

**INVESTITURE**  
**OF**  
**JUSTICE ROBERT E. ROSE**

**Tuesday, January 3, 1989**

**12:00 Noon**

**Old Assembly Chambers  
Capitol Building  
Carson City, Nevada**

**NEVADA STATE SUPREME COURT**

**CHIEF JUSTICE CLIFF YOUNG**

**JUSTICE THOMAS L. STEFFEN**

**JUSTICE CHARLES E. SPRINGER**

**JUSTICE JOHN C. MOWBRAY**

**DAVID COOPER**

**JACK LEHMAN, District Judge**



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## INVESTITURE OF JUSTICE ROBERT E. ROSE

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CHIEF JUSTICE YOUNG:

I'd like to call on Justice Steffen for the invocation.

JUSTICE STEFFEN:

Our Father, who art in heaven, hallowed be thy name. On this special occasion, we are gathered here for the investiture of Justice Robert E. Rose. We express gratitude unto Thee for his life, his example and his willingness to serve. We pray, Father in heaven, that Thou will bless him with discernment, with guidance and all that is necessary in order to fulfill his weighty responsibilities in the judicial branch of government and on the Nevada Supreme Court. Father in heaven, on this occasion we pray for all of us who serve in the judicial branch of government in this state, that we will serve consistently with honor and with the utmost integrity; that we will always remember that we are servants and not masters; that we will fulfill our responsibilities diligently and with singleness of purpose; that our judgments will be impartial and fair; and consistent with the freedoms that we enjoy in this country and the individual rights that are accorded our citizens by virtue of the fundamental laws of the land. We're grateful unto Thee, Father in heaven, for all those who serve in government, not only in the judicial branch, but in the executive and the legislative branches and the various administrative agencies. We pray that together we may strive to preserve the great freedoms that we enjoy in this beautiful and bounteous land. We again express gratitude for this occasion; for the friends of Justice Rose who are here to share this great event in his life. We pray that they will feel Thy spirit during these brief moments as we honor him in this investiture ceremony; that this will be a highlight and a beginning—a new beginning—in his life and that he, together with his colleagues, will serve unitedly and in the interest of the citizens of this great state. We're grateful, Father in heaven, for all of the blessings that we enjoy in this free and glorious land. We pray always that we will cherish them and will live in accordance with principles which we know to be right and true. And this we ask in the name of the Lord, Jesus the Christ. Amen.

CHIEF JUSTICE YOUNG:

Please be seated. On behalf of the Court, I wish to welcome you to the investiture of Justice-elect Robert E. Rose. This is a happy occasion. Many of his friends and relatives are here to

celebrate this with him. I would like to introduce them, have them stand and be recognized. Please withhold your applause until the end when we can applaud them all together. First, Justice-elect Rose's family: his wife Jolene, his parents, Edgar and Loretta Rose, his brother and sister-in-law Richard and Linda Rose, and their two children, Tiffany and Ryan, sister Judy Simms and her son Darryl, Jolene Rose's niece, Tutie Hendricks and her daughter, Katie, and nephew Allen Griffiths. I'd like to recognize some members of the judiciary who are present: Judge Melvin T. Brunetti, U.S. Ninth Circuit Court of Appeals; Judge Peter Breen, Second Judicial District Court; Judge David Gamble, Ninth Judicial District Court; Judge Michael Griffin, First Judicial District; Judge Jack Lehman, Eighth Judicial District; Judge Norman Robison, Ninth Judicial District; Judge Robert Schouweiler, Second Judicial District; Judge Earle White, Eighth Judicial District; Judge Lew Carnahan, Reno Municipal Court; Judge Andy Gray, Sparks Municipal Court; Judge Jay Dilworth, Reno Municipal Court; Judge Larry Graham, Justice of the Peace, Wadsworth Township; Judge Mark Handelsman, Reno Municipal Court; Judge Ed Johnson, Justice of the Peace, Dayton Township; Judge John Ray, Retired Justice of the Peace, Carson City Township; Attorney General Brian McKay; Secretary of State, Frankie Sue Del Papa; State Controller, Darrel Daines; State Treasurer, Ken Santor. Acting Governor Bob Miller regrets that he is unable to attend and extends his best wishes to Justice-elect Rose. Senators Bryan and Reid also regret their inability to attend and also extend their best wishes to Justice-elect Rose. I'd like to recognize some other prominent people in the State Bar: former Governor Bob List; former Senator Spike Wilson. I'd like to recognize members of the Board of Governors: Larry Hicks, Jay Sourwine, Janet Chubb, David Grundy, Steve Walther. Are there any members of the Board of Governors who I have overlooked? Steve Morris. I'm sorry, Steve. I saw you out in the hall, too. Let's give them all a hand for their . . .

