

**MINUTES OF THE PUBLIC HEARING OF  
THE NEBRASKA JUDICIAL RESOURCES COMMISSION  
September 13, 2024**

Pursuant to the press release issued August 30, 2024, a public hearing of the Nebraska Judicial Resources Commission was held on the 13<sup>th</sup> day of September, 2024, in the Nebraska Supreme Court Courtroom, State Capitol Building, in Lincoln, Nebraska.

*AGENDA ITEM I:* The Chair called the proceedings to order at approximately 10 a.m. The proceedings included a Zoom videoconferencing option for Commission members and for members of the public. Roll Call by Kara Nielsen.

PRESENT (\* denotes Zoom attendance)

Justice Jonathan Papik  
Judge Anne Paine\*  
Judge Travis O’Gorman\*  
Judge Matthew Kahler\*  
Timothy Engler  
Taylor Gage  
Cyd Hall  
Kenneth Hartman  
Roxanne Kracl\*  
Nancy McCabe  
Robert Parker\*  
Brian Phares\*  
Meagan Spomer\*  
Darlene Starman  
Ron Temple\*  
Jacqueline Tessendorf\*  
Maria Whitmore

*AGENDA ITEM II:* The Chair confirmed that all Commission members had received and reviewed the minutes from the June 7, 2024, hearing. On a voice vote the commissioners accepted the minutes of June 7, 2024.

*AGENDA ITEM III:* The following exhibits were received and considered by the Commission, and are attached to these minutes:

- Exhibit 1: Meeting Agenda
- Exhibit 2: Minutes of the June 7, 2024, hearing.
- Exhibit 3: Appointment Notice of Judge Timothy Hoeft to District Court
- Exhibit 4: Letter from the NSBA
- Exhibit 5: 2024 County Court Weighted Caseload Report
- Exhibit 6: Letter of Judge Michael Burns

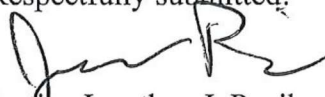


*AGENDA ITEM V:* The public hearing was conducted and the Commission received and considered public testimony from: Corey Steel, State Court Administrator, and Liz Neeley, Executive Director of the Nebraska State Bar Association.

*AGENDA ITEM IV(a):* It was moved by Robert Parker and seconded by Meagan Spomer to declare a judicial vacancy in the County Court in the 10<sup>th</sup> Judicial District due to the appointment of Judge Timothy Hoeft to the District Court, with the primary location being Hastings, Adams County, Nebraska; Holdrege, Phelps County, Nebraska; or Minden, Kearney County, Nebraska; at the option of the appointed judge. On a roll call vote the motion passed unanimously.

*AGENDA ITEM V:* There being no other matters, the Commission adjourned.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Jonathan J. Papik', written in a cursive style.

Justice Jonathan J. Papik  
Chair

**HEARING AGENDA**  
**JUDICIAL RESOURCES COMMISSION**  
**September 13, 2024 – 10 a.m. CDT**  
**Supreme Court Courtroom, State Capitol, Lincoln, Nebraska**  
**Proceedings include virtual conferencing VIA WEBINAR**

- I. Call meeting to order; roll call of members.
- II. Approve minutes from meeting held June 7, 2024.
- III. Identify/receive exhibits to be considered by Commission during public hearing.
- IV. Public Hearing on:
  - a. Whether a judicial vacancy exists in the office of the County Court, 10th Judicial District, due to the recent appointment of Judge Timothy Hoeft to the District Court, and if so, whether to recommend a primary office location.  
  
Exhibit 1: Meeting Agenda  
Exhibit 2: Minutes of the June 7, 2024, hearing.  
Exhibit 3: Press Release Judge Timothy Hoeft appointed to District Court  
Exhibit 4: Letter from NSBA  
Exhibit 5: 2024 County Court Weighted Caseload Report  
Exhibit 6: Letter of Judge Michael Burns
- V. Adjournment.



**MINUTES OF THE PUBLIC HEARING OF  
THE NEBRASKA JUDICIAL RESOURCES COMMISSION  
June 7, 2024**

Pursuant to the press release issued May 29, 2024, a public hearing of the Nebraska Judicial Resources Commission was held on the 7<sup>th</sup> day of June, 2024, in Room 1510, State Capitol Building, in Lincoln, Nebraska.

*AGENDA ITEM I:* The Chair called the proceedings to order at approximately 10 a.m. The proceedings included a Zoom videoconferencing option for Commission members and for members of the public. Roll Call by Kara Nielsen.

PRESENT (\* denotes Zoom attendance)

Justice Jonathan Papik  
Judge Matthew Kahler\*  
Taylor Gage  
Cyd Hall  
Kenneth Hartman  
Roxanne Kracl\*  
Nancy McCabe\*  
Robert Parker  
Darlene Starman\*  
Jacqueline Tessororf\*  
Maria Whitmore\*

EXCUSED

Judge Travis O’Gorman  
Timothy Engler  
Judge Anne Paine  
Meagan Spomer  
Ron Temple  
Brian Phares

*AGENDA ITEM II:* The Chair confirmed that all Commission members had received and reviewed the minutes from the February 16, 2024, hearing. On a voice vote the commissioners accepted the minutes of February 16, 2024.

*AGENDA ITEM III:* The following exhibits were received and considered by the Commission, and are attached to these minutes:

- Exhibit 1: Meeting Agenda
- Exhibit 2: Minutes of the February 16, 2024, hearing.
- Exhibit 3: Letter of retirement - District Court Judge Terri S. Harder
- Exhibit 4: Letter from the NSBA
- Exhibit 5: 2023 District Court Weighted Caseload Report

*AGENDA ITEM V:* The public hearing was conducted and the Commission received and considered public testimony from: Corey Steel, State Court Administrator, and Judge Tim Hoeft.

*AGENDA ITEM IV(a):* It was moved by Robert Parker and seconded by Jacqueline Tessororf to declare a judicial vacancy in the District Court in the 10<sup>th</sup> Judicial District due to the retirement of Judge Terri S. Harder. On a roll call vote the motion passed unanimously. There was discussion

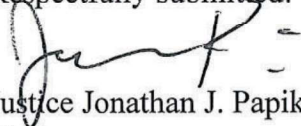




on the topic of primary office location of the vacancy. No motion was made as to a recommendation of primary office location.

*AGENDA ITEM V:* There being no other matters brought before the Commission, on a voice vote the commission voted to adjourn the meeting.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Jonathan J. Papik", written over a horizontal line.

Justice Jonathan J. Papik  
Chair

**HEARING AGENDA**  
**JUDICIAL RESOURCES COMMISSION**  
**June 7, 2024 – 10 a.m. CDT**  
**Room 1510, State Capitol, Lincoln, Nebraska**  
**Proceedings include virtual conferencing VIA WEBINAR**

- I. Call meeting to order; roll call of members.
- II. Approve minutes from meeting held February 16, 2024.
- III. Identify/receive exhibits to be considered by Commission during public hearing.
- IV. Public Hearing on:
  - a. Whether a judicial vacancy exists in the office of the District Court, 10th Judicial District, due to the retirement of Judge Terri S. Harder, and if so whether to recommend a primary office location.  
  
Exhibit 1: Meeting Agenda  
Exhibit 2: Minutes of the February 16, 2024, hearing.  
Exhibit 3: Letter of retirement - District Court Judge Terri S. Harder  
Exhibit 4: Letter from the NSBA  
Exhibit 5: 2023 District Court Weighted Caseload Report
- V. Adjournment.



**MINUTES OF THE PUBLIC HEARING OF  
THE NEBRASKA JUDICIAL RESOURCES COMMISSION  
February 16, 2024**

Pursuant to the press release issued February 2, 2024, a public hearing of the Nebraska Judicial Resources Commission was held on the 16<sup>th</sup> day of February, 2024, in Room 1510, State Capitol Building, in Lincoln, Nebraska.

*AGENDA ITEM I:* The Chair called the proceedings to order at approximately 10 a.m. The proceedings included a Zoom videoconferencing option for Commission members and for members of the public. Roll Call by Kara Nielsen.

PRESENT (\* denotes Zoom attendance)

Justice Jonathan Papik  
Judge Matthew Kahler\*  
Judge Travis O'Gorman\*  
Timothy Engler  
Cyd Hall  
Kenneth Hartman  
Roxanne Kracl\*  
Nancy McCabe\*  
Robert Parker\*  
Meagan Spomer\*  
Darlene Starman  
Ron Temple\*  
Jacqueline Tessendorf\*  
Maria Whitmore\*

EXCUSED

Judge Anne Paine  
Taylor Gage  
Brian Phares

*AGENDA ITEM II:* The Chair confirmed that all Commission members had received and reviewed the minutes from the December 14, 2023, hearing. On a voice vote the commissioners accepted the minutes of December 14, 2023.

