

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA

IN THE MATTER OF THE INSTALLATION OF  
MR. RICHARD GEORGE KOPF AS MAGISTRATE  
OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA.

CEREMONIAL  
PROCEEDINGS

OFFICIAL  
TRANSCRIPT OF PROCEEDINGS

HELD ON  
FEBRUARY 5, 1987  
BEFORE

THE HONORABLE DONALD R. ROSS, Circuit Judge  
of the Eighth Circuit,

and

THE HONORABLE C. ARLEN BEAM, Chief Judge;  
THE HONORABLE WARREN K. URBOM, District Judge;  
THE HONORABLE LYLE E. STROM, District Judge;  
THE HONORABLE ROBERT VAN PELT, Senior Judge.

PEGGY CASPER, C.S.R.

OFFICIAL COURT REPORTER  
U. S. DISTRICT COURT  
FEDERAL BUILDING  
P. O. BOX 1278, OMAHA, NE 68101

February 5, 1987  
2:00 p.m.

1 UNITED STATES MARSHAL O'HARA: The Honorable  
2  
3 Judges of the United States Courts: Hear ye, hear ye,  
4  
5 hear ye, the United States District Court for the District  
6  
7 of Nebraska is now convened in ceremonial session. God  
8  
9 save the United States and this Honorable Court.

10 JUDGE BEAM: Welcome to the United States  
11  
12 District Court for the District of Nebraska. We are here  
13  
14 for the happy occasion of administering the final oath  
15  
16 of office to Magistrate Richard George Kopf.

17 I would first like to welcome Judge Kopf's family  
18  
19 and to introduce them to you by name. Here today with  
20  
21 Judge Kopf are Merle Blank, his mother-in-law, and his  
22  
23 children, Marne, Lisa and Keller. We especially welcome  
24  
25 you to this happy occasion.

Magistrate Kopf will be working with our other  
full-time magistrate from Lincoln, Magistrate David Piester,  
and I would like to introduce David to you. He is in the  
jury box. I would like also to introduce his predecessor  
in office, The Honorable Richard Peck, who has just retired  
as a Magistrate, and The Honorable Timothy Mahoney, who is  
the Bankruptcy Judge for Nebraska. All are part of this  
Court.

I am going to call on each of the judges at the bench  
to say a word or two. I would like to introduce them to you.

1 On my far right is Judge Donald Ross of the  
2 United States Court of Appeals; Senior Judge Robert Van Pelt  
3 from Lincoln, United States District Judge. On my far left  
4 is The Honorable Warren Urbom, United States District Judge  
5 from Lincoln. Next to him is The Honorable Lyle Strom,  
6 United States District Judge stationed here in Omaha, and  
7 I am Judge Beam.

8 So, before we proceed to administer the oath of  
9 office, Richard, I would like to call on the judges on  
10 the bench to issue you a few words of welcome or advice  
11 or whatever else they may have on their minds, and we  
12 will start, because rank has its privilege in the federal  
13 court as in other places, with The Honorable Donald Ross.  
14 Judge Ross.

15 JUDGE ROSS: Thank you, Chief Judge Beam, and  
16 fellow judges and friends, I deem it a great honor to  
17 welcome Richard Kopf to the federal court system. On behalf  
18 of the United States Court of Appeals for the Eighth Circuit,  
19 I wish him a long and successful career as a federal judge,  
20 and I express to all of you here today my complete confidence  
21 that he will do an excellent job as Magistrate.

22 I have known Richard since 1971 when I recruited  
23 him to serve as my law clerk upon his completion of law  
24 school. During the twenty months that he worked for me,  
25 I came to respect him not only for his keen intellect

1 but also for his legal judgment and his determination to  
2 do his job well. I valued his advice and I relied on his  
3 research. He never let me down.

4 In 1974 he joined my old law firm in Lexington  
5 and he became one of the leading lawyers in the state.  
6 He brings to this job a wealth of experience in civil and  
7 criminal litigation, all of which will help him to become  
8 an excellent judge.

9 The role of Magistrates in the United States  
10 court system has been greatly expanded in recent years.  
11 It now includes consensual assignments to try important  
12 jury cases in addition to a full range of duties in the  
13 criminal sector. The responsibility is great but no  
14 greater than his ability to do the job.

15 Richard, I congratulate you and wish you well  
16 in your new assignment.

17 JUDGE BEAM: Thank you, Judge Ross. Judge  
18 Van Pelt.

19 JUDGE VAN PELT: Chief Judge Beam, Magistrate Kopf,  
20 your family and your friends: My first advice to Magistrates  
21 was given about 1971 at Atlanta, Georgia, when I was serving  
22 as a member of the original committee to implement the  
23 Magistrates Act. That address only took twenty-eight pages,  
24 as printed in the Federal Judicial Center's publication. I  
25 find nothing in that speech that I will repeat to you today.

(Laughter.)

1 I next spoke, so far as Nebraska is concerned,  
2 when your predecessor, Magistrate Peck, took the oath. Two  
3 things that I said that day I will repeat again to you.  
4 One was the seventeenth century English advice to all of  
5 its judges, "Be short and sparing at meals." And then one  
6 other item of advice that I repeated then, that in the  
7 federal courts of Nebraska it is my hope that no judge ever  
8 stands arrogant.

