

Nebraska Judicial Branch

The Nebraska Court System

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Branch Overview
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Work of the Judicial Branch

Every day our lives are affected by the business that is conducted throughout the judicial branch. The decisions that are made, both at the trial court and appellate levels, impact the citizens of Nebraska.

Yet few citizens are familiar with the basic functions and responsibilities of the state's courts, the judges who preside in them, and the various professionals who work to ensure the

business of the judiciary is fairly and efficiently carried out.

Managing the court system takes many people in addition to judges. Administrators, clerks, court reporters, and bailiffs are only a few of the people who keep the trial and appellate courts working smoothly.



Levels of Court

- Supreme Court
- Court of Appeals
- District Court
- County Court
- Separate Juvenile Court
- Workers' Compensation Court

Plus specialty courts run through courts listed above like

- Drug Court
- Small Claims Court

Three Branches of Government

Just like the United States government, Nebraska has three branches —

- **Legislative**
- **Executive**
- **Judicial**

“The Third Branch,” as the judiciary is often called (judicial powers are listed in Article III of the U.S. Constitution) is an equal participant in the checks-and-balances system of government.

Each branch of government has its particular function. The Legislative Branch makes laws, the Executive Branch makes sure the laws are being followed, and the Judicial Branch interprets the laws, meaning that the courts look at the facts in each case and explain the results of a case based on the law as it is written.

What Do Judges Do?

Trial Courts

In the trial courts, the judge's role is to review and determine relevance of evidence as it is presented in the courtroom.

During a bench trial, the judge hears evidence then determines guilt and consequences.

Supreme Court and Court of Appeals

Appellate judges must review materials from cases that have been tried in the trial courts and determine if any mistakes were

made or rules weren't followed that would require a new trial.

Fact Finders

Judges are called "neutral fact finders" because they follow the law as it is written. It is inappropriate for a judge to consider his or her personal views, statements by politicians, or public opinion when deciding cases.

They also help to make sure that people going to court understand what is happening. They explain people's rights, appoint attorneys and make

sure that defendants and witnesses have interpreters if they don't speak English.

The Code of Judicial Conduct prohibits judges from commenting about cases while they are still in court. If a judge would answer questions for a news story in a pending case, it may make people question whether the judge has made up his or her mind without hearing all of the information.

The position of a judge is to serve as a referee, not an advocate, for one position or another. Judges must not 'pre-judge' any case that comes into court. before them.

Jury Trials

The right to a trial by jury is in the Sixth Amendment of the United States Constitution. Jury members are people who listen carefully to everything said in the courtroom, and then decide who wins the case. Jury trials are held in county and district

court, when somebody asks for one. The Sixth Amendment says in part, "...the accused shall enjoy the right to a speedy and public trial by an impartial jury..."



What Do Probation Officers Do?

Generally, probation officers have two basic assignments from the court. One is to investigate people before the judge decides the consequences (the 'sentence') and provide a report to the judge. The other is to supervise people who are sentenced to probation. In juvenile cases probation officers become involved before the child goes to court. Probation has "juvenile intake officers" to help find the best place for a child to stay after they get in

trouble, but before they go to court.

When people are sentenced to probation it means that they have been convicted of a crime but can be supervised at home rather than being sent to jail.

While on probation, the offender may be required to pay back money (for something stolen or damaged), take regular drug and alcohol tests, have a curfew, attend school regularly

or anything else that will help rehabilitate them. They also have to report regularly to their probation officer.

A great effort is made to help young offenders who are given the opportunity to correct their problems and avoid further trouble with the law.



Types of Nebraska Courts

The Supreme Court

The Supreme Court's main responsibility is to look at cases from other courts to be sure that they didn't make any mistakes, and to see that the state's court and probation systems run smoothly. It also looks at all cases involving the death penalty or life in prison, or when the case has a question about the Constitution of the State of Nebraska.

The Supreme Court is also in charge of all the lawyers in the State of Nebraska.

