH 17TH STREET,
OMAHA, NEBRASKA,
ON FRIDAY, JUNE 26, 1992,
COMMENCING AT THE HOUR OF 1:30 P.M.

Reported by David C. Francis
Official U. S. District Court Reporter
Federal Building
215 North 17th Street
Omaha, NE 68101

(At 1:30 p.m. on Friday, June 26, 1992, in the United States District Courtroom Number 1, with the Chief Deputy Federal Marshal Joe Avery calling the court to order, the following proceedings were held:)

CHIEF JUDGE STROM: Well, on behalf of the Judges of the United States Court of Appeals for the Eighth Circuit and the judges of the district court for the district of Nebraska, I would like to extend a welcome to each of you and to thank you for your attendance here today. I think I can speak for Judges Cambridge and Urbom when I say that we are particularly grateful for this occasion. Maybe the light we see at the end of the tunnel is not the train which is about to engulf us.

At this time, I would like to introduce Mr. James Hewitt. He is a member of the bar of this court, a past President of the Nebraska State Bar Association and of the Board of Governors of the American Bar Association who will serve as our coordinator or master of ceremonies for this afternoon's program. Mr. Hewitt.

MR. HEWITT: May it please the Court, distinguished judges, members of Judge Kopf's family, distinguished guests, friends, it is indeed a pleasure for me to be here and a privilege for me to have the

opportunity to serve as the master of ceremonies this afternoon.

Judge Kopf, I think that it is extremely appropriate, because you have spent your formative years in the practice in outstate Nebraska, that there are so many people here that I see from outstate Nebraska. I know you appreciate it, and I think it's wonderful. I'm sure they are as pleased, as am I, to be here in the River City, the land of honest Keno and thousand dollar cats. It's a privilege for those of us who don't live in Omaha to come down and see how they do it in the big town.

This is a very happy and auspicious occasion, as I'm sure you know. We have waited for a considerable period of time to have Judge Kopf take the bench. He does so with, I think, the approbation and good wishes of the bar and all of his friends. We are looking forward with real enthusiasm to his performance as a district judge.

His performance as a magistrate has certainly been such that we have nothing but the highest hopes and anticipation for his tenure as a district judge.

We have a number of people here this afternoon who are, for one reason or another, are very close to the judge, and they are going to participate in the

ceremony, and it's one of my happy privileges to introduce them.

The first person I'm going to introduce is Ed Cook of Lexington, the senior partner in the firm that is -- that was Cook, Kopf & Doyle. You know, Lexington is a small hamlet in Dawson County, but there are those who love it just like Dartmouth College. I think that it is Virginia, for years, has been known as the mother of Presidents. I think that the firm of Cook & Cook or Cook & Ross or Cook, Kopf & Doyle can be known as the mother of judges. Their reputation in that regard has spread all over Nebraska, you know. It's gone from Eustis to Oconto, from Willow Island to Elm Creek. It's really very, very well known in that regard, but it is a pleasure for me to introduce a man who has been a good friend of mine for a long time, the senior partner in the firm, as I say, that was Cook, Kopf & Doyle, and a man who has had the very good sense to really get rid of the practice of law and become a banker, Ed Cook. Will you please come up?

ED COOK: Thank you for those kind words, Jim. I really did have the great fortune to practice law with Rich Kopf during those years when he was in Lexington. It was, I suppose, a normal, average country practice, but we never thought so. We always thought we were

really famous all the way from Willow Island to Elm Creek or whatever, and we really did try hard. During those latter years, of course, Jim Doyle entered the practice with us, and I've always thought that I was really blessed with awfully good co-workers. The women from the firm who are here today, Jim and Rich, and you just couldn't have asked for a better partner in every sense of the word than Richard Kopf.

I'm now retired from the law. I have gone on to other things, not necessarily better things, just other things, and I do, of course, have the occasion to visit by phone with Jim Doyle on occasion, and it's just interesting to me that so often, some comment will be made about, "Well, this is how Rich did it," or, "This is how Rich would have done it," and I think, Judge, that you ought to know that the high principles and the good teachings that you inculcated out there between Elm Creek and Willow Island are still there and will continue to follow you.