9 When I spoke on the occasion of Magistrate Piester's  
10 taking the oath, I think the most important single thing  
11 that I said to him I will repeat to you: That a judge at  
12 all times should be a gentleman.

13 Now, as the years have gone by I have tried to  
14 simplify it even more, and in doing this I am sure that we  
15 don't get you into any Constitutional question, although  
16 the courts are having Constitutional questions with reference  
17 to language that many of us have frequently used in the past.  
18 My advice to you would be to try to live your private life  
19 and to try to perform your official duties as a Magistrate  
20 so that anything that you do, if either your mother is living  
21 or if she is dead, or your mother-in-law to whom each day  
22 you are becoming more deeply indebted, ever hear of it, that  
23 neither would be ashamed of you or feel embarrassed by what  
24 you have done.

25 I join in welcoming you to your position with the

1 federal courts in this state, and I am sure that we will  
2 all in the future look back on your past with satisfaction  
3 on your performance of the duties in the position that you  
4 are now assuming. Thanks.

5 JUDGE BEAM: Thank you, Judge Van Pelt.  
6 Judge Urbom.

7 JUDGE URBOM: Magistrate Kopf, members of the  
8 family, and ladies and gentlemen: The experience we have  
9 had in this District with Magistrates has declared in loud  
10 terms that what we have needed in order to replace one  
11 such as Richard Peck is somebody with sterling character  
12 and rich intellect and one whose disposition was toward  
13 fairness all of the time.

14 I think we found such a person and that will be  
15 proven to us in short order in the next few days and weeks  
16 and years. You follow illustrious company in Richard Peck,  
17 and you will work with a man, David Piester, of the same ilk.

18 I congratulate you for being here. I welcome you  
19 heartily because we of the district bench depend on you and  
20 the other Magistrates all the time, and greatly. Without  
21 you we would be poor indeed.

22 So, welcome! I personally and all of us individually  
23 will look to you and depend upon you a lot.

24 JUDGE BEAM: Thank you, Judge Urbom.  
25 Judge Strom.

1 JUDGE STROM: An occasion such as this is still  
2 of recent memory to me, Richard, and, of course, I remember  
3 with great happiness the occasion of my being sworn in as a  
4 District Judge. I am sure today that you and your family  
5 are enjoying those same feelings.

6 I remember at the time I met with your predecessor  
7 and told him that he had to stick around for a year, at least,  
8 until I got my feet on the ground. So I want to thank Dick  
9 Peck now for at least having complied with that request. It  
10 has been a real pleasure working with you, Dick, and I have  
11 appreciated our association, not only since I have been a  
12 District Judge, but the years before that when I was active  
13 in the bar and appeared before you.

14 You indeed are filling big shoes, Richard, but I  
15 know from the conferences that we have had in the process  
16 of your selection that you are more than capable of filling  
17 those shoes. And I certainly want to join with the other  
18 judges here in welcoming you to this, our local branch of  
19 the federal judiciary.

20 I am particularly pleased, however, to have you  
21 on board at this time because I understand that with you  
22 around, my criminal load is going to be reduced by fifty  
23 per cent (laughter), and I am going to be able to spend  
24 more time with the civil docket. So you really have brought  
25 great joy to all of us up here (laughter).

1            Seriously, however, I am delighted that you have  
2            joined us. I look forward to working with you and really  
3            only want to remind you, as I try to frequently remind myself,  
4            that all of us hold these offices as trustees, trustees of  
5            the people of this country, to see that all who appear before  
6            us are dealt with justly and dealt with promptly. The  
7            Magistrates, of course, have done a great deal to help the  
8            courts deal with the matters that come before them, not  
9            only in a just manner but promptly so that justice really  
10           will mean something.

11           So, welcome, and I look forward to working with you.

12           JUDGE BEAM:        Thank you, Judge Strom. I, too,  
13           wish to publicly acknowledge the service of Dick Peck and to  
14           thank him for all of the help that he has given to me,  
15           and to say, Richard, if you will emulate Richard, you will  
16           be moving along in the right direction.

17           In the next few months I suspect that you will be  
18           getting a ton of advice, perhaps some of it from me, so I  
19           will not direct my comments in that fashion today.

20           As I was looking around and thinking about what I  
21           might say to you today, I came across a short statement  
22           that this revered Judge Robert Van Pelt on my right said at  
23           an earlier occasion, and it seemed appropriate because I  
24           believe that it fits you. He once said that the ingredients  
25           of a sound judge are an honest and industrious lawyer who



1 has the ability to read intelligently, to think coherently,  
2 to write clearly, a capacity for thorough research, for  
3 critical thought, and a faculty for dispassionate judgment.

4 From my observation of you, Richard, over the time  
5 that I have known you, I firmly believe that you have the  
6 qualities of a sound judge. I know you will do well in the  
7 job and we welcome you to it.

8 So now, if you would rise and come forward before  
9 the bench, we will administer your oath of office. I would  
10 like you to raise your right hand, say "I," and repeat your  
11 name.

