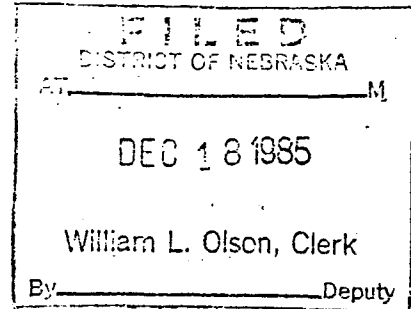


1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEBRASKA
4



9 INSTALLATION OF HONORABLE LYLE E. STROM

10
11 as

12 UNITED STATES DISTRICT JUDGE

13
14 for the

15 DISTRICT OF NEBRASKA
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22 DATE: November 1, 1985
23 TIME: 2:00 o'clock p.m.
24 PLACE: United States
25 District Courtroom
Omaha, Nebraska

1 THE UNITED STATES MARSHAL: The Honorable
2 Judges of the United States Courts: Hear Ye!
3 Hear Ye! Hear Ye! The United States District Court
4 for the District of Nebraska is now convened in
5 ceremonial session. God save the United States and
6 this honorable Court.

7 CHIEF JUDGE URBOM: Because of an appointment
8 by the President of the United States and confirmation
9 by the Senate of the United States, Lyle Strom is
10 authorized to take the oath of office as the United
11 States District Judge.

12 Mr. Strom, if you are prepared to do that,
13 will you stand, please, and raise your right hand
14 and repeat after me:

15 I, Lyle Strom, do solemnly swear that I will
16 administer justice without respect to persons
17 and do equal right to the poor and to the rich,
18 and that I will faithfully and impartially
19 discharge and perform all of the duties
20 incumbent upon me as United States District
21 Judge, according to the best of my abilities
22 and understanding, agreeable to the Constitution
23 and laws of the United States; and that I will
24 support and defend the Constitution of the
25 United States against all enemies, foreign and

1 domestic; that I will bear true faith and
2 allegiance to the same; that I take this
3 obligation freely without any mental
4 reservation or purpose of evasion; and that
5 I will well and faithfully discharge the
6 duties of the office upon which I am about
7 to enter.

8 SO HELP ME GOD.

9
10 JUDGE URBOM: The robe which Judge Strom
11 is now entitled to wear will be placed upon him by
12 his daughter Cassie, his sons David and Brian,
13 and his grandson Scott.

14 Now, Judge Strom, will you come and take
15 your place on the bench with us?

16 Judge Arlen Beam is a member of this
17 court and I call upon him now to make such remarks
18 as he wishes.

19 JUDGE BEAM: Judge Strom, it's my great
20 good fortune to be the first to be able to address
21 you as Judge Strom after the taking of the oath.
22 I'm sure that you recognize that these occasions
23 are both bitter and sweet, bitter in the sense that
24 they generally mark the retiring or the passing of
25 another Judge, and sweet in that they mark the end

1 of the long procession of judicial selection and
2 the taking of the oath of office, and I'm sure you
3 know what I mean by that.

4 I say to you, and I say to those persons
5 assembled, that I feel, as your colleague here in
6 the duty station of Omaha, to be doubly blessed,
7 blessed by the fact that for three and a half years
8 I was able to toil with one of the great trial
9 lawyers of this state, one of the great judges, one
10 of the great people, your predecessor, Albert G.
11 Schatz; blessed by the fact that I am going to be
12 able to toil in the future with another one of the
13 great trial lawyers of this state, one of the
14 great people of this state, and I'm sure one of
15 the great Judges in the District of Nebraska.

16 So I say welcome to you and good luck!

17 JUDGE STROM: Thank you, Judge.

18 JUDGE URBOM: Judge Donald P. Lay is
19 Chief Judge of the United States Court of Appeals
20 for the Eighth Circuit.

21 Judge Lay.

22 JUDGE LAY: This is a very nostalgic
23 occasion for me. It seems like yesterday, but I
24 can recall very vividly, almost twenty years, I
25 was given the robe, Lyle, such as you have just

1 received and was sworn in by the late Harvey Johnsen.
2 It's hard to believe that twenty years have now
3 passed on but time does progress and new things
4 happen.

5 As Chief Judge, I have had the occasion
6 and pleasure to now attend several of these
7 investitures over the years. I can honestly say
8 from that experience and from watching the people
9 assume the Judgeship role that there is one quality
10 and one test that I think is important.

11 You read today how people feel you have to
12 have certain philosophical bents, but the real merit
13 and the real truth is that we need seasoned,
14 qualified lawyers. I say, "Give me a good lawyer
15 and you'll give me a good Judge." And I'm very
16 confident, having known Judge Strom for I guess
17 from the time I began my practice that we've got
18 a good Judge because I knew he was a good lawyer.

19 I thought it might be interesting, Lyle,
20 and I will just make this as brief as possible,
21 but to give you a little bit of an idea, at least,
22 a historical perspective of some of the great people
23 who have served this Judgeship.

24 The first Judge to this first Judgeship
25 was Elmer S. Dundy, who was a Territorial Judge

1 and served as a Territorial Judge in Nebraska
2 commencing with 1868, and then became a Federal
3 District Judge when this state adjoined the Union,
4 and he served in that capacity until 1896.

