

24. Oklahoma

Overview

Municipal Courts: focus on violations of the ordinances of the municipality where the court is established

District Court: trial court of general jurisdiction

Court of Civil Appeals: intermediate appellate court for civil matters

Court of Criminal Appeals: highest appellate court for criminal matters

Oklahoma Supreme Court: highest appellate court for civil matters

Appeals from Municipal Courts

Municipalities are entitled to create a Municipal Court, but it is not a court of record. Okla. Stat. tit. 11, § 27-101. As indicated above, the Municipal Court's jurisdiction extends only to violations of the municipality's ordinances. Okla. Stat. tit. 11, § 27-103. Appeals from the Municipal Court are taken to the District Court, where the defendant is entitled to a new trial. Okla. Stat. tit. 11, § 27-129. The defendant may then make a further appeal to the Court of Criminal Appeals. Okla. Stat. tit. 11, § 27-132.

Additional source

Oklahoma State Courts Network website: <https://www.oscn.net/v4/>

25. Oregon

Overview

County Courts/Justice Courts/Municipal Courts/Tax Courts: focus on specific subject matter like traffic violations, small claims, and misdemeanors (with the Tax Court hearing matters involving tax issues)

Oregon Circuit Court: trial court of general jurisdiction

Oregon Court of Appeals: intermediate appellate court

Oregon Supreme Court: highest court in the state

Appeals from County Courts, Justice Courts & Municipal Courts

"Justice Courts" are created by the county, and "Municipal Courts" are created by the city. Or. Rev. Stat. § 1.855. Municipal Courts have jurisdiction over misdemeanors committed or triable in the city, as well as traffic crimes. Or. Rev. Stat. § 221.339. Many counties in Oregon no longer have County Courts, and the powers of the County Courts have been transferred to the Circuit Courts.

Judgments in the County Courts are appealable to the Circuit Courts. Or. Rev. Stat. § 5.120. The Circuit Court's determination is then appealable to

the Court of Appeals. *Id.* Civil and criminal appeals of the Justice Courts are made to the Circuit Courts. Or. Rev. Stat. §§ 53.020 & 157.010.

As a general matter, judgments in the Municipal Courts are appealable to the Circuit Courts. Or. Rev. Stat. § 221.359. A convicted person's appeal to a Circuit Court results in a new trial in the Circuit Court. Or. Rev. Stat. § 221.390. However, a city may pass an ordinance making the Municipal Court a court of record, in which case it *appears* that the judgment of the Municipal Court (as a court of record) would then be appealable to the Oregon Court of Appeals. Or. Rev. Stat. §§ 138.015 & 221.359.

Additional sources

Oregon Judicial Department website:

<https://www.courts.oregon.gov/Pages/default.aspx>

Oregon "Blue Book" section on Judicial Branch: <https://sos.oregon.gov/blue-book/Pages/state-judicial.aspx>

26. Pennsylvania

Overview

Minor Courts: limited jurisdiction, hearing arraignments in most cases (presided over by non-lawyer magistrates in some instances)

Court of Common Pleas: trial court of general jurisdiction

Superior Court: intermediate appellate court with jurisdiction over most civil and criminal matters

Commonwealth Court: intermediate appellate court hearing matters involving government regulations

Pennsylvania Supreme Court: highest court in the state

Appeals in Pennsylvania

Reference is made to the "technical flowchart" available from the Pennsylvania courts website:

[https://www.pacourts.us/Storage/media/pdfs/20210224/025847-](https://www.pacourts.us/Storage/media/pdfs/20210224/025847-howthecourtsoperateamorettechnicalflowchart-005611.pdf)

[howthecourtsoperateamorettechnicalflowchart-005611.pdf](https://www.pacourts.us/Storage/media/pdfs/20210224/025847-howthecourtsoperateamorettechnicalflowchart-005611.pdf)>. Generally speaking, the Court of Common Pleas has appellate jurisdiction over several other lower courts.

