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INVESTITURE
OF
THE HONORABLE THOMAS M. SHANAHAN

as District Judge, United States District Court
for the District of Nebraska

Courtroom No. 1
Zorinsky Federal Building
Omaha, Nebraska

December 10, 1993
3:00 P.M.

1 CHIEF DEPUTY MARSHAL AVARY: The Honorable Judges of
 2 the United States District Court. Hear ye; hear ye; hear ye.
 3 The United States District Court for the District of Nebraska
 4 is now open in ceremonial session. God save the United States
 5 and this Honorable Court.

6 CHIEF JUDGE STROM: Well, we've got a full house and
 7 it just shows, Tom, that you can sure fool a lot of the people
 8 some of the time.

9 On behalf of the United States District Court and, if
 10 I may, on behalf of the United States Court of Appeals for the
 11 Eighth Circuit, I want to welcome everyone here today to this
 12 Investiture Ceremony for Judge Shanahan.

13 This is an appointment that we have been anxiously
 14 waiting for for over three years now. The position was created
 15 three years ago by the Civil Justice Reform Act of 1990, which
 16 a lot of people refer to as the "Biden Bill." So it's taken
 17 some time to find the right man for the job, but we believe
 18 that the President and the Senate have certainly done that.

19 Before proceeding, I am going to introduce some of
 20 the persons that are present in the jury box, particularly.
 21 I'm not going to use the term "dignitaries" because I believe
 22 that all of you here today by your presence have dignified this
 23 proceeding and we appreciate it very much.

24 Before I recognize the people that are in the jury
 25 box, there are a number of members here from the judiciary, I

1 know from the Douglas County District Court and from
2 neighboring jurisdictions. In particular, I would like to
3 recognize some of the members of the Supreme Court of Nebraska
4 who are here and with whom Judge Shanahan served for I believe
5 some ten years. Present in the audience are Judge C. Thomas
6 White, Judge Leslie Boslaugh, Judge David Lanphier, and Judge
7 D. Nick Caporale. And if the four of you would please stand so
8 we could recognize you, please.

9 (Applause)

10 Thank you. If I recognized all of the other judges
11 present, I'm afraid I would use up all the time that's been
12 allotted me for these opening remarks, so we appreciate your
13 all being here very much and joining with us in this ceremony
14 today.

15 Seated in the jury box is--and I'm going to start at
16 the far left in the back row--is Magistrate Judge Tom Thalken.

17 Next to him is Magistrate Judge David Piester.

18 Next to Judge Piester is Chief Justice of the
19 Nebraska Supreme Court, William Hastings, his wife, Julie, and
20 their good friend, Miss Anderson.

21 Next to them is the President of the Nebraska State
22 Bar Association, Larry Yost, from Fremont, Nebraska, and his
23 wife.

24 In the front row--and I'm going to move down to the
25 far end again--is John Brownrigg and his wife, Betsy. John was

1 the past President of the Nebraska State Bar Association and I
2 wasn't sure Larry was going to be here today so I've invited
3 John to speak on behalf of the Nebraska State Bar Association,
4 and I understand that Larry has concurred in that decision.

5 Next to the Brownriggs is the Chief Judge of the
6 Bankruptcy Court, Timothy Mahoney.

7 And next to him is Magistrate Judge Kathleen
8 Jaudzemis.

9 And next is Bankruptcy Judge John Minahan.

10 And then Senior Judge Warren K. Urbom from Lincoln,
11 who has relished mostly in these recent appointments so that he
12 can surely take senior status, which he deserved years ago.

13 And finally, and certainly not least, Representative
14 from the Second District, Peter Hoagland.

15 REPRESENTATIVE HOAGLAND: Thank you.

16 CHIEF JUDGE STROM: Congressman. Let's give them a
17 hand.

18 (Applause)

19 Well, I understand that you have received your
20 commission. I haven't seen it, Judge Shanahan. I remember
21 when I was sworn in that Judge Urbom had to accept on faith the
22 fact that, like the proverbial check, the commission was in the
23 mail. But I know that in your case the commission has been
24 received. We've typed up that commission; I'm going to ask the
25 Clerk of our Court, Mr. Norbert Ebel, now if he would read the

1 commission into the record.

2 MR. EBEL: "William Jefferson Clinton, President of
3 the United States of America. To all who shall see these
4 presents, greeting: Know ye; that reposing special trust and
5 confidence in the wisdom, uprightness, and learning of Thomas
6 M. Shanahan of Nebraska, I have nominated, and, by and with the
7 advice and consent of the Senate, do appoint him United States
8 District Judge for the District of Nebraska and do authorize
9 and empower him to execute and fulfill the duties of that
10 office according to the Constitution and laws of the said
11 United States and to have and to hold the said office with all
12 the powers, privileges and emoluments to the same of right
13 appertaining unto him the said Thomas M. Shanahan during his
14 good behavior."

