

ANNUAL REPORT NEBRASKA COURT SYSTEM

JULY 1, 2013 TO JUNE 30, 2014

ADMINISTRATIVE OFFICE OF THE COURTS



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Chief Justice Mike Heavican

A MESSAGE FROM CHIEF JUSTICE MIKE HEAVICAN

On behalf of the Nebraska Supreme Court, I am honored to present our Annual Report of the Nebraska Court System, outlining court innovations and achievements during fiscal year 2013 - 2014.

This report is intended to provide a summary of the operations of the court system, to acquaint the public with Nebraska courts, and to promote a better understanding of the courts and what the courts do.

The report features:

- The Court's Judicial Leadership Development Program;
- The new Attorney Services Division;
- Implementation of Nebraska's Public Guardian Program; and
- Attention to children in the court system

As I mentioned in my State of the Judiciary address to the Nebraska Legislature on January 17, 2014, "Nebraska's judicial branch is growing, it's dynamic, and it's busy. Our dedicated judges, support staff, and probation employees are carrying out the Court's long-term mission to do justice, resolve disputes, provide equal protection to all citizens, and ensure due process of law in all 93 of Nebraska's counties."

The Supreme Court is proud of the many accomplishments of our court family. This report provides a summary of the Judicial Branch's contribution to the State of Nebraska.

NEBRASKA STATE COURT ADMINISTRATOR

The Administrative Office of the Courts (AOC) provides support services to the courts and court users and leads system improvement initiatives as directed by the Nebraska Supreme Court. The AOC is organized into three divisions: Attorney Services, Court Services, and Information Technology. The State Court Administrator supervises staff functions involving budget, communications, governmental liaison, human resources, and attorney regulatory services.

I extend my sincere thanks to all of the judicial branch judges and staff who provide equal justice throughout the state and who, through their efforts, made this a productive year for the Nebraska court system.

Great opportunities lie ahead and we will continue to build upon the strong foundation established by retired State Court Administrator Janice Walker.



*State Court Administrator
Corey R. Steel*

LEADERSHIP

The Nebraska Constitution provides that general administrative authority over all the courts in the State is vested in the Supreme Court and shall be exercised by the Chief Justice (Nebraska Const. Art. V). The Chief Justice is the executive head of the courts and may appoint an administrative director. Throughout the year, the Chief Justice consults with court representatives about projects and programs. Communication is accomplished through regular, ongoing conference calls with judges and their associations, annual meetings with court staff, and regular communication with Nebraska attorneys.

ANNUAL LEADERSHIP CONFERENCE

Each spring the Chief Justice convenes an Annual Leadership Conference which includes the chairs of the commissions and committees of the Supreme Court. The Court supports a number of commissions and committees made up of citizens, judges, and lawyers who work together to improve the delivery of justice throughout the state. A complete listing of committees and their members can be found on the judicial branch website under Administration, Committees and Commissions.

JUDICIAL LEADERSHIP DEVELOPMENT PROGRAM

In September 2013, the inaugural meeting of the Nebraska Supreme Court Judicial Leadership Development Program was held. The program is designed for state trial court judges who have been on the bench for at least two years and for no more than seven years. As the court system faces continuing issues related to access to justice for all citizens, the leadership program is intended to expose judges to current trends and emerging issues and to prepare the judges to assume future leadership roles within the judicial branch. The court system is being impacted by changing demographics, an increasing number of litigants who seek to represent themselves in court, geographical shifts in population, gaps in the availability of legal services, and continuing financial challenges. Trial court judges are faced with the responsibility for the overall health of judicial institutions and their effectiveness in dispensing justice.

JUDICIAL ASSOCIATIONS

Each trial level of the court system has an association for its judges. The leaders of the associations in the 2013-14 fiscal year:

District Court Judges' Association:

Hon. Steven D. Burns, President

County Judges' Association:

Hon. Laurie J. Yardley, President

Separate Juvenile Court Judges' Association:

Hon. Robert B. O'Neal, President

JUDICIAL EXCELLENCE

Each year the Chief Justice presents two Nebraska judges with the Supreme Court's highest honors. In October 2013 the Hon. Donna F. Taylor was presented the Service to the Community award, and the Hon. Paul D. Merritt, Jr., was presented the Service to the Judiciary award.

Judge Taylor was honored for her community outreach efforts for audiences ranging from grade school students to state senators. She has served as a regional coordinator for the Nebraska Mock Trial program since she was in private law practice in Neligh in 1987. After being named a judge, she expanded her outreach efforts through Law Day and Constitution Day, using the special events as platforms to educate area students. After becoming president of the Nebraska County Judges' Association, Judge Taylor expanded her outreach efforts to members of the Nebraska Legislature, inviting new senators to visit local trial courts and ask questions about the judiciary and the role the judicial branch plays in promoting the public good.

“BEGINNING WITH SOME OF THE YOUNGEST RESIDENTS, JUDGE TAYLOR IS MAKING A GREAT CONTRIBUTION TO IMPROVING COMMUNITY RELATIONS IN NORTHEAST NEBRASKA AND BEYOND. SHE HOLDS A PARTICULAR SKILL WITH YOUNG PEOPLE AS SHE IMPARTS WISDOM ABOUT THE RULE OF LAW AND THE IMPORTANCE OF BEING A GOOD CITIZEN.”