12 MR. KOPF: I, Richard George Kopf --

13 JUDGE BEAM: -- do solemnly swear --

14 MR. KOPF: -- do solemnly swear --

15 JUDGE BEAM: -- that I will administer justice  
16 without respect to persons --

17 MR. KOPF: -- that I will administer justice  
18 without respect to persons --

19 JUDGE BEAM: -- and do equal right to the poor  
20 and to the rich --

21 MR. KOPF: -- and do equal right to the poor  
22 and to the rich --

23 JUDGE BEAM: -- and that I will faithfully and  
24 impartially discharge and perform --

25 MR. KOPF: -- and that I will faithfully and

1 impartially discharge and perform --

2 JUDGE BEAM: -- all the duties incumbent upon  
3 me as a United States Magistrate --

4 MR. KOPF: -- all the duties incumbent upon  
5 me as a United States Magistrate --

6 JUDGE BEAM: -- according to the best of my  
7 abilities and understanding --

8 MR. KOPF: -- according to the best of my  
9 abilities and understanding --

10 JUDGE BEAM: -- agreeably to the Constitution  
11 and laws of the United States --

12 MR. KOPF: -- agreeably to the Constitution  
13 and laws of the United States --

14 JUDGE BEAM: -- and that I will support and  
15 defend the Constitution and laws of the United States --

16 MR. KOPF: -- and that I will support and  
17 defend the Constitution and laws of the United States --

18 JUDGE BEAM: -- against all enemies, foreign  
19 and domestic; --

20 MR. KOPF: -- against all enemies, foreign  
21 and domestic; --

22 JUDGE BEAM: -- that I will bear true faith and  
23 allegiance to the same; --

24 MR. KOPF: -- that I will bear true faith and  
25 allegiance to the same; --

1 JUDGE BEAM: -- that I take this obligation freely

2 MR. KOPF: -- that I take this obligation freely

3 JUDGE BEAM: -- without any mental reservation

4 or purpose of evasion --

5 MR. KOPF: -- without any mental reservation

6 or purpose of evasion --

7 -- and that I will well and

8 faithfully discharge the duties --

9 MR. KOPF: -- and that I will well and

10 faithfully discharge the duties --

11 JUDGE BEAM: -- of the office on which I am

12 about to enter --

13 MR. KOPF: -- of the office on which I am

14 about to enter --

15 THE COURT: -- so help me, God.

16 MR. KOPF: -- so help me, God.

17 JUDGE BEAM: The oath is administered. You are  
18 now a United States Magistrate for the District of Nebraska.

19 I understand that your law partners from Lexington,  
20 Mr. Ed Cook and Mr. James Doyle, will help enrobe you at this  
21 time. If they would now come forward and do so, we would  
22 appreciate it.

23 (Mr. Ed Cook and Mr. James Doyle assisted Magistrate  
24 Kopf in donning his robe.)

25 JUDGE BEAM: Thank you, Ed and Jim. You may

1 be seated.

2 Richard, now in your robe and as a Magistrate of  
3 this Court, if you can get it buttoned (laughter), the  
4 floor is yours to say anything that may come to mind.

5 MAGISTRATE KOPF: May it please the Court, ladies  
6 and gentlemen, I have only a very brief statement.

7 Oliver Wendell Holmes said a long time ago that  
8 while he preferred champagne to dish water, he wasn't sure  
9 that the cosmos made any particular distinction (laughter)  
10 and that one probably ought to view that analysis with  
11 regard to one's self.

12 So if we all can have sort of an informal under-  
13 standing that if you say "dish water" to me with reference  
14 to something I will have done, if I become pompous, if I  
15 become arrogant, I will understand what "dish water" means.

16 I thank you all for attending. It is my distinct  
17 pleasure to be here. I am particularly pleased that my  
18 children are here, and I say to my wife, who cannot be with  
19 us, I love her very much and I wish she could be here.

20 Thank you, your Honor.

21 THE COURT: When we conclude our proceeding,  
22 which will be in just a moment, when I ask the Marshal to  
23 recess court, the jury lounge will be open. As you go out  
24 the back of the courtroom, go to your left, go to the end  
25 of the hall and turn right. As I understand it, Richard

1 will step over there shortly and greet those who have come  
2 to this session of court this afternoon and who have honored  
3 him by their attendance.

4 So, with that small announcement, I think we are  
5 ready to recess, and the Marshal will recess court.

6 UNITED STATES MARSHAL O'HARA: The court is  
7 in recess.

8 (END OF THESE CEREMONIAL PROCEEDINGS.)  
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REPORTER'S CERTIFICATE

I, Peggy Casper, Certified Shorthand Reporter,  
an Official Court Reporter for the United States District  
Court for the District of Nebraska, appointed pursuant  
to the provisions of Title 28, United States Code, Section  
653, do hereby certify that the foregoing is a full, true  
and correct transcript of the ceremonial proceedings held  
on February 5, 1987 in Courtroom Number One of the United  
States Courthouse in Omaha, Douglas County, Nebraska.

Dated this 12th day of February, 1987.

*Peggy Wiedman Casper*  
Peggy Wiedman Casper, C.S.R.