15 CHIEF JUDGE STROM: Thank you. And now, Judge
16 Shanahan, if you are prepared, if you will please stand. And
17 if you will raise your right hand and repeat after me.

18 (Whereupon, the Chief Judge of the United States
19 District Court for the District of Nebraska administered the
20 following oath of office to Judge Thomas M. Shanahan.)

21 "I, Thomas M. Shanahan, do solemnly swear that I will
22 administer justice without respect to persons, and do equal
23 right to the poor and to the rich, and that I will faithfully
24 and impartially discharge and perform all the duties incumbent
25 upon me as United States District Judge according to the best

1 of my abilities and understanding, agreeably to the
2 Constitution and the laws of the United States; and that I will
3 support and defend the Constitution of the United States
4 against all enemies, foreign and domestic; that I will bear
5 true faith and allegiance to the same; that I take this
6 obligation freely, without any mental reservation or purpose of
7 evasion; and that I will well and faithfully discharge the
8 duties of the office on which I am about to enter. So help me
9 God."

10 CHIEF JUDGE STROM: And then I'll invite Mrs.
11 Shanahan to now assist you in donning your robe.

12 (Mrs. Shanahan kisses Judge Shanahan.)

13 (Applause)

14 CHIEF JUDGE STROM: And then, Judge Shanahan, I will
15 invite you to join us on the bench. And I had understood that
16 the kisses were going to be reserved for the person
17 administering the oath, not the one taking it. I guess I
18 didn't give you a copy of the program, did I?

19 Before we proceed with this program, there is one
20 other person that I would personally like to recognize now, an
21 old-time friend of the Shanahan family and a woman who for
22 twelve years served as my secretary, which I think awards her
23 or grants her the right to sainthood, and I think Jean Roeder
24 would be the first to agree with that, but Mrs. Adelaide
25 Wichert. Adelaide, would you please stand.

1 (Applause)

2 Jean is rapidly learning all of the trials that you
3 had to go through for twelve years so she --

4 Well, at this time, I'm going to invite some people
5 here now to speak as part of this ceremony and the first person
6 I would like to call upon is The Honorable C. Arlen Beam, who
7 is a member of the United States Court of Appeals for the
8 Eighth Circuit, who will speak on behalf of the Circuit. Judge
9 Beam.

10 JUDGE BEAM: Thank you. By the way, Lyle, did that
11 commission ever show up?

12 CHIEF JUDGE STROM: The statute of limitations has
13 run.

14 JUDGE BEAM: I see. Judge Shanahan, welcome and best
15 wishes to you and Jane from the judges and staff of the United
16 States Court of Appeals for the Eighth Circuit. You, in my
17 view, are embarking on the best and the most important job in
18 the federal judiciary, that is, United States District Judge,
19 and in the location that I think is best, in the District of
20 Nebraska.

21 Betty told me on the way up that I should speak
22 directly to Jane. She says, "We know who keeps you federal
23 judges' feet on the ground." So Jane, you have a grave
24 responsibility. But I guess you've had that in Lincoln now for
25 the past ten years, so apparently everything will work out all

1 right on that score.

2 Tom, you come from a great court. I know this for a
3 lot of reasons, but especially because our diversity
4 jurisdiction requires me to read all of the appeals court
5 opinions from the seven states in our circuit. So I'm going to
6 leave the advice as to how to do your job to others who will
7 follow me. I will instead make just a couple of observations.
8 Perhaps one teeny little bit of advice in just a moment.

9 Your roots are here in Omaha, but your formative
10 years in the law were in the Sand Hills; as a matter of fact,
11 fifty or sixty miles as the crow flies from where I grew up.
12 And speaking of crows and the Sand Hills, my father was fond of
13 telling his acquaintances down on the Platte River, where there
14 was water, that during the Dust Bowl days of the 1930s so
15 little grew in the Nebraska Sand Hills that the crows carried
16 their lunch when they flew over. So I think between us we know
17 poor when we see it.

18 Anyway, it seems to me that this Sand Hills heritage
19 is great because, from my time out there, at least, it wasn't
20 unusual for a multimillion dollar deal to be formed between a
21 couple of ranchers based upon a shake of the hands and the
22 contract was properly performed because that's the right thing
23 to do, even sometimes when it hurt.