CHIEF JUSTICE HEAVICAN



Judges Merritt and Taylor with Chief Justice Heavican

Judge Merritt was honored for his many years of active involvement in judicial branch committees and volunteer teaching through court education programs. He is a founding member of the Court Interpreter Advisory Committee where he participates in proposing and evaluating policies for interpreters across the state. He is also a founding member of the Nebraska Adult Interstate Compact Advisory Committee which assists the probation system in uniform procedures to manage the state-to-state movement of adults placed under community supervision. Judge Merritt is also a past president of the Nebraska District Judges' Association and served on its legislative committee. Judge Merritt has also demonstrated a passion for the success of the drug court, taking a leadership role in its program design and development.

“FOR A DEFINITION OF PAUL MERRITT’S WORK AS A JUDGE, ONE MIGHT SIMPLY CONSULT THE AMERICAN BAR ASSOCIATION STANDARDS ON STATE JUDICIAL SELECTION. STANDARD A1 STARTS WITH EXPERIENCE, AND IS IMMEDIATELY FOLLOWED BY INTEGRITY. I BELIEVE ALL WHO KNOW JUDGE MERRITT APPRECIATE THAT HE HAS BOTH, IN ABUNDANCE.”

CHIEF JUSTICE HEAVICAN

NATIONAL LEADERSHIP

Chief Justice Michael Heavican served as president of the Conference of Chief Justices (CCJ) during 2013-14. He also served as chair of the Board of Directors of the National Center for State Courts (NCSC). The Conference of Chief Justices and the National Center for State Courts are the nation’s leading court organizations.

At the time of Chief Justice Heavican’s election, NCSC President Mary C. McQueen noted that he is a remarkable leader, both in Nebraska and on the national level. “We are fortunate to have someone of Chief Justice Heavican’s knowledge and experience step into these leadership roles.”

The Conference of Chief Justices (CCJ), founded in 1949, is comprised of the top judicial officers in each state, the District of Columbia, and U.S. territories. It acts as the primary representative of state courts before Congress and federal executive agencies. The National Center for State Courts promotes the interests and effectiveness of state judicial systems by developing policies and educational programs designed to improve court operations. It was founded in 1971 by the CCJ and provides education, training, technology, management, and research services to the state courts in the U.S.



*State Court Administrator Corey Steel
Annual Leadership Conference*



*Judges Susan Bazis, Omaha and Russell Harford, Chadron
Annual Leadership Conference*



*Judges James Kube, Norfolk and Tom Otepka, Omaha
Annual Leadership Conference*

COURT ADMINISTRATION LEADERSHIP

In May 2014, Corey R. Steel was named the State Court Administrator. He served as deputy probation administrator for juvenile services since July 2013. In that role he was active in providing information to the Legislature regarding the juvenile justice system. Steel also served as juvenile justice specialist for the Office of Probation Administration. He was heavily engaged in the transformation of the juvenile justice system. Steel was also involved as a leader in the Juvenile Detention Alternative Initiative (JDAI), the Cross-Over Youth Practice Model, and the Juvenile Information Sharing Project. He was named the Judicial Branch's Employee of the Year for 2013.

ADMINISTRATIVE OFFICE OF THE COURTS

Under the direction of the Nebraska Supreme Court, the mission of the Administrative Office of the Courts is to ensure the public has equal access to justice, using leadership, education, technology, and administrative services to implement consistent, efficient, and effective court practices.

The office is organized into three divisions:

- Attorney Services
- Court Services
- Information Technology



ATTORNEY SERVICES

The Attorney Services Division performs regulatory duties and provides administrative support to programs that relate to Nebraska attorneys.

Mandatory Continuing Legal Education: The Supreme Court has appointed a commission on mandatory continuing legal education which oversees programs to ensure that active attorneys obtain mandatory continuing legal education each year. Annual attorney license renewals are obtained through the division's online portal. Attorneys are able to maintain their personal information, trust account, and malpractice coverage information and

print an annual membership or license card as part of the annual license renewal. The division ensures that attorneys comply with all mandatory annual licensing rules. It also approves vendors of continuing legal education.

Counsel for Discipline: The conduct of Nebraska lawyers must comport with the standards outlined in the Rules of Professional Conduct as adopted by the Nebraska Supreme Court. The Counsel for Discipline investigates disciplinary complaints against attorneys for alleged violations of the professional rules.

COURT SERVICES

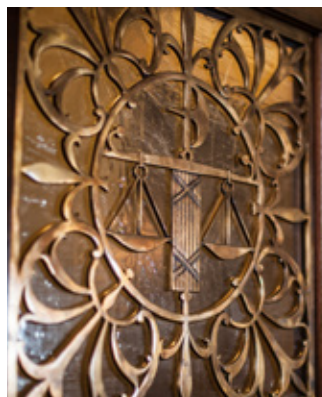
The Court Services Division oversees both internal programs and services for the public. The division is responsible for communicating Supreme Court administrative policy, providing procedural standards for court operations, and providing publications and procedural manuals along with standard court forms for use in everyday operations within the courts.

Internal services include:

- Interpreter/Translation: Coordinates services for the trial courts and probation offices to provide qualified interpreters for the deaf and hard of hearing and those with limited English language proficiency.
- Personnel Services: Oversees payroll, benefits and all other personnel transactions for the more than 1400 employees and judges of the judicial branch.
- Public Information and Communications: Internal and external communications for the court system.
- Domestic Violence/Sex Offender: Serves as the single point of contact for the judicial branch on domestic violence, sexual assault, and victim-specific issues.
- Judicial Branch Education: Provides required and enhanced educational services for all members of the judicial branch.