5 Judge Van Pelt was reminiscing with me
6 this morning that he had heard that Judge Dundy
7 was a very active politician at the same time and
8 tried to get enough votes to run for Congress a
9 couple of times or run for the Senate, but he
10 continued to be the Judge.

11 He was succeeded by William D. McHugh,
12 and if some of you have a chance to look in the
13 lobby, you will see the pictures and portraits of
14 the Judges in Nebraska. You will note that Judge
15 McHugh served for one year. He was nominated by
16 President Grover Cleveland and during that time
17 he fought hard on the side of William Jennings
18 Bryan and, unfortunately, Bryan was defeated and
19 President McKinley didn't think too much of that,
20 and so while Judge McHugh's nomination was pending
21 in the Senate, it somehow got lost and he did not
22 become a permanent Judge. He went on, I am told,
23 to become the founder and first Chairman of the
24 Board of International Harvester, and I tried to
25 verify this information but I will repeat it and

1 then try to run it down, but someone had told me
2 that Judge McHugh was also Bill Baird's grandfather,
3 the late Bill Baird, so there is quite a history
4 through that.

5 William Munger, in 1897, succeeded where
6 McHugh did not, and McKinley appointed William Munger
7 and he served on this bench until 1915. He was
8 very remotely related to the Thomas Munger who
9 served in the Second Judgeship, which was the
10 Judgeship in Lincoln. But the story goes that
11 they did not get along too well, and William Munger
12 told Thomas, "You stay south of the Platte and I'll
13 stay north and we'll have a good time."

14 In 1916, an old friend to many of us,
15 Judge Joseph W. Woodrough was appointed by President
16 Woodrow Wilson, and I have a faint and distinct
17 recollection, though, of occupying the northwest
18 corner where Judge Robinson is now, and I was
19 cleaning out the closets where Judge Woodrough had
20 been and I cleaned out one closet and I found an old
21 scroll wrapped up, dusty, sitting back among the
22 closets, and it was Judge Woodrough's commission from
23 Woodrow Wilson in 1916, and I placed that in the
24 family hand.

25 Now, many lawyers here in Omaha have served

1 as law clerks for "Woody" -- Dick Bruckner,
 2 Justice Jack Grant, Harold Rock, the late great
 3 Judge Albert Schatz. "Woody" stayed until 1933,
 4 when he was appointed by Franklin D. Roosevelt to
 5 the Court of Appeals.

6 Then he was succeeded by a lawyer named
 7 James A. Donohoe, and many of you older lawyers,
 8 along with myself, had many, many trials in front
 9 of Judge James A. Donohoe in the old Courthouse.
 10 Judge Donohoe served with distinction until 1956
 11 when he was succeeded by our now great and beloved
 12 Dick Robinson.

13 Dick was appointed in 1956 and served until
 14 1971 as an active Judge, and then became Senior
 15 Judge, and he hasn't slowed down since, and he is
 16 still making a great contribution to the federal
 17 judicial system.

18 Richard Dier was appointed in 1971 and
 19 in 1972 his untimely death followed.

20 And then he was followed on the bench
 21 by one of my great, great friends, and a friend of
 22 yours, Duke Schatz. And Judge Schatz served until
 23 1984, and earlier this year, of course, his untimely
 24 passing.

25 So, Lyle, I mention this and I hope you

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feel I haven't taken too long to give you a little historical reminiscence of the great, distinguished people that you follow, and, just as they did, I am confident that you will do a tremendous job, and I look forward and certainly at this time welcome you to the judicial family of the Eighth Circuit.

JUDGE STROM: Thank you very much.

JUDGE URBOM: Judge Richard E. Robinson is a Senior Judge of this District.

Judge Robinson:

JUDGE ROBINSON: I tell my juries now when I get through with a long charge I apologize for two things: the length of the charge and the voice box. I say, "I can't do anything about the voice box but I suppose I could shorten the charge."

(Laughter)

Very briefly, I, at this time, extend to you, Judge Strom, my congratulations and well wishes for a long and satisfying tenure on the bench.

You know, I could hardly escape when Lyle was repeating the oath, they tell this story that during the War President Roosevelt put out an order, or asked that they put out an order, that they save on the lights. When the order

1 came through for his approval, it read something
2 like this: "Illumination must be extinguished."
3 It went on and on, and before he approved it, he
4 said, "Damn it, can't somebody say, 'Turn out the
5 lights?'"

6 (Laughter.)

7 But I often think that they might shorten
8 that oath.

9 (Laughter.)

10 Briefly, it soon will be thirty years
11 since I took my oath and I'll ever remember our
12 beloved parted friend, Harvey Johnsen, saying,
13 "You will soon realize that you're not just another
14 Judge on the federal bench, but you will soon be
15 conscious of the fact that you're part of a great
16 integrated group," and I simply suggest now that
17 after thirty years, or thereabouts, I've found that
18 to be exactly true; having now been assigned and
19 having served I think in all but three of the
20 United States Circuits in our country, that I can
21 say that you soon feel and expect and get the
22 cooperation of all of the other Judges.

23 So again, I simply want to again sincerely,
24 for you and your dear family, extend my congratulations
25 and well wishes.

1
2 In conclusion, to Mrs. Strom I might say
3 that recently a Judge appointed up in the area
4 that Judge Lay now inhabits -- a new Judge was
5 appointed and either the radio or television
6 reporter calling on his wife wanted to know what
7 her role would be as far as the Judge was concerned.
8 She said, "To keep him from getting stuffy."

