UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA



INVESTITURE

of

JOHN M. GERRARD

as

UNITED STATES DISTRICT JUDGE

MARCH 30, 2012 3:00 P.M.

ROMAN L. HRUSKA
UNITED STATES COURTHOUSE
COURTROOM 1, FOURTH FLOOR
111 SOUTH 18TH PLAZA
OMAHA, NEBRASKA

DEPUTY CLERK COLLEEN BERAN: All rise. The Honorable Judges of the United States Courts. Hear ye; hear ye. The United States District Court for the District of Nebraska is now convened in ceremonial session. The Honorable Laurie Smith Camp, Chief Judge, is presiding. God save the United States and this Honorable Court.

CHIEF JUDGE SMITH CAMP: Thank you. Please remain standing for the presentation of the colors, the opening song and the invocation.

(The Boy Scouts presented the colors.)

(The Pledge of Allegiance was said.)

(Camille Metoyer Moten sang "America the Beautiful.")
(Applause)

CHIEF JUDGE SMITH CAMP: Thank you, Camille. That was just wonderful. And we will have an opportunity to hear from Camille again a little later.

Now we welcome the Reverend Michael Hsu, Pastor of Lincoln's Grace Chapel Presbyterian Church, who will offer the invocation this afternoon.

Pastor Hsu.

PASTOR HSU: Let's pray together. Lord God, we give you much thanks for Judge John Gerrard, our friend, brother, husband, son, father, grandfather and fellow servant of this great country we live in, as well as servant of yours. We pray that you would give John grace, wisdom and knowledge as he

endeavors to uphold the Constitution of the United States of
America as well as your Holy Word, to always remain humble and
teachable as his responsibilities are many and great, to do
justice, to love mercy and to walk humbly with his God as the
prophet Micah has said.

Lord, your Holy Scriptures say that there are no governing authorities except those established by you, that such people have been placed in the unique positions that they are to do good, promote righteousness and to restrain evil. Send your presence and favor that John will always have the steel in his heart to do good and to make sound judgments in this new role; prosper his work and grow my brother more and more into the man you desire for him to be.

And we pray with hope for the fulfillment of the proverb that says when the righteous prosper, the city rejoices. When our cities, states, country and even the world rejoice because of the good work of our friend and fellow servant John. May your favor rest upon him, oh, Lord; establish the work of his hands. Oh, Lord, establish the work of his hands. We pray, believing that thine is the kingdom and the power and the glory forever. Amen.

CHIEF JUDGE SMITH CAMP: Thank you, Reverend Hsu. Please be seated.

Welcome to the U.S. District Court for the District of Nebraska. And a special thanks to the gentlemen of Troop 319

for the presentation of the colors, the Boy Scouts of America.

Thank you.

I'm Judge Laurie Smith Camp, the Chief Judge of the District and I'm your emcee today. But I can take no credit for this happy occasion. We are here, of course, to celebrate the investiture of the 21st Federal District Judge in Nebraska, Judge John Gerrard.

The credit for this occasion goes to two individuals who had determined and persistent bipartisan efforts to make sure that the judge of the highest quality was selected for this position, and our thanks go to Senator Ben Nelson and Senator Mike Johanns. The people of the State of Nebraska, and particularly the judges of this court, owe you the deepest gratitude for working across party lines at a difficult time and we are not only proud of you, you make us proud to be Nebraskans. A round of applause.

(Applause)

CHIEF JUDGE SMITH CAMP: I will be introducing the senators and the other speakers shortly but first we want to recognize some other very special guests. And I promise to lead you in applause at the appropriate moment.

We will start with Judge Gerrard's immediate family. We welcome his wife, Nancy; and his daughter Erin Ching with son Joshua; also daughter Michaela and her husband Brandon Mueller with their son Jack; son Eric and his wife, Esther, with their

daughter Jayla, who is clapping her hands right now; and son Mitchell. We're also pleased to have Judge Gerrard's sisters, Mary and Anne, and his brother Bill joining us today.

And, Nancy, I told John that today he's a little bit like a bridegroom but the honeymoon will be short and will not be as much fun as the first one.

We're very fortunate to have with us today the two Deans of Nebraska's two outstanding law schools and I will introduce them in alphabetical order. Dean Marianne Culhane of Creighton University School of law and Dean Susan Poser of the University of Nebraska College of Law.

And from the alma mater of both Judge Gerrard and Judge Warren Urbom, we welcome Dr. Fred Ohles, the President of Nebraska Wesleyan University, and his wife, Rosemary.

Let's give a warm round of applause.

