

COURT OF APPEALS ORAL ARGUMENT

2018



Judge Riko E. Bishop
Judge David K. Arterburn
Judge Lawrence E. Welch, Jr.

Judge Michael W. Pirtle
Chief Judge Frankie J. Moore
Judge Francie C. Riedmann

THE NEBRASKA COURT of APPEALS is the state's
intermediate appellate court established on September 6, 1991

The Court of Appeals consists of six judges appointed by the Governor from lists submitted by judicial nominating commissions. From the six judges, a chief judge is selected to serve a 2-year renewable term. The districts from which the Court of Appeals judges are appointed are the same as those used for the six Supreme Court justices. The Court of Appeals' primary courtroom is in the State Capitol in Lincoln, but for the convenience of citizens, the Court of Appeals travels to other Nebraska cities to hear appeals.

The Court of Appeals is divided into two panels consisting of three judges each. The panels decide separate cases to expedite the processing of appeals. The composition of the panels changes periodically so that all the judges work with each other at some time.



The Nebraska Court of Appeals hears “oral arguments” — a discussion of the facts and the law involved in the cases on appeal. Attorneys on each side of an appeal, have 10 minutes to present their arguments. The side challenging a lower court decision presents its argument first with an opportunity to reserve time for rebuttal. The side bringing the appeal is called the appellant; the side responding to the appeal is referred to as the appellee.

The Court of Appeals sits two in panels of six judges for a week-long period once per month to hear arguments in the cases before them. The cases are scheduled one after the other, without specific times set for each case. (In that way, the Court does not have to spend time waiting for the next case if an earlier one concludes sooner than the allotted time.) Typically, cases are argued in the morning to the first panel and in the afternoon to the second panel. Once the oral arguments are over, the justices begin the task of deciding the cases and writing the opinions.

Court decisions are never announced from the bench. The Court communicates its decisions by filing written opinions with the Office of the Clerk of the Court and posting them on the opinion website. Opinions are issued several months following arguments, depending on the complexity and other factors.

Participants in the Courtroom: When observing a Court of Appeals argument session it may be helpful for you to understand the various roles of the people you see.

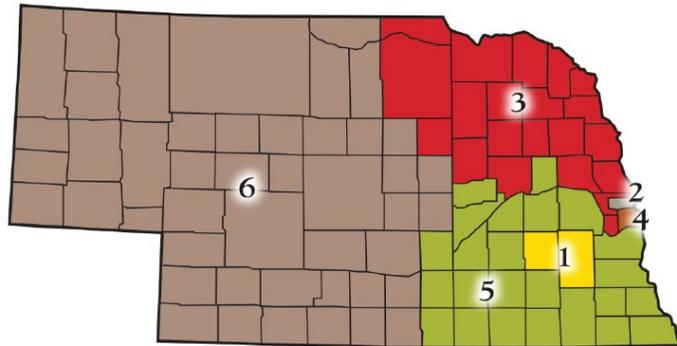
Judges: At the State Capitol, the judges enter the courtroom through a door behind the bench. The judge designated to preside over the panel sits in the middle of the three judges and calls attorneys to the podium. All judges participate in questioning and discussion during arguments.

Bailiff: The Nebraska Court of Appeals Bailiff sits at the desk near the bench. It is the bailiff’s duty to open the court session by calling the courtroom to order, although the main duty is to monitor the times during which the lawyers present their arguments. As with the judges, the bailiff’s duties and time spent in the courtroom during oral arguments represent a relatively small percentage of the workload.

Attorneys: Attorneys scheduled to argue appeals are seated at the tables to the right and left of the lectern which is located directly in front of the judges bench. The appellant usually sits to the left and the appellee to the right. In presenting their arguments, the attorneys speak from behind the lectern. Each attorney’s time is monitored by the bailiff and arguments are stopped by the Court at the conclusion of the allotted time. The attorneys’ presentations may be interrupted by questions from the justices to clarify the issues for later discussion in consultation.

Video and Livestreaming: When sitting in the State Capitol, official proceedings before the Court of Appeals are Internet broadcast via livestreaming from Nebraska Educational Television. Within 24 hours, argument sessions are preserved in an archive through the Judicial Branch website: supremecourt.ne.gov. When traveling, arguments are audio recorded and posted on the website.

Appellate Court Districts



Pursuant to Article V, Pursuant to Article V, §5, of the Nebraska Constitution, the Legislature is responsible for dividing the state into “six contiguous and compact districts of approximately equal population” to form the judicial districts of the Supreme Court and Court of Appeals. As directed by Neb. Rev. Stat. §24-201.02, the state is redistricted after each federal decennial census.



Nebraska Supreme Court Public Information Officer

Nebraska State Court Administrator's Office | State Capitol | Lincoln, NE 68509

www.supremecourt.ne.gov