Of course, every time we speak on the phone, we get into reminiscing about things, and it's always interesting in my recollections that the things that we recollect about lawyers and law practices so often involve things that were dramatic and stressful, perhaps a part of this human drama that so often involves the

practice of law. My memories include a very young lawyer named Richard Kopf working with a miserable waif that he had been assigned to represent and a fellow with mental problems. Rich took care of him in good shape legally. Then there was no place for him. Nobody would take him. Nothing could be done with him. Rich took him home for a long weekend. We weren't at all happy about that situation, frankly, but he gauged the situation well, handled it real well. The compassion involved was something that has followed him all through his career. I think of that and a time when he was trying to persuade a client of ours to turn himself in to the police after he had escaped from jail, and he spent a very long afternoon and an awfully long evening and ultimately was successful, but again, the kind of thing that goes way beyond the normal practice of law, and I suppose that lawyers everywhere get into those things. Sometimes we think we get into more of those out in the country practice, but they are things that do mold characters, and I can assure you this new judge does have character.

I was trying to think of some way that I could characterize Judge Kopf very briefly for people that don't know him as well as we have, and the word capacity kept coming back to me because he has this great

intellectual capacity, this understanding and abiding learning of the law, all its ramifications, and certainly, we have seen it aid -- the lawyers that have practiced before him as a magistrate have seen it, and I'm sure that is going to be one of the qualities that will certainly help him in his new career. He also has a capacity for understanding people and understanding himself, incidentally, and this will not be an arid, dry, learned judge without a true understanding of the people that he's working with and the people who are enduring the foibles of themselves and the people they work with, and lastly, of course, he has this great capacity for work, and I guess I can't overemphasize that because we all know that brilliance without effort is nothing. The law demands brilliance and effort, and certainly, this judge has that.

I think we are going to see a very, very fine judge. He's had a good legal career. I think we are going to see an outstanding judicial career. He has been a credit to the Nebraska Bar, and I'm sure he is a credit to the federal judiciary and certainly will be so in the future.

I'm awfully pleased to be here to offer my congratulations to Judge Kopf.

(Applause)

MR. HEWITT: Thank you very much, Ed. Your Honor, Judge Kopf, I just looked around the room briefly, and I have seen that almost everybody that I would have anticipated is here except representatives of the print media. I suppose all of the World-Herald reporters are in Lincoln this afternoon covering the Bill Byrne athletic director news conference; all the Journal Star reporters are in Lincoln because they can't afford to drive to Omaha.

The next speaker on our program will be another former partner of Judge Kopf, James E. Doyle, IV, who is going to read the commission. Jim.

JAMES E. DOYLE, IV: Thank you. May it please the Court and assembled guests, I don't get as much time as everybody else, and I get a script. I didn't quite know what that meant. Something to do with originality and being the youngest person here.

It is, though, with a great deal of privilege and honor that I have had the privilege to be associated with Rich, to be taught by Rich, and to learn a lot of things, and it's a very big privilege and honor for me to read the message from George Bush.

"George Bush, President of the United States of America. To All Who Shall See These Presents, Greeting: Know ye, that reposing special trust and confidence in

the wisdom, uprightness and learning of Richard G. Kopf of Nebraska, I have nominated and do and by and with the advice and consent of the Senate do appoint him United States District Judge for the District of Nebraska and do authorize and empower him to execute and fulfill the duties of that office according to the Constitution and laws of said United States, and to have and to hold the said office with all the powers, privileges and emoluments to the same of right, appertaining unto him, the said Richard G. Kopf, during his good behavior.

In testimony whereof, I have caused these letters to be made patent and the seal of the Department of Justice to be made affixed.

Done at the City of Washington this 26th day of May in the year of our Lord, One Thousand Nine Hundred Ninety-Two and at the Independence of the United States of America, the Two Hundred Sixteenth. By the President of the United States, George Bush."

MR. HEWITT: Thank you very much, Jim. Now it's my pleasure to introduce to you a man who has been keeping the lawyers in central Nebraska, Hastings, Grand Island, Aurora, Kearney off balance for many, many years, a distinguished lawyer in his own right and Judge Kopf's father-in-law, John Wagoner of Grand Island. John.

JOHN WAGONER: Thank you, Jim. May it please the Court, I was certainly happy to learn that now Judge Kopf has left central Nebraska and taken his wares someplace else, it gives us all a chance.

I'm going to read the oath of office that Judge Kopf took at the time he was sworn in in proceedings on the 26th of May, the Oath of Office for United States Judges. "I, Richard Kopf, do solemnly swear that I will administer justice without respect to persons and do equal right to the poor as to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as United States District Judge according to the best of my abilities and understanding agreeable to the Constitution of the United States, against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same, that I take this oath freely, without mental reservation of any purpose of evasion, that I will well and faithfully discharge the duties of office that I'm about to enter, so help me God. Signed, Richard Kopf. Subscribed and sworn to before me this 26th of May, 1991 -- '92. I was giving him a year extra time. Lyle Strom, Chief Judge of the United States District Court of the District of Nebraska at Omaha, Nebraska. Official Station: Omaha, Nebraska. Date of birth: December 1, 1946; date of

entry in my duty on May 26, 1992."