(Applause)

CHIEF JUDGE SMITH CAMP: And of course we're very pleased to have with us today many of Judge Gerrard's colleagues from the state court bench. Most of them are seated over to my left but many of you are also with us in the back and we're very happy to have all of you here.

There's Chief Justice Mike Heavican hiding in the corner. Welcome.

Justice Ken Stephan and his wife, Sharon, who many of you know is also the daughter of our Senior Judge Don Ross of the

U.S. Court of Appeals, who is not able to be with us today.

Justice Mike McCormack and his wife, Mary Kay, and Justice Bill Connolly and his wife, Betty. Also former Chief Justice C. Thomas White in the back and former Justices Nick Caporale and David Lanphier.

From the Nebraska Court of Appeals, with us today are
Chief Judge Everett Inbody; Judge Richard Sievers; Judge
William Cassel and his wife, Audrey; Judge John Irwin and his
wife, Monica; and Judge Frankie Moore.

We also welcome the judges of the State District Court, County Court, Separate Juvenile Court, Workers' Compensation Court and the administrative staff of the state judiciary.

Ah, I missed Judge Wright, Judge John Wright. Welcome.

It is great to see you here. Judge Wright is always kind of modest was my impression of him and so my apologies for missing you.

Now, I will introduce the -- well, let's give the judges from the state court a round of applause.

(Applause)

CHIEF JUDGE SMITH CAMP: And I'll introduce the federal judges starting with the Bankruptcy Court and ending with the Court of Appeals for reasons that will become obvious at the end. We welcome the Chief Judge of the Bankruptcy Court, Tom Saladino, and also Judge Tim Mahoney.

And in front of me here at the front bench from the

Magistrate Judge bench are Judge Tom Thalken, Judge F.A.

Gossett and Judge Cheryl Zwart. And I believe that Kathy

Circo-Gossett is with us here today. And David is -- Did

David make it today?

JUDGE ZWART: No.

CHIEF JUDGE SMITH CAMP: No. All right. Very good.

I don't want to miss another person so raise your hand if I should be calling on you.

From the District Court bench, on my left is Judge Joe
Bataillon and his wife, Pam Bataillon, is with us today. Also
Senior Judge Warren Urbom is in front of me to the left and his
friend, Jo Harrington, at the end of the aisle. Senior Judge
Lyle Strom in front of me to my left. And Senior Judge Richard
Kopf and his wife, Joan, is also with us today.

On my right is Senior Judge Arlen Beam. His wife, Betty, is with us.

And I have now worked my way up to Chief Judge William Jay Riley and he is the first speaker of the day so let me tell you a little bit more about Chief Judge Riley.

Judge Riley is the Chief Judge of the U.S. Court of

Appeals for the Eighth Circuit. That includes Nebraska, the

Dakotas, Minnesota, Iowa, Missouri, and Arkansas. He serves on
the Judicial Conference of the United States with Chief Justice

John Roberts and they make policy for the governance of the

Federal Courts.

He is well-qualified for such a leadership role because he also served as a scoutmaster for ten years and as a trustee of the Mid-America Council of the Boy Scouts of America. Please welcome Judge Riley.

(Applause)

CHIEF JUDGE RILEY: Thank you very much. Chief Judge Smith Camp, Chief Justice Heavican, all the distinguished members of the judiciary, both the state and the federal judiciary. And also Senator Nelson and Senator Johanns, I want to thank you both for being here. I second everything Chief Judge Smith Camp said about your cooperation and getting an outstanding judge.

Judge Smith Camp took a little bit of what I was going to talk to you about. It was a little bit about the Circuit and where Judge Gerrard will fit into that. We cover seven states and Nebraska's one of ten districts in the Eighth Circuit Court of Appeals -- or in the Eighth Circuit.

In the Eighth Circuit I wanted to mention I -- one thing I'm told by my staff all the time is they remind me I am the Chief Judge of the Circuit, I am not the Chief Judge of the Court of Appeals, and to know that I'm responsible in several ways for all of the District Courts.

Judge Gerrard becomes one of 42 District Judges in the Eighth Circuit. Obviously, there are Circuit Judges,
Magistrate Judges and Bankruptcy Judges also in the Circuit.

The Circuit is governed by a Judicial Council. A Judicial Council -- you may think that we're governed by Washington, D.C., but it's a little trick of Congress that actually the Circuits are pretty independent. We govern ourselves.

And one thing that's done in Nebraska is while Chief

Judges of the districts sit on this council, as well as the

Circuit judges, Nebraska has a tradition of allowing the junior

judge to sit on there, and so Judge John Gerrard will now be a

member of the Judicial Council, which is the decision-making

body for all seven states for the federal judiciary.

