

SUPREME COURT ARGUMENT SESSIONS



*Front: Justice Lindsey Miller-Lerman; Chief Justice Jeffrey Funke; Justice William Cassel.
Back: Justice John Freudenberg; Justice Stephanie Stacy; Justice Jonathan Papik; Justice Jason Bergevin.*

THE NEBRASKA SUPREME COURT is Nebraska's court of last resort.

Its decisions are binding on all trial courts, as well as the Court of Appeals.

The Supreme Court is composed of a Chief Justice and six Associate Justices representing the six Appellate Court Judicial Districts of the State of Nebraska. The Chief Justice represents the state at large and also serves as leader of the Judicial Branch.

The Court maintains a steady caseload and regular schedule of oral arguments along with written published opinions. In addition, the Court has the responsibility to provide administrative leadership for the state judicial system. This includes the district, separate juvenile, county and workers' compensation courts along with probation, mediation, specialized problem-solving courts, attorney licensing, child support referees and disciplinary systems.



Nebraska Supreme Court Argument Sessions

The Supreme Court hears “arguments” — a discussion of the facts and law involved in the cases on appeal.

Attorneys on each side of an appeal, generally, have 10 minutes to present their arguments. The side challenging a trial court or Court of Appeals decision presents its argument first with an opportunity to reserve up to 5 of the 10 minutes for rebuttal (response). The side bringing the appeal is called the appellant; the side responding to the appeal is referred to as the appellee.

The Supreme Court sits en banc (or with all seven members together) 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 only in the morning. Once the argument sessions 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 Supreme 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 the Supreme Court courtroom, it may be helpful for you to understand the various roles of the people you see.

Justices: At the State Capitol, the seven justices enter the courtroom through a door directly behind the Chief Justice’s chair. The newest justice enters first and is followed by the rest of the Court in reverse order of seniority. The Chief Justice enters last and sits in the middle, while the remaining justices alternate to the right and left. The newest member of the Court sits on the far right, as you face the bench.

Bailiff: The Nebraska Supreme Court bailiff sits at the table near the bench. It is the bailiff’s duty to begin the court session by calling the courtroom to order, although the main duty is to monitor the time limits during which the lawyers present their arguments. As with the justices, the bailiff’s duties and time spent in the courtroom during argument sessions represent a relatively small percentage of their work.

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 Court. 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 possible, official proceedings before the Supreme Court are Internet broadcast via livestreaming from Nebraska Public Media. Within 24 hours, argument sessions are preserved in an archive through the Judicial Branch website: supremecourt.nebraska.gov.