Programs and services for the public include:

- Children in the Courts: Provides resources and program development designed for the protection and care of children who become involved in the court system. This section includes the Court Improvement Project, Through the Eyes of the Child, and parenting plans and education.
- Community Outreach and Public Education: Provides special events planning and community outreach programming for citizens of all ages.
- Dispute Resolution and Mediation: Manages and assists the state organization of nonprofit mediation centers.
- Jury Service: Provides materials and information designed to enhance the understanding of the petit and grand jury systems throughout the state.
- Problem-Solving Courts: Development and coordination of drug and other specialized problem-solving courts.
- Self-Represented Litigants/Pro Se Resources: Provides access to the courts for those unable to afford legal counsel.



INFORMATION TECHNOLOGY

The Information Technology Division provides support and enhancement for the statewide case management system, also known as JUSTICE, and other court technology projects. The IT Division fulfills the IT needs of offices that provide accounting services, human resources, legal support, policy direction, and education and training.

The court IT section provides day-to-day support for all county, district, and separate juvenile courts across Nebraska. The section constantly strives to find new and better solutions to help the

courts run more efficiently and deliver information and services to the public and the legal community. In addition to JUSTICE, the section maintains the appellate case management system, SCCALES. The section assists the courts with implementation and use of other technologies such as digital recording and video conferencing in the courtroom, as well as document scanning and imaging. In addition, the section coordinates with the state's network manager to provide online services such as eFiling, ePayment, and court case information search.





INNOVATION

REINVENTING STAFFING

In an effort to explore new ways to conduct business, the courts have adopted a program to reinvent staffing. The program, suggested by Chief Justice Heavican, involves establishing extra duty specialists in the county court system. The program identifies highly qualified employees in Nebraska's smaller courts who may be underutilized and assigns them to provide administrative support to the entire county court system. These staff continue to operate from their home court and help ensure the court

system's ability to maintain staffing levels in county courts. They provide services that have previously not been available due to limited staffing in the administrative office.

The program is intended to expand job duties, compensate employees with special abilities and initiative, centralize work, use technology to increase efficiencies, increase statewide consistency in court procedures, specialize work functions, and recognize courts that are exceeding caseload expectations.

The extra duty specialists work in a number of areas:

■ Accounting Audit Specialists

Financial resource specialists advise and guide county courts on bookkeeping, accounting, and internal controls to assure proper maintenance of all financial records.

■ Collection Specialists

Collection specialists serve as a resource for county courts within a judicial district to enforce time-pay orders. They work with judges and clerk magistrates to establish consistent time-pay practices and help establish protocol for other districts considering centralized collection efforts.

■ Guardian/Conservator Specialists

The guardian/conservator specialists have been instrumental in assisting the county courts in meeting the challenges of the changing court responsibilities in serving protected persons in Nebraska. The specialists work to ensure appropriate data entry and record keeping, answer phone calls and e-mails from the courts and public, provide education to court staff, and assist with forms.

■ Information Center Specialists

Four county court employees serve as a resource team answering questions from the general public through an 800 number and responding to online chat and e-mail questions

regarding county court business. The team receives a variety of inquiries ranging from questions on S.T.O.P classes, contact information for courts and attorneys, lost traffic tickets, and amounts of fines and costs due. Specialists assist non-tech-savvy individuals in paying fines and fees online.

■ Juvenile Specialists

The juvenile specialists work closely with juvenile-jurisdiction judges and the Through the Eyes of a Child Initiative to assist in improving consistency in data entry on juvenile cases increasing accurate statistical reliability. Their initial focus has been on abuse and neglect or dependency cases.

■ Procedures Manual Specialists

The procedures manual specialists research statutes and court rules to write and update procedures for all county court case-related activities. The manuals are reviewed and approved as best practice by the State Court Administrator. The manuals are critical to training and support of county court staff.

■ Transcription Coordinator Specialist

The transcription coordinator manages all requests for transcription from the county courts of Nebraska and assists users of digital recorders.

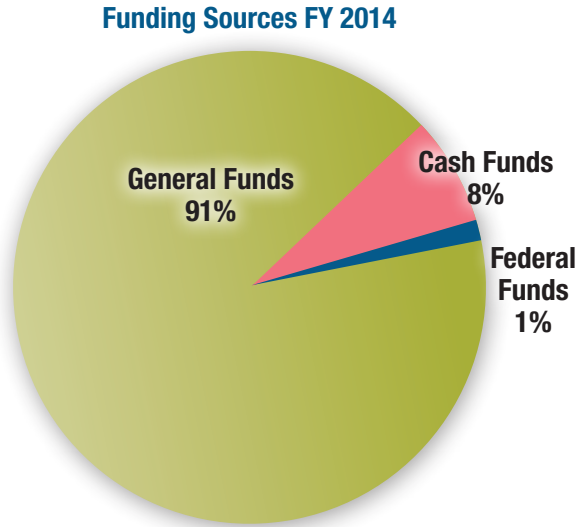
BUDGET

Nebraska's trial courts are funded through a combination of monies from the State and the counties. The Supreme Court and Court of Appeals are entirely funded by the State. The judicial branch receives a small percentage of the total State budget.