Already he is now on the Death Penalty Cases Committee and the Space and Facilities Committee, which are certainly two of the most important and active committees that you want to see. So that becomes his job -- or part of his job.

I have known John Gerrard for many years. I couldn't count them but probably 20 years or more. When we were young lawyers, a lot younger than we are now, and we tried cases against each other, we were opposing each other, and it was always a pleasure to litigate with John Gerrard because of his integrity.

He then became a justice of the Nebraska Supreme Court and he and I worked together when I was in the Bar as the chair of the ethics committee. We worked together on ethics matters.

We worked together on discrimination matters. And I saw what an outstanding justice and a commitment he has to civil rights

in that.

We're both members of the American Board of Trial

Advocates and we're active on that committee at meetings. The

purpose is to preserve the jury system.

All of that has convinced me that he is a man of character and I think Senator Nelson and Senator Johanns recognize that. He is a man of integrity. He is a true professional. He cares about people and equal opportunity. He is knowledgeable and experienced in the law. He is personable and has a keen sense of humor and humility which are traits that all outstanding judges have.

This seat that he is now assuming in Lincoln has a very distinguished history. It was created by statute in 1907.

President Theodore Roosevelt appointed Judge Thomas Charles

Munger as the first District Judge. President Franklin

Roosevelt appointed a successor, John Delehant. President

Dwight Eisenhower appointed that successor, Judge Robert

Van Pelt, and President Richard Nixon appointed our Judge

Warren Urbom, and President George H. W. Bush appointed Judge

Richard Kopf.

These are outstanding judges and have been recognized throughout the history of the federal judiciary as distinguished judges coming out of the state of Nebraska. And Judge Gerrard will continue that tradition of excellence.

I want to end with paraphrasing something that one of

those judges said to Judge Lyle Strom upon his investiture and that Judge Strom passed it on to me at my investiture and I'm going to pass that advice on to you.

Judge Robert Van Pelt, and this I'm sure is not in his words, which were probably much more eloquent, but he said applying to you: It was John Gerrard who brought you here and it is John Gerrard who will be an outstanding judge. Don't change. Just be yourself.

Congratulations.

(Applause)

CHIEF JUDGE SMITH CAMP: Thank you, Chief Judge Riley.

And it is true that Chief Judge Riley does remind me from time to time that he's not only the Chief Judge of the Court of Appeals but the chief of the entire Circuit which makes him my boss, and I don't argue the point with him.

Our next speaker Ben Nelson was a successful lawyer and businessman before he was elected and reelected as Nebraska's governor and elected and reelected as a United States Senator. The list of his honors and awards is truly staggering and so I will mention only one, the Distinguished Eagle Award from the National Eagle Scout Association.

Please welcome Senator Ben Nelson.

(Applause)

SENATOR NELSON: Thank you, Your Honor. And I have to say you selected the one that is most meaningful to me as well.

Thank you so very, very much.

Well, Judge Gerrard, most of the time the very flattering things that were being said about you are preserved for your eulogy but these words, obviously heartfelt, really do tell a story about you as a person and as a jurist.

Working in partnership with my colleague and friend

Senator Johanns, it really has been an honor to guide Judge

Gerrard through the confirmation process in the United States

Senate, and I have to say it takes more than one guide to get

anyone through that process in the United States Senate.

The Senate's strong bipartisan confirmation of Judge Gerrard, however, is a testament to the outstanding experience, keen intellect and clear judgment that he's bringing to the federal bench. It's those qualities which led me to recommend, and to have the recommendation as well of my colleague Senator Johanns, to President Obama that he nominate Judge Gerrard for the U.S. District Court for Nebraska, that he make that appointment.

Judge Gerrard built an exceptional record in both private practice and on the Supreme Court bench. And he's obviously going to do an outstanding job in his new position. I likewise have known John Gerrard for more than 20 years. He's a man of strong character, strong core values and he's a judge who has always taken the objective approach to applying the law.

As governor it was my honor and privilege to appoint him

to the Nebraska Supreme Court in 1995. The people of Nebraska approved of his service and voted to retain Judge Gerrard on our state's highest court three times. He's consistently received top ratings from the Nebraska Bar Association in its biannual judicial evaluations. In 2006 he received the Distinguished Judge for Improvement of the Judicial System Award for leading initiatives honoring racial and ethnic fairness under law.

In 2008 he received the Legal Pioneer Award for utilizing technology to improve Nebraska citizens' understanding and participation in our courts.

And on the Nebraska Supreme Court, he's authored more than 400 opinions. This includes a number of very, very important opinions.