*AGENDA ITEM III:* The following exhibits were received and considered by the Commission, and are attached to these minutes:

- Exhibit 1: Meeting Agenda
- Exhibit 2: Minutes of the December 14, 2023, hearing.
- Exhibit 3: Letter of retirement - District Court Judge John E. Samson
- Exhibit 4: Letter from the NSBA
- Exhibit 5: 2023 District Court Weighted Caseload Report

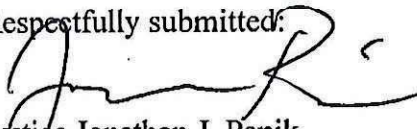
*AGENDA ITEM V:* The public hearing was conducted and the Commission received and considered public testimony from: Corey Steel, State Court Administrator, and Liz Neeley, Executive Director of the Nebraska State Bar Association.



*AGENDA ITEM IV(a)*: It was moved by Timothy Engler and seconded by Meagan Spomer to declare a judicial vacancy in the District Court in the 6<sup>th</sup> Judicial District due to the retirement of Judge John E. Samson, and to recommend that the primary office location of such vacancy be in Washington County, Nebraska. On a roll call vote the motion passed unanimously.

*AGENDA ITEM V*: There being no other matters brought before the Commission, on a voice vote the commission voted to adjourn the meeting.

Respectfully submitted:

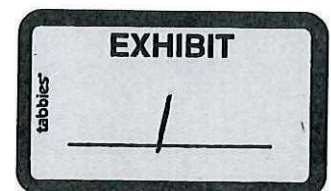


Justice Jonathan J. Papik  
Chair



**HEARING AGENDA**  
**JUDICIAL RESOURCES COMMISSION**  
**February 16, 2024 – 10 a.m. CST**  
**Room 1510, State Capitol, Lincoln, Nebraska**  
**Proceedings include virtual conferencing VIA WEBINAR**

- I. Call meeting to order; roll call of members.
- II. Approve minutes from annual meeting held December 14, 2023.
- III. Identify/receive exhibits to be considered by Commission during public hearing.
- IV. Public Hearing on:
  - a. Whether a judicial vacancy exists in the office of the District Court, 6th Judicial District, due to the retirement of Judge John E. Samson., and if so whether to recommend a primary office location.  
  
Exhibit 1: Meeting Agenda  
Exhibit 2: Minutes of the December 14, 2023, hearing.  
Exhibit 3: Letter of retirement - District Court Judge John E. Samson  
Exhibit 4: Letter from the NSBA  
Exhibit 5: 2023 District Court Weighted Caseload Report
- V. Adjournment.



**MINUTES OF THE ANNUAL PUBLIC HEARING  
OF  
THE NEBRASKA JUDICIAL RESOURCES COMMISSION  
December 14, 2023**

The annual public hearing of the Nebraska Judicial Resources Commission was held on the 14<sup>th</sup> day of December, 2023, in Room 1507 of the State Capitol Building in Lincoln, Nebraska. The Chair called the meeting to order at 1 p.m. The meeting included a Zoom videoconferencing option for attendance.

Roll call showed a quorum of the following Commission members:

PRESENT (\*denotes Zoom attendance)

Justice Stephanie Stacy, Chair  
Judge Matthew Kahler\*  
Judge Travis O’Gorman\*  
Judge Anne Paine\*  
Timothy Engler\*  
Taylor Gage  
Kenneth Hartman  
Roxanne Kracl\*  
Nancy McCabe  
Robert Parker  
Meagan Spomer\*  
Darlene Starman  
Ron Temple\*  
Jacqueline Tessororf  
Maria Whitmore\*

EXCUSED

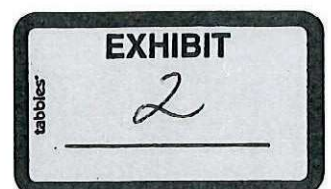
Cyd Hall  
Brian Phares

The Chair introduced and welcomed returning Commission member Robert Parker, who replaced resigning member Michael McCarthy as the attorney representative for the 6<sup>th</sup> Judicial District.

The Chair confirmed that all Commission members had received and reviewed the minutes from the last quarterly meeting on September 15, 2023. On an oral vote, the minutes of September 15, 2023 were accepted. Maria Whitmore abstained.

The Chair identified and received the following six exhibits for consideration during the hearing:

- Exhibit 1: Meeting Agenda
- Exhibit 2: Minutes of the September 15, 2023 hearing
- Exhibit 3: NSBA Report to JRC
- Exhibit 4: NSBA County Court Appeals report
- Exhibit 5: Letter from Nebraska County Judges Association
- Exhibit 6: Letter from the Omaha Bar Association





All commissioners in attendance confirmed they had received and reviewed the exhibits listed above, copies of which are attached to these minutes.

The Chair presented the 2023 Report of Judicial Caseloads, Trends and Factors Affecting Judicial Resources. Supportive data was shared via PowerPoint, and a copy of the presentation is attached to these minutes. The Commission also received and considered public testimony from the following individuals: Corey Steel, Nebraska State Court Administrator.

The Commission took up whether it is appropriate to recommend adding a judgeship in any judicial district. No motions were made on this issue.

The Commission took up whether it is appropriate to recommend reducing a judgeship in any judicial district. After discussion, no motions were made to recommend reducing the number of judges in any judicial district. However, it was moved by the Chair and seconded by Taylor Gage that the Commission's Annual Report to the Legislature should, once again, call attention to the potential impact of population growth in Sarpy and Lancaster Counties on the current statutory framework governing the number of separate juvenile court judges in those counties. More specifically, it was moved that the Legislature be advised that although the populations in Sarpy and Lancaster counties are approaching statutory thresholds set out in Neb. Rev. Stat. § 43-2119 (Reissue 2016) that would appear to require adding two more separate juvenile court judges in each county, neither the Weighted Caseload Reports, nor the historical caseload data, suggest a need for additional separate juvenile court judges in any county at this time. On a roll call vote, the motion passed unanimously.

The Commission took up whether to recommend any judicial district boundaries, or the number of judicial districts, should be changed for the district or county courts. No motions were made on this issue.

The Commission took up whether to make any other recommendations for the more balanced use of existing judicial resources. No motions were made on this issue.

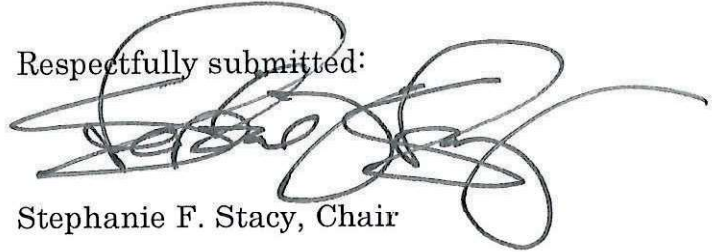
The Chair addressed the vacancy in the office of Secretary, resulting when the Honorable John Samson resigned from the Commission after having been elected in June 2022 to a two-year term as Secretary. The Chair advised that pursuant to Rule 001.05 of the Judicial Resources Commission Rules, member and current Vice-Chair Tim Engler has been appointed to serve as Secretary for the balance of Judge Samson's term.

The Chair advised commissioners that a tentative schedule of quarterly meeting dates for 2024 would be disseminated soon. The Chair also announced that effective January 1, 2024, Nebraska Supreme Court Justice Jonathan Papik would begin serving as Chair of the Judicial Resources Commission. The Chair introduced

Justice Papik to commissioners and reflected on the importance of the Commission's work.

There being no other matters brought before the Commission, the Chair adjourned the annual meeting.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Stephanie F. Stacy', written over the text 'Respectfully submitted:'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Stephanie F. Stacy, Chair



**MEETING AGENDA**  
**JUDICIAL RESOURCES COMMISSION**  
**December 14, 2023 – 1 p.m. CST**  
**Room 1507, State Capitol, Lincoln, Nebraska**  
**Proceedings include virtual conferencing VIA ZOOM**

- I. Call meeting to order; determine attendance via roll call
- II. Acceptance of minutes from meeting held September 15, 2023
- III. Identify & receive any exhibits to be considered by Commission

NOTE: Copies of any exhibits received by the deadline of December 12, 2023, will be available in the hearing room during the meeting, and will be linked electronically to this agenda just prior to the meeting

- IV. FY2023 Report on Judicial Caseloads, Filing Trends, & Factors Affecting Judicial Resources
- V. Reports from the Bench
  - (a) Chief Justice
  - (b) State Court Administrator
  - (c) Trial Judges
- VI. Report from the Nebraska State Bar Association
- VII. Annual Meeting topics under Neb. Rev. Stat. § 24-1205:
  - (a) Determine whether a new judgeship is appropriate in any judicial district
  - (b) Determine whether a reduction in judgeships is appropriate in any judicial district
  - (c) Determine whether the judicial district boundaries, or the number of judicial districts, should be changed for the district or county courts
  - (d) Make any appropriate recommendations for the more balanced use of existing judicial resources
- VIII. Other Items
  - (a) Interim Secretary
  - (b) 2024 quarterly meeting agenda
  - (c) Miscellaneous
- IX. Adjourn



**MINUTES OF THE PUBLIC HEARING  
OF  
THE NEBRASKA JUDICIAL RESOURCES COMMISSION  
September 15, 2023**

Pursuant to the press release issued August 31, 2023, a public hearing of the Nebraska Judicial Resources Commission was held on the 15<sup>th</sup> day of September, 2023, in Room 1507, State Capitol Building, in Lincoln, Nebraska.