9 (Laughter.)

10 Thank you.

11 JUDGE STROM: Thank you very much, Judge.

12 JUDGE URBOM: We are blessed with two Senior
13 Judges in this District, and Robert Van Pelt is
14 the other.

15 Judge Van Pelt:

16 JUDGE VAN PELT: Judge Strom, I am going to
17 stand right here because up to date I have never
18 had any problem in being heard. I am one of the
19 few Judges who doesn't use a gavel because I think
20 I can be heard throughout the courtroom without
21 using one.

22 I do welcome you as the fifteenth United
23 States District Judge in Nebraska.

24 It is interesting to note that all of
25 your predecessors have come from the active bar.
26 Only one has had prior judicial experience. That

1 was Judge Woodrough, who was a County Judge down in
2 Texas.

3 I have known all of these Judges excepting
4 three, which doesn't add to their luster at all,
5 but I trust that some of their luster has rubbed
6 off on me.

7 From that experience I can say that you are
8 now a part of a heritage of which you can feel pride
9 and yet, you can feel proud of all the fine qualities
10 these other people represent, and I suggest to you
11 that you try not to be an imitator of any one of
12 them. Be Lyle Strom when you're a Judge. It was
13 Lyle Strom who was nominated by the President of the
14 United States to the position you now occupy, based
15 upon your experience and based upon your reputation.

16 And interestingly, and maybe it will not
17 be surprising to you, when you get ready to go to
18 bed tonight, if you had any warts
19 you'll have them tonight.

20 (Laughter)

21 Remember that you have been appointed a
22 Judge, you have not been anointed.

23 (Laughter)

24 You are not a god and you should not act
as a god.

1
2 You know your weaknesses. All Judges
3 have some. Strive, as you did as a lawyer, to
4 recognize what were your weaknesses as a trial
5 lawyer and try to improve them, and thus try to
6 improve yourself as a Judge, and I say to you
7 that from this day forward you can no longer
8 blame the typographical errors on secretaries
9 or stenographers. You can no longer blame the
10 faulty reasoning or analysis upon a law clerk,
11 as many lawyers are prone to do.

12 Harry Truman's statement about the
13 Presidency is true about the Judges: "The buck-
14 passing stops when matters reach your desk.
15 You, and you alone, are responsible for the
16 contents of your letters, of your opinions,
17 of your orders, and you, and you alone, are the
18 keeper of your conscience.

All of this is to say that you are part
of an independent judiciary without which the
rights of people of this nation could never be
safe.

You are entering upon this task older
than most. You are entering it at almost the
exact age as I entered.

Five persons have been appointed to

1 this bench since I was appointed. Only two of us
2 are still left. If you live to serve twenty-
3 eight years and three months, which today I have
4 served, you will be on this bench on the 1st day
5 of February 2014.

6 (Laughter)

7 I envy you those years ahead, not with a
8 selfish envy, but with all the kindness of my heart.
9 Yours is the opportunity to assist in leading the
10 bar and the bench of the State of Nebraska, and
11 the federal bar, as well, into the twenty-first
12 century. It's a great opportunity, and while I
13 use the expression that I envy you that opportunity,
14 I'm glad to see a young man like you start out on
15 a task of that kind.

16 (Laughter)

17 Your oath has stated that you will administer
18 justice without respect to persons. You will do
19 equal right to the poor and to the rich. This oath
20 has remained the same since the Act of the First
21 Congress of the United States of America went in its
22 session on October 24, 1789, and prescribed this
23 oath, with one exception made in 1911.

24 I am saying in the presence of my fine
25 friend, Senator Hruska, that I hope Congress on that

1 day didn't think they had done any great thing
2 when they changed the word on the oath from
3 the originally written "on" to "upon."

4 (Laughter.)

5 That is the only change that has been made
6 from the beginning of the Republic in that oath.
7 The oath concludes with the words: "So help
8 me God."

9 I am one of those who is not afraid to
10 publicly say that I am glad that it has that
11 conclusion and to emphasize, because I believe
12 in the separation of church and state, and I
13 still believe that the Old Testament advice to
14 the Hebrew Judges is still good: that you should
15 do justly, love mercy, and walk humbly.

16 I am pleased that you are the one who is
17 taking over this valued heritage. By entrusting
18 it to you, I think it is in good hands. And I
19 thank you for the invitation to appear here this
20 afternoon.

21 JUDGE STROM: Thank you, Judge.

22 JUDGE URBOM: Judge Donald R. Ross of the
23 Eighth Circuit Court of Appeals could not be here
24 today so, of course, he will not be bringing you
25 his greetings.

One of the members of the bar of this court is Joe Meusey and he will now make other introductions and statements.

Mr. Meusey:

MR. MEUSEY: Thank you, Judge Urbom, and Judges of the Court, and family, and friends and honored guests:

Those of you who can look around this crowded room can see that we have many other dignitaries, other Judges, and important people to introduce, and that is my task, and at the direction of new Judge Strom, we are going to start with the most important. I would like to introduce his wife of thirty-five years and a partner, Regina.

And then I think we have set a record here for the accumulation of family in the well of this courtroom, and I am going to ask those of you who I call out to please stand because perhaps at a later festivity that you will be invited to you will get to see them and know who they are.

