

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
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OFFICE OF THE CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF)
THE REAPPOINTMENT OF)
DAVID L. PIESTER AS A)
UNITED STATES MAGISTRATE)
JUDGE)

STANDING ORDER
NO. 2004-14

During the year preceding the expiration of his term, Magistrate Judge David L. Piester expressed his willingness to be reappointed as a United States Magistrate Judge. In response, the active district judges of this court unanimously voted to consider reappointment of the incumbent magistrate judge pursuant to the Regulations of the Judicial Conference of the United States Establishing Standards and Procedures for the Appointment and Reappointment of United States Magistrate Judges.

On June 7, 2004, the court unanimously appointed Charles E. Lowe, Assistant Attorney General for the State of Nebraska, as chairperson of the reappointment committee. Mr. Lowe resides in Lincoln, Nebraska. The judges also unanimously appointed the following additional committee members: Jill Gradwohl Schroeder, a practicing attorney from Lincoln, Nebraska; Todd R. McWha, a practicing attorney from North Platte, Nebraska; Maria R. Moran, an Assistant United States Attorney from Omaha, Nebraska; Karen M. Shanahan, an Assistant Federal Public Defender from Omaha, Nebraska; Dr. Nancy Biggs, Assistant Superintendent for Human Resources of the Lincoln Public Schools, from Lincoln, Nebraska; and Judi M. gaiashkibos, Director of the Nebraska Commission on Indian Affairs, from Lincoln, Nebraska.

Public notice as required by the regulations was given in newspapers having a wide circulation, especially including newspapers that are published in the cities in which the court maintains a courthouse, to wit: the Omaha World Herald on Sunday,

June 13, 2004; the Lincoln Journal Star on Sunday, June 13, 2004; and the North Platte Telegraph on Sunday, June 13, 2004. Public notice was also given by placing the notice on the court's internet site starting on June 7, 2004 and extending through August of 2004 and on the Nebraska State Bar Association's internet site starting on June 9, 2004 and extending through August of 2004. Notice was also given to all lawyers registered with the court's electronic case filing system (CM/ECF). Notice was also given by posting a copy of the notice on the Clerk of Court's public bulletin boards in Omaha and Lincoln, Nebraska. As an example of the form of the notice which was given, a copy of the notice published in the Omaha World Herald is attached and incorporated herein.

In response to the notice, numerous comments were received and all comments were forwarded to the committee. The committee held an initial conference on July 27, 2004. Thereafter, and on August 17, 2004, the committee met with Judge Piester. On August 26, 2004, the committee submitted a detailed written report to the court with its recommendation.

The committee unanimously recommended the reappointment of Judge Piester. Among other things, the committee commented that Judge Piester exhibited "good judicial temperament," was "impartial and fair in his rulings," issued "thoroughly researched and well-reasoned" opinions, "is considered to be highly ethical and is respected as a judge by members of the legal community," and "is committed to excellence in the continued performance of his duties."

The active district judges considered the report and recommendation of the selection panel on September 9, 2004. On that day, and after careful consideration, the active district judges unanimously voted to reappoint Magistrate Judge David L. Piester to another eight-year term in office. Accordingly,

IT IS ORDERED that:

(1) The court confirms the previously mentioned unanimous appointment by the active district judges of a panel of citizens to consider the reappointment of Magistrate David L. Piester to an eight-year term pursuant to the Regulations of the Judicial Conference of the United States Establishing Standards and Procedures for the Appointment and Reappointment of United States Magistrate Judges.

(2) The court confirms that the previously mentioned notice was given to the public as required by law.

(3) The court confirms that it received the previously mentioned report of the committee.

(4) The court confirms that by unanimous vote of the active district judges, Magistrate Judge David L. Piester is reappointed as United States Magistrate Judge for the District of Nebraska, effective January 20, 2005, for a period of eight years.

(5) The judicial assistant to the undersigned shall provide a copy of this memorandum and order with the attached notice to the Administrative Office of the United States Courts, Magistrate's Judges Division, together with the duly executed original AO Form 79A.

DATED this 14th day of September, 2004.

BY THE COURT:



Richard G. Kopf
Chief Judge

PROOF OF PUBLICATION

AFFIDAVIT

State of Nebraska, County of Douglas, ss:

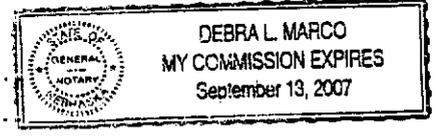
Trawn Griffin

....., being duly sworn, deposes and says that he is an employee of The Omaha World-Herald, a legal daily newspaper printed and published in the county of Douglas and State of Nebraska, and of general circulation in the Counties of Douglas and Sarpy and State of Nebraska, and that the attached printed notice was published in the said newspaper on the 13 day of June A. D., 2004, and that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge. The Omaha World-Herald has an average circulation of 222,271 daily, 268,336 Sunday, in 2004.

(Signed) Trawn Griffin Advertising Title:

Subscribed in my presence and sworn to before me this 15 day of June 20 04

Debra L. Marco
Notary Public



Printer's Fee \$
Affidavit
Paid by

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA
NOTICE OF REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE
The current term of the office of United States Magistrate Judge David L. Piester, who is stationed in Lincoln, Nebraska, is due to expire on January 19, 2005. The United States District Court for the District of Nebraska is required by law to establish a panel of citizens to consider the reappointment of the magistrate judge to a new eight-year term.
The duties of the magistrate judge position include the following:
(1) Conduct of most preliminary proceedings in criminal cases;
(2) Trial and disposition of misdemeanor cases;
(3) Conduct of various pretrial matters and evidentiary proceedings on delegation from the judges of the district court; and
(4) Trial and disposition of civil cases upon consent of the litigants.
Comments from members of the bar and public are invited as to whether the incumbent magistrate judge should be recommended by the panel for reappointment by the Court and should be directed to:
Denise M. Lucks
Chief Deputy Clerk
United States District Court for the District of Nebraska
Roman L. Hruska
U.S. Courthouse
111 S. 18th Plz. Ste. 1152
Omaha, NE 68102-1322
Comments must be received no later than Wednesday, July 21, 2004.