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Robert Van Pelt Dedication

Harvey M. Johnsen

United States Court of Appeals for the Eighth Circuit

Donald P. Lay

United States Court of Appeals for the Eighth Circuit

Paul W. White

Nebraska Supreme Court

Roman L. Hruska

United States Senate

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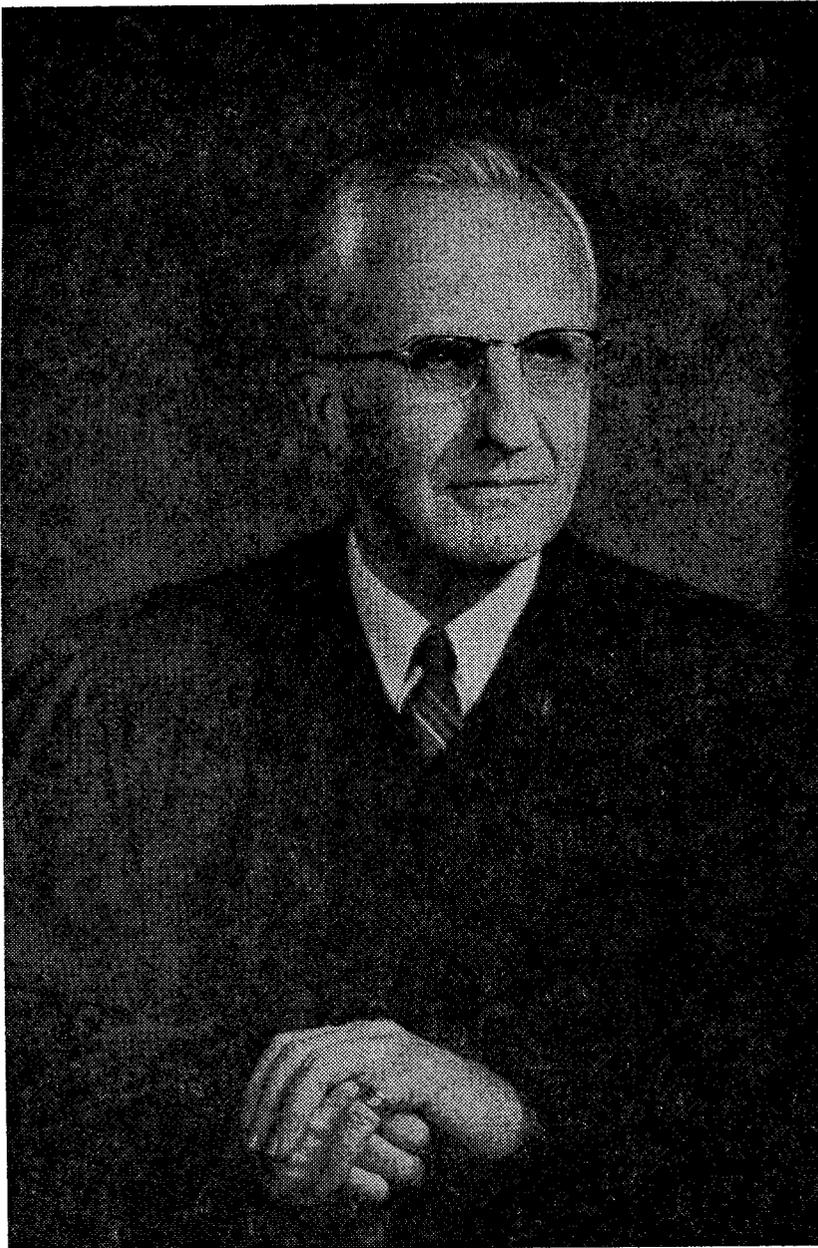
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**THE HONORABLE ROBERT VAN PELT
UNITED STATES DISTRICT JUDGE FOR NEBRASKA**

ROBERT VAN PELT

For the past twelve years Robert Van Pelt has served as Federal District Judge for the District of Nebraska. An assessment of his distinguished career at this time would be somewhat premature, as no doubt his schedule will remain quite demanding. However, the retirement of this capable jurist calls for a brief review of his outstanding career.