24 I think that's the essence, at least I believe it is,
25 that we try to encapsulate in these black robes we wear and

1 within these rules of procedure that we're so fond of following
2 in the federal courts. In other words, we do try to do equal
3 justice to the poor and to the rich.

4 Now, I have read your opinions, as I have indicated,
5 at least those that I've had to read the last six or seven
6 years, and I have read your dissents. And whatever some may
7 say for whatever reasons, political reasons or whatever, it's
8 my view that you call them as you see them.

9 Now I want to give you the little bit of advice that
10 I promised you: Don't change. And when anyone on the Appeals
11 Court happens to see something differently, just apply that
12 saying that the Nebraska District Judges have been applying to
13 the court you're just leaving: We're not last because we're
14 right; we're right; that is, at least until the U.S. Supreme
15 Court kicks us in the creek because we're last.

16 So thank you for letting me come today. Good luck in
17 your new job.

18 JUDGE SHANAHAN: Thank you. Thank you, Judge.

19 (Applause)

20 CHIEF JUDGE STROM: Judge Shanahan, I've received a
21 letter from Judge Donald P. Lay. He's the former Chief Judge
22 of the Eighth Circuit and has now taken senior status, and he
23 has requested that I read this today.

24 "Dear Judge Shanahan:

25 "As you know, I have made a previous commitment to

1 sit with the Ninth Circuit Court of Appeals on this date and
2 will not be able to be present. I regret this for several
3 reasons.

4 "First, I wanted to have been present to greet you
5 personally. I know that you will do a tremendous job. You
6 bring great talent and judicial experience to the bench. We
7 are sorely in need of the best people that we can obtain to be
8 on our federal district courts and you certainly are at the top
9 of this list.

10 "I have great nostalgia concerning the Federal
11 District Court of Nebraska. I cut my teeth trying cases before
12 two giants of the federal bench, John W. Delehant and James A.
13 Donohoe. During the days that I was in practice, however, I
14 tried most cases before two of the great Nebraska judges who
15 later became my great and close friends, Dick Robinson and Bob
16 Van Pelt. My respect for the judiciary was finely tuned
17 practicing before these distinguished jurists.

18 "Finally, I believe I have attended most of the
19 investitures of the Nebraska judges since I became a member of
20 the Bar of the State of Nebraska. Each of your predecessors
21 and present colleagues are among the finest judges in the
22 United States. For these reasons I sincerely regret my
23 inability to be with you and your family on this important day.

24 "Our court has always considered the Federal District
25 Court of Nebraska one of the very best in the nation. I know

1 that you will add to this level of distinction with great
2 fervor. I know that you will enjoy your tenure.

3 "I look forward to seeing you in the near future.

4 "Sincerely yours, Donald P. Lay."

5 So I'll present that to you.

6 Next I would like to call upon our colleague, Judge
7 Cambridge, for such remarks as he would like to make.

8 JUDGE CAMBRIDGE: Thank you, Judge Strom. Judge
9 Shanahan, I join with all the others here in congratulating you
10 on this new step or phase in your legal career and in extending
11 to you a sincere, warm welcome to the United States District
12 Court bench. I also extend those congratulations to your very
13 lovely wife and your family.

14 I think you already know how delighted we all are in
15 having you join us here on the bench. It's no secret that
16 we've been looking forward for a long time to having another
17 full-time Article III judge on our bench. And to have that
18 goal and desire finally come to fruition and to have that new
19 position filled by someone of your experience, capability and
20 talent is a most satisfying, wonderful event.

21 And of course you come from a very distinguished
22 bench. I think the Nebraska judiciary is, if not the finest,
23 one of the finest judiciaries in the nation. Of course I can
24 say that because I come from it, too, you know. Maybe I
25 shouldn't say it but I think I've been gone long enough that I

1 can say it and, in any event, it's the truth.

2 I promise you collegiality and with the caseloads we
3 have and with the commands on our time and the nature of our
4 work, it becomes difficult sometimes to even find time around
5 here for that but we can have it, we shall have it. I look
6 forward to working with you and your staff. And I consider it
7 a privilege to get to do so. I am confident that you will
8 continue to distinguish yourself, this court and the legal
9 profession. I wish you the very best toward that end and I
10 promise you that my staff and I will do whatever we can to help
11 and support you in that goal, which we all hold in common up
12 here on the bench, that is, the goal of administering justice
13 in accordance with the oath of office which you just took.
14 That's justice not in accordance with our own personal dictates
15 but justice in accordance and agreeable to the Constitution of
16 the United States and the laws of the United States.