AGENDA ITEM I: The Chair called the proceedings to order at approximately 10 a.m. The proceedings included a Zoom videoconferencing option for Commission members and for members of the public. Roll call by the Secretary:

PRESENT (\*denotes Zoom attendance)

Justice Stephanie Stacy, Chair

Judge Matthew Kahler

Judge Travis O’Gorman\*

Judge Anne Paine\*

Timothy Engler

Taylor Gage

Kenneth Hartman

Roxanne Kracl\*

Nancy McCabe

Michael McCarthy\*

Meagan Spomer\*

Darlene Starman

Ron Temple\*

Jacqueline Tessoroff\*

EXCUSED

Cyd Hall

Brian Phares

Maria Whitmore

AGENDA ITEM II: The Chair confirmed that all Commission members had received and reviewed the minutes from the June 16<sup>th</sup>, 2023 hearing. On an oral vote, commissioners accepted the minutes of June 16, 2023.

AGENDA ITEM III: The public hearing was conducted and the following exhibits were received and considered by the Commission, and are attached to these minutes:

- Exhibit 1: Meeting Agenda
- Exhibit 2: Minutes of the June 16, 2023 hearing
- Exhibit 3: Governor’s Press Release appointing Judge Derek Vaughn to the District Court bench
- Exhibit 4: Letter of retirement from Judge James Doyle
- Exhibit 5: Letter from the NSBA, CC 4th and DC 11th
- Exhibit 6: Letter from Attorney Lindsay-Gross, Welch Law Firm, CC 4<sup>th</sup>
- Exhibit 7: Letter from Presiding Judge, CC 4<sup>th</sup>





- Exhibit 8: Letter from the Nebraska County Judges Association, CC 4<sup>th</sup>
- Exhibit 9. Letter from Legal Aid of Nebraska, CC 4<sup>th</sup>
- Exhibit 10. Letter from Pastor Dwayne Hawkins, CC 4<sup>th</sup>
- Exhibit 11. Letter from Attorney Shapiro, CC 4<sup>th</sup>
- Exhibit 12. Letter from Attorney Boyer, CC 4<sup>th</sup>
- Exhibit 13. Letter from Jean Stothert, Mayor of Omaha, CC 4<sup>th</sup>
- Exhibit 14. Letter from Todd Schmaderer, Chief of Police, CC 4<sup>th</sup>
- Exhibit 15. Letter from Matthew Kuhse, City Attorney, CC 4<sup>th</sup>
- Exhibit 16. Letter from the Douglas County Sheriff, CC 4<sup>th</sup>
- Exhibit 17. Letter from Attorney Reff, CC 4<sup>th</sup>
- Exhibit 18. Letter from the Douglas County Attorney's Office, CC 4<sup>th</sup>
- Exhibit 19. Letter from the Omaha Bar Association, CC 4<sup>th</sup>
- Exhibit 20. Letter from Attorney Bloom, CC 4<sup>th</sup>
- Exhibit 21. Letter from Kevin Slimp, Omaha City Prosecutor, CC 4<sup>th</sup>
- Exhibit 22. Letter from Attorney Line, CC 4<sup>th</sup>
- Exhibit 23. Letter from Thomas Riley, Douglas County Public Defender, CC 4<sup>th</sup>
- Exhibit 24. Letter from Attorney Bradford, CC 4<sup>th</sup>
- Exhibit 25. Letter from Attorney Spahn, CC 4<sup>th</sup>
- Exhibit 26. Letter from Omaha Branch National Association for Advancement of Colored People, CC 4<sup>th</sup>
- Exhibit 27. FY-2023-County-Court-Weighted-Caseload-Report
- Exhibit 28. FY-2023-District-Court-Weighted-Caseload-Report
- Exhibit 29. AOCPC Handout (disseminated during public hearing)

The Commission received and considered public testimony from: Judge Michael E. Piccolo, District Court Judge, 11<sup>th</sup> Judicial District; Judge Grant A. Fosberg, County Court Judge, 4<sup>th</sup> Judicial District; Judge Sheryl L. Lohaus, County Court Judge, 4<sup>th</sup> Judicial District; Judge Stephanie S. Shearer, County Court Judge, 4<sup>th</sup> Judicial District; Kevin Slimp, City Prosecutor, City of Omaha; Senator John Cavanaugh; Liz Neeley, Nebraska State Bar Association; Corey Steele, Nebraska State Court Administrator.

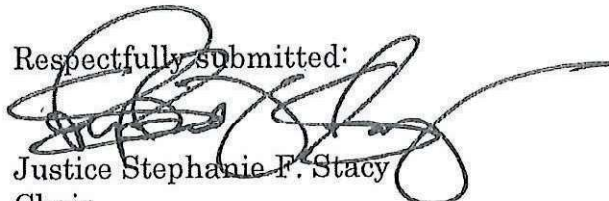
AGENDA ITEM IV(a): It was moved by Ken Hartman and seconded by Judge Matthew Kahler to declare a judicial vacancy in the County Court in the 4<sup>th</sup> Judicial District due to the appointment of Judge Derek R. Vaughn to the District Court bench, and to recommend the primary office location of such vacancy be in Omaha, Douglas, Nebraska. On a roll call vote, the motion passed unanimously.

AGENDA ITEM IV(b): It was moved by Judge Matthew Kahler and seconded by Michael McCarthy to declare a judicial vacancy in the District Court in the 11<sup>th</sup> Judicial District due to the retirement of Judge James E. Doyle IV, and to recommend that the primary office location of such vacancy be in Lexington, Dawson County, Nebraska. On a roll call vote, the motion passed unanimously.

AGENDA ITEM V: Justice Stacy provided an update on the first meeting of the judges working group appointed by the Chief Justice. Remaining agenda items were laid over due to length of meeting.

There being no other matters brought before the Commission, the Chair adjourned the meeting.

Respectfully submitted:



Justice Stephanie F. Stacy  
Chair



# Nebraska State Bar Association

*"Helping lawyers help people"*



December 5, 2023

The Honorable Stephanie F. Stacy  
Nebraska Supreme Court  
State Capitol, #2219  
Lincoln, NE 68509

RE: Nebraska Judicial Resources Commission Annual Hearing

Dear Justice Stacy:

The Nebraska State Bar Association works for Nebraska lawyers to help them achieve the highest standards of competence, ethics, and professionalism and to protect and promote the administration of and access to justice. Providing adequate judicial resources throughout our state is essential to ensuring that all Nebraskans have access to the justice system, and we are proud to be involved in the important work of the Judicial Resources Commission.

By way of background, the Nebraska State Bar Association (NSBA) has a separate Judicial Resources Committee, charged with developing the policy and position of the Association on matters pertaining to the creation, elimination, or movement of judicial positions. It is a fourteen-member body that includes the NSBA officers and 12 members of the House of Delegates—two from each of the six Supreme Court judicial districts. As judges retire, the Committee meets, reviews the weighted caseload statistics, and solicits testimony from the impacted communities. We then bring our recommendations to the Judicial Resources Commission. When the number of judges or district boundaries need to be changed, the NSBA's Legislative Counsel drafts those changes, finds a senator to sponsor that bill, and advocates for those changes.

At this time, the NSBA does not have any specific recommendations regarding the Commission's charge to review the addition or reduction of judgeships or revisions to the number or composition of our current judicial districts. We appreciate the work currently being undertaken across Nebraska's judicial districts to explore the efficient use of judicial resources. Once formal proposals are established, the NSBA stands ready to provide input from the practicing bar on proposed solutions.

635 South 14<sup>th</sup> Street ~Ste 200~ Lincoln, Nebraska 68508  
(402) 475-7091 ~ FAX (402) 475-7098 ~ www.nebar.com



In 2023, then NSBA President Jason Grams appointed an Ad Hoc Committee to review the appellate process in Nebraska and to make recommendations promoting judicial efficiency, the practice of law and access to the justice system. Specifically, the Committee was asked to review the appellate process for appeals from the County Court to District Court and Administrative Appeals to the District Court. The working group exploring appeals from County Court to District Court issued its final report to the House of Delegates in October of 2023. A copy of the report is enclosed for your information. After considerable discussion, over a period of many months, the working group ultimately decided not to recommend changes to the current process for appeals from County to District Court. None of the proposed changes presented a strong opportunity to improve the system without creating additional concerns. The working group reviewing Administrative Appeals is still in progress. We will keep the Judicial Resources Commission abreast of any recommendations that may impact judicial resources in Nebraska.

In closing, the NSBA appreciates the work of the Judicial Resources Commission and for the opportunity to provide input on any recommendations for the more balanced use of existing judicial resources.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Neeley". The signature is written in black ink and is positioned above the typed name and title.