Judge Van Pelt was born in Gosper County, Nebraska, on September 9, 1897. He attended public school in Stockville, Nebraska, through the tenth grade, and then attended Franklin Academy until he graduated in 1914. For two years he taught in a rural school and served as deputy county treasurer of Frontier County. In 1916 he enrolled at Doane College, and graduated cum laude four years later. In 1920, Judge Van Pelt entered law school at the University of Nebraska and received his degree in 1922. Since that time, he has received an honorary Doctor of Laws from Doane College, and an honorary Doctor of Humane Letters from Westmar College.

Judge Van Pelt began his practice of the law with the firm of Stewart, Perry, and Stewart, for whom he had clerked while in law school. In 1926, the firm of Perry and Van Pelt was begun, which eventually became Van Pelt, Marti, and O'Gara in 1946. From 1930-34, Judge Van Pelt served as assistant United States Attorney and at the same time maintained his private practice. In 1937, he served as one of three constitutional advisors, to advise the first Unicameral on the constitutionality of proposed legislation. Judge Van Pelt served as a lecturer at the University of Nebraska College of Law from 1946 until 1957, and has been a Trustee of Doane College since 1928.

On August 1, 1957, he was appointed as federal district judge, and has served in that capacity until the present time. On his seventy-second birthday, September 9, 1969, he submitted his resignation, and his successor has yet to be officially named. During his years on the bench, Judge Van Pelt has held court in the Southern District of Iowa on several occasions; in Washington, D.C.; Hannibal, Missouri; and Puerto Rico. On three occasions, he sat with the Court of Appeals for the Eighth Circuit.

Notwithstanding his busy judicial schedule, Judge Van Pelt has participated in other legal activities. He has served as President of the Lancaster County Bar Association, and as chairman of the Nebraska State Bar Association's Committee on the Judiciary. In

addition to these activities, Judge Van Pelt has found time to engage in civic affairs. He has served as President of the Junior Chamber of Commerce, on the Y.M.C.A. Board, as President of the Rotary Club, and on the Board of Directors of the Lincoln Chamber of Commerce. Politics have also entered into his busy schedule. In 1940, 1944, and 1948, Judge Van Pelt served as one of Nebraska's delegates to the Republican National Conventions.

The opinions of this remarkable individual readily demonstrate his ability as a jurist. But there is another dimension to his record of judicial service which requires mentioning: his service on three federal committees. In 1965, Chief Justice Earl Warren appointed Judge Van Pelt to serve on the Advisory Committee on the Federal Rules of Evidence, which published its proposed rules in May, 1969. In 1968, he was appointed to the Committee to Implement the Federal Magistrate's Act by the Chief Justice, and in 1969, Chief Justice Berger appointed him to serve on the Interim Advisory Committee on Judicial Activities.

The letters of dedication which follow express the affection and high esteem in which this distinguished individual is held by the citizens of this state. The *Nebraska Law Review* is proud to dedicate the March issue in honor of this remarkable man whose manner, nature, and sense of dignity add so much to the judicial process.

THE EDITORS

DEDICATION

ROBERT VAN PELT

The dedication of this issue of the *Nebraska Law Review* to Judge Robert Van Pelt is most fitting, not only as an honor to him judicially but also as an expression to him personally of the regard and affection which the bench and bar have for him.

This regard and affection have existed long before Bob Van Pelt became a member of the federal bench. They have their source in the type of character, level of intellectual capacity and traits of personality which he has always possessed, throughout his academic days at Doane College, his law-school years at the University of Nebraska, and his long period of practice at the Lincoln bar and over the State. I like to think of these qualities as, in part at least, representing such heritage as has come to many of Nebraska's native sons, scattered as they now are throughout the country, from the high caliber of the State's pioneers.

Judge Van Pelt came to the bench of the United States District Court for the District of Nebraska from the practice of law by appointment of President Eisenhower in 1957. He constitutes the third federal district judge who has had his official station at Lincoln since that city was by statute made a place for the holding of federal court in Nebraska. Each of his two predecessors at Lincoln—Judge Thomas C. Munger and Judge John W. Delehant—has had a high reputation and standing in the federal judicial system, and Judge Van Pelt has eminently maintained this standard and tradition of excellence for the Lincoln judicial station.

