

**RESOLUTION**  
**Regarding the Retirement to Senior Status**  
**of**  
**The Honorable Thomas M. Shanahan**  
**United States District Judge**  
**District of Nebraska**

*Presented by*  
*The Honorable Richard G. Kopf*  
*Chief Judge*  
*United States District Court*  
*District of Nebraska*

On St. Patrick's Day, March 17, 2004, our dear friend, Tom Shanahan, wrote the President of the United States to announce that he would take senior status on his 70<sup>th</sup> birthday, May 5, 2004. Befitting an Irishman and an honors graduate of Notre Dame, Tom began his letter to the President this way, "Faith and Begorrah." He ended the letter by expressing "[m]y gratitude . . . to the People for the opportunity to have served them."



This witty yet poignant letter perfectly captures the essence of Judge Shanahan. That is, the judge has an abiding faith in his god, an unshakable commitment to serving his fellow man, and a wonderfully self-deprecating sense of humor. Therefore, gathered as we are today at the 2004 Judicial Conference of the Eighth Circuit, we say to Tom, in the Gaelic that resides in his soul, "Maith thú" [Well done].

Tom was born in Omaha, Nebraska, on May 5, 1934. He received his high school diploma from Creighton Preparatory School in Omaha in 1952. He graduated from Notre Dame, magna cum laude, in 1956, and, as smart as he was, he had the good sense to marry Jane Estelle Lodge that same year. Tom and Jane have four children and a really goofy dog named "Fritz." He received his law degree from Georgetown University in 1959.

Soon after receiving his license, our friend left Washington, D.C., to practice law in Ogallala, Nebraska. Incidentally, one cannot get farther from our nation's capital than Ogallala. There, he became a partner in the prominent high plains litigation firm of McGinley, Lane, Mueller, Shanahan, O'Donnell & Merritt. Having received more than one beating at the hands of those folks, I attest to the fact that Tom and his partners were true trial lawyers. In fact, by the time Tom left the practice in 1983, and after nearly a quarter century in Ogallala, he had been actively involved in more than 500 cases.

During his time in Keith County, Tom was active in the bar. He served as president of the Western Nebraska Bar Association, as a representative in the Nebraska State Bar Association's House of Delegates, and as a member of the Nebraska State Bar Association's Executive Committee. Simply put, among his fellow lawyers, Tom was one of the most highly respected advocates in Nebraska.

Not surprisingly, in 1983 Tom was appointed to the Nebraska Supreme Court. Under Nebraska's version of the Missouri Plan, he was retained in office in 1986 and 1992. While on the Nebraska Supreme Court, Tom's opinions—in the majority, but especially in dissent—became the stuff of legend. His writings were funny, scholarly, and brutally honest. If you want a sample, read Broken Bow Production Credit Association v. Western Iowa Farms Co., 440 N.W.2d 480, 483 (Neb. 1989) (Shanahan, J., dissenting) (regarding the law of cattle brands, and Tom's view that the legislature, with the court's assistance, had completely screwed things up, the judge wrote: "Until today, some may have believed that only Frankenstein created a monster, at least those who had never examined § 54-109 (Reissue 1988) concerning a brand in relation to ownership of cattle. This court, like a loyal laboratory lackey, has assisted in loosing the monster in cattle country.")

The way Tom tells it, President Clinton's cat, "Socks," called him in 1993. While Tom is a "dog person," he took the call. Bill, or perhaps it really was "Socks," wanted to nominate Judge Shanahan to a seat on the United States District Court for the District of Nebraska. Tom agreed, and the President nominated him on August 6, 1993. Although receiving a few questions from Senator Dole (a man Tom now highly regards for his promotion of Viagra), the judge was quickly and easily confirmed. He was sworn in on November 22, 1993.

Judge Shanahan took the federal bench at a time when the caseloads in Nebraska were exploding. By the time he took senior status, Nebraska ranked 7<sup>th</sup> in the nation for criminal caseloads. Despite a brutal work load, and when not sidelined by serious illnesses, Tom labored virtually every day in his federal courtroom. In fact, it was not until quite recently that Tom took the first real vacation of his life.

While we all deny reading it, the *Almanac of the Federal Judiciary* is a pretty good source if one wants to read unvarnished comments by lawyers about federal judges. Despite a grant of anonymity, trial lawyers who appear before Judge Shanahan consistently rave about him. According to these experienced practitioners, Judge Shanahan is "a scholar"; he is "very, very bright"; he is the "smartest one we have" [which, according to Tom, is not saying much]; he "is very, very experienced"; Tom has a "great sense of humor"; the judge "is very genial"; Tom "runs an efficient courtroom"; Judge Shanahan is "well-prepared"; he runs a "fair courtroom"; he "doesn't lean towards either side"; and the judge is "evenhanded."

What the lawyers see and say, we judges know but rarely express. Tom is brilliant, funny, kind, a possessor of great good judgment, and absolutely committed to equality and fairness. He is a warm and helpful colleague, and, most especially, Tom is our beloved friend.

Although taking senior status, Tom will continue to try cases in Nebraska, shouldering a criminal docket far in excess of that handled by most federal judges. For that we are grateful. Nevertheless, our overarching hope is that Thomas Michael Shanahan will now give to himself some small fraction of the time he has devoted to the People. No one we know deserves it more.