(Applause.)

I'd like to call on several people to make some remarks on this happy occasion. The first is David Cooper, long-time personal friend of Justice-elect Rose. Mr. Cooper.

**MR. COOPER:**

Thank you. It's quite an auspicious occasion we're here for today and I had not, up until a few minutes ago, known that I was going to be the lead-off speaker. So, that's even more auspicious. But I want to tell you all how proud I am to be here and to share this moment with Bob and his family.

Just a few years after Bob first came to Nevada in 1964, one of

his first jobs as I think most of you know, was clerk for the Nevada Supreme Court. I had the pleasure of meeting him just a couple of years after that, when he began to be involved in Nevada politics. At that time, he was head of the Young Democrats in the state. Shortly after that, he became chairman for the state Democratic Party. And since that time, we formed a long friendship and a long political alliance. We've seen a lot of political battle together. We've won a few, and we've lost a few. But we remain good friends. Of course, shortly after Bob left as state chairman, he became a candidate in his own right. I became a consultant, a coordinator, campaign chairman—whatever the job required—and continued to help out my friend in his political quest.

Bob's public record, I know, is well known by all of you as District Attorney in Washoe County, as Lieutenant Governor, and as Democratic nominee for Governor ten years ago. But, you know, of all of the political candidates that I have been very fortunate to help in the last fifteen years or so in this state, Bob possesses a unique mixture of some of the rarest qualities that I have ever seen. He's got a devotion to public service. He has a deep knowledge of the law. And he has a commitment to justice and compassion for the less fortunate in our society. It is this unique combination that Bob now brings to public service once again to serve here on the Nevada Supreme Court.

I know that many of us here today are familiar with the term "amicus curiae." It means, of course, "friend of the court." I'm sure that during the next few years, Bob will earn that title. And he will become a very good friend of the Court. But with his ability, with his compassion, and with his sense of justice, I'm just as certain that he'll earn another title—that of "amicus populi"—a friend of the people of Nevada.

So, now, Bob, as you embark on another phase of an already distinguished career, Bonny and I join with all of your friends here in wishing you and Jolene the very best in the years ahead, for no one deserves it more. Best of luck, Bob!

**CHIEF JUSTICE YOUNG:**

Next I'd like to call upon another long-time friend, Judge Jack Lehman of the Eighth Judicial District Court, Department Ten.

**JUDGE LEHMAN:**

Mr. Chief Justice, Justices, fellow judges, Governor List, Senator Wilson, distinguished elected officials, ladies and gentlemen. I was very pleased to get a call last Friday, kind of a hurry-up call from my secretary, saying that Bob Rose would like me to say a few words in his behalf and she said that whoever called

said to emphasize the *few* words. He did not want it to go the hour and a half that my investiture took down in Las Vegas. So I assured my secretary that I would keep it brief.