17 Again, my sincere congratulations to you.

18 JUDGE SHANAHAN: Thanks.

19 (Applause)

20 CHIEF JUDGE STROM: Next I would like to call upon
21 Judge Richard Kopf for such remarks as he would care to make.
22 Judge.

23 JUDGE KOPF: Thank you, Judge Strom. Judge Shanahan,
24 Mrs. Shanahan, let me welcome you both to our court family.
25 It's indeed a pleasure.

1 It would be presumptuous of me, Judge Shanahan, to
2 give you a lot of advice and so I will not. In thinking about
3 my remarks today, although we practiced law not too far from
4 one another, I didn't know you well, and so I thought I would
5 try to know you better and began to read some of your opinions.
6 And one of them stands out. And I would like to read your
7 words to those assembled.

8 It's a case that I think you might be familiar with:
9 Broken Bow Production Credit Association versus Western Iowa
10 Farms. And that's a lovely little case about brands. And in
11 that case, the Court was required to construe Section 54-109 of
12 the Nebraska statutes having to do with, What does a brand
13 mean?

14 Judge Shanahan wrote, "Until today, some may have
15 believed that only Frankenstein created a monster, at least
16 those who had never examined 54-109 (Reissue 1988) concerning a
17 brand in relation to ownership of cattle. . . . Under the
18 present Section 54-109, some sidewindin' owlhoot could rustle
19 someone's branded cattle and wind up as the owner by being
20 caught with the critters--a result which is bad law, east or
21 west of the Pecos, and which violates not only the Code of the
22 Hills but common sense as well. Somebody better fetch the
23 marshal."

24 (Laughter)

25 You already know, Judge Shanahan, what I would have

1 told you, and that is, don't lose your sense of humor.

2 Congratulations.

3 JUDGE SHANAHAN: Thank you.

4 (Applause)

5 CHIEF JUDGE STROM: And now I would like to call upon
6 Judge Urbom for such remarks as he would care to make. Judge
7 Urbom.

8 SENIOR JUDGE URBOM: Thank you. Judge Shanahan, Tom,
9 welcome to the court. Glad to have you here.

10 JUDGE SHANAHAN: Thank you.

11 SENIOR JUDGE URBOM: Took you a long time to get here
12 but we're glad to see you finally made it.

13 There are several qualities that commend you to this
14 job. I know you that well, both from personal experience with
15 you and reading your opinions. Your experience, your
16 intellect, your modesty and your wit. All of those, singly or
17 together, are good reason for us to say welcome to the court.

18 And thank you, Jane, for letting him come.

19 (Applause)

20 CHIEF JUDGE STROM: And then I would like to call on
21 Magistrate Judge Dave Piester for such remarks as he would care
22 to make. Judge.

23 MAGISTRATE JUDGE PIESTER: I want to express my
24 appreciation for having the opportunity to work under your
25 supervision and guidance for the next several months and years.

1 I'm looking forward to it very much. As a magistrate judge, I
2 think it's important that you know that the district judges are
3 our bosses and we're so privileged because it's not very many
4 people who have bosses who have been selected by the President
5 of the United States and confirmed by the United States Senate.
6 And we're very happy about that.

7 I have only one suggestion and that has to do with
8 your roots in Keith County. I know that when many people think
9 of Keith County they think of a certain book that made the
10 best-seller list, called the Keith County Journal. And since
11 that title is taken, I would suggest that as you proceed
12 further in your career that you start the Keith County Digest
13 of those things legally important and significant in your
14 career. And my hope is that you start it not with a comparison
15 of the beginnings of the Keith County Journal, which is a
16 description of termites living in a cow pie, but, rather, my
17 expectation would be that this is a much better beginning than
18 that and that as it proceeds it will get better and so that
19 your achievements will be more widely known and respected and
20 hailed across the land.

21 Congratulations and welcome.

22 (Applause)

23 CHIEF JUDGE STROM: Next I'll call on Magistrate
24 Judge Kathy Jaudzemis for such remarks as she would care to
25 make.

1 MAGISTRATE JUDGE JAUDZEMIS: Judge Shanahan, in the
2 short week you've been with us you understand what a small
3 court we are. We sit around a lunch table monthly and we sit
4 around a conference table often. You've also learned that we
5 disagree often and oftentimes our disagreements are raucous.
6 That's because of our background; we are trial lawyers. But
7 despite our disagreements and despite the raucousness on
8 occasion of our disagreements, we have I think important things
9 in common. We share a deep and abiding respect and love for
10 this court. We share a genuine professional respect. And as
11 Judge Cambridge has also alluded to, we have a genuine sense of
12 collegiality.