That completes the oath of office for which I was selected to speak to you of. Thank you, Judge.

MR. HEWITT: One of the things that frequently happens at investitures of this kind is to have a representative of the Committee on the Federal Judiciary of the American Bar Association speak concerning the qualifications of the candidate. The Eighth Circuit member of the Committee on the Federal Judiciary is Kathleen Graves of the firm of Wright, Lindsay & Jennings in Little Rock, Arkansas, and because of prior commitments for deposition, Kathy Graves was unable to be present this afternoon although she has communicated her regrets and her best wishes to Judge Kopf by letter. Because I have the good fortune to serve for six years on that committee immediately preceding Kathy, I have been asked to extend the institutional wishes of the American Bar Association and to give you a very brief synopsis of the role which they play in the judicial process.

Once a candidate has been selected by the Department of Justice and the White House for potential nomination as a United States District Judge, the name is given to the Committee on the Federal Judiciary of the American Bar Association. They then conduct an

inquiry concerning that candidate that would be worthy of H. Ross Perot. It is very searching. It involves contacting lawyers and laymen. In Judge Kopf's case, it involved contacting both people who had known him when he was a private practitioner and who had appeared before him and who were aware of his performance as a magistrate. I know from what Kathleen Graves has personally recounted to me that those interviews led to a very, very high degree of satisfaction on her part that Judge Kopf had all of the requisite qualities for entering upon his new position. The ABA has three -- three findings: They have well qualified, qualified, and not qualified. Kathy Graves found, recommended to the committee, and the committee unanimously found Judge Kopf to be well qualified, the highest rating that the ABA accords, and as the Swedish Bikini Team would say, "It just doesn't get any better than this."

It is now my pleasure to introduce to you a law school classmate of Judge Kopf's and the distinguished Chairman of the House of Delegates of the Nebraska State Bar Association, John Sennett of Broken Bow. John.

JOHN SENNETT: May it please the Court, fellow attorneys, ladies and gentlemen, it is with real pleasure that I have the opportunity in behalf of the Nebraska Bar Association to say a few words here today.

In behalf of our association, I would like to sincerely congratulate Judge Kopf on his appointment to the federal bench.

When this speaking engagement first started, I suggested that Ed Perry, the president of the association, should make this presentation, and Judge Kopf informed me that he liked Ed, and, therefore, I had to do it.

I've found in the last few years that our class has turned out to be a cradle of judges. It seems like everybody in our class, all of a sudden, has a black robe which, for me, is really a good deal because I can't remember half their names anyway, and as soon as they get to be a judge, I can just say, "Hi, Judge," and get on with it.

Like most, if not all of you, I have had the pleasure, and at times the uncomfortable opportunity, to have known Judge Kopf for a number of years. In law school he was one of the brightest people that we had in our class. I didn't get to know him very well in law school because, for some reason, he thought learning federal civil procedure was more important than learning how to play bridge, but eventually, we got to know each other. I lost touch with the judge for a few years while he acted as a clerk for this court and became

reacquainted with him while he was practicing law in Lexington and I was in Broken Bow. The only problem with that practice was that he always seemed to have all the good clients, but he did make me a better lawyer, and he made many of us who practiced with him a better lawyer. It was enjoyable to practice with a man of integrity. It was too bad when he left our part of the country.

In teaching me and others more about the law, it came to my attention that probably I should have been more concerned about civil procedure as well, but -- and as you know, Judge Kopf served for a time in the House of Delegates for the bar association. He had the good sense, however, to quit that demanding job before it ruined his health like it has some of the rest of us.

Seriously, ladies and gentlemen, we have a person, a man in Judge Kopf that I know as an intelligent and caring person, a man whose integrity is above question. We have in the judge the makings of a fine jurist. Judge, congratulations.

(Applause)

JAMES HEWITT: At this point in the proceedings, it had been our hope that we could introduce to you members of the Senatorial and Congressional Delegation of the State of Nebraska, some

of whom had played an important role in both presenting Judge Kopf's name to the White House and the Justice Department and in moving his confirmation speedily through the Senate of the United States. Unfortunately, we are not able to do so. As you know, the Congress has been wrestling with the railroad strike over the course of the last couple of days, and they had a lot of votes scheduled for today. They worked until, I think, midnight last night trying to get rid of the railroad strike. I understand from watching Omaha TV that one of the primary motivations for that was that Ringling Brothers-Barnum & Bailey Circus had been marooned in Baton Rouge, Louisiana, so Congress selflessly worked late at night to move them along to settle the rail strike so that the little kiddies in Jackson, Mississippi, can see Ringling Brothers-Barnum & Bailey, I think that is the first time "getting the clowns out of town" ever had a literal meaning. Your Honor, I have received, however, from our distinguished delegation, several letters which, if I might presume to read them before they are introduced in evidence, I will then have spread upon the record. From Senator J. James Exon to The Honorable Richard G. Kopf, United States District Judge. "Dear Richard: Thank you for the kind invitation to attend your ceremonial investiture as the

