

Nebraska Judicial News

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Legal Community Celebrates 100th Anniversary of Seven- Member Supreme Court

Chief Justice (at podium) welcomes over 300 lawyers, judges, government officials and members of the public to celebrate the anniversary of the modern Nebraska Supreme Court.



An evening filled with introductions, good wishes and storytelling provided entertainment for more than 350 judges, attorneys and those with ties to Nebraska courts who attended the 100-year anniversary celebration of the seven-member state court on December 4, 2008.

Beneath the warm glow of the rotunda chandelier hanging forty feet above the floor, guests were entertained and enlightened through stories and remarks by historian Mark Scherer and the 23rd Chief Justice of the Nebraska Supreme Court, Mike Heavican. Lincoln Bar President

Steven Schmidt, whose organization sponsored the event, provided a warm welcome to the evening.

Piano music echoed through the hallways as Lincoln lawyer Diane Carlson played seasonal music and guests meandered through the second floor of the Capitol, attending tours of the Supreme Court and Court of Appeals led by Bob Ripley, Capitol administrator, and Roxanne Smith, Capitol tourism supervisor. Many guests ventured to the 3rd floor where librarian Marie Wiechman told stories of the State Library. The evening's historical presentation was by Mark Scherer, University of Nebraska at Omaha history professor and a former practicing attorney.



Guest speaker and historian, Mark Scherer, recites history of the Nebraska Supreme Court to an audience of over 350 in the Capitol rotunda.



Diane Carlson, pianist and Lincoln lawyer working for the Revisor of Statutes Office, plays for guests while Bill Drafter, Krista Miller, (also a lawyer and pianist) assists.



Mark Scherer (left) speaks with Judicial Branch Education Director Carole McMahon-Boies (right) during the reception.

Beginnings of the Nebraska Supreme Court

Scherer began his presentation saying, "The story of this Court begins, of course, with the establishment of Nebraska as an organized political territory pursuant to the Nebraska-Kansas Act of 1854.

"... the birth moment of this Court may be found in Section 9 of the 1854 legislation, which provided: "The judicial power of the Territory shall be vested in a Supreme Court, District Courts, Probate Courts and Justices of the Peace."

Scherer continued: "The bill went on to create a three-member court, and each justice was also charged with the duty of sitting as the trial court judge in one of the three judicial districts into which the territory was divided. In the thirteen years of its existence, the Nebraska territorial court had four chief justices and a total of eight associate justices.

"When Nebraska became a state on March 1, 1867, that territorial Court evolved into the Nebraska State Supreme Court. The first state constitution, adopted in 1866, provided for a three-member Court, elected for six-year terms. As with the territorial court, each of the justices was required to serve as the trial court judge in one of the state's three judicial districts. For the next nine years, your predecessors traveled thousands of miles each year, by horseback, stagecoach and, later, to a limited extent, by train, in going to and from their trial court duties.

"In both 1890 and 1896, the legislature approved constitutional amendments to increase the size of the court. In each case, the Nebraska voters rejected the proposed amendments. It has been said that the voters' reaction reflected the distressed economics of the period and a generalized mistrust of public officials during those "boom years" of the Populist movement. Spurned by the voters, the legislature attacked the problem in a different way. In 1893, a supreme court 'commission' was created, made up of three individuals appointed by the legislature to serve as an "auxiliary" court. In theory, the commissioners were charged with hearing appeals and writing "recommended" dispositions for the Court's consideration, but in practice the

justices almost always accepted and adopted the commissioners' conclusions.

"Finally, in 1908, Nebraska voters approved the long-sought constitutional amendment expanding the Supreme Court to seven members, the centennial of which we commemorate tonight. The same amendment provided that, beginning in 1914, justices would be elected on a nonpartisan basis, a sharp departure from the previous practice of election on partisan ballots."

Perspective of the Current Supreme Court

Chief Justice Heavican capped off the evening program by thanking Professor Scherer, acknowledging the past and looking to the future.

"As we celebrate the past, the foundation on which we build, we are ever mindful that the focus of this Court is, and must be, on the future. During this process it is important to remember that the judicial branch of Nebraska encompasses much more than the seven members of the Supreme Court. The judicial branch also includes the Court of Appeals, 93 district courts, 93 county courts, three separate juvenile courts and the Workers' Compensation Court.

"The judicial branch is served by 144 judges and over 1,100 non-judicial employees: Appellate court staff, county court personnel, district court reporters, probation personnel, and administrative office staff.

"In every one of our 93 counties there are judges and employees who, each day, see the faces behind the headlines: They see the parents and children affected by the Safe Haven Act. They hear the stories of crime victims and work with the citizens behind the mortgage foreclosures.

"This work of deciding disputes and administering justice goes on in courthouses across the state every day of the week.



Chief Justice Mike Heavican concludes presentation with a look to the future work of the Nebraska court system.



Supreme Court Justice Lindsey Miller-Lerman (left) greets former bench-mate Everett Inbody, Chief Judge of the Court of Appeals, following the historical presentation on the Nebraska Supreme Court. Justice Miller-Lerman began her judicial career on the Court of Appeals bench in 1992.



**First Justices of the Seven –
Member Nebraska Supreme
Court:**

Manoah B. Reese, C.J., 1909-1915

John B. Barnes, J., 1904-1917

Charles B. Letton, J., 1906-1925

James R. Dean, J., 1909-1910,
1917-1935

Jesse L. Root, J., 1909-1911

Jacob Fawcett, J. 1909-1917

William B. Rose, J., 1909-1943

Nebraska Supreme Court 1910

Clements Photography, Lincoln,
Nebraska

(left to right) William Rose, Samuel
Sedgwick, John Barnes, Chief
Justice Manoah Reese, Charles
Letton, Jacob Fawcett, Jesse
Root with Deputy Clerk of the
Supreme Court Victor Seymour at
the front table.

“As we honor the foundation on which our state court system is built, we are facing the future with high expectations. We have a great deal of work to do.

“Children have, of course, become a priority of the court system. Our trial courts have crossed governmental branch lines and community boundaries in their efforts to gain access to better services and quicker resolutions to the cases of juveniles.

“Maintaining access to the judicial system has always been, and remains, a top priority for those of us tasked with administration of the branch. We continue to grapple with ways to provide entry to a very complex court system for citizens who cannot afford an attorney, for individuals who do not speak fluent English and for rural residents who live far from their nearest courthouse.

“Using technology, we are attempting to make courts ever more accessible to the citizens of Nebraska. We will continue to develop technology as we utilize the techniques of the 21st Century to carry on the important work of the court system; the work that courts have historically been responsible for: Protection of individual rights and liberties, upholding and interpreting the law and providing for the peaceful resolution of disputes.”



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