

THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

FOR IMMEDIATE RELEASE

U.S. DISTRICT JUDGE THOMAS SHANAHAN ANNOUNCES RETIREMENT TO SENIOR STATUS. NEBRASKA WILL LOSE A FEDERAL JUDGESHIP DESPITE INCREASED CASELOAD.

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Today Judge Thomas Shanahan announced his plan for retirement to senior status effective May 5, 2004, shortly after celebrating his 70th birthday. As a senior status judge, Shanahan will continue to take a limited number of cases to ease the case load demands on the remaining three active judges.

Shanahan was appointed to the United States District Court on November 22, 1993. Prior to serving on the federal court Shanahan was a Justice on the Nebraska Supreme Court. He was appointed to the Nebraska Supreme Court by then-Governor Robert Kerrey in 1983.

Said Chief Judge Richard Kopf of Shanahan, "Tom Shanahan has served Nebraska with great distinction on both the State and Federal courts. His insight and intelligence on the full time bench will be sorely missed." Judge Shanahan will join fellow septuagenarian senior status Judges Warren Urbom and Lyle Strom.

Judge Shanahan's retirement creates a vacancy on the Federal District Court bench that will not be filled. Congress has authorized the District Court of Nebraska three permanent judgeships and one temporary judgeship. The authorization for the temporary judgeship expired on November 22, 2003.

Since 1999 the judges of the Nebraska Federal District Court have requested Congress to convert the temporary judgeship to a permanent judgeship or to at least extend the authorization for the temporary position. To date, the Nebraska Congressional delegation has been unable to accomplish this task. Legislation to convert Nebraska's temporary judgeship to permanent was introduced in the Senate by Senator Nelson, and in the House by all three Congressional Representatives. Recently Senator Hagel introduced a Senate bill to convert Nebraska's temporary judgeship and the temporary judgeships for four other

states whose temporary judgeships also are in jeopardy. None of this legislation has been passed by either the Senate or the House of Representatives. However, a Senate bill, S878, was passed by the Senate and referred to the House of Representatives on June 2, 2003. S878 provides for the conversion of Nebraska's temporary judgeship in conjunction with additional district and bankruptcy judgeships around the country. The House has yet to act on this bill.

Currently, [the Nebraska District has the 7th highest per-judge criminal case load](#) in the country. It exceeds the case loads of districts that include the metropolitan areas of Los Angeles, New York City, Chicago and Miami. For example, Nebraska's felony per-judge case load is over three and a half times heavier than for judges in Los Angeles. "Our criminal case load has exploded over the last 5 years," said Chief Judge Richard Kopf. He further noted that ["from 1998 to 2003 our criminal felony caseload per judge has risen 97%."](#) (See Graph)

The district's per-judge [rank for weighted filings \(criminal and civil\) is 16th of 94 districts](#) nationwide. That represents a [30.5% increase in caseload since 1998](#) (See Graph). Since 1946, the federal judiciary has applied weights to filings in the U.S. District Courts to account for the different amounts of time judges require to resolve various types of civil and criminal actions. The total for "weighted filings" is the sum of all weights assigned to civil cases and to criminal felony defendants.

Kopf stated that "criminal cases take priority over all civil matters because the Constitution requires that criminal defendants have the right to a speedy trial. Consequently, the heavy criminal case load makes it increasingly difficult for the court to keep its docket current. It takes too long for civil cases to get trial settings." With Judge Shanahan's retirement it will be even more difficult to schedule noncriminal cases.

Judge Kopf noted that "at the next District of Nebraska Judicial Council meeting the judges will take up a resolution to suspend trying civil cases unless tried by visiting judges or magistrate judges. It is unfortunate that Congress has allowed the situation to become so critical that our active judges may no longer be able to handle noncriminal cases."

Practicing lawyers are very concerned about losing a judgeship in Nebraska. Omaha Bar Association President Michael Kinney observed that "losing a judgeship for Nebraska will create a disaster for the Federal District Court. We needed four active judges when the temporary judgeship was first authorized 14 years ago and we need them even more today." Nebraska State Bar President, John Grant also expresses his concern: "Without the fourth judgeship very few noncriminal cases will be handled. Cases concerning Social Security benefits, health insurance coverage, civil rights, and personal injury aren't going to get heard on a timely basis."