United States District Judge for the District of Nebraska. I was very pleased to support your nomination to the federal bench. As I said on the Senate floor in support of your nomination, certainly, of all the individuals that I have recommended previously that I think have gone on to serve with great distinction on the federal bench, I believe Judge Kopf fits that mold exactly. In fact, I would rate him very, very high on all of the people that I think would be highly qualified for this very, very important position. I'm very pleased to see that you have reached this accomplishment. I'm certain that you will be an excellent addition to the federal bench and that you will make excellent contributions to Nebraska in this capacity.

Thank you again for this invitation."

From Senator Bob Kerrey: "Dear Judge Kopf: I regret that Senate business in Washington prevents me from attending your ceremonial investiture today, but I shall be with you in spirit because your investiture is a constructive event in the history of the federal judiciary.

Your career as a United States District Judge will be one of genuine distinction. I join your many, many friends and admirers in wishing you well on this happy

and important occasion."

And from Congressman Bill Barrett, another resident of Lexington in Dawson County: "Dear Rich: As I write this, I'm still scheduled to be in Omaha for your investiture on Friday, but more and more it's looking as if legislative business and votes will keep me here in Washington. If that is the case, I'm sending this letter to offer the hearty congratulations and best wishes I would much prefer to offer in person.

I'll regret not being among your colleagues, family and friends who will celebrate your oath of office and advancement to the U. S. District Court. I'd like to tell them all how proud I am of you and how fortunate we are to have a man of your caliber and character take his place on the district court bench.

But more importantly, I'd like to tell the crowd how privileged I am to call Rich, Judge Kopf, a friend -- trusted friend. We go back many years, and you've never failed to impress me with your integrity, intellect, professionalism and your capacity to work hard and achieve your goals.

As we all applaud the President's nomination and the Senate's easy confirmation of your judgeship, I'm pleased I can claim a small part in bringing you to this day. There is no doubt in my mind that you will serve

the federal judiciary with distinction and honor and that the brightest lights of your legal career are yet to shine.

Elsie joins me in congratulating you and extending our every good wish to you and to your family for continued success and happiness."

And I have one further letter, Your Honor, from the Honorable William C. Hastings, Chief Justice of the Supreme Court of the State of Nebraska, who was unable to attend. "Dear Judge Kopf: Thank you for inviting me to attend and participate in your ceremonial investiture.

I am honored and would be happy to attend. However, I had agreed some weeks ago to attend with my wife her school reunion in Brookings, South Dakota, on Friday and Saturday of that week. Therefore, I shall be unable to share with you what will be a most moving and significant occasion.

I do send my sincere congratulations to you and know that you will continue to serve the court with distinction."

Your Honor, I would like to hand these to the reporter and ask they be introduced in evidence as part of the record of these proceedings, and, Judge Strom, that concludes the portion of the program that has been

assigned to me. I think that it's not quite 2 o'clock. I think the lawyers have certainly galloped through their portion of the pageant very expeditiously. I would remind you that the guacamole is liable to spoil, and in the words of those numerous Chancellors of Ak-Sar-Ben who have always regaled the strong with the feats of the Conquistadors who discovered the fabled Seven Cities of Cibola, cervezas, por favor.

Thank you.

(Applause)

CHIEF JUDGE STROM: Jim, there is only one thing I'm really concerned about. I'm sure it's a concern that everybody here present shares with me. Lexington must be a ghost town.

It's my privilege to introduce some members of our judicial family here who will have the opportunity to make a few remarks this afternoon to you, Judge Kopf, or about you, I'm not sure which, but first, I would like to call upon the Honorable David L. Piester, United States Magistrate Judge who serves in Lincoln. Judge Piester.

MAGISTRATE JUDGE PIESTER: Thank you, Judge Strom. I want to add my congratulations to everyone else who has conveyed their congratulations to you, and I want to give you some special thoughts that I have

been considering. You're the first magistrate judge to be elevated to a district court judgeship in this district, and for that, I think you deserve special congratulations. I think that that should enable you, and I'm confident will enable you, to have a unique perspective on the business of the court. It also is illustrative of the fact that you are very dedicated to the judicial work that you face. After all, being in the position of magistrate judge gives you the opportunity to have seen some of the down sides of the district court bench, and you still said yes. I applaud you for your dedication.