So as I call your name, would you please just stand, and when I finish with the family, then be seated, so that Lyle's many friends -- Judge Strom's many friends (laughter) can --

1 A few minutes earlier I introduced myself
2 and I said to the Judge, "Well, this is the last
3 time I can call you Lyle inside these four walls,"
4 and I have violated that. I will not do that again.

5 To the family: daughter Missy and Captain
6 James Hawkins and their son Scott;

7 Daughter, Mrs. Amy Taylor;

8 Daughter who came in from Korea, compliments
9 of her employer, the United States Air Force
10 (laughter), Captain Cassie Strom;

11 Son, David Strom;

12 Daughter, Molly;

13 Son, Brian Strom;

14 And the Judge's twin brother, Louis, and
15 his wife, Bonnie, who join us from California;

16 His sister, Myrna, and her husband, George
17 Madelen, of Kansas;

18 And his brother-in-law, Dan Kelly, and
19 nephew Robert.

20 Thank you very much for standing.

21 There are others that I must introduce
22 and anxious to do so. As you can see, those of you
23 who have been here before, we have an absence of
24 the legislative branch of government that is very
25 often represented here, and those of you who are

1 following the newspapers know that we have budgetary
2 problems both in Lincoln and in the Congress of
3 the United States, and all of the people who are
4 normally here are attending to those problems.
5 There will be some remarks that we will get to
6 later in the form of a letter, but we are fortunate
7 indeed to have a representative of all of them,
8 Senator and Mrs. Roman Hruska are with us today,
9 and we recognize you, Senator, and Mrs. Hruska
10 I believe is seated.

11 We have with us Judges of the District
12 Court of Douglas County, Nebraska: Judge Paul
13 Hickman; Judge James Murphy; Judge Ted Carlson;
14 and joining us also as a retired Judge, Ted
15 Richling of the District Court.

16 There are other Judges who have come
17 in. I did not see them and I apologize if I have
18 not introduced all of you. There are some I can't
19 see to the back.

20 With us also is United States Magistrate
21 David Piester.

22 And the Clerk of the Court who I learned
23 early on, as a young lawyer, if you really want
24 to know what's going on, you must know this man
25 and get along with him, the Clerk of our Court,

1 Bill Olson.

2 I would also like to, at the risk of
3 offending the other lovely wives and spouses of
4 the Judges who are here -- there are many seated
5 here -- I think that this proceeding would be in-

6 and inappropriate if we did not recognize
7 the wife of our Judge who has now passed -- dear,
8 departed Judge Albert Schatz. With us today is
9 his widow, Donna Schatz, and we are happy to have
10 you.

11 At this point, I would like to read into
12 the record a letter addressed to you, Judge Strom,
13 from Representative Hal Daub, a member of Congress,
14 dated November 1, 1985:

15 "Dear Judge Strom:

16 It is a personal privilege and an honor
17 to congratulate you today for being selected as a
18 Judge of our United States District Court.

19 You taught me a lot about the law when
20 I worked with you as a young lawyer so I am proud
21 to have played a role in your selection.

22 You are an eminently talented and capable
23 individual who will make an extraordinarily
24 outstanding Judge.

25 All Nebraskans are proud of your

2 accomplishments and very pleased to have an indi-
3 vidual of your caliber as our next Judge of the
4 United States District Court.

5 You have my best wishes for continued
6 success.

7 With best personal regards, I remain

8 Sincerely,

9 Hal Daub,

10 Member of Congress."

11 I am a member of the Roving Committee,
12 which is a very dignified name for ushers (laughter)
13 and we try to do our best. Some of us have not
14 ushered for a while. But let me introduce the
15 other members of the Roving Committee:
16 William P., or, as he is better known, Rocky
17 Mueller; Jim Beltzer, Dick Knudsen; Dave Houghton;
18 and Tom Burke is also a member of the Roving
19 Committee and he could not be with us today.

20 At this point, we are going to call upon
21 some of the speakers representing the American
22 Bar Association, the Nebraska Bar Association, and
23 the Omaha Bar Association, to share with you some
24 thoughts.

25 The first speaker I think you will find
26 is very entertaining. When I first met him, he used

1 to come to the House of Delegates meetings, which
2 is the elected body of the governing body of the
3 Bar Association, and his job was to report on what
4 was going on at the ABA and hope that we would
5 continue to send him back. I always used to wonder
6 what would be so entertaining because people would
7 say, "Hewitt is going to talk, we've got to get
8 in there," and I thought, "How could this be
9 entertaining, going to Philadelphia with George
10 Turner?" (Laughter) But he always seemed to
11 make it entertaining, and in later years that
12 talent was captured and exists in our new State
13 Bar Headquarters on video tapes because Jim Hewitt
14 was the host of that popular program, "Ask a
15 Lawyer."

16 So, I guess in summing up, I will introduce
17 him as the Bar's answer to Johnny Carson and David
18 Letterman. (Laughter) Let me introduce to you
19 Mr. Jim Hewitt, representing the American Bar
20 Association.

21 MR. HEWITT: Joe, thank you very much.
22 Your Honors, Judge Strom, may it please the Court:

23 I was very pleased that Congressman Daub
24 did not ask for a contribution when he wrote your
25 letter. (Laughter)

26 It is probably carrying coals to Newcastle

1 for me to talk to you about the personal qualities
2 of Lyle Strom, but I think that I could tell you
3 a little bit about the work the American Bar does
4 in conducting judicial investigations so that you
5 can understand the high regard in which Lyle is
6 held by his peers, his colleagues, and the Judges
7 before whom he practiced.