13 So I offer you all of the services that I can provide
14 and the fine members of my staff can provide. I welcome you
15 and your wife to our court and I offer you that collegiality
16 that makes our raucous disagreements work.

17 (Applause)

18 CHIEF JUDGE STROM: Tom, when Kathy was referring to
19 us being a small court, she was referring to the number of us,
20 not our size. Next I would like to call -- It just happens
21 that way.

22 (Laughter)

23 CHIEF JUDGE STROM: Next I would like to call on
24 Magistrate Judge Tom Thalken.

25 MAGISTRATE JUDGE THALKEN: I've heard this before.

1 Now you know why we're a raucous court.

2 Judge Shanahan, welcome to the court. You've been a
3 long time coming and as a magistrate judge who is sort of
4 baby-sitting your docket, you are very welcome to have come on
5 board here.

6 I've heard much and read much with regards to your
7 opinion writing. It's been referred to by Judge Beam and Judge
8 Kopf and you are sort of known for some of your witticisms.
9 But I understand that you were somewhat restricted in some of
10 your witticisms because of the informal rules of the Supreme
11 Court about not footnoting and so you've been sort of
12 restricted. Well, I must tell you, here in federal court there
13 is no such rule and I look forward to many of your witticisms.

14 (Applause)

15 CHIEF JUDGE STROM: And next I would like to call
16 upon Chief Bankruptcy Judge Tim Mahoney for such remarks as he
17 would care to make.

18 CHIEF JUDGE MAHONEY: Judge Shanahan, before we came
19 out here we were in chambers for a few minutes and Judge Strom
20 mentioned to me that he would be calling upon me to say a few
21 words and I said I had about ten minutes' worth and he said,
22 "No, you don't." So what I want to say is welcome. I look
23 forward to working with you in your new great adventure and I
24 look forward to the party later on this afternoon.

25 (Applause)

1 CHIEF JUDGE STROM: Bankruptcy Judge John Minahan.
2 Judge.

3 JUDGE MINAHAN: Judge, several references have been
4 made to your decisions and although we've met a few times over
5 the years, I think that I've really come to know you more
6 through reading your decisions over the years than I have
7 through other things. In addition to the remarks that have
8 been made, I would add two other characteristics which I have
9 seen in your decisions. One is a sensitivity to individual
10 rights. The other is that you seem to have a good eye on the
11 practical, the consequences of your decisions, and what they
12 mean to people trying to apply the rules in real cases. I
13 would encourage you to continue in those endeavors, not to
14 change, and I wish you well on the bench.

15 (Applause)

16 CHIEF JUDGE STROM: Many of you may have noticed that
17 the remarks by the judges have been somewhat brief. And I
18 thought it might be appropriate that I tell you that when I
19 invited them to speak, that they were limited to saying some
20 good things that they knew about Judge Shanahan because I felt
21 that would keep their remarks short, and indeed it has.

22 Well, at this time I would like to call upon our
23 Congressman from the Second District, The Honorable Peter
24 Hoagland, to make such remarks as he cares to.

25 And Congressman Hoagland, if you would care to use

1 the podium and the microphone, be our guest.

2 REPRESENTATIVE HOAGLAND: Well, Judge Strom, thank
3 you, and I do have my 40-minute political speech here that I'm
4 pleased to deliver.

5 First of all, Judge Shanahan, I want to tell you that
6 I'm really shocked at the critical language you should have in
7 your opinions for the craftsmanship of the rural bloc of the
8 Nebraska Unicameral. And I'm confident that as you now are a
9 federal judge and reviewing acts of the United States Congress,
10 you will have no such comments.

11 Well, let me tell you that it's my pleasure to be
12 here on behalf of the political branch of our government, of
13 Senator Exon and Senator Kerrey and Governor Nelson, those of
14 us that participated in the recommendation to the White House
15 of Judge Shanahan, along with his highly competent assistant in
16 these endeavors, Tom Monaghan. And we're very proud, I can
17 tell you, the four of us, of the recommendation that we made
18 and we're pleased that the President adopted it.

19 This is a very, very special day for you, Judge, and
20 for Jane and your family, and clearly a day you're going to
21 remember the rest of your lives.

22 You're now a federal judge for life. I underscore
23 "for life." You know, for somebody in my position, that's
24 awfully hard to understand what exactly that means. But you've
25 worked very hard and you've had a sterling record and you very

1 much deserve this honor and we have great hope and great
2 expectations for a long and fruitful career.