I first met Bob Rose in 1975. I got a call from a mutual friend, who told me that Bob was moving down to Las Vegas and he was looking for a law firm to associate with. So at that time I was a partner in a small personal injury firm called Cochrane, Lehman and Nelson. That was Tom Cochrane and Roy Nelson and myself. And I gave Bob a call and said, "Bob." You know, I described the law firm, told him I was pleased that he was moving to Las Vegas, and told him that I'd do my damndest to convince my partners that he'd be an outstanding contribution to our law firm. So he said, "Well, that'll be fine. So, if you can get them to agree, I guess that would be a pretty good association." So I went in to my two partners and the first thing I pointed out to them was that our firm was really imbalanced as it was. Tom Cochrane and Roy Nelson were well-known Republicans. And I was the only Democrat in the firm. I felt it was time to even things out and so forth. So I went on to point out that Bob Rose wasn't just any individual. Here was a Democrat that had managed to get himself elected as District Attorney of Washoe County—no small feat. Next I pointed out that he's a former chairman of the state Democratic Party, a party that traditionally has shot itself in the foot so many times in our great state, that I don't know what. And he had a distinguished tenure in that very, very difficult office. Next he was elected against very tough primary and general opposition to the post of Lieutenant Governor. And I said, you know, there's a possibility that he may be elected the next governor of our state. Well, they listened to all of that and they decided, well, what the heck—we'll take him in. So, we formed the law firm of Cochrane, Lehman, Nelson and Rose in 1975. We went along very well. Starting about the middle of 1977, we told Bob to get out there and campaign to the best of his abilities, which he certainly did. And everything was great until election day, when the distinguished Governor List managed to nose him out. But that was fine. We continued to practice law and then in 1987 Governor Bryan saw a distinguished individual. He had a vacancy on the district court bench in Department Six and Bob Rose, after going through the judicial selection process and emerging from there successfully, was appointed a district court judge. All of the reports on Bob were good thereafter. When you get a district court judge that is really liked and you are told that he is doing a great job by deputy district attorneys, public defenders, and criminal defense lawyers, plaintiffs' lawyers, defense lawyers, you know he's doing a very good job. And Bob indeed was. January of this year another vacancy occurred and

fortunately I was lucky enough to get the appointment. The first thing I did was go to Bob Rose. Before I got there, Tom Cochrane grabbed me by the arm and told me to please pass the word that if anybody wanted a judicial appointment in Las Vegas, they had to become his partner first. So, anyway, I did. Bob, as usual, was very, very helpful, told me what I should and shouldn't do, and gave me a great deal of assistance. And I really appreciated that.

I've felt for years that we have been very lucky in the state of Nevada in having one of the truly outstanding Supreme Courts in the entire United States. I want to tell everybody, although I'm sure I don't have to tell the mass of population that elected him, that Bob Rose is going to carry on in that great tradition. You have a gentleman here that has done criminal law as district attorney and knows that end of the law very well. He did civil law both from the defense side and the plaintiff side in general litigation. He's been an outstanding judge in the Eighth Judicial District Court as I've already pointed out. He has an outstanding legal mind. I want to say that I am very pleased to call him my friend, Bob Rose. At least I'll call him that until the first time he helps reverse me! Bob, I know you're going to be a great asset to this Court and to our state and I congratulate you.

CHIEF JUSTICE YOUNG:

We generally never make "mistekes" on the Supreme Court, but I think I've overlooked some distinguished personages in the Audience. Senator Lawrence Jacobsen. We're glad to have you here, Senator Jacobsen. I overlooked a member of the Board of Governors—John Lambrose. John. And I think Patricia Lynch, City Attorney of Reno. Nice to have you people with us. I'd now like to have Justice-elect Rose and his wife come forward.

Will you raise your right hand and repeat after me. I, repeat your name . . .

JUSTICE DESIGNATE ROSE:

I, Robert E. Rose . . .

CHIEF JUSTICE YOUNG:

Do solemnly swear . . .

JUSTICE DESIGNATE ROSE:

Do solemnly swear . . .

CHIEF JUSTICE YOUNG:

That I will support, protect and defend .

**JUSTICE DESIGNATE ROSE:**

That I will support, protect and defend .

**CHIEF JUSTICE YOUNG:**

The constitution and government of the United States

. . .

**JUSTICE DESIGNATE ROSE:**

The constitution and government of the United States

. . .

**CHIEF JUSTICE YOUNG:**

And the constitution and government of the State of Nevada

. . .

**JUSTICE DESIGNATE ROSE:**

And the constitution and government of the State of Nevada

. . .

**CHIEF JUSTICE YOUNG:**

Against all enemies . . .

**JUSTICE DESIGNATE ROSE:**

Against all enemies . . .

**CHIEF JUSTICE YOUNG:**

Whether domestic or foreign .

**JUSTICE DESIGNATE ROSE:**

Whether domestic or foreign .

**CHIEF JUSTICE YOUNG:**

And that I bear true faith, allegiance and loyalty to the same

. . .

**JUSTICE DESIGNATE ROSE:**

And that I bear true faith, allegiance and loyalty to the same

. . .