You're also, probably, although I'm not certain about this, the first district judge in this district to have taken office without having an office to take. I think deciding whether you will be in Omaha or Lincoln may give you some identification with other homeless people, and I know that you are very sensitive and that you have a very caring heart. Those experiences and those characteristics will serve you well.

You're also probably, although again, I'm not sure about this, probably the first United States District Judge in this district to take office having previously been the subject of a critical political cartoon in the Omaha World-Herald. I think that perhaps that and the

fact that you have gone forward may illustrate something of your thick skin; again, something that will serve you well as you proceed.

I have had the good fortune of working with Rich Kopf for several years as a colleague on the magistrate's bench, and I have come to admire him a great deal. We were friends in law school but not nearly so good friends as we are now, and I have learned of his intelligence, of his principles, his character, his sensitivity and his thick skin, and I know that we are all in for a good treat. Congratulations.

(Applause)

CHIEF JUDGE STROM: We've really been blessed in Nebraska, I think, with the quality of the magistrate judges starting with Judge Piester and then Judge Kopf, now Judge Jaudzemis. It probably speaks well of the wisdom of the members of the district court bench which were smart enough to select such people.

It's now my privilege to introduce the Honorable Kathleen A. Jaudzemis, Magistrate.

MAGISTRATE JUDGE JAUDZEMIS: Thank you, Judge Strom.

Judge Kopf, I just want to take this opportunity to thank you for your assistance to me during the months that I have had the opportunity to be a magistrate

judge. I could not have had a teacher who was more patient with my questions and more generous with his time and with his wisdom. I look forward to serving you now that you're on the district court. Congratulations.

(Applause)

JUDGE STROM: Next I would like to introduce the Honorable John C. Minahan, Jr., United States Bankruptcy Judge, who serves in Lincoln. Judge Minahan.

JUDGE MINAHAN: Thank you, Judge Strom. Let me just say that Judge Kopf -- I think the first time I met him, he was clerking for Judge Ross. I was clerking for Judge Denney in this very building years ago.

Over the years our paths have crossed. In practice I have found myself adverse to him on several occasions. I have had the pleasure of serving on the bench, I as a bankruptcy judge, he as a magistrate for the last couple of years. I'm convinced that the character that he has and the abilities he has will well serve the citizens of the state of Nebraska and of the United States.

With lifetime tenure really comes an awesome responsibility. I consider these district court judges to really be in the constitutional trenches in which they must restrain the exercise of power in cases which almost inevitably involve unpopular people or people with unpopular opinions. I believe he's up to the task

and congratulate him on his new position. Thank you.

(Applause)

CHIEF JUDGE STROM: I would like to add also that just as we have had outstanding people serving in the position of U.S. Magistrate Judge in this district, I think our bankruptcy judges have equally met their task, and they have a tremendous burden. Unfortunately, the district court can't take credit for that, so I have to give credit to Judge Ross and to the court of appeals who are responsible for those appointments, but it is now my privilege to introduce to you the Chief Judge of the United States Bankruptcy Court, the Honorable Timothy J. Mahoney. Judge Mahoney.

CHIEF JUDGE MAHONEY: Thank you, Judge Strom.

Judge Kopf, I want to offer, as the others have, congratulations to you for rising to the position that you have been appointed to today. For some of you folks that are here, you may or may not know that Judge Kopf and I have shared, next door to each other, quarters for the last five years, and I realized as I attempted to perform my task, that as Mr. Sennett had suggested during his law school career, he, perhaps, should have spent a little more time on civil procedure. I should have also, and I have had the benefit during these years of the counsel of Judge Kopf on more than one occasion

concerning the application of the rules of civil procedure as well as some evidentiary questions that we have discussed in general and sometimes a very specific level, and I have definitely appreciated the opportunity to share your wisdom.

Now I have a request. I have no more nice things to say. I have a request. Bankruptcy judges' opinions are appealed to the United States District Court. Please keep in mind, as you review my opinions, that I did have a little problem with civil procedure and evidence and be gentle. Thank you.

(Applause)

CHIEF JUDGE STROM: Well, Warren, we are getting closer all the time. I think one of these days we're going to be at full staffing here in the district of Nebraska, and I know that is something that you, as well as the rest of us, look forward to, but now it's my privilege to present to you the Senior Judge of the United States District Court here in Nebraska, the Honorable Warren K. Urbom. Judge.