Elizabeth Neeley  
Executive Director



**Ad Hoc Committee on Reviewing the Appellate Process in Nebraska:  
County Court Appeals**

In 2023, NSBA President Jason Grams appointed an Ad Hoc Committee to review the appellate process in Nebraska and to make recommendations in the best interest of judicial efficiency, the practice of law and access to the justice system. Specifically, the Committee was asked to review the appellate process for appeals from the County Court to District Court and Administrative Appeals to the District Court.

To ensure representation from the bench, the NSBA solicited participation by the Nebraska Court of Appeals, the Nebraska District Court Judges Association, and the Nebraska County Court Judges. The NSBA also recruited volunteers from the NSBA's Appellate Practice Section, Government and Administrative Law Section and Practice and Procedure Committee.

**Composition of the Committee**

The Committee was composed of the following members:

**Chair**

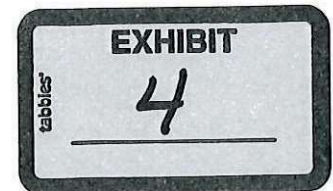
Cathy Trent Vilim, Lamson Dugan & Murray, LLP

**Judges**

Hon. Arterburn, Nebraska Court of Appeals  
Hon. Harmon, Douglas County Court  
Hon. Dave Partsch, 2<sup>nd</sup> Judicial District County Court  
Hon. Ryan Post, Lancaster District Court

**Lawyers**

John Albin, Commissioner of Labor  
Dwyer Arce, Kutak Rock  
Melodie Bellamy, Kearney County Attorney  
Jen Gaughn, Legal Aid of Nebraska  
Jason Grams, Lamson Dugan & Murray, LLP  
Jennifer Huxoll, Nebraska Attorney General's Office, Civil Division  
Annette Kovar (retired Nebraska Department of Environment and Energy  
Doug Law, Black Hills Corporation  
Danny Leavitt, Salerno & Leavitt  
Matt Lewis, Nebraska Attorney General's Office, Criminal Division  
Sarah Marfisi, District Court Douglas County



Jennifer Meckna, Douglas County Attorney's Office  
John McWilliams, Gross Welch Marks Clare  
Marna Munn, Lincoln City Attorney's Office  
Matthew Parker, Nebraska Department of Health and Human Services  
Timothy S. Sieh, Assistant City Attorney Lincoln  
Tim Texel, Nebraska Power Review Board  
Susan Ugai, Department of Environment and Energy  
Theresia Uhrich, Douglas County Attorney's Office  
Ryan Watson, Gross Welch Marks Clare, PC, LLO  
Ryan Wiesen, City of Omaha  
Abbie Widger, Johnson Flodman Guenzel & Widger

#### Staff

Liz Neeley, Nebraska State Bar Association

#### Subcommittee Assignments

Once the Committee was formed, it determined the processes for county court and administrative appeals involved different factors, considerations, and statutory schemes. Therefore, the Committee divided itself into two Subcommittees: one for the County Court appeals and one for the Administrative Appeals.

This Report addresses only the work of the County Court Subcommittee ("Subcommittee").

#### County Court Appeals Subcommittee

The County Court Appeals Subcommittee was comprised of the following members:

- Cathy Trent Vilim, Lamson Dugan & Murray, LLP, Chair
- Hon. Arterburn, Nebraska Court of Appeals
- Hon. Harmon, Douglas County Court
- Hon. Dave Partsch, 2<sup>nd</sup> Judicial District County Court
- Hon. Ryan Post, Lancaster District Court
- Dwyer Arce, Kutak Rock
- Melodie Bellamy, Kearney County Attorney
- Jason Grams, Lamson Dugan & Murray, LLP
- John McWilliams, Gross Welch Marks Clare
- Danny Leavitt, Salerno & Leavitt
- Matt Lewis, Nebraska Attorney General's Office, Criminal Division
- Sarah Marfisi, District Court Douglas County



- Jennifer Meckna, Douglas County Attorney's Office
- Theresa Uhrich, Douglas County Attorney's Office

## County Court Appellate Process

Currently, the following categories of cases may be appealed from the county court to the district court: misdemeanor cases (including traffic and municipal ordinance violations), preliminary hearings in felony cases, civil cases involving less than \$57,000.00, small claims involving less than \$3,900.00, and eminent domain cases. Probate, guardianships, conservatorships, adoptions, and juvenile cases are appealed directly to the Court of Appeals. (Appendix A: Nebraska Court Structure Process of Appeal).

## Review of Other State's Appellate Process

As a first step, Subcommittee member John McWilliams undertook a review of the two-tier court systems across the nation. (Appendix B: Initial Review of Other States' Appellate Processes). Forty-two states, including Nebraska, have at least one separate court of limited jurisdiction that handles matters like traffic violations, misdemeanors, and small claims.

Of these forty-two states, at least thirty-nine have procedures by which most or all cases from the court of limited jurisdiction are initially appealed to another trial court. In contrast, the few remaining states require most cases filed in a court of limited jurisdiction to be heard directly by the state's first appellate court.

## Available Data regarding Appeals in Nebraska

In addition to looking at other states' procedures, the Subcommittee also determined, during the course of its work, that additional data would be helpful in directing its analyses and conclusions. As a result, the Subcommittee requested data from the Administrative Office of the Courts and Probation ("AOC")<sup>1</sup>. To account for any potential skewing of the data caused by the Covid-19 pandemic, the Subcommittee requested data that pre-dated the pandemic. Specifically, the Subcommittee requested that the AOC provide data on the following:

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<sup>1</sup> The NSBA would like to thank Rick Hixon and Hazel Delgado from the Administrative Office of the Courts and Probation for their assistance with obtaining the court data presented in this report.

- The number of County Court cases appealed to the District Court (Table 1, below);
- The number of appeals from the County Court to the District Court based on case subtype (civil, criminal, probate, small claims, and traffic) (Table 2, below);
- The percentage of appeals from county court to district court involving self-represented litigants (Table 3, below).

Briefly summarized, the data provided by the AOCP indicates:

- Over the last four fiscal years, 1,048 County Court appeals were filed with the District Court;
- Of these, only 15.8% were further appealed to the Court of Appeals;
- The majority of cases appealed from county to district court are criminal matters, followed by civil appeals and small claims appeals.
- Only a handful of traffic appeals are filed in the district courts each year.
- More than one-half of the civil cases appealed from the County Court to the District Court involved the Uniform Residential Landlord and Tenant Act.

**Table 1: District Court Appeals from County Court sent to Court of Appeals by Fiscal Year**

County Court Appeals by FY	2019 Cases	2019 Appeals	2019 %	2020 Cases	2020 Appeals	2020 %	2021 Cases	2021 Appeals	2021 %	2022 Cases	2022 Appeals	2022 %
County Court-Civil Appeal	94	34	36%	157	14	9%	78	7	9%	66	7	11%
County Court-Criminal Appeal	138	26	19%	110	22	20%	113	22	19%	157	26	17%
County Court-Probate Appeal	0	0	0%	0	0	0%	0	0	0%	4	0	0%
County Court-Small Claims Appeal	26	2	8%	27	1	4%	31	2	6%	33	2	6%
County Court-Traffic Appeal	5	1	20%	3	0	0%	4	0	0%	2	0	0%
<b>Total Cases</b>	<b>263</b>	<b>63</b>		<b>297</b>	<b>37</b>		<b>226</b>	<b>31</b>		<b>262</b>	<b>35</b>	

**Table 2: County Court Civil Appeals to District Court- Filed CY 2022**

<b>Number of Cases</b>	<b>Counsel was Retained</b>	<b>Self Represented Litigant</b>	<b>Total</b>
Chapter 25-Forcible Entry & Detainer	6		6
Chapter 76-Uniform Residential LLTA	22		22
Chapter 76-Uniform Residential LLTA-Dam	1		1
Contract-Replevin	1		1
Contract-Unspecified	8	3	11
Miscellaneous-Handgun/Denial of Cert.		6	6
Miscellaneous-Small Claims Transfer		1	1
Miscellaneous-Unspecified	1		1
Small Claims-Unspecified	1	28	29
<b>Total</b>	<b>40</b>	<b>38</b>	<b>78</b>

**Table 3: County Court Civil Appeals to District Court CY 2022 by Percentage**

<b>Percentage of Cases</b>	<b>Counsel was Retained</b>	<b>Self Represented Litigant</b>
Chapter 25-Forcible Entry & Detainer	100%	
Chapter 76-Uniform Residential LLTA	100%	
Chapter 76-Uniform Residential LLTA-Dam	100%	
Contract-Replevin	100%	
Contract-Unspecified	73%	27%
Miscellaneous-Handgun/Denial of Cert.		100%
Miscellaneous-Small Claims Transfer		100%
Miscellaneous-Unspecified	100%	
Small Claims-Unspecified	3%	97%

**Advantages and Disadvantages of Existing System**

The Committee discussed and identified the advantages and disadvantages of the current process for appeals from the County Court to District Court.

The Subcommittee determined the current system offers a number of benefits, including:

1. Litigants, especially self-represented litigants, have the opportunity to be heard and argue their case before the District Court sitting as a court of appeal. The



alternative to appealing to the District Court would be appealing to the Court of Appeals. However, fewer than 10% of cases heard by the Court of Appeals are set for oral argument.