**CHIEF JUSTICE YOUNG:**

Any ordinance . . .

**JUSTICE DESIGNATE ROSE:**

Any ordinance . . .



CHIEF JUSTICE YOUNG:  
Resolution, or law . . .

JUSTICE DESIGNATE ROSE:  
Resolution, or law . . .

CHIEF JUSTICE YOUNG:  
Of any state notwithstanding . . .

JUSTICE DESIGNATE ROSE:  
Of any state notwithstanding . . .

CHIEF JUSTICE YOUNG:  
And that I will well and faithfully . . .

JUSTICE DESIGNATE ROSE:  
And that I will well and faithfully . . .

CHIEF JUSTICE YOUNG:  
Perform all the duties of the office . . .

JUSTICE DESIGNATE ROSE:  
Perform all the duties of the office . . .

CHIEF JUSTICE YOUNG:  
Of Justice of the Supreme Court of Nevada . . .

JUSTICE DESIGNATE ROSE:  
Of Justice of the Supreme Court of Nevada . . .

CHIEF JUSTICE YOUNG:  
On which I am about to enter . . .

JUSTICE DESIGNATE ROSE:  
On which I am about to enter . . .

CHIEF JUSTICE YOUNG:  
So help me God.

JUSTICE DESIGNATE ROSE:  
So help me God.

CHIEF JUSTICE YOUNG:  
Congratulations.

JUSTICE ROSE:

Thank you, Cliff.

CHIEF JUSTICE YOUNG:

Will you . . .  
(Applause.)

JUSTICE ROSE:

Boy, is this a great day! Before I begin my few prepared remarks, I'd like first to introduce the judicial family that I'm leaving and two of whom are coming with me in this new endeavor in Carson City. They've come up here either to begin their residence or to say farewell to me. I'd like to have the three of them stand up. Al Wiggs is my bailiff—or was until today. Virginia Chani, my secretary, who's very popular and an institution around the Clark County Courthouse. Many people said that if they knew I was taking Virginia away from the courthouse, they wouldn't have voted for me! And third Gary Sirota, my law clerk, who is coming with me to be one of my law clerks on the Nevada Supreme Court. And I'd also like to introduce Gary Foremaster, who is a clerk for Justice Gunderson, who will be continuing with me. And Al, I'm sorry, everyone seems to be coming along with me except you, but there's no slots for a bailiff.

It's really hard to believe that twenty-four years ago I was working across the street as a law clerk for the Nevada Supreme Court. And as I said in my commercials, when I left that Supreme Court twenty-four years ago as a law clerk, I had an abiding desire to come back as a justice on the Nevada Supreme Court. And that day is today. I had no plans when I left the court twenty-four years ago, in 1965, to get into politics, although I was politically interested and I was inspired by John F. Kennedy. But, things have a funny way of turning out. And it turned out that politics to me was like quicksand. Once I got into it, I got into it in a very real way and spent the next ten years in total political involvement with party offices and elected positions. It was a wonderful experience and, in fact, it was fourteen years ago in this very room when I was sworn in as Lieutenant Governor of the State of Nevada.

In 1978 I ran for Governor and was involuntarily retired by my good friend, Bob List, and returned to the practice of law, which, as it turned out, was a real blessing for me. I found that I enjoyed the practice of law a great deal, and found that the satisfaction in the law and in the practice was even greater than anything I had experienced in the political arena. And I made up my mind that my first goal was really the best goal and that if I was going to do

anything else in public life, it would be as a judge and not in any other political capacity.

In 1986, Dick Bryan was kind enough to appoint me to be a district court judge and I've enjoyed that position immensely. In 1988, as the year began, I had no plans of running for any office other than to file for re-election, with the hope that no one would file against me and I would be unopposed in my re-election effort as a district court judge. And that was until March when, unexpectedly, I learned that Justice Gunderson would not be seeking re-election. And I decided that I would run for the Nevada Supreme Court and file immediately.