JUDGE URBOM: I have known Rich Kopf for quite a long time, ever since he was law clerk for the Honorable Donald Ross, which was really a long time ago. I've known ever since then that he is soft spoken. If you have ever talked to him, you know that's true. What

I've noticed in recent years is that he speaks softer and softer and softer. What I've done about it is go out and buy a couple of hearing aids. They cost me a bundle, and that's fine. It's worked very nicely, but they are now turned at about the highest they'll go. Unless we find some kind of a solution to energize his voice, there is going to be no conversation between him or me, I can tell you that, and I know that although he doesn't say very much, what he does have to say is worth the hearing, so what I did then was to undertake a search for the latest in technology of voice magnification, and I found it. I found it. Here it is. They used to call them megaphones, but they are -- they are shouter cups, and it's multi-purpose. You, Judge Kopf, will be able to use it in private conversations with me or at football games or in the courtroom. It's for you, and I welcome you to the court.

(Applause)

CHIEF JUDGE STROM: And now it's my privilege to introduce the Honorable William G. Cambridge, United States District Judge here in Omaha. Judge Cambridge.

JUDGE CAMBRIDGE: Thank you.

Judge Kopf, I join with all the others here in congratulating you on this new step or phase in your legal career and in extending to you a most sincere warm

welcome to the United States District Court Bench. I also extend the congratulations to your very lovely and wonderful family, Joan.

Mr. Hewitt said that your dad kept lawyers out there off balance, but he also kept judges off balance out there too, and to Marne and Lisa and Keller, whenever I think of you folks, I think you got to be a pretty wonderful special family when you can take that big old red Caprice that I had, Chevrolet, and simply, by renaming it, create the image there that makes me want to buy the thing back. In my hands, so you folks will know, Lisa got her driver's license here not long ago; well, a couple of years ago, and I had my big old red Caprice car that Rich thought would be a good car for her, and so I sold it. In my hands, it was known as "Big Red." Over my protest, sometimes it was called "The Red Rocket," and in the hands of the Kopf family, and especially, as I understand it, Lisa's hands, it's now known as the "Party Barge," and if I couldn't buy it back, maybe I could just borrow it for a weekend sometime.

Rich, I think you already know how delighted we all are in having you join us on this bench. It's no secret that we have been looking forward to dividing this docket up for some time, not so much for our own relief

but as for the betterment of the court, and it's a great privilege and a pleasure, so-to-speak, the frosting on the cake, to get to share it with someone of your already-proven caliber, capability, temperament and caliber, and you know we don't even have to discuss with you Devitt's 10 Commandments or Judge Urbom's guidelines that he gave us here a few weeks ago at the installation of Judge Jaudzemis because you've already proved over and over again that you know them well; you live them. You've lived them day in and day out as a magistrate, and you've already set an excellent example for the rest of us as a magistrate judge.

I, like Judge Jaudzemis, want to take this opportunity to thank you publicly for the very warm, gracious and kind welcome which you extended to me about four years ago at this time when I was appointed to this bench and to thank you for all the splendid assistance, cooperation, support and courtesies which you have extended to me since that time. You have been a truly magnificent magistrate judge, and I assure you that I would hate to be losing you in that capacity now if we weren't going to gain you in this new capacity.

I promise you collegiate -- collegiality. I look forward to working with you. I consider it a privilege to have the opportunity to do so. I know you

will continue to distinguish yourself, your court and your profession and your work. I wish you every best toward that end, and I promise you that I will do whatever I can to help and support you in the goal which all of us so fervently hold in common; that is, the administration of justice in accordance with the oath of office which you took here a few weeks ago and which was just read by Mr. Wagoner.

Again, my sincere congratulations.

(Applause)

JUDGE CAMBRIDGE: And I'm serious about the borrowing of that automobile.

CHIEF JUDGE STROM: Well, I'm happy to say that the next speaker needs no introduction. It's now my turn, Judge, to extend to you my congratulations.

Two things occurred to me this afternoon while we were starting on this. First, I remember my installation ceremony. I didn't have a commission. We had to sort of assume that it was in the mail. You know, we had that famous promise that, "Don't worry. The check's in the mail." In this case, it was the commission that was in the mail, and second thing is that someone else was able to read your oath for you. When I took it, I sort of stumbled, and Warren sat up here, and he finally guided me through it so I was able

to properly be sworn in as a district court judge.

Judge, you know how personally pleased I am that you have now been appointed as the seventeenth United States District Judge to serve on the bench here in Nebraska. You have the pledge of our support and assistance as you assume your new duties as a district judge, and I know that you will do an outstanding job. It has been a pleasure to work with you during your tenure as a magistrate judge, and I know that the selection panel has their hands full in trying to find a person who will fill your shoes in that position.