Funding Sources FY 2014

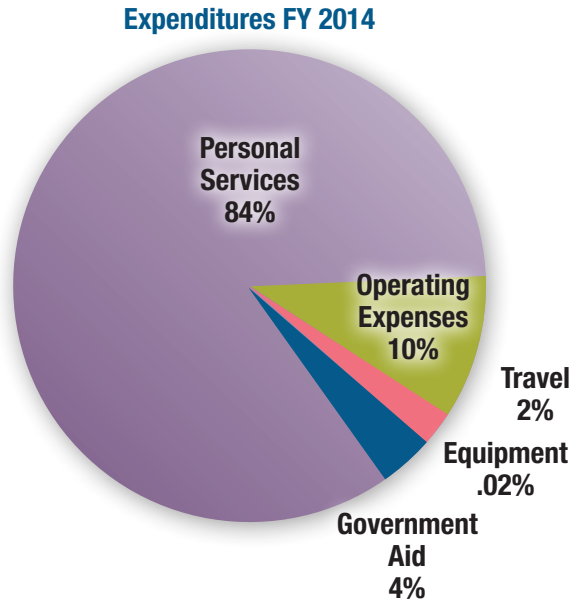
General Funds	\$28,161,562	91%
Cash Funds*	\$2,307,352	8%
Federal Funds	\$423,123	1%
Total	\$30,892,037	

*Generated from various fees



Expenditures FY 2014

Personal Services (salaries and benefits)	\$25,956,239	84%
Operating Expenses (phones, rent, etc.)	\$3,104,648	10%
Travel	\$685,160	2%
Equipment	\$5,282	.02%
Government Aid (ODR primarily)	\$1,140,708	4%
Total	\$30,892,037	

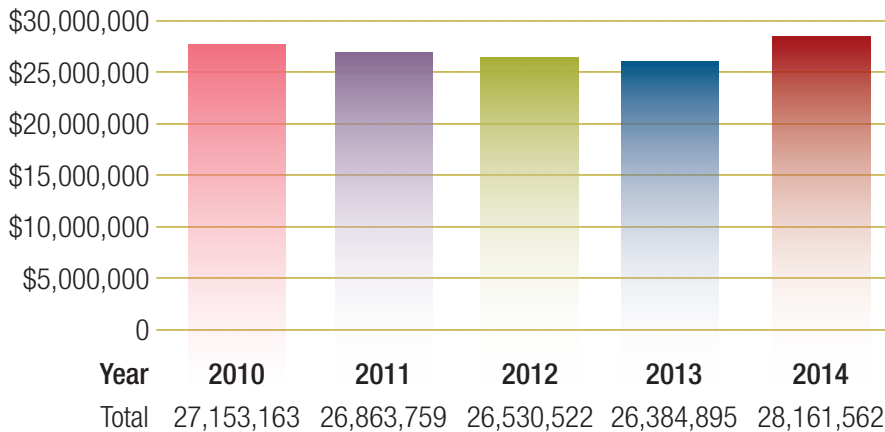


Approximately 90 percent of the costs of the county court system are paid by the State, which pays all personnel costs for judges, clerk magistrates, and their staffs. Counties are responsible for providing office and courtroom space, maintenance, office supplies, and equipment. Local law enforcement is responsible for courthouse security.

The State of Nebraska pays the salaries and expenses of the district court judges, separate juvenile court judges, and their court reporters. Other personnel and operating costs of the district and separate juvenile courts are the responsibility of the county.

State General Fund Appropriations for Court Operations 2010 - 2014

Cost of operating Nebraska's Court system from state general funds, excluding judicial salaries.



JUDICIAL BRANCH LEGISLATION

In 2014, during the 2nd session of the 103rd Legislature, Nebraska senators passed legislation extensively changing the criminal and juvenile justice systems. Although many legislative bills were passed, the following three bills in particular have significant impact on the court system:

THE PUBLIC GUARDIANSHIP ACT, created through LB920, established the Office of Public Guardian under the jurisdiction of the Nebraska State Court Administrator beginning January 1, 2015. In addition to other staff, the office will employ up to 12 associate guardians who will act as guardian/conservator for up to 480 individuals throughout the state. The office is designed to serve as a means of last resort for those situations where no family member, or other suitable individual is available to act as guardian or conservator. In addition, the Office of Public Guardian will provide education, training, and support to volunteers, family members and others who become guardians and conservators for Nebraska citizens.

LB464, the latest in a series of recent legislation designed to reform the juvenile justice system, expands juvenile court jurisdiction and provides options for the transfer of cases between adult and juvenile courts. The intent is to take advantage of the juvenile court system's ability to ensure that children and youth

have access to services that meet their unique needs. The legislation also provides a direct appropriation to the Supreme Court's Office of Dispute Resolution for mediation services such as family group conferencing and juvenile victim-offender dialogue.

LB907, resulting from extensive efforts to reform the criminal justice system, contains provisions that enhance the ability of the judicial branch to help adult offenders. Judges will have more sentencing options due to funds appropriated to the Supreme Court for payment of mental health services and expansion of probation's day/evening reporting centers that provide services and programs to probationers, parolees and participants in problem-solving courts. LB 907 also created the Nebraska Justice Reinvestment Working Group, with members selected by Nebraska's Chief Justice, Governor, and Speaker of the Legislature. The group's purpose is to assist the Council of State Governments Justice Center in compiling a report by September 1, 2015, that proposes options and cost estimates for addressing prison overcrowding.



NEBRASKA'S JUDGES

SELECTION

Nebraska chooses judges using the merit selection system where nominating commissions screen, interview, and solicit judicial applicants. All judicial vacancies fall under the discretion of a judicial nominating commission.

Each judicial nominating commission is made up of four lawyers and four non-lawyers with a nonvoting Supreme Court Justice acting as chairperson. The judicial nominating commission holds a public hearing to interview candidates who have submitted their names for the open judgeship. The judicial nominating commission submits the names of at least two qualified attorneys to the Governor.