I saw this as a great opportunity and a chance of a lifetime. But it also had a very real risk for me. And that risk was the fact that I either had to run for the district court judgeship or the Nevada Supreme Court judgeship. I could not do both. So, the potential of reward was great, but the chance, the real risk, was also substantial. My wife, Jolene, was kind enough to get out a piece of paper and write down advantages and disadvantages in the methodical, administrative way that she handles so many things. There were a few major advantages on the list: I'd realize a lifetime dream; I'd have a very wonderful and challenging job; and I think we had two or three other advantages after that. On the long list of disadvantages, on the other side, it ended with: if you lose, you are unemployed! But, in spite of that, we took the short list and decided to run, and I want to thank you very much, Jolene, for sticking with me and supporting me through the thick and thin of this last year. It's been trying, but you helped me throughout this campaign. Thank you very much.

Considering the risks that I was embarking upon, I made the decision to run and went to my dear friend, David Cooper, the morning I was to fly up here. I told David that I intended to run for the Nevada Supreme Court. My decision was really sincere, but I have to tell you at this time, it was not all that firm. And as the line in the song—"Home on the Range" states—"where never is heard a discouraging word"—if I had heard one discouraging word that morning, in fact, even one *moderately* discouraging word that morning from David Cooper or anyone else, I don't think I would have gotten on that plane that afternoon to fly to Reno and then to file that next morning. But, David, I want to thank you because you not only avoided uttering any discouraging comments, you were positively affirmative and very supportive; in about an hour and a half you knocked out several press releases; and ran with me to the plane and accompanied me on that trip. And I want to thank you for your support, for being a good friend throughout the years, and for the kind remarks you made today.

I'd also like to thank Jack Lehman for being a friend for many,

many years. He has been a fine lawyer, a good partner, a dedicated public servant and an excellent district judge. And also thank you for those kind remarks.

It's impossible to thank everyone who's here and you always run the risk of overlooking someone; but I'd like to thank first of all, all those who came from Las Vegas, all my friends and supporters who did pay what seems to be excessive fares to come up to Northern Nevada and be with me on this very important day in my life. Thank you for your help during this year. And also thanks to all those many, many friends, old friends and new friends, in Northern Nevada. It's great to see you here and it's really heartwarming.

And no ceremony like this would be complete if I didn't say thanks to Mom and Dad who, all through my life, provided the love and support and insisted that I get the education that they did not, and made sure I got it. I want to thank you very much.

And last of all, I'd like to thank my brother who was almost a one-man campaign committee in Northern Nevada. He helped fund the campaign in large measure. If you look at the campaign financial reports, the loans and campaign donations from Richard Rose really kept us going in the early part of the campaign. And he also put most of the signs up in Northern Nevada. I don't know who could have a better brother than me and I'd just like to thank Rich Rose for everything you've done for me this year and in the past.

When I was sworn in two years ago as a District Judge, I told a very short story, that's a true story, for the very first time publicly in Las Vegas. And I'd like to share it with those in Northern Nevada and ask the people who heard it in Las Vegas two years ago, and particularly the justices, to indulge me and bear with me in hearing this story one more time—about when I was District Attorney and personally prosecuting cases. Those of you in Northern Nevada know that the District Attorney in Washoe County is really expected and looked upon to try cases, to be a trial lawyer and personally advocate the state's position. When I was Washoe County District Attorney, I liked to do this and I used to try to do it about every six months. I had not tried a case for about six months and there was no case of reasonable note coming up. So I looked around in our inventory of cases coming to trial and I saw an attempted murder case. It was where one man shot another man in the back or in the back of the leg, and left the victim permanently crippled. I thought this was a good case. It was an unusual case, though, because both the victim and the defendant, the accused, were older men and, in fact, the defendant testified that he would be seventy years old the week of trial. And so, I took the case.

For those of you who might not be familiar with the criminal

process, it is the District Attorney who prosecutes the case. He asserts that the injury done to the victim is a public wrong. And he is more or less aligned with the victim and trying to convict the defendant of the alleged crime that has occurred.

I took this case to trial and, as the trial progressed, a great many of the prior incidents between the two men were received in evidence and the character of the two men, the accused and the victim, clearly emerged. And I might say that it was over the strenuous objection of the District Attorney. It became real clear that the victim was not a very nice man; and although the defendant, on that day in question, had precious little provocation, he had sustained a lifetime of badgering and harassment at the hands of the victim.