But Judge Van Pelt has contributed more to the federal judicial system than his regular work at Lincoln and in the District of Nebraska generally. These are times when federal district judges are called upon to have a sense of responsibility not merely as to their local work but also in relation to the administration of justice in the whole federal judicial system. They are expected to give such help to the problems of congestion or emergency need in other federal districts as it is reasonably possible for them to do within the margins of time existing to them beyond their application to the work of their own districts.

Judge Van Pelt has throughout his years upon the bench responded willingly to the calls which have thus been made upon him for outside service both in other districts of the Eighth Circuit and in districts of other Circuits of the country. I recall that he

accepted without any hesitation, not too long after he had gone on the bench, an assignment for an extensive period of time to the Southern District of Iowa, which I asked him to take while I was Chief Judge of the Circuit, in order to enable the judicial work of that District to be kept flowing until the judgeship vacancy which existed there should become filled. He also accepted assignments from me to hear special matters at St. Louis and at Hannibal in the Eastern District of Missouri. He further has accepted assignments from the Chief Justice of the United States to help out on the District Court for the District of Columbia and on the District Court for Puerto Rico. And beyond this, he has from time to time been called upon to sit on the Court of Appeals for this Circuit to assist with the work load of that court.

One of the most gratifying aspects to me in the assignments which he has taken to other districts has been that I have never known of any place to which Judge Van Pelt has gone that the lawyers would not have been glad to have him return. Such a response of welcomeness is not always, and indeed not even ordinarily perhaps, given by a bar to outside judges.

One other element of Judge Van Pelt's dedication and service to the federal judicial system deserves to be noted. Beyond his work on the bench itself, he has had the interest, been afforded the opportunity, and taken the time, to engage in material contribution to the general improvement of the administration of justice in the federal system. He has been serving upon three important federal judicial committees—the Advisory Committee on Rules of Evidence for the Federal District Courts and Magistrates; the Committee to Implement the Federal Magistrates Act; and the Interim Advisory Committee on Judicial Activities recently appointed by Chief Justice Burger.

Judge Van Pelt has now chosen to take the status of a Senior District Judge. It is my personal hope and also, I am sure, that of the many other federal judges who know him, that he will continue his valuable service on the committees of which he is a member, and that he also will engage in such extent of other judicial work as he feels will be able to give him enjoyment and satisfaction.

One thing he can be certain of—that respect for him judicially and regard and affection for him personally will always exist on the part of the bench and the bar.

HARVEY M. JOHNSEN
Senior Judge
United States Court of
Appeals for the Eighth Circuit

DEDICATION

ROBERT VAN PELT

It is with sincere appreciation that I accept this opportunity to share in the *Nebraska Law Review's* tribute to my fellow judge and friend, the Honorable Robert Van Pelt. I am privileged to speak not only from my judicial capacity but I also vividly recall my constant veneration of this judge when serving as an advocate before him. I knowingly express the respect and admiration of each of the judges of the United State Court of Appeals for the Eighth Circuit, as well as a multitude of other judges, both state and federal, throughout the country. Judge Van Pelt has performed as a United States District Judge in a manner which best exemplifies the highest calling one can render in service to his nation. His reasoning and understanding, his conscientious concern for the equal rights of all men, and his overall ability to pierce complex legal issues, have molded for him a national reputation as one of the truly great federal trial judges.

One lesson in life is that excellence of one man often times inspires others to reach out for a similar achievement. Lawyers, when called to trial before Judge Van Pelt, immediately became aware that a greater effort, a better brief, a more thorough preparation and an exacting performance were now required. Not only did one sense this as an unwritten command, but additionally, there was always some indefinable extra drive for excellence that was instilled within the lawyer appearing before him.

This "judicial charisma" affected more than the lawyer. I recall an incident a few years ago when in attendance at a breakfast meeting at a local church. During benediction each man attending was called upon to name "the person who had most influenced his life in the past year." One layman of the group spoke out the familiar name, "Judge Robert Van Pelt." Afterward I approached this man, whom I knew, and inquired how he had come to know the Judge. He smiled and said that he really did not know him personally, but had recently served on a federal court jury in a trial over which Judge Van Pelt had presided. He stated that he was so impressed by Judge Van Pelt's judicial fairness and candor, that he came away with a greater sense of responsibility as a citizen and a fervent desire to become a better person in his overall relationship with other people.