3 I first met you, Judge Shanahan, in 1978 when you
4 were a stellar trial lawyer in western Nebraska. And you came
5 to the Nebraska Supreme Court having attended Creighton, Notre
6 Dame and Georgetown. And I followed closely your career on the
7 Nebraska Supreme Court as a member of the Legislature, the
8 independent course that you struck, a man who was unafraid to
9 file dissents and unafraid to go against a grain when you
10 thought that was necessary, and to really express the kind of
11 values that Nebraska very much needs and wants.

12 When we met in Senator Exon's office to go through
13 the many resumes we received and to consider making a
14 recommendation, why, we were looking for someone who was very
15 well prepared, who was very experienced, who had displayed a
16 judicial temperament in the past, but most of all for someone
17 who had reflected values of Nebraska: Independence, tough-
18 mindedness, strength and willingness to dissent. And why was
19 this so important? Well, we all know why it's so important.
20 As a member of the third branch of government, why, the
21 judiciary is our last line of defense between the individuals
22 in America and their government. You know, sometimes in the
23 legislative branch we're inclined to go with the passions of
24 the day; we resist them as best we can, but that's the nature
25 of majority rule which governs in the legislative branch. And

1 we really depend very much on the judiciary being the great
2 protector of freedoms, those who uphold the Bill of Rights--
3 that great document uniquely American that uniquely defines
4 individual rights in our country as against the government.

5 So I can tell you, Judge Shanahan, you were our quick
6 and unanimous choice. There was really little question from
7 the beginning of the deliberations as to what our
8 recommendation would be.

9 And you are joining what has been in Nebraska history
10 a truly extraordinary bench and a truly extraordinary
11 collection of very, very fine judges. And as we look past
12 through the recent roll call, we remember Judges Donohoe and
13 Delehant, Van Pelt and Robinson, Dier and Denney, Schatz and
14 Urbom, Beam and Strom, Cambridge and Kopf, and it really is a
15 wonderful collection of very fine minds applying an enormous
16 amount of intellectual integrity to the job, and we really do
17 have great expectations.

18 And as I'm here today, I'm reminded of the
19 personality and the values a friend of mine, who I know is a
20 friend of many of you in this courtroom, Bob Kutak, really
21 quite an extraordinary man, who spent two years clerking for
22 Judge Robinson but, thereafter, on Senator Hruska's staff and
23 after that was very much a part of the courtroom and the
24 chambers and the courthouse and so honored and respected the
25 values that our judicial system recommends and stands for. And

1 I was trying hard to think what Bob Kutak's advice would be on
2 a day like today, Judge Shanahan, and I know exactly what it
3 would be, as many of you would know who knew him well, and that
4 is: Do justice, love mercy, and walk humbly before thy God.
5 Thank you.

6 (Applause)

7 CHIEF JUDGE STROM: Well, it is with a little bit of
8 trepidation that I introduce the next speaker. He was Judge
9 Shanahan's, well, maybe in a sense boss for at least the last
10 few years. But I'm sure that we would all like to hear from
11 you, the Chief Justice of the Nebraska Supreme Court, William
12 Hastings. Judge Hastings.

13 CHIEF JUSTICE HASTINGS: May it please the Courts:
14 Coming up here, as any formal occasion, I worry a little bit
15 about protocol and about what to do. I was taught a long time
16 ago that if I, were I wont, to follow the lead of my host and
17 if my host said this, why that would be safe, like, "How do you
18 do, Mrs. Jones? How are you?" and so I, "How do you do, Mrs.
19 Jones? How are you?" Well, parroting the opening remarks of
20 the Chief Judge of this District, we too have been waiting for
21 this for a long, long time.

22 (Laughter and applause)

23 Tom knows I don't mean that. And let me say, I've
24 read all of his opinions. Judge Beam says he has, and I think
25 that he has. I've studied them, however. Judge Strom has put

1 a limitation on me as to time and therefore I don't necessarily
2 have to keep my remarks to laudatory remarks.

3 But, so proceeding with that, we commend our brother
4 Tom to you, to the court. And having been somewhat well
5 acquainted with his work habits the past ten years, don't be
6 surprised, the bench and the bar of this court, when cases
7 start trial at eight o'clock at night and go till four in the
8 morning. And don't be surprised, lawyers, if you get called
9 for pretrial conferences at four o'clock Saturday afternoon or
10 something like that, unless Notre Dame's playing football.

11 Tom is really--and I'm serious now--is really a hard
12 worker, and you'll find that out. I tried to get him to take
13 some time off when he was on the Court. I encouraged him to
14 take a vacation. He always, "Well, I don't have time."
15 Finally--and he's never forgiven me for this--he went out to
16 Jackson Hole and went fishing. Well, shoot, I thought he knew
17 how to fish but instead of baiting, putting the hook in the
18 fish, he put it in his thumb and it went clear through his
19 thumb and poor guy never did forgive me.