But prior to his service on the Nebraska Supreme Court, he was in practice in Norfolk for 14 years. It always sounds funny to say that lawyers are practicing. People think that they ought to be doing, not practicing.

But prior to his service he served the Court as the Battle Creek City Attorney and as counsel to Northeast Community College, Norfolk Public Schools and other northeast Nebraska school districts. Nebraskans and I are fortunate, all of us are fortunate, to have him serving on this U.S. District Court bench.

I can say that in my eight years as governor, having

appointed almost 50 percent of the judges in Nebraska, including at one time the entire Court of Appeals and the Nebraska Supreme Court, that I've looked at that as one of the major legacies that any governor could lead the state through his or her tour of duty. What I have to say is I may not have been good at it but I've had a lot of practice.

Thank you very, very much.

(Applause)

CHIEF JUDGE SMITH CAMP: Thank you, Senator Nelson.

Senator Mike Johanns was also a successful lawyer before serving as the mayor of Lincoln, the governor of Nebraska, the United States Secretary of Agriculture and a United States Senator. Senator Johanns is a man of grace and humor as he demonstrated year after year in Lincoln's Gridiron Show, and only those of you who lived in Lincoln in the '80s will understand this but he is the only man I know with the courage to cancel Halloween. Give him a round of applause.

(Applause).

SENATOR JOHANNS: Well, Judge, thank you. I think you're right. My legacy as mayor of Lincoln is that I did cancel Halloween one year. And here I am this conservative Republican, you know.

Let me -- if I might, I'll start out, ladies and gentlemen, and pay tribute to my friend and colleague Senator Ben Nelson.

We all know these days that some very qualified people do not get to the finish line when it comes to confirmation to join the federal judiciary. It's just that kind of atmosphere these days, unfortunately.

Senator Nelson, even before he made the announcement that this was the person he had in mind to suggest to the President of the United States, called me on the telephone and he said, "Mike, I'm thinking of somebody for the U.S. District Court in Nebraska, John Gerrard. I would like you to take the time to go visit with him and then call me and let me know what you think."

Well, I had a pretty good idea of what I was going to think because I knew Judge Gerrard for so many years like many people here today. But I did that. I sat down with the judge and there was just never any doubt in my mind that we had an outstanding candidate. And I called Senator Nelson back and I said, "You're absolutely right. Let me know how I can help."

You know, I just think, Ben, that if more senators would adopt that kind of bipartisan view, we wouldn't have the gridlock that we often experience with judges and I thank you for including me in the process.

Ladies and gentlemen, I have every confidence that Judge Gerrard will fulfill this appointment with great integrity and humility. It was my pleasure, Judge, to be your advocate in the United States Senate and on the senate floor. Your record

is enormously impressive and you've earned the respect and support of all Nebraskans.

The hundreds of opinions you've authored through your 16 years on the Nebraska Supreme Court reveal real clarity and philosophy regarding the powers but also the limitations of a judge. Your commitment to adhere to the laws of our great nation and our Constitution, it's necessary, it's finding and it's unequivocal.

I recall our first meeting many months ago as I talked. I was struck again by your humble nature and your willingness to face intense scrutiny in deference to the significance of your appointment and our right to offer advice in confirmation.

Throughout this year-and-a-half-long process, I've enjoyed our interactions, which have reinforced my belief that you're going to serve us with great distinction. Nebraskans not only here today but across the state have every right to feel very proud of you.

From the halls of Battle Creek to the state's highest court, I believe you're going to do our state proud as a United States District Judge. So on behalf of Nebraskans but also on behalf of all Americans, I thank you first for your patience throughout this important process and your commitment to administer justice equally and fairly under the law.

I hope you and this very special family enjoy this occasion. God bless you.

(Applause)

CHIEF JUDGE SMITH CAMP: Thank you, Senator Johanns.

Like Judge Gerrard, Chief Justice Mike Heavican's roots are in Colfax County. Chief Justice Heavican served as the United States Attorney, the chief federal prosecutor in Nebraska, before becoming the chief judicial officer of the State of Nebraska. The judges of the federal court were grateful when he was appointed chief justice not only because Nebraska was very well served but also because our criminal caseload decreased.

Please welcome Chief Justice Heavican.

(Applause)

CHIEF JUSTICE HEAVICAN: Thank you, Judge Smith Camp, very much. Members of the federal judiciary, members of the Nebraska judiciary, Senators Johanns and Nelson, John and Nancy Gerrard and your family, and all of our guests here today, we're here obviously to celebrate and commemorate John Gerrard's investiture as a United States District Court Judge.