The jury saw it that way, too, and they did not deliberate very long. As they came back into the courtroom, the jurors were all looking at the defendant. It's a bad sign for a prosecutor. And a few of them were smiling at the defendant. That's a worse sign. As the District Attorney I was crestfallen when the verdict was read "not guilty." I was also a bit embarrassed. My ego was bruised. But as if to add insult to injury, the foreman stood up and said "Your Honor, may the jury do one more thing?" And before the judge could even respond, the jury stood up in unison and sang "Happy Birthday" to the defendant! Now you'll know why that story was never told publicly until two years ago. I told any deputy district attorney that publicly uttered a word about this would be seeking immediate employment elsewhere.

I tell the story, because it is humorous; and because no matter what title or what role or what office you hold, we all are fallible and from time to time do not succeed or embarrass ourselves. And also because things sometime are not as they first appear after more careful examination. I think that's very important to keep in mind, particularly when you are about to serve on a court of last resort, as the Nevada Supreme Court. A court from which there normally is no appeal. There is no other place to go and the result is absolute and final.

I will be joining a very, very good Court. And I'm going to work very hard to keep the Court a very, very good Court. I am enthusiastic about Justice Young's plans for the future that have been announced over the past week. I think a comprehensive review of the court system that will answer the general questions of "how are we doing now?" and "what should we be doing now that we might not be doing?" and "what should we do in the coming ten years to address the caseload and the tremendous problems we have?" I think this is a good study and I think it's a very positive action. I also think that making the Court services accessible to the public and getting the most out of the money spent are admirable goals. And I certainly would like to see,

having practiced in Las Vegas, the filing of documents permitted in Las Vegas and also more court sessions in Las Vegas as Justice Young has indicated he would like to see.

And, of all the other proposals that I think are admirable that the Court plans, I would also like to see, in capital cases, affirmative steps taken to try to reduce those errors that we see time and time again in the major cases, and also to expedite those appeals as best we can. So I certainly join you, Justice Young, and the members of the Court, in the real goal and desire in seeing these reforms brought about.

My promises today are really nothing more than the promises I made during the campaign. They are more fundamental than spectacular. I intend to work hard, to review the facts of each case as much as is possible, to analyze the applicable law, and to produce clear opinions that state all relevant facts and legal reasoning. I want to be open and willing to discuss the cases with the other justices and to hear their views and maybe opposing positions. I know that compromise is often necessary and I certainly intend to do that where necessary and where appropriate. But I also realize that there does come a time when reasonable men can disagree and, in that disagreement, will come concurring opinions and occasionally, dissenting opinions. That's just the nature of the work and how it is; and I'm hopeful that as I go along, I will be able to take this in stride and handle it since it is part of the job of being a justice on the Nevada Supreme Court. And always keep in mind that men and women can disagree, but they don't have to be disagreeable in their disagreement.

In short, I intend to work hard, and to do justice in each case and to reach a result in a reasonable period of time. That might not sound like a lot, but yet it is so very, very much, as the justices who are sitting behind me and who I join know so well.

I want to thank the members of the Court for this swearing-in and the reception that they are hosting that will follow. I look forward to working with each and every one of them. I know them as honorable men and talented people each in their own way. And I look forward to working with them in the years to come. It really is a pleasure and honor to join them on Nevada's highest court. Thank you very much.

**CHIEF JUSTICE YOUNG:**

On behalf of the Court, I would like to extend our congratulations to our newest colleague. I was gratified by his indication that he wants to work hard. He couldn't have arrived at a better time. We can promise full-time employment. During the last year, our caseload went up over twelve percent. We're very close to a thousand now, compared to the forty cases that were filed

annually when our Court took up residency across the street. I did a little calculation last year and found that, if all the documents filed in our Court—transcripts, multiple briefs, and so forth—were put one paper on top of the other, it would be as high as the Ormsby House. And that's increased by twelve percent since then. About three-quarters of a century ago, Woodrow Wilson observed that insofar as the individual is concerned, our Constitution is as good as the Courts, no better, no worse. This is the end of one era and the beginning of another. I know our Court looks forward to working closely with Justice Rose toward the end of achieving a better, ever-improving quality of justice in our state. Again, we are pleased to have you join us. We bid you welcome. I have about four committee assignments I'd like to talk to you about this afternoon! The Court will be in recess. Thank you very much for attending.

(The ceremony was concluded.)