8 The Committee of the Federal Judiciary
9 of the American Bar is comprised of fourteen lawyers
10 who represent the various Circuits across the
11 country, and I happen to be the representative of
12 the Eighth Circuit.

13 It is incumbent upon the Circuit members
14 to conduct investigations in their Circuit on all
15 judicial candidates, and we have had a busy year.
16 I currently am working on my ninth investigation
17 this year, and what we do is to contact lawyers,
18 Judges, and legal educators within a District or
19 within a Circuit, if it is a Circuit appointment,
20 to determine whether or not someone who has been
21 selected by the Justice Department as a potential
22 Judge really measures up. And I want to tell you
23 that Lyle Strom measures up very well.

24 I conducted seventy-one interviews in the
25 State of Nebraska, all telephone interviews, some
26 were personal, but I conducted seventy-one interviews

1 and I can tell you, without qualification, that
2 the bar, the bench, the legal educators of the
3 State of Nebraska, recognize the high qualities
4 which Lyle Strom possesses, his intellect, his
5 temperament, his personality, his perseverance,
6 his willingness to work.

7 Our committee of fourteen lawyers, a tough
8 bunch of graders, unanimously found Lyle Strom
9 well qualified for the seat which he now holds,
10 which means, in our parlance, that he is one of
11 the very best men available in the State of
12 Nebraska to hold this job..

13 I think all of you who know Lyle know
14 that to be true. I know it to be true. The
15 American Bar Association knows it.

16 We are proud to have played a role by
17 advising the Senate of the United States of our
18 findings. We are hopeful that that assisted in
19 his confirmation.

20 On behalf of the entire committee, Judge
21 Strom, I want to offer you our very best wishes
22 for a long and successful tenure on the bench.

23 MR. MEUSEY: Thank you, Jim. We now
24 move down from the American Bar Association to the
25 Nebraska Bar Association and we have people here

1 with two hats actually, Jim Hewitt is the present
2 president, as you know, of our Nebraska Bar
3 Association, but his immediate predecessor is
4 Jim Brown. Jim's second hat today is that of a
5 partner to Lyle in the law firm that they have been
6 partners in for a long number of years, and for
7 those of you who are not in the profession, you
8 might wonder what a partner means. That is sort
9 of someone that you eat with, live with, fight
10 with, support and defend, but are not married to.
11 (Laughter) You find that you spend a lot of time
12 with your partners, and I am sure that Jim Brown
13 recognizes that this state and district is gaining
14 a wonderful Judge. On the other hand, he and his
15 other partners -- those are the people with the long
16 faces when I point this out to them -- are losing
17 an excellent lawyer and partner. I suppose that
18 collectively they feel somewhat like the father
19 of the bride at a wedding. There is both feelings,
20 but we are grateful to them that they share with us
21 an excellent lawyer, because, as Judge Lay points
22 out, that is probably the best source for good
23 Judges.

24 Let me introduce to you now Mr. James
25 Brown.

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MR. BROWN: May it please the Court,
members of the bench and bar, and friends:

Personally, and on behalf of the Nebraska
State Bar Association, and as a partner up until
this moment, it is a real pleasure for me to
congratulate Lyle on his being appointed to the
federal bench.

We confidently look forward to Lyle's
becoming a distinguished member of the federal
judiciary. We have many reasons for this
expectation.

Lyle was blessed with a very fine mind.
The outstanding academic record that he leaves
behind him confirms that he has done -- he is
committed to doing everything to utilize that
fine mind that he has.

His personal and professional life reflect
a commitment to the highest spiritual, moral and
ethical principles, and, of course, most of all,
he has had a very distinguished career as a lawyer.

Now, the immediate challenge that Lyle will
face is to make the transition from a zealous
advocate, which you indeed were, to an impartial
adjudicator, and, again, we are confident that he
will make that transition, and one of the reasons
that we are so confident is the commitment that

1 Lyle has shown in the broad sense for the support
 2 of the improvement of the administration of
 3 justice. That interest has been revealed or
 4 exhibited, for instance, in his active participation
 5 in the Nebraska State Bar Association.

6 The primary goal of the Nebraska State
 7 Bar Association is to improve the administration
 8 of justice. Lyle has participated as a member of
 9 the House of Delegates. He has participated as a
 10 member of the Executive Council, of which he is
 11 still a member. And he has been very active in
 12 numerous committees.

13 I think with that kind of broad commitment
 14 to the judicial system of the United States, we
 15 can expect Lyle to make the great transition from
 16 a very zealous advocate to an impartial Judge.

17 I should also note that we are very pleased
 18 that Lyle will continue his membership on the
 19 Executive Council of our State Bar Association.

20 Now, I would like to turn from these
 21 rather general considerations to what, Lyle, you
 22 will face next Monday morning when you come to your
 23 office here in this building, and I am sure that
 24 one of the primary concerns that you will have
 25 is the heavy case load that will face you and

which faces all of the federal district judges.

This problem has received the concern and attention of the organized bar. The American Bar Association has, since 1977, had a very active program in promoting alternative means of dispute settlement. The Nebraska State Bar Association has also been active in this field.