2. Second, litigants can be heard in the same county location as the underlying case, making it easier (and less expensive) for litigants to access the appellate process. While technology can alleviate some of the cost, by allowing parties to participate remotely, the Subcommittee believes in-person oral arguments are preferable to oral arguments heard remotely.
3. Third, for those represented by counsel, there may be a cost-savings for litigants because there are fewer briefing formalities and requirements when appealing at the District Court compared to the Court of Appeals. Alternatively, it is easier for self-represented litigants to navigate the appellate process at the District Court level.
4. Finally, cases are generally resolved sooner at the District Court level than by the Court of Appeals.

The Subcommittee also identified a number of perceived negative aspects of the current system:

1. First, the existing system can create additional workload for the District Courts, who are not technically “appellate” courts, particularly at a time where the appellate courts appear to have additional capacity.
2. Second, allowing litigants to appeal the same case multiple times (i.e., first to the District Court and then to the Court of Appeals) increases the costs to the judicial system. During discussions with bar members, a lawyer shared a story where a single case was appealed from the County Court to the District Court, from the District Court to the Court of Appeals, from the Court of Appeals to the Supreme Court, and then remanded back to the County Court.



## **Positive and Negative Aspects of Changing Process so that Appeals from County Court to District Court Instead Go Directly to the Court of Appeals**

The Subcommittee next discussed and identified the potential benefits and pitfalls of a system where appeals from the County Court skip the District Court and go straight to the Court of Appeals. The perceived benefits include:

1. Improved impact on District Court workloads, as the District Courts would no longer have to handle appeals.
2. Financial savings to litigants who want their appeal decided by an "appellate" court.
3. If cases are appealed directly to the Court of Appeals, there would be no issues of mootness in criminal matters because of the defendant's ability to post a bond.

As to the perceived downsides of such a system, the Subcommittee concluded:

1. There would be a negative impact on the Court of Appeals' workload, as cases previously appealed to the District Court would go to the Court of Appeals. Based on AOCP data, only a small percentage of cases appealed to the District Court get further appealed to the Court of Appeals.
2. Increased costs for litigants represented by counsel due to the additional briefing formalities and requirements of the Court of Appeals.
3. The potential loss of an appeal, or the waiver of issues on appeal, associated with the briefing formalities and requirements in the Court of Appeals. Under the current process, the District Courts will often hear the merits of an appeal even if the litigant fails to strictly comply with the uniform or judicial district rules. However, failure to comply with the Nebraska Rules of Appellate Procedure can result in the appeal being dismissed in its entirety or the waiver of specific issues on appeal.
4. There is value in the simplicity of the current process.

### **Creating a Bypass System**

The Committee discussed potentially creating a bypass system, whereby litigants could choose whether to file their appeal in the District Court or the Court of Appeals. After significant discussion, however, the Subcommittee decided against such a proposal for several reasons.

First, there were concerns about how a bypass system could adversely affect unrepresented litigants. For strategic reasons (namely the more rigorous briefing requirements of the Court of Appeals), represented parties might be more inclined to appeal directly to the Court of Appeals, putting unrepresented litigants at a disadvantage.

Second, to the extent the bypass system would be intended to improve judicial economy, by removing one level of appeals, any such bypass system would need to limit litigants to one appeal as of right, with any appeal thereafter as discretionary (*i.e.*, if you appeal to the District Court, there is no further appeal to the Court of Appeals unless leave is granted). However, there was a discussion as to whether the District Court should be the final court of review. The group generally disfavored this, in part because an appellate court is generally comprised of a panel of judges, while in the District Court the appeal is heard by a single judge.

Third, the Subcommittee discussed some of the potential procedural challenges of a bypass system. For example, should the District Court or Court of Appeals decide whether to grant leave for further appeal? What factors would be considered or weighed when deciding whether further appeal should be permitted? Would it be necessary to change the standards of review in cases where further appeal is permitted?

As an alternative to a bypass system applicable to all appeals, the Subcommittee also discussed whether particular types of cases could be identified as appropriate for immediate appeal to the Court of Appeals. In particular, the Subcommittee discussed making civil cases involving less than \$57,000 (but excluding landlord/tenant and small claims) directly appealable to the Court of Appeals.

As part of the discussion, the Subcommittee discussed whether there should be a minimum amount in controversy before direct appeal could be sought. After much discussion, the Subcommittee determined such an approach would not be feasible. Looking to the jurisdictional limit requirement for federal district courts, the Subcommittee noted that not all civil complaints filed in the county courts include



specific monetary prayers of relief. Therefore, direct appeals could not be premised on the amount prayed for in the complaint. Additionally, the direct appeal process could not be premised on the amount of the judgment, as judgments for a defendant would not include a monetary number. In cases where judgement is entered in favor of the defendant, and no amount is prayed for in the complaint, it would not be possible to determine whether a jurisdictional limit is satisfied.

While this potential problem could be solved for by requiring that civil complaints specify the amount of monetary damages being sought, the Subcommittee ultimately determined that the number of cases that would qualify under the proposed system was not significant enough to meaningfully impact workloads or to justify the creation of a completely different appellate process.

### **All Appeals Filed Directly in the Court of Appeals**

The Subcommittee also discussed a system whereby all appeals would be filed in the Court of Appeals. Under this hypothetical scenario, the Court of Appeals would resolve all appeals unless bypass is permitted or the Supreme Court removed the case to its own docket. Although discussed, there was no support for this concept, primarily due to the perceived impact on the Court of Appeals' caseload and because it would likely lengthen the amount of time for the appeal to be resolved.

To potentially address some of these concerns, the Subcommittee considered whether it might be possible to facilitate the process by having certain appeals decided by one appellate court judge rather than the typical three-judge panel. This would be similar to the current process under Neb. Rev. Stat. § 29-824 *et seq.*, where appeals of motions to suppress are reviewed and decided by "a judge" of the Court of Appeals. Ultimately, there was no support for this concept. As discussed above, an "appeal" – as that term is generally understood – means having one's case reviewed by a *panel* of judges and not a single judge.

Finally, the Subcommittee discussed a system whereby all appeals would be filed in the Court of Appeals, and the Court of Appeals would then have the authority to assign cases to the District Court for resolution. This would be similar to 'push-down' appellate court systems (like Iowa), where cases are filed in the highest appellate court, which then reassigns select cases to the lower appellate court for resolution. There was considerable discussion about the criteria the Court of Appeals might use to determine whether to assign a case to the District Court and the amount of time involved to make such a determination on a case-by-case basis. Concerns were also raised in regard to the trial court record, excessive sentences, small claims, and routine matters.