20 Well, then I tried one other time and I got him, and
21 he agreed to do this, to go down to Kansas City to federal
22 child support seminars for a couple of days. And he became so
23 enthralled with the Alice in Wonderland aspect of the federal
24 bureaucracy that I think that's why he wanted to become a
25 federal judge. So I think I had something to do with his being

1 a federal judge because of that.

2 Seriously, though, you'll find that Judge Shanahan is
3 a scholar of the law, you will find that he's conscientious.
4 You will find that he's thorough. You'll find that he'll work
5 hard and, in closing, Tom, I guess with Judge Cambridge having
6 made some remarks and references, I kind of feel like the
7 father would and say two of my boys made it here. But I think
8 I may have said some of the same things to -- I don't know that
9 I said them to Judge Cambridge because he had been a trial
10 judge. See, Judge Shanahan has been a little bit lacking
11 there, because the poor guy's never been a trial judge before,
12 so he started at the other end and I think it will stand him in
13 good stead.

14 But these are things that former Chief Judge Ed
15 Devitt of the District of Minnesota wrote as the ten
16 commandments for trial judges and among those are very simple
17 things. And I simply commend these to you, Judge Shanahan, and
18 I know that you've already had them and you'll continue to
19 exhibit them. Be kind, be patient, be dignified. Realize that
20 a lazy judge is a bad judge. Don't forget your common sense.
21 And don't take yourself too seriously.

22 We're really pleased, Judge Shanahan, Tom, that
23 you've come here and we know that you will serve with
24 distinction. Thank you for the opportunity to say these words.

25 (Applause)

1 CHIEF JUDGE STROM: And now I would like to call on
2 the Past President of the Nebraska State Bar Association, John
3 Brownrigg, to speak on behalf of the Bar. John.

4 MR. BROWNRIGG: Thank you, Judge Strom. May it
5 please the Court: On behalf of the approximately 7500 members
6 of the Nebraska State Bar Association, Judge Shanahan, may I
7 congratulate you and wish you our very best. One way to ensure
8 brevity in remarks is to tell those designated to speak that
9 they are to speak when they get comfortably ensconced in the
10 back corner seat as I did with my wife this afternoon. I will
11 be brief.

12 One thing I would like to say, and it's a comment
13 about one of the nice things--and there aren't all that
14 many--about aging. I find that the older I get, the more I
15 know the people who become judges and I know them as people,
16 not judges. People first and foremost. Betsy and I have been
17 very fortunate to get to know you, Judge Shanahan, and Jane
18 over the past several years. We've received many nice notes
19 from you and I hope you think the same of the ones you've
20 received from us.

21 Jane, you may not have Betsy's dress, she decided she
22 would keep it. The one you have on is lovely.

23 I want to tell you, Judge Shanahan, that it's been a
24 privilege for me to know you as a person, a human being first,
25 and as a judge second. You, in my mind, are the kind of person

1 we should all hope to be. You have been the kind of judge we
2 have a right to expect and we've been very fortunate to have on
3 our federal and state benches in this state. And for that I
4 thank God.

5 Congratulations and welcome back to Omaha.

6 (Applause)

7 CHIEF JUDGE STROM: Well, I knew that would happen,
8 if I let everybody else speak first there would be nothing else
9 good to say about Judge Shanahan, so I will make my remarks
10 very brief. But, you know, most of us start at the bottom and
11 work up. Here's the first man I've known who started at the
12 top and now is working down to the trial court. He found out,
13 as most of us have, that justice begins in this court. And I
14 think we all need to remember that. We hold a deep
15 responsibility to stand between the government and the citizens
16 of this country, to see to it that they do receive justice,
17 that they are treated fairly, that the laws are properly
18 interpreted to protect their rights and to protect them from an
19 overzealous and an overpowering government. And I don't know
20 anyone that I believe is more qualified to fill that position
21 than Tom Shanahan.

22 Tom and I have known each other for many years. I
23 have a deep and abiding respect for him, for his integrity, for
24 his intelligence, and I know that he's going to be an extremely
25 competent and valuable addition to our court and I look

1 forward, Tom, to the years of service that face both of us and
2 working with you. So, you have my sincere congratulations and
3 welcome to the United States District Court for the District of
4 Nebraska.

5 And with that, I'm going to turn the podium over to
6 you.

7 (Applause)

8 JUDGE SHANAHAN: Some of the speakers have indicated
9 this has been a long time coming, so here's my notice I'm going
10 on senior status. Where do I file?