Speaking for the Nebraska Supreme Court and all of Nebraska's judiciary, we view this ceremony as a gifting event. We are gifting John Gerrard to the federal judiciary. We could not be giving you a better gift. John Gerrard is hard working, generous, determined and has a great deal of common sense.

He served on the Nebraska Supreme Court as noted over 16 years and wrote hundreds of opinions during that time. Among

his other accomplishments on the Court, John served as the chair or co-chair of the Court's Minority Justice Committee, the Judicial Branch Education Committee and the Interpreter Advisory Committee.

Prior to his service on the Supreme Court, as Senator
Nelson noted, John practiced law in Norfolk for 14 years. He
obviously learned some things about hard work both on the
courts and in Norfolk. Where John really learned about hard
work was in Schuyler, Nebraska, out in Colfax County. John is
a son of and product of Schuyler, Nebraska. I say that with
some pride because I'm also a product of Schuyler, Nebraska.

And though I am a few years older than John, I've known him and his family since I was a child. John's parents, Mel and Eileen, were models of hard work, determination, generosity and common sense. And they were more than that. They were true public servants. Eileen was a no-nonsense nurse and Mel was a tough veteran who served his country and community in many capacities, including justice of the peace.

In John's family nothing was wasted, help was given to other members of the community who were in need and everyone always made the most of what they had.

Great public servants raise their children to be great public servants and so the gift that the Nebraska judicial system gives to the federal judicial system is one we only helped to fine-tune. John Gerrard is a great public servant

because of the values of his parents and family in the community they served. He will be a fine addition to the federal bench.

John, from the Nebraska Supreme Court and the entire Nebraska judicial system, we wish you the best of everything.

And to our friends in the federal judicial system, congratulations again, you are receiving the best gift we could give you. You will treasure your years with John Gerrard.

(Applause)

CHIEF JUDGE SMITH CAMP: Thank you, Chief Justice Heavican.

Senior Judge Richard Kopf of the U.S. District Court was not a Boy Scout because he had trouble tying knots. Although speaking as a lawyer who practiced before him, I can attest that he had no trouble tying lawyers into knots. Judge Kopf was a law clerk to a distinguished Federal Circuit Judge, Sharon's dad, Don Ross. He was a successful lawyer in Lexington. He was a Federal Magistrate Judge and he has served on the Federal District Court bench since 1992 acting as a valued mentor to all of us who have followed.

Please welcome Judge Richard Kopf.

(Applause)

SENIOR JUDGE KOPF: John, I suppose you asked me to speak about this because you assumed I had some wisdom to impart. At this point, I can't see him but I know that Lyle's eyes are

just going like this (indicating). Wisdom and Kopf? Those two things don't go together.

Understanding then, John, that wisdom may have left the building as I begin to speak, these are my thoughts. I've been thinking some about this and I want to talk to you about, as an introduction, the best judge never to make it onto the United States Supreme Court. He came from this part of the country, a little south, and his name was Richard Arnold.

Richard went to Yale, first in his class, studied Latin and Greek, Phi Beta Kappa, went to Harvard, was first in his class, beat Scalia, clerked for Brennan, went back into politics -- Democratic politics in Arkansas.

In 1994 President Clinton desperately wanted to put Richard on the Supreme Court. And if you read Toobin's book, The Nine, and you go to page 94 of it, you will see Toobin's recounting of Clinton weeping as he told Richard that he couldn't go to the Supreme Court because Richard had lymphoma and that lymphoma would ultimately take Richard's life.

What does that have to do with your happy investiture?

Well, there are two things. The first thing is when Richard became a district judge, he was working for Senator Dale Bumper, and I want to read to you Richard's description of his confirmation.

It goes something like this: One day in June of 1978, as I was sitting in my little cubicle in Senator Dale Bumper's

office in the Dirkson Office Building, the Senator called me and said, Richard, a United States District Judge in Arkansas has died, and I want you to fix me up a letter to President Carter recommending you to be a United States District Judge. I wrote him a hell of a letter.

Now, those were kinder and gentler times, and you know that the confirmation process has become somewhat more complicated but even then one had to be confirmed by the United States Senate, and the person in charge of the Senate Judiciary Committee was none other than Chairman James Eastland, a senior senator from Mississippi.

And it happened that one day after I'd been nominated I got on the elevator in the Dirkson Building with Dale and Senator Eastland was on the elevator. Dale said to him, "Jim, the President has nominated Richard here," and he jerked his thumb at me in my direction as if at some insignificant object, which I was. He said, "The President nominated Richard here to be a United States District Judge, and I want you to confirm him."

So we got down to the ground floor, and the great majestic elevator doors opened up, and it's time to get off, and Senator Eastland looks at me and he says, "After you, Judge." So you see, I got confirmed in the elevator. It's the much preferable practice.