QUALIFICATIONS

Applicants for positions on all levels of Nebraska courts must meet a number of requirements in order to be appointed to office. Each person must be a U.S. citizen, be at least 30 years of age, and have practiced law a minimum of five years in the State of Nebraska. The person must also be currently admitted to practice before the Nebraska Supreme Court.



Swearing-in Ceremony of Judge Riko Bishop, Nebraska Court of Appeals August 20, 2013, in the Nebraska State Capitol.

JUDICIAL APPOINTMENTS FY2013-2014

All dates are date of appointment by governor.

COURT OF APPEALS

Riko E. Bishop 7/19/2013

DISTRICT COURT

Jeffrey J. Funke 7/31/2013

James C. Stecker 11/25/2013

Lori A. Maret 3/14/2014

Rachel A. Daugherty 4/15/2014

COUNTY COURT

Matthew L. Acton 7/19/2013

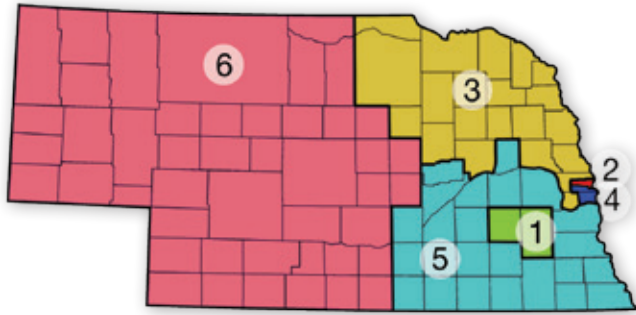
Stephen R. W. Twiss 7/31/2013

Timothy E. Hoeft 10/11/2013

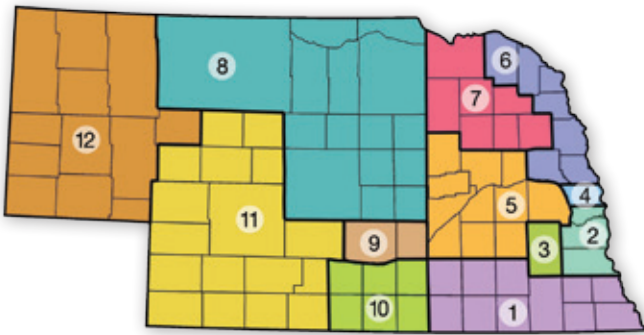
Derek R. Vaughn 11/27/2013

Stefanie A. Martinez 12/5/2013

John P. Rademacher 5/13/2014



Supreme Court & Court of Appeals Judicial Districts



District Court Judicial Districts

Note: County courts have the same district boundaries except the First Judicial District where Fillmore, Clay, and Nuckolls are included in the 10th District.



Separate Juvenile Courts: Sarpy, Douglas and Lancaster

NEBRASKA COURT CASE FILINGS

The Constitution of the State of Nebraska distributes the judicial power of the state among the Supreme Court, Court of Appeals, district courts and county courts. All state courts operate under the administrative direction of the Supreme Court.

- There were a total of 1,175 cases filed in the Nebraska Appellate Courts in FY 2014.
- There were a total of 389,981 cases filed in the Nebraska Trial Courts in FY 2014.

APPELLATE COURTS

NEBRASKA SUPREME COURT

New Cases Docketed 49

- Petitions to Bypass Filed 52
- Petitions to Bypass Granted 28
- Petitions to Bypass Denied 24

Cases Transferred from Court of Appeals 151

- Petitions for Further Review Filed 209
- Petitions for Further Review Granted 19
- Petitions for Further Review Denied 190