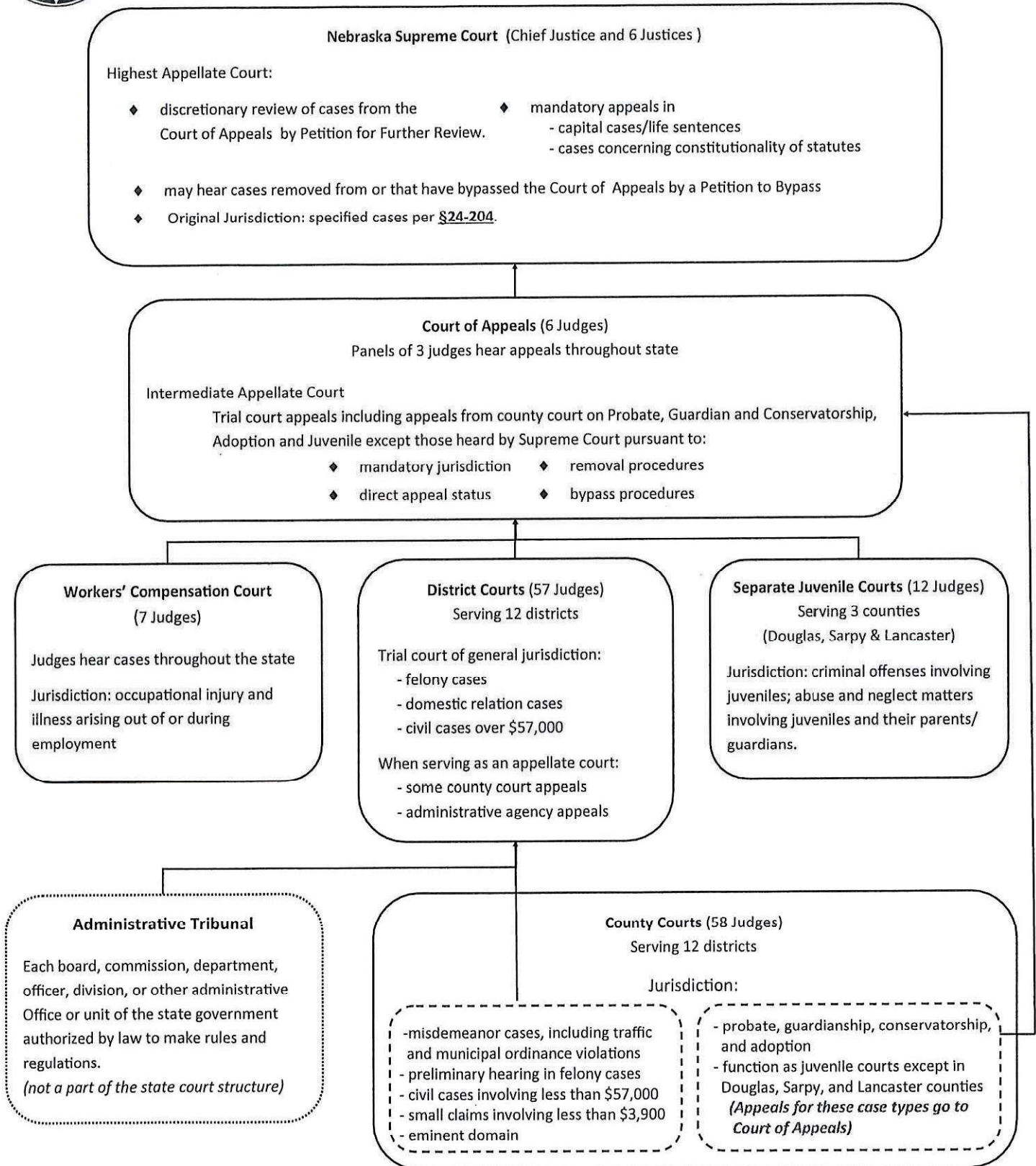
### **Discussion and Conclusion**

After considerable discussion, over a period of many months, the Subcommittee ultimately decided not to recommend changes to the current process for appeals from County to District Court. None of the proposed changes presented a strong opportunity to improve the system without creating additional concerns.

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Court Services  
Division



This chart is designed to provide a self-represented person, or "pro se litigant", with an overview of the Nebraska appellate court system. For a detailed explanation about any of the topics listed you may talk to an attorney. The [Nebraska Supreme Court Legal Resources and Information](#) page may also provide additional information on some of the topics. *Trial Court Services Rev. 7/2021 AD 2:24*

## Appendix B

### Initial Review of Other States' Appellate Processes

NSBA Appellate Working Group Meeting  
County Court Subgroup  
May 23, 2023

#### A. Introduction and overview

Including Nebraska, forty-two states have at least one separate court of limited jurisdiction that handles matters like traffic violations, misdemeanors, and small claims. Of these forty-two states, thirty-nine or forty states have procedures by which most or all cases from the court of limited jurisdiction are initially appealed to another trial court. In contrast, only two or three states require most of the cases from the court of limited jurisdiction to be heard directly by the state's first appellate court.

For an initial, general overview of each state's judicial system, I relied on the Guide to Law Online: U.S. States and Territories, prepared by the Library of Congress and available at <<https://guides.loc.gov/us-states-territories>>. Additional sources for each state, such as the state's court website, are noted below. If a state provided a helpful chart of the state's judicial system, it has been noted below and attached with this memo.

#### B. States with intermediate appeals to another trial court

##### 1. Alaska

###### *Overview*

**District Court:** court of limited jurisdiction, covering misdemeanors and small claims

**Superior Court:** trial court of general jurisdiction

**Alaska Court of Appeals:** primarily hears criminal appeals

**Alaska Supreme Court:** highest appellate court, hearing primarily civil cases

###### *Appeals from District Court*

The Superior Court serves as an appellate court for appeals from civil and criminal cases that were tried in the District Court. Under Alaska Stat. § 22.15.240, either party to a civil action may appeal the judgment of the District Court to the Superior Court, and the defendant in a criminal matter



may appeal a conviction given by the District Court to the Superior Court. Alaska also allows for “petitions for review” by the Superior Court of otherwise non-appealable District Court orders. Alaska R. App. P. 610.

*Additional source*

Alaska Court System Overview:

<https://courts.alaska.gov/main/ctinfo.htm#appellate>

## 2. Arizona

*Overview*

**Justice Courts/Municipal Courts:** courts of limited jurisdiction at the municipal level

**Superior Court:** court of general jurisdiction

**Court of Appeals:** intermediate appellate court

**Supreme Court:** highest appellate court

*Appeals from Justice Courts & Municipal Courts*

The Superior Court acts as an appellate court for the Justice Courts and Municipal Courts. Civil matters (Ariz. Super. Ct. R. App. P. Civ. 1) and criminal matters (Ariz. Super. Ct. R. App. P. Crim. 1) may be appealed from a Justice or Municipal Court to the Superior Court.

*Additional source*

Arizona Courts Overview: <https://www.azcourts.gov/AZ-Courts/Superior-Court>

## 3. Arkansas

*Overview*

**State District Courts/Local District Courts:** cases involving specific subject matter, such as traffic violations, small claims, and misdemeanors

**Arkansas Circuit Court:** trial court of general jurisdiction

**Arkansas Court of Appeals:** intermediate appellate court

**Arkansas Supreme Court:** highest court in the state

*Appeals from State District Courts & Local District Courts*

A person convicted of a criminal offense in the District Court may appeal the conviction to the Circuit Court. Ark. R. Crim. P. 36(a). “An appeal from a judgment of conviction in a district court shall be tried de novo in the circuit court as if no judgment had been rendered in the district court.” Ark. R. Crim. P. 36(g).

Civil judgments rendered by the District Court (as well as judgments rendered by the small claims division of the District Court) are also appealed to the Circuit Court. Ark. Dist. Ct. R. 9(a) & 10(e)(6). For appeals of civil judgments, the Circuit Court “establish[es] a schedule for discovery, motions, and trial[.]” Ark. Dist. Ct. R. 9(c)(3), and the Circuit Court proceeds on an appeal of a District Court judgment as if the case had originally been filed in the Circuit Court. Ark. Dist. Ct. R. 9(c)(4)

*Additional source*

Arkansas Court Rules: [https://opinions.arcourts.gov/ark/cr/en/nav\\_date.do](https://opinions.arcourts.gov/ark/cr/en/nav_date.do)

#### 4. Colorado

##### *Overview*

**County Courts:** limited jurisdiction over certain matters (misdemeanors, traffic infractions, protection orders, small claims, and civil matters under \$25,000)

**Water Courts:** exclusive jurisdiction over matters involving water rights

**District Courts:** hear most cases at the trial level, with Denver having a separate Probate Court and Juvenile Court

**Colorado Court of Appeals:** intermediate appellate court

**Colorado Supreme Court:** highest appellate court

##### *Appeals from County Courts*

Appeals from final judgments of the County Court are made to the District Court. Colo. Rev. Stat. § 13-6-310(1). The District Court reviews the case on the record, but the District Court has the discretion to direct that the case be tried de novo before the District Court. Colo. Rev. Stat. § 13-6-310(2).

*Additional source*

Colorado Courts website: <https://www.courts.state.co.us/Courts/Index.cfm>

#### 5. Connecticut

##### *Overview*

**Probate Court:** oversees decedents’ estates and trusts and handles sensitive issues affecting children, the elderly, and persons with intellectual or psychiatric disabilities

**Connecticut Superior Court:** trial court of general jurisdiction

**Connecticut Appellate Court:** intermediate appellate court

**Connecticut Supreme Court:** highest court in the state



### *Appeals from Probate Court*

A person aggrieved by the order, denial, or decree of the Probate Court may appeal to the Superior Court. Conn. Gen. Stat. § 45a-186(b). Certain types of appeals (generally involving psychiatric commitment/treatment, quarantine orders, conservatorships, and adult protective proceedings) are determined on the record, but with parties allowed offer limited proof of irregularities in the Probate Court's procedure. Conn. Gen. Stat. § 45a-186a(c). The Superior Court does not substitute its judgment for that of the Probate Court on the weight of evidence or questions of fact; the Superior Court only modifies the Probate Court's judgment if the Probate Court abused its discretion, clearly erred, committed an error of law, or exceeded its authority. Conn. Gen. Stat. § 45a-186b. Connecticut's discovery rules contemplate discovery in the course of probate appeals. *E.g.*, Conn. Super. Ct. R. 13-2 (setting forth the scope of discovery "[i]n any civil action, in any probate appeal, or in any administrative appeal").

#### *Additional source*

Connecticut Judicial Branch Law Libraries – Connecticut Law About Probate Appeals: <https://www.jud.ct.gov/lawlib/law/probateappeals.htm>

## **6. Delaware**

### *Overview*

Delaware has four levels of courts, with multiple courts occupying some levels:

*First level. Justice of the Peace Courts/Alderman's Courts:*

jurisdiction for cases involving certain misdemeanors, small claims, and motor vehicle cases

*Second level. Court of Common Pleas:* trial court for civil cases totaling less than \$75,000 and misdemeanors not handled by the Justice of the Peace Courts/Alderman's Courts

*Second level. Family Court:* hears specific cases regarding family and juvenile matters

*Third level. Delaware Superior Courts:* original jurisdiction in some civil and criminal cases; acts as intermediate appellate court for certain appeals from the Court of Common Pleas, Family Court, and state agency rulings

*Third level. Courts of Chancery:* jurisdiction related to equity cases



*Fourth level. Supreme Court:* highest court in the state  
*Appeals from Justice of the Peace Courts,  
Court of Common Pleas & Family Court*

Civil and criminal cases decided in the Justice of the Peace Courts are appealed to the Court of Common Pleas. Del. J.P. Ct. Civ. R. 72; Del. Ct. C.P. Crim. R. 39. Civil and criminal cases decided by the Court of Common Pleas are appealed to the Superior Court. 10 Del. C. § 1326; Del. Ct. C.P. Civ. R. 72; Del. Ct. C.P. Crim. R. 37(a).