Well, John, you weren't confirmed in an elevator. You

were confirmed as the first item of business on the day the Senate began in January of 2012 and you were confirmed with strong bipartisan support. That's a tribute to you, but most especially to Senator Nelson and Senator Johanns.

As for Senator Sessions, let me simply say that Senator Sessions could learn a thing or two from Big Jim Eastland. Enough of that.

The second thing about Richard that I think is relevant to your investiture is something he wrote to me. I had become familiar with Richard as a result of my association with Judge Donald Ross. Judge Arnold wrote me at the time of my investiture that I would never be as popular as I was on the day of the investiture. He said it was all downhill from there.

At the time I thought Richard was just being humorous, as Richard could be hysterically humorous. But Judge Arnold knew a thing or two about pissing people off, if you'll forgive me. In 1983 in a unanimous opinion written by his former boss, Justice Brennan, the Supreme Court unanimously reversed Judge Arnold and held that Minnesota could require the Jaycees to admit women -- could require the Jaycees to refuse to admit women despite the First Amendment guaranty of freedom of association.

To say the least, Judge Arnold was pilloried in the press, in academe, by fellow Democrats and among women's groups

everywhere. How could Richard Arnold, they thundered, write an opinion to hold that businessmen had a First Amendment right to exclude businesswomen? Parenthetically, scholars, who later looked at the *Jaycees* case and compared that opinion with Judge Arnold's opinion for the Circuit, thought and still think that Richard had the better of the constitutional argument.

So in 1992 when Judge Arnold wrote me about popularity, it is apparent he was also making a deadly serious point. Federal judges are not supposed to be popular. They must never care about being popular.

I don't know when, John, but I know it's coming. You will get a case that is nasty and hard. If you decide one way, you will be celebrated. If you decide the other way, your law clerks, your dear wife, your dear children, your friends, your neighbors, your church, your dogs, your cats will be angry as hell with you. At the moment of your decision, John, remember Judge Arnold and forget everyone else.

Best wishes, my friend.

(Applause)

CHIEF JUDGE SMITH CAMP: Thank you, Judge Kopf.

Judge Bataillon, when I introduced you a little earlier, I got you a bit out of order but I assume you've forgiven me.

And now I'd like you to join me down in the well of the court where Judge Bataillon will be reading the Presidential Commission and I will administer the oath of office.

Judge Gerrard, if you'll come forward.

JUDGE BATAILLON: Welcome, by the way.

JUDGE GERRARD: Thank you, Joe.

United States of America. To all who shall see these presents, greetings: Know Ye; that reposing special trust and confidence in the Wisdom, Uprightness, and Learning of John M. Gerrard, of Nebraska, I have nominated, and, by and with the advice and consent of the Senate, do appoint him United States District Judge for the District of Nebraska and do authorize and empower him to execute and fulfill the duties of that office, according to the Constitution and Laws of said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said John M. Gerrard during his good behavior.

"In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to hereunto be affixed. Done at the City of Washington, the 6th day of February, in the year of our Lord, two thousand twelve, and of the Independence of the United States of America, the two hundred and thirty-sixth." Signed by the President, Barack Obama, signed by the Attorney General, Eric Holder, Jr.

CHIEF JUDGE SMITH CAMP: Thank you, Judge Bataillon.

Let's get Judge Gerrard by the microphone and I'll stand with my back so everyone can see you and hear you.

And this is the oath of office.

(Chief Judge Smith Camp administered the following oath of office to Judge Gerrard:)

"I, John M. Gerrard, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as United States District Judge for the District of Nebraska under the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I'm about to enter. So help me God."

(Applause)

CHIEF JUDGE SMITH CAMP: Well, Nancy, I'm not sure how many people it takes to help a federal judge put on his robe, but if you and all the children will come forward and help robe John Gerrard, then we will hear his remarks. Thank you.

(The enrobing was done by Nancy Gerrard, wife of Judge Gerrard, and the family of Judge Gerrard.)

(Applause)

JUDGE GERRARD: Goodness. Well, that was the

highlight. I don't know why I'm going to say anything. Thank you. Thank you very much. And thank you all for coming today and sharing in this day. And I mean everybody in both courtrooms. I wish there wasn't this wall dividing us but I'll be seeing you soon.

And I do want to thank both Chief Judges Riley and Smith Camp and all of the speakers for their very kind remarks. I especially appreciate that you said them while my family was here. My Irish mother would have believed every word and she probably would have added a few. But my siblings, on the other hand, let's just say that some of the remarks will provide fodder for some healthy debate over the weekend. But I appreciate what you said.