Total New Cases 200

- Cases Disposed by Opinion 188
- Cases Disposed without Opinion 32

Total Cases Disposed 220

NEBRASKA COURT OF APPEALS

New Cases Docketed 1,097

- Cases Transferred to Supreme Court 151
- Petitions to Bypass Granted 28

Total Cases Disposed 955

- Cases Disposed by Opinion 425

TRIAL COURTS

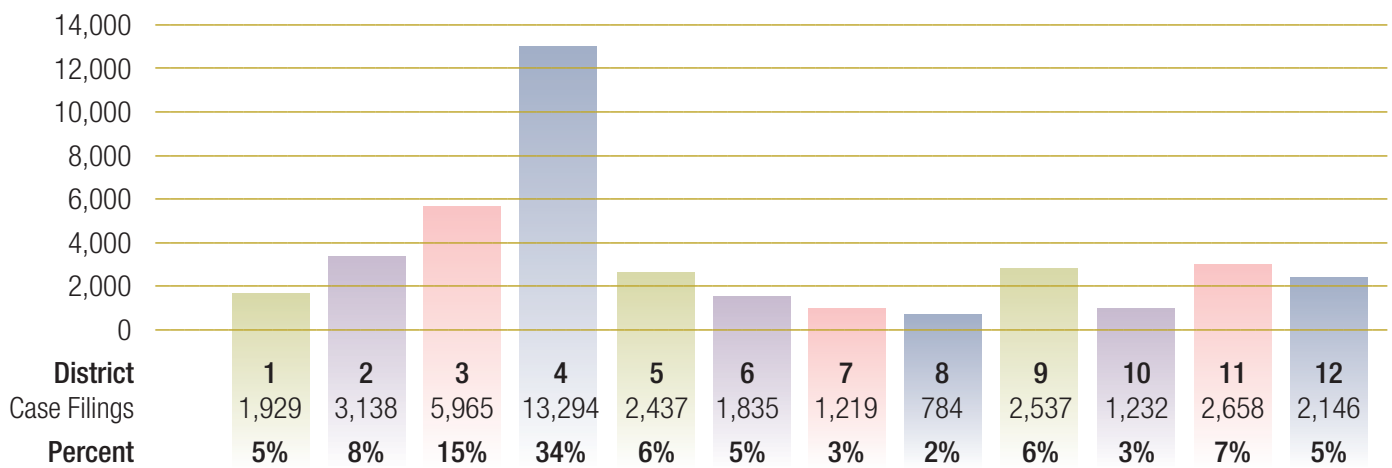
DISTRICT COURTS

District courts are trial courts of general jurisdiction and primarily hear all felony criminal cases, equity cases (e.g. dissolution of marriage, child support) and civil cases involving greater requests for damages. District courts have concurrent jurisdiction with county courts in most areas but also function as appellate courts in deciding appeals from certain county court cases and various administrative agencies. When acting as an appellate court, the district judges review the county court record of testimony and evidence.

DISTRICT COURT CASE FILINGS

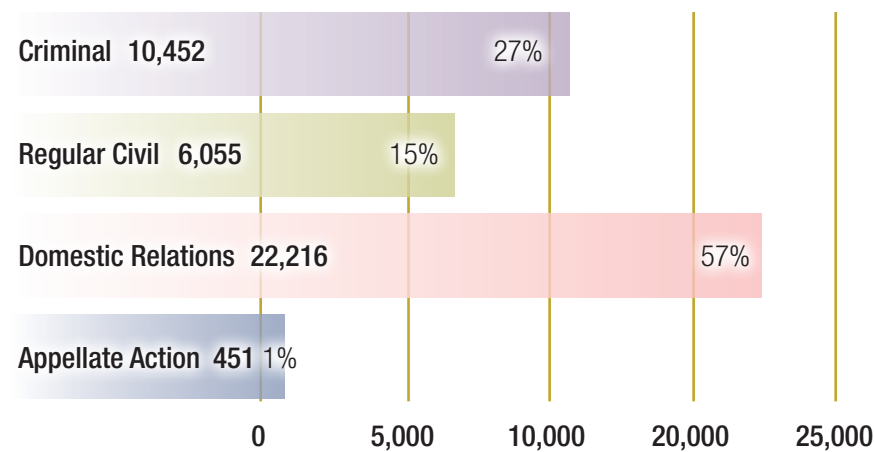
Almost half (49%) of district court cases are filed in Districts 3 and 4 (15% Lancaster County, 34% Douglas County). The balance of cases are divided between the remaining districts with a concentration of cases along the Interstate 80 corridor. Domestic relations cases comprise over half (57%) of the district court caseload with a minimal number of cases in the appellate category.

District Court Case Filings by District FY 2014



(Percentages may not equal 100 due to rounding.)

District Court Filings by Case Type FY 2014



TRIAL COURTS

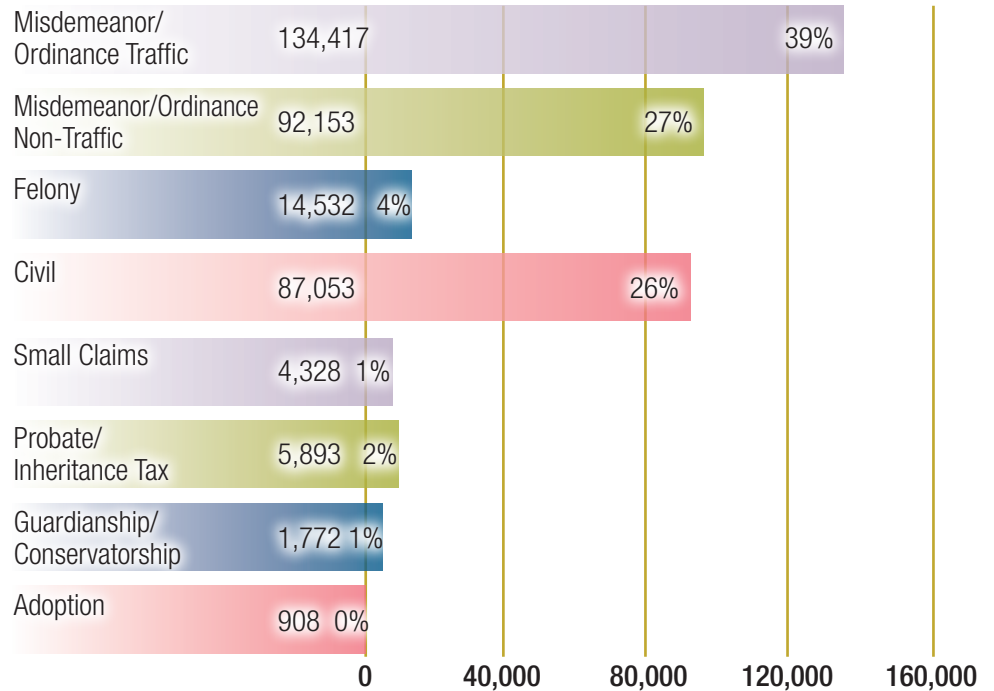
COUNTY COURTS

County Courts exercise limited jurisdiction and handle misdemeanor cases, traffic and municipal ordinance violations, preliminary hearings in felony cases, civil cases involving requests for damages of up to \$52,000, probate, guardianship, conservatorship and adoption proceedings, and juvenile matters outside of Lincoln, Omaha and Papillion. In felony matters, preliminary hearings are held in county courts to determine whether the evidence is sufficient to establish probable cause for the case to proceed. Small Claims Court is a division of county court, and the hearings are conducted by a county judge.