Both the Court of Common Pleas and the Superior Court hear and decide appeals based on the record of the proceedings in the lower court, “except as may be otherwise expressly provided by statute.” Del. Ct. C.P. Civ. R. 72.1(g); Del. Ct. C.P. Crim. R. 39(c); Del. Super. Ct. R. Civ. P. 72(g); Del. Super. Ct. R. Crim. P. 39(c).

Orders and judgments in civil proceedings in the Family Court are appealed to the Supreme Court, but orders and judgments in criminal proceedings in the Family Court are first appealed to the Superior Court before further appeal to the Supreme Court. 10 Del. C. § 1051.

In addition, Delaware appears to allow intra-court appeals, such as appeals of commissioners’ orders in Family Court cases, Del. Fam. Ct. R. Civ. P. 53.1, or appeals of summary possession cases to a three-judge panel in the Justice of the Peace Courts, Del. J.P. Ct. Civ. R. 72.1.

*Additional source*

Delaware Court Rules Index:

<https://courts.delaware.gov/rules/index.aspx#ccp>

## 7. Florida

*Overview*

**County Court:** hears cases for civil disputes involving \$30,000 or less, traffic offenses, and misdemeanors

**Circuit Court:** original jurisdiction over civil disputes involving more than \$30,000, controversies involving estates, criminal prosecutions of felonies, and other matters

**District Courts of Appeal:** hear appeals from lower courts

**Florida Supreme Court:** highest appellate court in Florida

### *Appeals from County Court*

The Circuit Courts hear appeals, as specifically authorized by law, of decisions in certain administrative cases, noncriminal infraction cases, and other types of cases. The District Courts of Appeal have the discretion to review final orders of the County Court, even if the case is first appealable to the Circuit Court, if a County Court has certified the case to be of “great public importance.” Fla. R. App. P. 9.030(b)(4); Fla. R. App. P. 9.160.

#### *Additional source*

Florida Courts Overview: <https://www.flcourts.gov/Florida-Courts>

## 8. Georgia

### *Overview*

**Magistrate Courts:** hear cases on specific matters, including civil claims under \$15,000, certain foreclosures, ordinance violations, and certain non-jury misdemeanors

**State Courts of Counties:** hear cases including non-felony criminal cases and civil actions without regard to the amount in controversy

**Probate Court/Juvenile Court:** hear cases on specific matters

**Georgia Superior Court:** trial court of general jurisdiction

**Court of Appeals of Georgia:** intermediate appellate court

**Supreme Court of Georgia:** highest court in the state

#### *Appeals from Magistrate Court, Probate Court, Juvenile Court & State Courts of Counties*

Judgments from the Magistrate Court may be appealed to the State Court of the County or to the Superior Court. Ga. Code § 15-6-8(3); Ga. Code § 15-9-123; Ga. Code § 15-10-41. Judgments from the Probate Court and Juvenile Court are appealed to the Court of Appeals or Supreme Court. Ga. Code § 15-9-123; Ga. Code § 15-11-35. Judgments of the State Courts of Counties also *appear* to be directly appealable to the Court of Appeals or Supreme Court. Ga. Code § 15-7-43.

#### *Additional source*

Judicial Council of Georgia, Court Services: <https://georgiacourts.gov/court-services/>



## 9. Indiana

### *Overview*

**Town Courts/City Courts:** courts of limited jurisdiction that handle ordinance violations, misdemeanors, and infractions

**Small Claims Court:** Limited jurisdiction in certain civil cases where damages do not exceed \$8,000

**Circuit Courts/Superior Courts:** courts of general jurisdiction, with appellate jurisdiction over Town Courts/City Courts

**Court of Appeals of Indiana:** intermediate appellate court

**Indiana Tax Court:** intermediate appellate court with original jurisdiction

**Indiana Supreme Court:** highest court in the state

### *Appeals from Town Courts, City Courts & Small Claims Court*

The Circuit Courts and Superior Courts have jurisdiction for appeals from the Town Courts, City Courts, and Small Claims Court, with de novo review prescribed by statute. Ind. Code § 33-28-1-2; Ind. Code § 33-29-1-1.5. Some counties in Indiana have a Circuit Court and no Superior Court, and other counties have multiple Circuit Courts and Superior Courts.

### *Additional sources*

Structure of Indiana Courts: <https://www.in.gov/courts/about/>

Indiana Local Court Directory: <https://www.in.gov/courts/local/>

## 10. Kansas

### *Overview*

**Municipal Courts:** hear cases involving specific subject matter, such as traffic and minor offenses

**District Courts:** trial courts of general jurisdiction

**Court of Appeals:** intermediate appellate court

**Kansas Supreme Court:** highest court in the state

### *Appeals from Municipal Courts*

Appeals from the Municipal Court are taken to the District Court. Kan. Stat. Ann. § 12-4601. In most appeals, the appellant has a new trial either to the court or to a six-member jury in the District Court. Kan. Stat. Ann. § 22-3609.

### *Additional source*

Kansas Judicial Branch website: <https://www.kscourts.org/>



## 11. Kentucky

### *Overview*

**District Courts:** hear cases on specific subject matter, like traffic violations, small claims, and misdemeanors

**Circuit Court:** trial court of general jurisdiction

**Family Courts:** hear cases on all matters related to families and children (division of Circuit Court)

**Business Court:** hears complex commercial cases (currently pilot project as a division within one Circuit Court)

**Court of Appeals:** intermediate appellate court

**Supreme Court of Kentucky:** highest court in the state

### *Appeals from District Court*

Direct appeals from the District Court are taken to the Circuit Court. Kenn. Rev. Stat. § 23A.080(1).

### *Additional source*

Kentucky Court of Justice website: <https://kycourts.gov/Pages/index.aspx>

## 12. Louisiana

### *Overview*

**Justice of the Peace Courts:** hear claims under \$5,000, as well as evictions and other limited matters

**City Courts/Parish Courts/Family or Juvenile Courts:** courts focusing on cases involving specific subject matter, such as traffic violations, claims under \$20,000 (Parish Courts), claims under \$50,000 (City Courts), and misdemeanors

**District Courts:** trial courts of general jurisdiction, and have appellate jurisdiction over certain cases tried in the City Courts

**Louisiana Courts of Appeal:** intermediate appellate court

**Louisiana Supreme Court:** highest court in the state

### *Appeals from lower courts*

Cases appealed from the Justice of the Peace Court are taken to the Parish Court or, if there is no Parish Court, to the District Court located in the parish. La. Code Civ. Proc. art. 4924.

According to the Louisiana Supreme Court website, cases from the Parish Courts are directly appealable to the Court of Appeals. However, I did not locate support by statute or court rule for this procedure.

Louisiana also has other appellate processes. For example, the Traffic Court of New Orleans has jurisdiction over all appeals by a person aggrieved by an administrative decision on traffic violations, La. Code Civ. Proc. art. 4857.

*Additional source*

Frequently Asked Questions About Louisiana Courts:  
<https://www.lasc.org/About/FAQ>

### 13. Maryland

*Overview*

**District Courts/Orphan's Court:** hear specific subject matter, such as traffic violations, small claims, misdemeanors, and probate matters

**Circuit Court:** trial court of general jurisdiction

**Appellate Court of Maryland (formerly Court of Special Appeals):** intermediate appellate court

**Supreme Court of Maryland (formerly Court of Appeals):** highest court in the state

*Appeals from District Courts*

Appeals from the District Courts go to the Circuit Court for the county in which judgment was entered. Md. Code, Cts. & Jud. Proc. § 12-403.

*Additional source*

Maryland Courts website: <https://mdcourts.gov/>

### 14. Michigan

*Overview*

**Probate Courts/District Courts/Municipal Courts:** focus on cases involving specific subject matter, such as traffic violations, small claims, misdemeanor offenses, and probate matters

**Michigan Circuit Court:** trial court of general jurisdiction

**Michigan Court of Appeals:** intermediate appellate court, with the **Court of Claims** (a specialized court handling only claims over \$1,000 filed against the State of Michigan) as a part of this court.

**Michigan Supreme Court:** highest court in the state

*Appeals from Probate, District & Municipal Courts*

The Circuit Court has jurisdiction over appeals as a matter of right from final orders or judgments from a District or Municipal Court. Mich. Ct. R. 7.103.