In seriousness, I do appreciate the confidence that the President has shown and in particular the honor of the nomination as placed in motion by our two United States

Senators. I would echo the comments of at least three or four of the speakers regarding the bipartisan cooperation of Senators Nelson and Johanns.

But I want to just take a minute to put a little personal note on it. In Nebraska we're kind of an unusual state. We still can do things by a handshake and our word and that has occurred with both of these senators. In a rather raucous and rancorous setting in the United States Senate, these two senators wanted to see justice carried out uninterrupted in

Nebraska and they took this nomination on as a personal mission. They really did. I received phone calls at home from both senators over holidays and other times keeping me advised of the process, the timing, the personalities, et cetera, et cetera.

But it really wasn't about me. I am convinced they would have done the very same for any Nebraska citizen under the same circumstances. They took their constitutional advice and consent duty above and beyond, and as a Nebraska citizen and as a judge of this Court, I want you to know that we all really, really appreciate it. Thank you, Senators.

(Applause)

JUDGE GERRARD: Now, before I go on, I want to acknowledge just a few people today. I want you to know you're all special or you wouldn't be here but if I draw the line at the family, just don't go away getting hacked off. That's the cut line, and also my prior court family.

And I'll start there. To my colleagues on both appellate benches, and particularly to my brethren on the Supreme Court, both the present Supreme Court and the past as I see at least three of my colleagues back there, I want you to know that my appreciation and respect for each one of you runs deep. It really does. I want to thank you for being here today and for your friendship and for your wise counsel throughout the years. So thank you members of the bench and also members of the state

bench that are with us today.

And with my family, I want to start with my roots. I really appreciated Mike Heavican's comments today. I appreciate that, Chief. When I start with the roots, the matriarch of our family is here. My aunt Isabelle Gerrard Kracl is here with her husband, Lavern, and I am absolutely delighted that you could be here today. I feel my father's presence.

I see a rogues' gallery back there of about eight seats. Those would be my cousins and dear friends who have traveled literally from as far as Bessemer, Alabama, to be here. If you get a chance, I'd like you to greet them. They have a rather unique sense of humor amongst them. But if they start telling you stories about how I grew up in Schuyler, Nebraska, don't believe a word that they said. I mean, as you can see, they're aging, their memories have grown quite dim, but if they talk to you, humor them, they're a nice group so...

The table right in front of them is what I'll affectionately refer to as the in-law table. That would be Nancy's parents, Allen and Maxine Fickenscher from Gothenburg, Nebraska, and her brother Tim and sister-in-law Carol. And that's Carol Windrum, who along with the judges theme, her father was Judge Keith Windrum in Gothenburg, Nebraska. So thank you for being here.

And I hope this makes up for it. My mother-in-law has

been rather hacked at me for about six months. I forgot to mention her name during the Senate confirmation hearings and it's been a rather long six months. No, actually, I am blessed with absolutely wonderful in-laws and I'm delighted that you could be here today.

I'm most pleased that my brother and both of my sisters and brother-in-law Jon could be here. Bill is here from Weatherford, Texas. Thanks, Bill. My sister Mary is here from Raleigh, North Carolina, and Anne and Jon are from Richland, Nebraska.

And what Mike said about our family really is true. For better or worse, they are much of the reason that I turned out this way, however it might be. And believe me, they are as shocked as anybody in this room that I amounted to anything in life. So I really, really appreciate them being here.

And behind the table are Anne's children, my nephews and nieces. I see Lisa and John and Lori and Joan and their families and I'm delighted to have them here. Terrific young people.

And then there's the front table. Okay. I'll start with my wife, Nancy.

Nancy, if you'd just stand for a moment.

(Applause)

JUDGE GERRARD: Thank you. I know how much that dress cost. I wanted them to see it. And it's no accident that

Nancy is a psychiatric nurse practitioner at our house as you'll see. But for those of you, and I know it's most of you in this room, that know both of us, there is no reasonable dispute that she is the better half.

Nancy, thank you so much.

And I want to introduce each one of my kids. And the spouses have kind of taken off with kids' duties but you've already heard we've got Erin in the front row with Joshua.

Mitchell is next to Erin. Michaela is next and her son Jack is running around somewhere. There he is. And then my son Eric, and his wife Esther's back there with Jayla. And along with Jack, Brandon Mueller just stepped into the room.

Let me just say this about these four young adults and their families. Whatever I end up accomplishing in life will absolutely pale in comparison to the relationship that Nancy and I have with each one of them and the potential that they pose, and so I just want them to know that and I know they already do. So give them a hand, please.