This past year, with Lyle being one of the members of the Executive Council, the Council approved the establishment of a special committee to work on alternate means of settling disputes. That committee has been established and is working, and I should add also that last fall a seminar, an excellent seminar, was held here in Omaha dealing with that subject, which was co-sponsored by the Bar Associations, NCLE, and by the Section of Corporate House Counsel.

Now, we might pause to ask, what is the reason for this apparent substantial increase in the amount of litigation? Is it, as some assert, evidence of the breakdown of American society or is it the fault of the legal profession or is it evidence of the failure of our judicial system?

I think it is none of these, but before giving you my evaluation, I would like to point out

just one basic consideration, and that is this:
 the parties to every bit of litigation that is filed
 have been unsuccessful on their own in settling
 the controversies that find their way to the court
 and they have turned to our judicial system for a
 resolution of their problems.

Now, my evaluation is this: I think this
 condition demonstrates the commitment of the
 American people to settle their controversies in a
 peaceful manner rather than by force or other
 undesirable means.

Secondly, I think it reflects the confidence
 of our public in the effectiveness and fairness of
 our judicial system.

And, thirdly, I think it reflects our
 commitment to assure equality to all and to furnish
 a greater measure of justice to our people than any
 nation has ever furnished their people in the
 history of the world.

Now, in support of these conclusions, I
 would simply like to quote from Judge Constance
 Baker Motley. Judge Motley is the Chief Judge of
 the United States District Court for the Southern
 District of New York. Judge Motley is black and
 she is a woman. I mention these factors because

1 I believe that her greater proximity to the
2 struggle for freedom and equality perhaps gives
3 her a greater appreciation and understanding of
4 our judicial system.

5 Now, Judge Motley stated, and I quote:

6 "While many nations have been racked with war, our
7 nation has been relatively calm in comparison,
8 being a nation of litigators rather than warriors."

9 Judge Motley then noted that "The victories
10 of freedom in America have often been fought in the
11 Courthouses of the nation rather than on the
12 battlefields."

13 She then added, and I quote, "Litigation
14 is simply a strategy which the American people have
15 consciously chosen in their pursuit of justice as
16 an alternative to domestic unrest and to secure
17 the blessings of liberty. We should, therefore, not
18 be dismayed by the litigation which engulfs us.
19 It has its roots in our ethnic history as the first
20 nation in the world to promise equality to all."

21 Now, with this vision, Lyle, you and all
22 of us will realize that we are not simply chiseling
23 a stone, we are building a cathedral.

24 Thank you very much. Congratulations!

25 MR. MEUSEY: Thank you, Jim, for those remarks.

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Representing the Omaha Bar Association
and the Omaha lawyers who practice here and have
practiced with Judge Strom is John Burke, himself
retired from the state district court bench to
return to private practice, and introducing Judge
Burke I could not help but recall that on other
occasions, such as Law Day, he was called upon to
write a column, as many of the district judges
were, and very often offered his remarks to an
improvement, if you will, of the federal judiciary's
approach to state's rights, and, perhaps for that
reason, he was afforded the honor of an escort by
the United States Marshals once he reached the
building and came up here, which I thought was very
nice and obviously was much appreciated (laughter)
but they were a little rough with the handcuffs
(laughter.) Let me introduce to you John Burke.

MR. BURKE: If Your Honors please:

It's a distinct pleasure for me, as the
representative of the lawyers here in Omaha, to
participate in this historic and very happy event.

It has been said that it is nearly impossible
to get ten lawyers to agree on any one thing. But
that's not true today. The 1340 members of the
Omaha Bar Association speak as one in applauding

the appointment of Lyle Strom to this bench.

As a rising tide lifts all the boats in the area, we are confident that the appointment of Judge Strom will raise the public confidence in the administration of justice.

I think, Judge Strom, that if the lawyers of Omaha, speaking in the same line as Judge Van Pelt, were to be allowed to give you one bit of advice, it would be, "Don't change a bit." Your success as a trial lawyer, your nomination and confirmation occurred because of what you are.

Judge Cardozo probably said it best when he said, "In the long run there is no guarantee of justice except the personality of the Judge," meaning simply that the law can never be much better than the trial judge who administers and applies it.

You are joining a court which has a long and glorious history of fairness and integrity. Members of the bar, having worked with you for the last thirty years in resolving disputes, know that you bring an abundance of integrity and fair dealing to this court. This is so important because we all know that if we were to take the robes of all the Judges who sat on this court, beginning with Judge Dundy down to the present time, the robes of all

1
2 the Judges combined would not be enough to cover
3 the iniquity of one corrupt Judge.

4 But this is a happy occasion and, as our
5 minds reach back, we know that many former trial
6 lawyers who have departed this life are happily
7 looking down and applauding from above.

8 If our dear old friend, Joe McGroarty,
9 were still here, I suspect, Judge Strom, that in
10 the next day or so you would be receiving one of
11 his famous letters.

12 I would like to quote in part just from
13 one: "Dear Judge: I was very happy to know that
14 you were appointed to the bench and wish to extend
15 my congratulations. You will find things a lot
16 different in your daily life from now on. For
17 example, as soon as I read of your appointment, I
18 called my wife and told her to be sure to put you
19 on our family Christmas card list (laughter) and
20 I warned her not to forget. If one blows ten or
21 fifteen cents on the cost of a Christmas card and
22 later runs into a little tough luck with the Judge,
23 I feel philosophical and say to myself, 'What the
24 heck?'" (Laughter)

25 The Omaha Bar Association is honored,
26 Judge Strom. We extend to you our very best wishes

for a long, successful and happy career."