You have earned the respect of the practicing bar in this state as well as the respect of all the judges in this district. You have received, as have the rest of us, a singular trust to do justice to the poor and to the rich alike, to see to it that all persons who come before us are treated courteously, respectfully, and most importantly, fairly.

William Everts, who was a lawyer that lived during the last century, said this: "A trial in a court of justice is the trial of many things besides the prisoner at the bar. It's a trial of the strength of the laws, of the power of the government, of the duty of the citizens, of the fidelity to conscience and the intelligence of the jury. It's a trial of those great

principles of faith, of duty, of love, of civil society that distinguish the condition of civilization from that of barbarism."

I have no doubt that you will accept and perform this trust with honor and with dignity, and so on my part, I, again, want to welcome you to the bench of this court and to thank you for accepting that appointment which I appreciate.

(Applause)

CHIEF JUDGE STROM: Before I introduce Judge Ross, Judge Beam was unable to be here today, and he asked that I read a letter, and then I will hand it to the reporter so that it, too, can be made a part of this record. It's dated June 16, 1992. "Dear Judge Kopf: I very much regret being unable to attend your investiture as a United States District Judge. It's an important day in your life and an important day in the life of the federal court for the district of Nebraska.

Helpful advice and good wishes will abound today. I concur in those admonitions. Beyond that, I wish to predict for those assembled that you will serve the courts with high distinction and for many years to come. Our state and nation will be better for your service.

Betty and I extend our best wishes to you and your family. As you know, we always stand ready to be

helpful in any way possible. Yours very truly, Arlen Beam."

And now it's my privilege to introduce the Senior Judge of the United States Court of Appeals for the Eighth Circuit and a good personal friend, the Honorable Donald R. Ross. Judge Ross.

JUDGE ROSS: Thank you, Chief Judge Strom.

I consider it a real honor to be asked to speak briefly today on this occasion honoring Judge Richard Kopf. This is the second occasion in the last month that I have participated in a ceremony in which Judge Kopf was also a participant.

Last month at the home of Judge Kopf, I presided over his marriage to his lovely wife, Joan, and it's nice to see Joan and Marne and Lisa and Keller here again today for the second time for a really important ceremony. One of the things that happens when a person becomes a United States Judge and you finally know that it's in the works and is going to happen is, you get a call from the President of the United States, and I'm sure Judge Kopf will forgive me if I relate to you what happened to him when he got his call from the President of the United States.

You have all heard Jim Doyle, his former partner, speak about Rich, and Rich has talked to me often about

Jim Doyle, but when he got the call from the President, the President said, "I notice that you are the former partner of a Mr. Doyle." He said, "Would that, by any chance, be Dugie Doyle?" Now, Dugie Doyle is one of the leading Democrats in the state of Nebraska, one of my good friends, and the last person I would have thought that the President would have inquired about. He didn't ask about Charlie Thone or Mrs. Orr or anybody else that he might have. He asked about Dugie Doyle, so Judge Kopf had to explain to him that this was Jim Doyle rather than Dugie Doyle, and in the process learned that Dugie Doyle and the President had gone to Yale University together and were friends there.

I first met Richard over 20 years ago when I interviewed him at the University of Nebraska College of Law for the position of law clerk. He had been recommended to me by the dean of the law school, Mr. Henry Grether, as an outstanding student of the law, one of the top members of his class and the editor of The Law Review. I was impressed by his law school record and by his obvious desire to become a good lawyer. He was polite and attentive, bright, and as I recall, extremely nervous. I offered him the job and he accepted, and that began two years of a great association with Richard as my law clerk. My records

indicate that he commenced work for me on May 22nd, 1972, almost exactly 20 years prior to the date of his oath of office as a U.S. District Judge.

Richard was one of my best law clerks. His research was excellent, he was a clear thinker. His greatest virtue, though, in my opinion, was his common sense. He had an uncommon ability to get to the point, to interpret the prior cases and then reason logically in applying the law to the facts in the cases before us.

In 1974, I recommended Richard to my brother-in-law, Ed Cook, who you heard today, and he moved to Lexington, Nebraska, to the firm with which I started practice. Ed has never failed, when I've seen him, to express his gratitude for that reference and that recommendation. While in Lexington, Richard attained a statewide reputation for excellence as an attorney. He also represented the Nebraska Legislature in a difficult impeachment proceedings and did it in a manner that brought great credit to him and to his firm. He was appointed U.S. Magistrate in 1986 and has served with great distinction in that capacity. He has tried, with the consent of the lawyers, he has tried many important cases that would otherwise have been tried by a U.S. District Judge. It's little wonder that American Bar Association, after consultation with the lawyers who had

appeared before him, gave Richard its highest rating.