Justice Story wrote in an earlier day that, "We ought not to rest satisfied with mediocrity, when excellence is within our reach."

Robert Van Pelt early patterned his life to the attainment of excellence. To Judge Robert Van Pelt, our friend, the judge and the man, we dedicate ourselves to aim for the unconquered summits in our search for justice and the rights of man; not only as he would do himself, but more significantly, as he would want done.

DONALD P. LAY
Circuit Judge
United States Court of
Appeals for the Eighth Circuit

DEDICATION

ROBERT VAN PELT

I am honored to participate in this dedication to Judge Robert Van Pelt. With the spirit and energy this fine judge has, it is too early to render a final acclamation or eulogy. But we do the cause of our common purpose and justice well to pause for a while to honor Robert Van Pelt in the fullness of his powers.

As a man he is the living example of humble origin grown to great stature through spirit, energy and ability. As a lawyer we knew him as an ideal of the fine student, scholar and advocate who at the same time elevated the community ideals of justice, good government and charity. And finally as a human being, a man who has brought warmth, compassion and an intense human interest to the lives of his fellow man.

As a judge he has been all that the books and the Bible say he should be. He stands out in the tradition of fine Nebraska Federal judges. He has received distinction as a judge on a national level. Brevity prohibits a further pursuit of Bob's distinguished career. I join unreservedly with the many others in paying him the tribute of the dedication of this issue of the *Nebraska Law Review*.

PAUL W. WHITE
Chief Justice
Nebraska Supreme Court

DEDICATION

ROBERT VAN PELT

I welcome this opportunity to join in the *Nebraska Law Review's* salute to a great servant of the law and outstanding citizen of our state.

With deep appreciation of his services and great personal regard for Judge Robert Van Pelt, all of his colleagues at the Bar wish him a long and satisfying retirement.

Judge Van Pelt has not only distinguished himself as a jurist, but as an outstanding member of his community. Since being admitted to the Bar in 1922, he practiced law in Lincoln and gave much of his time and talent to activities outside his practice. From 1930 to 1934, he served as an Assistant United States Attorney. He has also given great service to the field of education as a lecturer at the Nebraska Law College from 1946 to 1957 and as a Trustee of Doane College since 1928.

After becoming a United States Judge for the District of Nebraska in 1957, he has distinguished himself both on the bench and as a member of the Advisory Committee for the Federal Rules of Evidence for the United States Judicial Conference, the American College of Trial Lawyers, and the American College of Probate Counsel.

It is fortunate that Judge Van Pelt's retirement will not mean that he will withdraw from service to his state, nation, and the institutions of the law. I am sure that he will continue, although retired from active service as a District Judge, to respond to the calls which will be made upon him to furnish continued inspiration and guidance to the development of rules of law as he has done in the past.

In recognition of his past contributions and continuing service to the community, state and nation, I am proud to be able to join in dedicating this issue of the *Nebraska Law Review* to Robert Van Pelt.

ROMAN L. HRUSKA
United States Senator
Nebraska

DEDICATION
ROBERT VAN PELT

It is most appropriate that the *Nebraska Law Review* should dedicate an issue to the Honorable Robert Van Pelt, United States District Judge for Nebraska.

It has been a source of great satisfaction to me that I had a part in the naming of Judge Van Pelt. His appointment brought countless favorable comments at the time it was made. Throughout the years of his service, I have had the pleasant experience of hearing the expressions of lawyers and litigants over the way Judge Van Pelt discharged his duties. His public service was exemplary. He was fair, judicious, patient, considerate, firm, understanding, knowledgeable, and well prepared.

The greatest acclaim that can come to a public official is that his job has been well done. Judge Van Pelt has performed his job well. This fact is generally accepted throughout Nebraska and elsewhere, and it is frequently mentioned to me. I can think of no higher tribute.

May I take this occasion to publicly express my gratitude to Judge Van Pelt for his outstanding public service and express to him and to Mrs. Van Pelt my very best wishes for the future.

CARL T. CURTIS
United States Senator
Nebraska