Thank you very much.

MR. MEUSEY: Thank you, John.

It now falls, I guess, to a generic trial lawyer, and I'll try and represent my brethern who appear in these courts, and I would like to share with you, if I may, just a personal incident involving the Judge that I think shows you something about him, why he is so popular and why he was so well thought of.

We'll have to go back in time, Your Honor, to about 1969 when I had fewer grey hairs and was pretty inexperienced, and we were involved in a collapsing pole case. The problem was the pole wasn't designed to collapse, but it did under the head of Pat Cooney's client and injuring him, and you had one defendant, I had another, and Bob Mullin had the third, so you can see I was somewhat out-classed in experience, and I had learned about Lyle Strom as a young lawyer, as we all did, knew of his reputation, and went over to visit him in his office to see what his approach to this lawsuit would be because it was the most serious lawsuit I had ever been confronted with.

And I walked in and I knew when I first

1 saw his office that here was a man who certainly
2 lived up to his reputation because there, on the
3 far mantel piece, was a golf trophy (laughter) and
4 at Fraser-Stryker we were trained that any man who
5 can master both golf and the law certainly is a
6 man (or woman) to be respected and reckoned with.
7 That was just an integral part of our training
8 there (laughter).

9 As I drew closer, I said, "Now, what's this
10 for, Lyle?" and he said, "Well, I have a traveling
11 trophy with my brother-in-law from Kansas," who
12 I've now met, and he said, "We have a head-to-head
13 competition and that's what it's for." And then he
14 excused himself to go get the file and I went over
15 closer to the trophy and noticed that in place of
16 the club that the golfer normally holds was a
17 large replica of a bull, and I said, "Now, here's
18 a man who not only excels at law and golf, but
19 doesn't take himself too seriously and has a sense
20 of humor." And those really are fine qualities.
21 And through the years those were borne out.

22 But let me just tell you one other thing
23 about Judge Strom, and that was the way I was treated
24 in that case. I was relatively inexperienced, but
25 he treated me not with any deference to the years

or lack of them, but as a fellow professional.
And we got right to the issues of the lawsuit.
There was no quibbling over non-essential things.
He served his client well. If there was a point
at which there would be a controversy, you knew
you had a very difficult fight on your hands but
you knew also that the fight, if I may use that
term -- it's probably not a good term, it's not a
fight -- it's a representation of differing points
of view. But some people liken it to a contest
and it really is that, one lawyer striving to urge
his proposition to the detriment of the other,
but that's the way the system works and it works
best when there are able counsel trying to do that,
trying in those sorts of cases to uphold the
traditions, that we would really concern ourselves
with what's important to the client, not what's
important to us, what's best for the client, not
what's best for the lawyers.

And I found that if Lyle Strom told me
something was true, that it was true, and that was
one of his great strengths, his integrity, and
respect that the other lawyers had I think was
outstanding, and so, as you now join the judiciary,
I would say to you, Judge Strom, and to the other

Judges of the federal judiciary representing
 Nebraska, and to the state Judges, that I think
 that as we become acquainted with other jurisdictions
 in other states -- we lawyers travel a great deal,
 we talk to other lawyers, we hold office in national
 organization, and we become aware of how our
 judiciary operates compared with other jurisdictions --
 and I say to you that we lawyers who appear in the
 Nebraska courts, and I would say to a man and woman,
 are proud of our judiciary, both federal and state,
 and I think that as you heard Judge Lay tell you
 about the long history of the federal bench here,
 and as you look about you and see the quality of
 the people who have served in this office, that
 Judge Strom joins a long and very honorable group
 of individuals who have served as our Judges.

We Omaha lawyers and trial lawyers would
 say to you, Judge Strom, that you make us very
 proud and we thank you, all Judges, for the service
 that you give to us and to our clients and to the
 citizens of this state, and we wish you the very
 best.

Now, let me introduce -- sorry, Judge
 Urbom. Just before introducing Judge Strom, Judge
 Urbom has asked to speak. I am to tell you that

immediately following the presentation -- immediately following the closing of court you are invited to the Omaha Club for a reception there.

Judge Urbom:

JUDGE URBOM: Thank you.

Judge Strom, there are several indicia of the judgeship which you now occupy. One is a commission from the President of the United States. My understanding is you hope you have that but have never seen it. (Laughter)

It is an indispensable indicia of your judgeship, but I am told that you have been told personally by the President that he has signed it, and that's possibly good enough for us.

There are other indicia. You sit now on an elevated dais. You sit behind a desk, now called a bench, longer than you ever had. You wear a black robe. All these are distinguishing marks of your judgeship, but none is more pregnant with meaning than the appellation, "Your Honor." That is what all people will call you when they speak to you in the courtroom. That salutation will afford to you obeisance and respect because there is an assumption of wisdom and integrity and sincerity

Your judgeship deserves that honor,

1 and it calls upon you to provide for it all the
2 wisdom and integrity and sincerity at your command.
3 Your judgeship deserves that honor.

4 But what of you? Do you personally
5 deserve that honor? If you listen to the people
6 who are your friends and colleagues, the answer
7 is yes. But you must never believe them, not ever.
8 As long as you refuse to believe, the rest of us
9 will find it easy to address you as "Your Honor,"
10 which we now do.