Orders of the Probate Court are appealable as a matter of right directly to the Michigan Court of Appeals. Mich. Ct. R. 5.801(A).

*Additional source*

Michigan Trial Courts website: <https://www.courts.michigan.gov/courts/trial-courts/>

## 15. Minnesota

*Overview*

**Conciliation Court:** hear small claims

**Minnesota District Court:** trial court of general jurisdiction

**Minnesota Court of Appeals:** intermediate appellate court

**Minnesota Supreme Court:** highest court in the state

*Appeals from Conciliation Court*

The party aggrieved by a judgment of the Conciliation Court after a trial may remove (appeal) the cause to the District Court for a new trial. Minn. Gen. R. Prac. 521(a).

*Additional source*

Minnesota Judicial Branch: <https://www.mncourts.gov/>

## 16. Mississippi

*Overview*

**County Courts/Justice Courts:** hear cases involving specific subject matter like traffic violations, small claims, misdemeanor offenses, and juvenile matters

**Circuit Courts/Chancery Courts:** courts of general jurisdiction

**Mississippi Court of Appeals:** intermediate appellate court

**Mississippi Supreme Court:** highest court in the state

*Appeals from County Courts & Justice Courts*

If a county contains both a Justice Court and a County Court, then an appeal from the Justice Court is made to the County Court. Miss. Code Ann. § 11-51-85. Otherwise, appeals from the Justice Courts are made to Circuit Courts. *Id.* The case is tried “anew, in a summary way” in the Circuit Court. Miss. Code Ann. § 11-51-91. These same rules apply to appeals made from the Justice Court to the County Court. Miss. Code Ann. § 11-51-81. Further appeals from the County Courts are then made to the Circuit Courts.



**NB:** The portion of Miss. Code Ann. § 11-51-81 setting forth a “three-court rule” for appeals (e.g., limiting appeals from the Justice Court to the County Court, followed by the Circuit Court) has been held to be unconstitutional. *Jones v. City of Ridgeland*, 48 So.3d 530, 538–39 (Miss. 2010).

Appeals from the “law side” of the County Courts are made to the Circuit Courts, and appeals from the “equity side” are made to the Chancery Courts. Miss. Code Ann. § 11-51-79. Appeals from the County Courts are considered on the record only. *Id.* If a new trial is granted, then the new trial is heard in the Circuit/Chancery Court. *Id.*

**NB:** The portions Miss. Code Ann. § 11-51-79 involving interlocutory appeals were determined to be preempted by a Mississippi court rule setting forth a different mechanism for interlocutory appeals. *Brown v. Collections, Inc.*, 188 So.3d 1171, 1177 (Miss. 2016).

*Additional source*

Mississippi Courts Website: <https://courts.ms.gov/index.php>

## 17. Montana

*Overview*

**Justices’ Courts/Municipal Courts:** hear cases involving specific subject matter such as traffic violations, small claims, and misdemeanors

**District Courts:** courts of general jurisdiction (but **Water Court** and **Workers’ Compensation Court** have jurisdiction over limited matters)

**Montana Supreme Court:** highest court in the state

*Appeals from Justices’ Courts & Municipal Courts*

The District Courts have appellate jurisdiction over cases arising in the courts with limited jurisdiction in their respective districts, as prescribed by law. Mont. Code Ann. § 3-5-303. Appeals from the Municipal Courts and Justice’s Courts to the District Courts are confined to review of the record and questions of law. Mont. Code Ann. § 3-6-110; Mont. Code Ann. § 3-10-115.

*Additional sources*

Montana District Courts website: <https://courts.mt.gov/courts/dcourt/>

Montana Judicial Branch website: <https://courts.mt.gov/>

## 18. Nevada

### *Overview*

**Municipal Courts/Justice Courts:** hear specific subject matter like traffic violations, small claims, and misdemeanors

**District Court:** trial court of general jurisdiction

**Nevada Court of Appeals:** intermediate appellate court

**Nevada Supreme Court:** highest court in the state

### *Appeals from Municipal Courts & Justice Courts*

In criminal cases, a final judgment of the Justice Court can be appealed to the District Court, Nev. Rev. Stat. § 177.015, and the District Court considers the appeal on the record. Nev. Rev. Stat. § 189.050. A civil judgement of the Justice Court is also subject to appeal to the District Court, Nev. Justice Ct. R. Civ. P. 72A, but the District Court cannot retry the appealed civil case. Nev. Justice Ct. R. Civ. P. 76A.

Municipal Court judgments are appealed to the District Court and are treated as a transfer to the District Court for a new trial. Nev. Rev. Stat. § 5.073. The Municipal Court can, by local ordinance, be treated as a “court of record,” with the appeal then treated as an appeal from a Justice Court (with the appeal decided on the record rather than through a new trial). Nev. Rev. Stat. §§ 5.010 & 5.073; *Sparks v. Bare*, 373 P.3d 864, 867 (Nev. 2016).

### *Additional source*

Nevada Courts website: <https://nvcourts.gov/>

## 19. New Jersey

### *Overview*

**Municipal Courts/Tax Courts:** hear specific subject matter like traffic violations, small claims, and tax matters

**New Jersey Superior Court (with Law Division and Chancery Division):** trial court of general jurisdiction

**New Jersey Superior Court, Appellate Division:** intermediate appellate court

**New Jersey Supreme Court:** highest court in the state

### *Appeals from Municipal Court & Tax Court*

Appeals in criminal cases before the Municipal Courts are made to the Superior Court, Law Division. N.J. Ct. R. 3:24 & 7:13-1. Appeals from judgments in the Municipal Courts for civil actions, imposition of penalties



and confiscation or forfeiture of chattels are likewise made to the Superior Court, Law Division. N.J. R. 4:74-2 & 7:13-1. The Law Division is different from the Appellate Division. *O'Neill v. Vreeland*, 77 A.2d 899, 902 (N.J. 1951).

Judgments of the tax court may be appealed as of right to the Appellate Division of the Superior Court. N.J.S. 2B:13-4.

## 20. New Mexico

### *Overview*

**Probate Court/Municipal Court/Magistrate Court/Metropolitan Court:** hear specific subject matter like traffic violations, small claims, misdemeanors, and probate

**New Mexico District Court:** trial court of general jurisdiction

**New Mexico Court of Appeals:** intermediate appellate court

**New Mexico Supreme Court:** highest court in the state

*Appeals from Magistrate Courts, Metropolitan Courts & Municipal Courts*

Appeals from the Magistrate Courts, Metropolitan Courts, and Municipal Courts are made to the District Court of the county in which the municipal court is located. N.M. Magis. Ct. R. Civ. P. 2-705; N.M. Magis. Ct. R. Crim. P. 6-703; N.M. Metro. Ct. R. Civ. P. 3-706; N.M. Metro. Ct. R. Crim. P. 7-703; N.M. Mun. C. R.P. 8-703.

**NB:** New Mexico's court rules were substantially revised in 2022, and these changes are not fully incorporated in the electronically-available court rules. The above discussion of appeals from New Mexico's lower courts *may* reflect the rules prior to the 2022 revisions.

### *Additional source*

New Mexico Courts website: <https://www.nmcourts.gov/>

## 21. New York

### *General overview*

**County Court/Court of Claims/Family Court/Surrogate's Court/Local (City, Town, and Village) Courts:** hear specific subject matter like traffic violations, small claims, misdemeanors, probate matters, family matters, and monetary claims against the state government

**Supreme Court:** trial court of general jurisdiction

**Appellate Division of the Supreme Court:** intermediate appellate court

**New York Court of Appeals:** highest state court



### *Appeals in New York*

The best explanation of the complex New York court system is by means of the chart from the New York State Unified Court System, available at: <<https://www.nycourts.gov/courts/structure.shtml>>. This chart shows which courts hear appeals *and* trials.

#### *Additional source*

New York State Unified Court System website:  
<https://www.nycourts.gov/index.shtml>

## **22. North Carolina**

### *Overview*

**State District Court:** hears specific subject matter like traffic violations, small claims, and misdemeanors

**Superior Court:** trial court of general jurisdiction

**Court of Appeals:** intermediate appellate court

**Supreme Court:** highest court in the state

### *Appeals from District Court*

In general, the Superior Courts hear appeals from the District Courts. Reference is made to the “Routes of Appeal” diagram available on the North Carolina court website for more detailed information about the particular cases appealed to the Superior Court, as well as appeals of right and appeals of discretion: <<https://www.nccourts.gov/learn/routes-of-appeal>>.

#### *Additional source*

Overview of North Carolina court system:  
<https://www.nccourts.gov/learn/types-of-courts>

## **23. North Dakota**

### *Overview*

**Municipal Courts:** hear specific subject matter like traffic violations, small claims, and misdemeanors

**District Court:** trial court of general jurisdiction

**North Dakota Supreme Court:** highest court in the state

### *Appeals from Municipal Court*

The District Court has jurisdiction of appeals from all final judgments from the Municipal Court. N.D. Cent. Code § 27-05-06.

#### *Additional source*

North Dakota Courts website: <https://www.ndcourts.gov/>