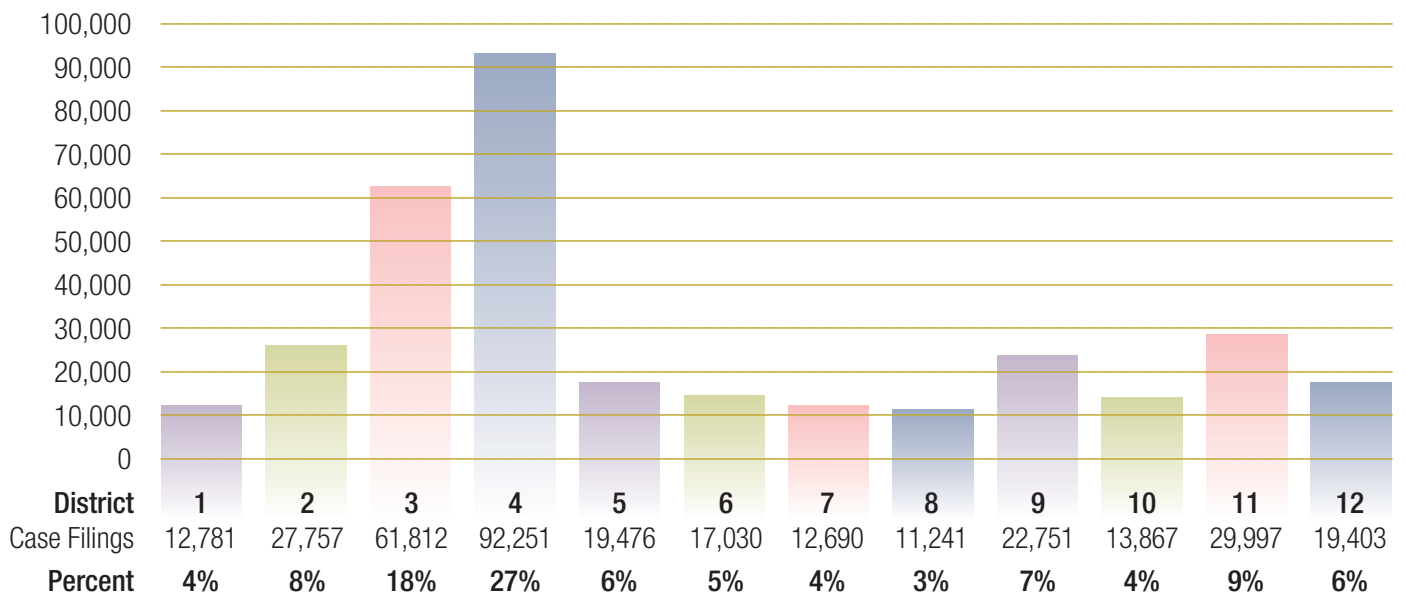
COUNTY COURT CASE FILINGS

Over a quarter of cases filed in county courts are in Districts 3 and 4 (18% Lancaster County, 27% Douglas County), with the remaining case filings distributed across the remaining districts. County court cases range from waivable traffic tickets which take only minutes of staff time to highly-contested civil matters which may take several days to resolve. While misdemeanor/ordinance traffic and non-traffic case types comprise 66% of the county court case filings and are typically less complicated, the remaining 34% of cases can easily become time consuming and complex.

County Court Filings by Case Type FY 2014



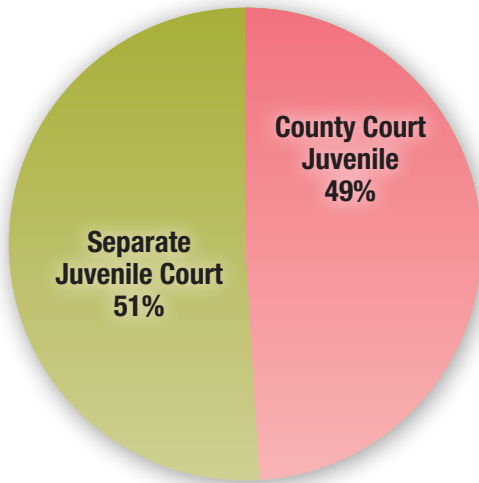
County Court Case Filings by District FY 2014



Percent statewide *Juvenile cases heard in county courts have been removed and are analyzed in the next section of this report.
(Percentages may not equal 100 due to rounding.)

TRIAL COURTS

Juvenile Cases by Court Type FY 2014



SEPARATE JUVENILE COURTS

Separate juvenile courts, located in Douglas, Lancaster, and Sarpy Counties, are courts with exclusive jurisdiction in juvenile cases. In all other counties, juvenile matters are heard in county courts. Separate juvenile courts have jurisdiction over matters involving neglected, dependent, and delinquent children. Separate Juvenile Courts may also hear domestic relations cases where the care, support, or custody of minor children is an issue.