(Applause)

JUDGE GERRARD: Finally, I'd be remiss if I didn't acknowledge my immediate court family. My two law clerks.

Let's see, Andy Conroy and David Dirgo. There's Andy. David Dirgo is in back. David's been with me for over 12 years.

And, let's see -- and Kathy Miller is standing right next to them. And I wanted to mention something about Kathy. Dave

Domina and I hired Kathy Miller about 29 years ago.

Kathy, you must have been about 11 or 12 years old at that time.

But as most of you know, Kathy is absolutely our central nervous system. She's the voice and she's the face of our chambers and I just want to publicly say thank you to Kathy for being with me for 29 years.

(Applause)

JUDGE GERRARD: I'm absolutely blessed to have a great court family. And of course my new court family has been wonderful. They really have. They are a professional staff, helpful in every way, a delight to work with. And the Magistrate Judges and the Bankruptcy Judges to a person are fabulous and they really make the Article III judges look pretty darn good. I appreciate each one of you.

In closing, let me say something about this Court, the Article III judges that many of you've already heard from. I'd be lying if I said that this task wasn't a bit daunting as I come into it. I look over my shoulder at the Senior Judges, I look at judges like Urbom, Strom, Beam, Judge Kopf. These are giants in Nebraska's legal community. And the next crop like Riley and Bataillon and Smith Camp are smart, terrific judges making their own legacy right now.

And if you look back at the Lincoln lineage, which Chief Judge Riley has already set forth, before Judge Urbom the

judges are just legend: Van Pelt, Delehant, Munger. I mean,
it's amazing.

And then I must say I do know what Justice Bill Brennan felt like prior to his swearing in when he said, you know:

Today I feel like a mule that just got entered in the Kentucky Derby. That's how I feel today. A mule that got entered in the Kentucky Derby. But he went on to say: I don't expect to distinguish myself amongst this group but I do expect to benefit from the association. And so to each of my fellow judges, I truly do expect to benefit. But I do feel that way.

But, hopefully, with God's guidance, a good dose of humility and a fair amount of sweat equity, I will do the job that I was just sworn in to do. I just took an oath to do equal right to the poor and to the rich. I will. And I will do everything in my power to carry out my constitutional duty to listen to both sides fully and to rule fairly and promptly in the cases before me.

And that's my pledge to you. It's four o'clock and it's time to end this matter. I want to thank each one of you for being here. Your presence today means the world to me. It really does. Thank you.

(Applause)

CHIEF JUDGE SMITH CAMP: Everyone may be seated except Judge Gerrard who will please come and join us at the bench.

JUDGE GERRARD: I got lost.

Seat. And I will not repeat what has been said. It is four o'clock and we are going to be having a reception downstairs. I'm going to take just one minute to flesh out something that has been mentioned twice now, once by Chief Judge Riley, once by Judge Gerrard, and that is the legacy which is really remarkable concerning that particular seat.

T. C. Munger was Charlie Munger's grandpa, and he was not only a brilliant judge but at the time that he died, he had sat longer than any other sitting federal judge, 41 years.

The next judge, John Delehant, was a mathematical genius and he is recognized as the author of the Nebraska Rules of Civil Procedure.

He was replaced by Bob Van Pelt, who is recognized and revered nationally as the author of the Federal Rules of Evidence.

He was followed by Judge Warren Urbom, who is here today who is revered and loved nationally, and if you travel across the country talking to federal judges, they refer to Judge Urbom as the gold standard among federal judges.

He was replaced by Judge Richard Kopf, who pulled this court into the 21st century making this court the leader among all 94 districts in the use of technology, which makes him known as the silicon standard among judges.

So quite a legacy. Now, some people have questioned why a

justice in an appellate position on the highest court of the state would want to become a trial court judge. While we on the trial court bench have the greatest admiration and respect for our colleagues who administer justice at the appellate level, we enjoy the unique opportunity to interact with parties and witnesses and jurors and trial lawyers in a very dynamic setting. It can be exciting, it can be fun, it can be heart-wrenching and it's a great privilege.

And, John, I expect you will thoroughly enjoy the trial court bench. It's an honor to serve with you. Our apologies to the Nebraska Supreme Court for their loss. Chief Justice Heavican, thank you very much for gifting Judge Gerrard to us.

And now we will hear from Camille and have the retirement of the colors. Please rise.

(The colors were retired by the Boy Scouts.)

(Camille Metoyer Moten sang "What a Wonderful World.")

(Applause)

CHIEF JUDGE SMITH CAMP: Thank you, Camille. We'll hear more from Camille downstairs.

And the ceremonial session is now adjourned. Thank you all.

(Ceremonial session adjourned at 4:10 p.m.)