In my view, no person has ever been more qualified to become a United States District Judge than Richard Kopf.

Chief Judge Richard Arnold of the Eighth Circuit Court of Appeals could not be here today, but he has asked me to represent the court and on its behalf to welcome you, Richard, to the family of Article III Judges of the Eighth Circuit. He has sent you a letter and asked me to read it at this ceremony. "To the Honorable Richard G. Kopf. Dear Judge: First of all, please accept my apologies for not being there for your investiture ceremony. An appointment of longstanding in Washington prevents my attendance. I deeply regret this circumstance.

Your readiness to work hard, your reputation for fairness and your acknowledged judicial temperament, all manifest during your tenure as a United States Magistrate Judge, admirably suit you to a place on the bench. I congratulate the people of Nebraska in acquiring your services in this position. There is no post more important than United States District Judge, and your appointment is good news indeed. It was a special pleasure for me to be present at the time of your hearing before the Senate Judiciary Committee last

month and to hear the many fine things that your Senators and Congressmen had to say about you. They were all well deserved.

Now some advice. You may never again be as popular as you are today. However that may be, you will find the future rich with opportunity and enjoyment. You will derive great satisfaction from your work, and it's a great pleasure to welcome you to the family of Article III Judges of the Eighth Circuit. Sincerely yours,
Richard S. Arnold, United States Circuit Judge, Chief Judge of the Eighth Circuit."

Richard, my friend, I extend to you my own best wishes for a meaningful, enjoyable and successful career as a United States District Judge.

(Applause)

CHIEF JUDGE STROM: Well, Rich, it's your turn now to respond, and it's my privilege to present to you the Honorable Richard G. Kopf, United States District Judge. Judge Kopf.

JUDGE KOPF: May it please the Court, I will try to be brief.

I have a number of people to thank; in fact, too many to thank to do it properly. However, I must specifically thank two people.

One day short of 20 years ago, I was admitted to

practice law, and during that intervening period of time, I received mentoring from two people.

Ed Cook, III, was my law partner for nearly 13 years. Simply put, there is no better human being in the world than Ed Cook. I might also add, I learned from Ed what was important about being a lawyer. Without exception, the words Ed spoke in the courtroom, while conferring with a client, when dealing with an adversary, or while engaging in conversation at the coffee shop, were truthful words. I hope I carry that with me. Thank you, Ed.

Before I knew Ed, I knew his brother-in-law, Judge Ross. As mentioned, I served Judge Ross as a law clerk from May of 1972 to February of 1974. Thereafter, Judge Ross, as he is to all of his former clerks, continued to be a steadfast friend and teacher. For as long as I've known Judge Ross, he has had inscribed in his robe a phrase that reads, "Do whatever is right." This phrase epitomizes what we law clerks learned from Judge Ross.

Judges can easily mislead or be misled by the facile argument. Indeed, logic can, at times, be quite unfair. I know of no one in the judiciary who is more committed to doing simple justice than Judge Ross. I hope I carry with me Judge Ross's commitment to doing whatever is right. Judge Ross, thank you. Pardon me.

Finally, on occasions such as this, it's customary to express assurances of humility. In case there are fears that my family will allow my head to swell, let me relate to you an anecdote.

My new sister-in-law is June Edwards, and she was kind enough to attend my Senate confirmation. June is an accomplished lawyer and serves NASA in Washington as assistant general counsel. Those of you who know June know that she is plain spoken and hates pretense.

During the confirmation hearing and before I was asked to testify, I sat at a place that was reserved for a witness, and this is the sign that was at the chair. After I was called to the witness stand, June took the sign which stated, "RESERVED FOR WITNESS." During the hearing, a number of very flattering things were said about me. The Senators were very nice, and their questions were very gentle. After the hearing was over, June handed me the sign. She said I should remember that the only really important question was the one that she would have asked had she been a Senator. She told me that she had written the question on the back of the sign. The question reads, " Yeah, yeah, yeah, but can he rock and roll?" And, Mr. Francis, this is Exhibit number 4.

Now, shortly thereafter, June's sister Joan, who is

now my wife, began referring to me as "The Big Cheese," and my son, after watching C-Span and the Senate vote, which took all of 15 seconds, turned to me and asked, "What's the big deal, Dad?".

I promise all of you that I shall not lack for humility. It will be beaten into me. Judge Strom.

(Applause)

CHIEF JUDGE STROM: Well, Jim, I think we did our part admirably. That concludes this ceremonial session of the court, and I will now invite the United States Marshal to put the Court in recess.

CHIEF DEPUTY MARSHAL JOE AVERY: This court is now in recess.

(Proceedings recessed at 2:30 p.m.)