Juvenile Cases by Court Type FY 2014

Court Type	Number of Cases	Percent of Total
County Court Juvenile	4,783	49%
Separate Juvenile Court	4,968	51%
Total Case Filings	9,751	100%

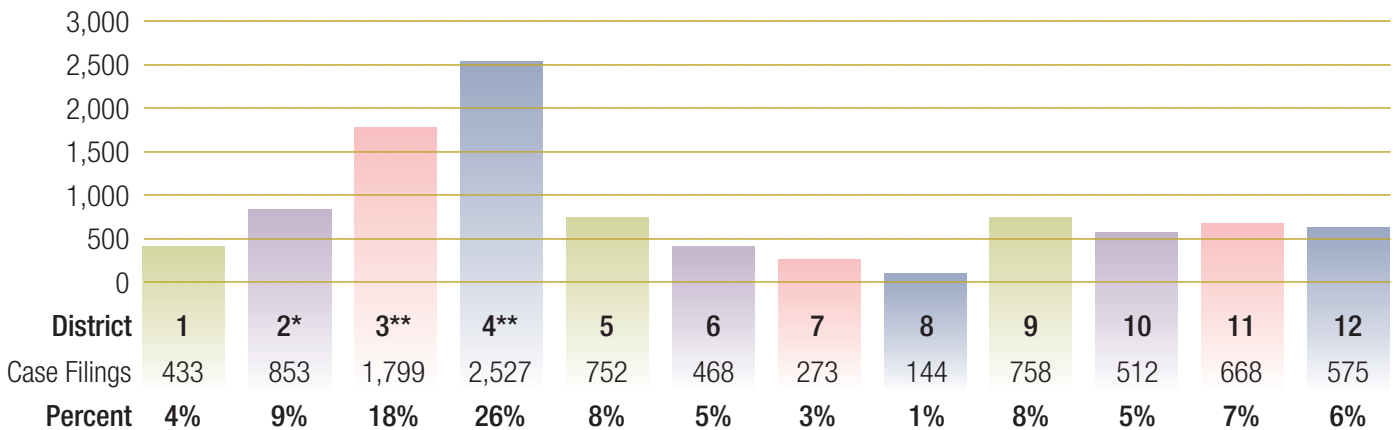




JUVENILE JURISDICTION CASE FILINGS

Not all case filings are alike and the number of juveniles involved may vary. Most county courts file one case for each juvenile, whereas Separate Juvenile Courts file one case per family. Children who fall into the category of abuse and neglect may also have cases filed in the criminal courts.

Juvenile Case Filings by District FY 2014



Percent statewide

*District 2 juvenile cases include Cass and Otoe County Court and Sarpy Separate Juvenile Court.

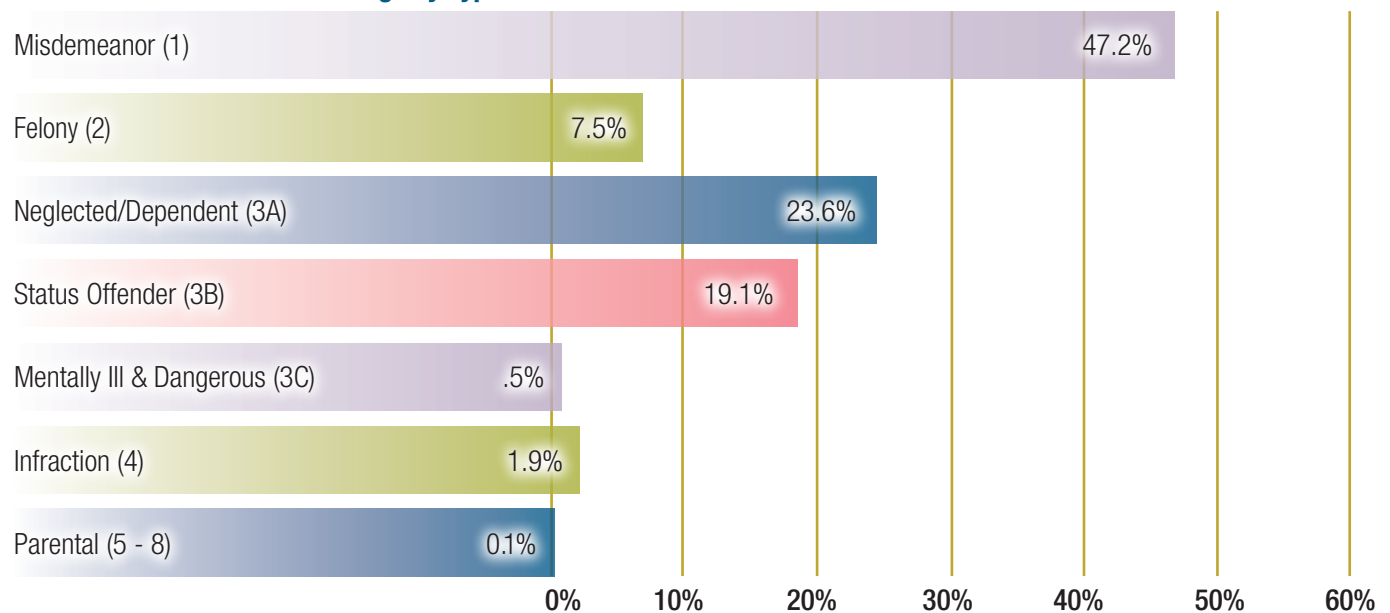
**Separate Juvenile Court Cases

JUVENILE JURISDICTION CASE FILINGS BY TYPE OF CASE

Nebraska's Juvenile Court jurisdiction is defined in Nebraska Statute §43-247 as:

- (1) Misdemeanor
- (2) Felony
- (3A) Abuse, neglect or dependency
- (3B) Truant or ungovernable
- 3(C) Mentally ill
- (4) Traffic infraction
- (5) Parental jurisdiction
- (6) & (7) Termination of parental rights
- (8) Child relinquished to Department of Health and Human Services

Juvenile Jurisdiction Case Filings by Type of Case



*Separate Juvenile Court Supplemental Petitions labeled "All other subtypes" are included in Neglected/Dependent 3A cases



SUPREME COURT

2200



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JULY 1, 2013 TO JUNE 30, 2014

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