The Supreme Court has a Chief Justice and six associate justices. The six associate justices each come from a different area of the state called a district, and the Chief can come from anywhere in the state. The Governor appoints the justices from a list given to him by a special committee whose job is to recommend lawyers qualified to be judges.

The Court of Appeals

The Court of Appeals' job is to hear all appeals not involving penalties of death or life in prison. Whenever someone believes that rules were not properly followed in the lower court (usually a county or district court), they can have the court of appeals hear the case again to see if anyone made any mistakes that could make them change the decision.

The Court of Appeals has six judges, one from each of the same six districts as the Supreme Court. One of these six judges is appointed by the Supreme Court as chief judge.

District Courts

There are 12 judicial districts and 57 district court judges to serve all 93 of Nebraska's counties. District Courts hear all serious criminal cases and many civil cases including divorce cases.



County Courts

The County Courts also have 12 judicial districts (some of which have only one county, and some have up to 17), there are 58 county court judges. County Courts handle all minor criminal cases, traffic violations, guardianship, adoption, and juvenile cases (unless there is a Separate Juvenile Court in the district).

Separate Juvenile Courts

The Separate Juvenile Courts only deal with crimes committed by youth under 18, and with children who have been abused or neglected by their parents.

Workers' Compensation Court

The seven Workers' Compensation Court judges hold hearings in different towns across the state. They decide

cases where people have been injured at their job.

Drug & Problem Solving Courts

Nebraska has special courts for adults with drug problems, family drug treatment courts, and juvenile drug courts. Omaha has a special court just for young adults who commit crimes.

Drug and other problem solving courts operate through the regular trial court system, with county, juvenile, or district court judges.

Small Claims Court

Small claims court is a part of county court and is limited to non-criminal actions involving arguments over amounts of money owed, damage to property, or other smaller issues. Lawyers may not participate.

Judicial Branch:
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State Motto:
Equality Before the Law

Judicial Branch Programs and Projects

The Nebraska Judicial Branch has many responsibilities beyond the courtroom. The branch also supports and educates mediators who try to help people figure out solutions to their problems without going to court. The Supreme Court has several committees to research problems and recommend solutions, for example: the Court has groups researching the unfair treatment of minorities, problems with elderly individuals who need someone to care for them, children who are abused or neglected, concerns of divorcing parents, ways to use technology to help people make payments online and find information.



Courtroom Soccer

Sometimes it can make it easier to understand something if you compare it to something you know about. In some ways, the court system is a little like a soccer game.

The Stadium:

The Courtroom is the stadium where the court case takes place.

The Players:

The two different sides in a court case are like the players in a soccer game. They can be called all kinds of different names, like litigant, defendant, prosecution, plaintiff, and others. The different sides in a court case are like soccer teams because they play each other and try to win on behalf of their team, fans and players. They take turns being on offense and defense by calling witnesses and giving evidence to the judge and, sometimes, the jury.

The Coaches:

The coaches are like the lawyers who help the players play the game,

because they usually know how the game works better than the players do. They decide what plays to call, and the overall game strategy. Lawyers do the same thing by making a plan to present their client's case, and then calling witnesses and giving evidence to try to perform their best.

The Referee:

The judge is like a referee. Part of the judge's job is to keep time and move everything along on schedule. He or she also calls fouls if one of the teams does something that is against the rules.

The Scorekeepers:

The scorekeepers watch the game and record every time each side scores a point. While there is no point system in a court, the judge (or jury, depending on the kind of trial) reviews the evidence presented and declares a winner.

The Sportscasters:

Sportscasters are like court

reporters.

They are responsible for making sure everything that happens in the courtroom gets written down so people can go back and see what happened if they forget, or if they weren't there.

The Commissioner of the league:

The Chief Justice of the Supreme Court is like the Commissioner. He or she has to make sure that all the games and stadiums and referees and everything works smoothly. He or she also decides on disputes that are too hard for the other courts or ones where one side feels like the decision made by the court is wrong. The Chief has six other Justices who help him or her make decisions and think through their problems. The Court has law clerks to research every question presented by the lawyers.