11 CHIEF JUDGE STROM: You don't want to know.

12 JUDGE SHANAHAN: Before I get into what may be some
13 appropriate remarks, I would like to introduce the members of
14 my family. First my wife, my right hand, my heart and soul,
15 Jane.

16 MRS. SHANAHAN: Thank you.

17 (Applause)

18 JUDGE SHANAHAN: Then, my daughter Catherine, her
19 husband, Kirk. The three grandkids. They got here last night.
20 And when are you leaving?

21 (Laughter)

22 And next, my son Tom. And my daughter Mary. Son Tim
23 with his fiancée, Karen Anderson.

24 I don't see Theba out there; I don't know if she's
25 here. But she's certainly been a member of our family during

1 the last ten years. And Theba was my secretary at the Supreme
2 Court and to whom I owe so much and anything I say would be a
3 gross understatement.

4 You know, I look out there and I was looking to see
5 if Theba was here and I see these faces out there and the
6 expressions. There are expressions of relief, expressions of
7 surprise, and expressions of absolute astonishment that this is
8 going on.

9 And at the outset I want to thank -- well, there's so
10 many of these people, the judges and what they've done for me
11 already. They've done so much but maybe it's because I need
12 so much help. And they have expressed their offer of continued
13 help.

14 Of course Jane and I have known one of these judges
15 for quite some time. I've worked closely with him in the
16 activities of the Nebraska State Bar Association, served on the
17 Bar Association's Executive Council with him; I've grown to
18 know him quite well in our professional and personal life.
19 Jane and I have worked with this individual, as I say, gotten
20 to know him very, very closely, such a good friend, I would
21 just like personally to acknowledge Judge Storm -- Strom.
22 Strom, excuse me.

23 CHIEF JUDGE STROM: I'll get you for that.

24 JUDGE SHANAHAN: I mentioned looking out at the
25 various expressions on your faces and, you know, it was just a

1 little over ten years ago that there was an assembly such as
 2 this and I looked out and there was Mom. And Dad was dead at
 3 the time. Still is, for that matter. Dad was deceased and I
 4 looked at Mom and I said that Dad was in heaven with God and
 5 they were looking down and smiling. And today, Mom's with God
 6 and Dad and they're looking down and this has to be a real
 7 knee-slapper.

8 And I mention that because that kind of puts all this
 9 in perspective. All of us, even judges, are human beings and
 10 we're here for such a short time, but it is an opportunity to
 11 do so much good. And I hope, if I haven't embarked on that
 12 course yet, to certainly embark on that as a federal judge.

13 And for that reason, simply and humbly, I am grateful
 14 for the confidence expressed by President Clinton, Senators
 15 Exon and Kerrey, by Congressman Peter Hoagland and Governor Ben
 16 Nelson in my appointment to the federal judiciary, for their
 17 trust that I as a judge of the United States will continue to
 18 serve the people. During my time as a federal judge, yes,
 19 Congressman, I will follow the instruction in the Book of
 20 Micah, Chapter 6, Verse 8: Do justice, love mercy and walk
 21 humbly with thy God.

22 I believe that our judicial system is a good thing.
 23 But it could be made better. And I hope to contribute toward
 24 making that a better thing and to make it, if you will, a fine
 25 thing. And in the words of another Irishman, William Butler

1 Yeats, "It's certain there's no fine thing since Adam's fall
2 but needs much laboring." So our judicial system, to become a
3 fine thing, is going to require certainly your effort, my
4 effort as well.

5 I think I want to step down for a minute here if I
6 can, go off the bench. And I just ask Jane to come up here
7 with me. After Judge Strom adjourns this, you are all invited,
8 please come out to Castle Barrett; Sister Mary Barrett will be
9 there to take care of us all. Come out there for the
10 reception, the party.

11 But in all this I'm reminded of a novel written by
12 Thomas Wolfe. And he entitled it, You Can't Go Home Again.
13 Well, as Thomases are wont to do, he was wrong. Because Jane
14 and I are coming home again.

15 And with that, onward and upward, out to Barrett's
16 and God bless each one of you.

17 (Applause)

18 CHIEF JUDGE STROM: You can see why we're all excited
19 about having Judge Shanahan serve with us. I think he's going
20 to make a marvelous judge. And we certainly need him on this
21 bench to assist us in bringing our docket into a more
22 reasonable state.

23 So that will conclude the formal ceremonies and, Mr.
24 Avary, if you will, please, recess court; we will be in recess.

25 CHIEF DEPUTY MARSHAL AVARY: This Court is in recess.

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