11 Now, Your Honor, will you respond to all
12 of us?

13 JUDGE STROM: Well, thank you very much,
14 Judge Urbom.

15 It is very strange to sit here and look
16 out over the sea of faces in front of us when I am
17 so used to sitting down there at the counsel table,
18 and it still seems appropriate to me to begin these
19 remarks with, "May it please the Court."

20 To the members of my family, to the members
21 of the bench and the members of the bar, and all of
22 my friends who have gathered here on this occasion
23 to join with me and my family in this change of
24 position from the well of the court to the bench.
25 I want to thank you very much.

1 I thank you for taking time from your
2 busy schedules to join me and to join my family
3 on this occasion. The outpouring of support and
4 of good wishes which I have received these past
5 several months has been tremendously heartwarming
6 to me and I'm indebted to each of you.

7 I was certainly pleased to hear Judge
8 Burke advise me a few minutes ago that all 1340
9 lawyers in Omaha were supportive of this appointment.
10 I, however, was a little disturbed by Jim Hewitt's
11 remarks that he searched hard and long to find some
12 reason (laughter) that maybe I wasn't qualified for
13 this position, and he kept asking me, "Who should
14 I talk to?" and I'd think of people and I'd say,
15 "Well, you better not talk to him, you better not
16 talk to him (laughter). You know, a lot of these
17 people out there lie a lot, so don't pay too much
18 attention to what they have to say."

19 I received a lot of kind words today and
20 I hope, Judge Urbom, that I will pay heed to your
21 admonition that I not take them too seriously. I
22 feel that many of them are primarily tributes to the
23 office, the dignity of this office to which I have
24 been so fortunate to be appointed.

25 Although I will have to admit that as I was

entering the building today I heard these two young ladies talking and one of them turned to the other and said, "You know, it took an Act of the President and confirmation by the Senate to make him an honorable man." (Laughter)

There are some people here who I would personally like to recognize and to thank and to share the honor of this appointment. First, of course, is my wife Regina; to my children, Missie; Susie who unfortunately was not able to be with us today; Amy; Cassie; David; Molly; and Brian; to my brother and sister; to Jim and to my grandson Scott -- each of you in your own way have helped me and have contributed to the development which has made it possible for me to receive the honor which I have received today. I thank you for your patience, for your kindness, and for the love which you have expressed to me over these many years.

In a special way I would like to share this honor with Jim Fitzgerald, who, unfortunately, couldn't be with us today; Jim Brown; Joe Leahy; and Chuck Schorr.

Many of you knew Bob Hamer, who was the trial partner in the old firm of Fitzgerald, Brown, Hamer and -- Fitzgerald, Hamer, Brown, and Leahy --

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you'd think I'd never forget that, but I did.

When Bob Hamer died back in the late '50's, those four gentlemen met and decided to let a young lawyer in the office assume the responsibilities of the trial work in the firm. That was a courageous decision on their part and a decision which probably was essential to my being here today, and to them I will always be eternally grateful.

I'd like to share also this honor with my partners and associates who, believe it or not, have always been willing to advise me. They've always been willing to disagree with me, and I understand that today they have, by some act, transferred to Judge Lay and the Court of Appeals the honor which they had of advising and of disagreeing (laughter).

I would like to share this honor with Adelaide Wichert, with Barbara Holder, and with Kris Schneiss, three of the finest secretaries which I think any lawyer has ever had. They are wonderful people. They are competent. They are efficient, and because they were careful, they kept me out of trouble. They've transferred that responsibility to Jean Roeder, and I hope her shoulders are broad enough to accept it.

And then, finally, I would just like to say

1 a word about Dave Houghton. I think throughout the
2 past five or six months Dave has counseled with me.
3 He's the one that's primarily responsible for putting
4 together today's program, the arrangements here.
5 Dave has been an invaluable aide to me and I'm not
6 sure how I will ever be able to thoroughly express
7 my appreciation for what he has done.

8 Now, just a few other comments. I consider
9 it a real privilege to fill the shoes of a man I
0 considered to be one of the finest Judges before
1 whom I ever practiced, Duke Schatz. He was a man of
2 compassion. He was a man of fairness. He was always
3 willing to listen. If I can, Donna, in just some
4 small way emulate Duke in my fulfillment of the
5 responsibilities which I've just assumed, I will
6 consider that I have been very, very successful,
7 and I want to personally thank you very much for
8 joining us here today in this very important occasion
9 certainly in the life of the Strom family.

10 I look forward to this opportunity to
11 serve our system of justice and the people of this
12 state. This I consider to be a tremendous opportunity.
13 I will devote all of my energy to the performance of
14 my duties as the United States District Judge and
15 will try to emulate those four traits which Socrates

twenty-four centuries ago said belonged to a Judge.

I will try to listen and hear courteously. I will try to consider soberly. I will try to answer wisely. And I certainly will try to decide impartially. With the help of God, through the Holy Spirit, I will do my best to justify the great trust which you have all placed in me today.

And I again thank you all very much for joining me on this very important occasion.

Thank you.

JUDGE URBOM: I shall now declare the closing of this court.

THE MARSHAL: The ceremonial court is now in recess.

*From The
Court Reporter
Nov. 18, 85*