Additional source

Unified Judicial System of Pennsylvania website: <https://www.pacourts.us/>

27. Rhode Island

Overview

Traffic Tribunal: cases involving non-criminal traffic offenses

Workers' Compensation Court/District Court/Family Court: courts of limited jurisdiction hearing matters involving workers' compensation, lesser criminal and civil matters, and family matters

Superior Court: trial court of general jurisdiction

Rhode Island Supreme Court: highest court in the state

Appeals from District Court

The Superior Court has jurisdiction to hear appeals from the District Court, which result in trials de novo. The Superior Court also hears appeals from the Probate Court.

Additional sources

Rhode Island Judiciary website: <https://www.courts.ri.gov/Pages/default.aspx>

Superior Court information:

<https://www.courts.ri.gov/Courts/SuperiorCourt/Pages/default.aspx>

28. South Carolina

Overview

Magistrate Courts/Municipal Courts/Probate Courts: courts of limited jurisdiction hearing cases involving misdemeanors, traffic offenses, and probate matters

Circuit Court: trial court of general jurisdiction

Family Court/Master-in-Equity: hear specific cases

Court of Appeals: intermediate appellate court

South Carolina Supreme Court: highest court in the state

Appeals from Probate Court, Magistrate's Court & Municipal Court

The Circuit Court has limited appellate jurisdiction over appeals from the Probate Court, Magistrate's Court, and Municipal Court. S.C. Code Ann. §§ 14-5-340 & 62-1-308; S.C. R. Civ. P. 74.

Appeals from the Master-in-Equity apparently were previously heard before the Circuit Court, but they are now heard by the Court of Appeals or Supreme Court. S.C. R. Civ. P. 53(e)

Additional source

South Carolina Judicial Department website: <https://www.sccourts.org/>

29. South Dakota

Overview

Magistrate Courts: focus on specific subject matter like traffic violations, small claims, and misdemeanors

South Dakota Circuit Court: trial court of general jurisdiction

South Dakota Supreme Court: highest court in the state

Appeals from Magistrate Courts

Circuit Courts have jurisdiction over appeals from Magistrate Court decisions. S.D. Codified Laws §§ 16-6-10 & 16-12A-27.1.

Additional sources

South Dakota Unified Judicial System: <https://uj.s.sd.gov/>

Overview of South Dakota Unified Judicial System:
<https://uj.s.sd.gov/uploads/general/UJSOverview.pdf>

30. Tennessee

Overview

General Sessions Court/Juvenile Court/Municipal Court: hear cases on specific subject matter like traffic violations, small claims, misdemeanors, and juvenile matters

State Trial Courts (separated into Circuit Courts, Chancery Courts, Criminal Courts, and Probate Courts): trial courts of general jurisdiction

Appeals Court/Criminal Appeals Court: intermediate appellate courts

Supreme Court: highest court in the state

Appeals from lower courts

By statute, Circuit Courts have broad appellate jurisdiction: “The circuit court has an appellate jurisdiction of all suits and actions, of whatsoever nature, unless otherwise provided, instituted before any inferior jurisdiction, whether brought by appeal, certiorari, or in any other manner prescribed by law.” Tenn. Code Ann. § 16-10-112. According to the Tennessee Courts website, misdemeanor appeals are heard by the Criminal Courts in judicial districts that have established such courts.

Additional source

Tennessee Courts website: <https://tncourts.gov/>

“About the Trial Courts” page: <https://tncourts.gov/courts/circuit-criminal-chancery-courts/about>

31. Texas

Overview

Justice Courts/Municipal Courts: focus on specific subject matter like traffic violations, small claims, evictions, and truancy

County Courts: also hear cases with specific subject matter like misdemeanors, probate, and juvenile matters

District Court: trial court of general jurisdiction

Texas Court of Appeals: intermediate appellate court

Texas Supreme Court: highest court in the state

Appeals from lower courts

Texas has prepared a helpful chart describing the structure of the courts: <<http://www.txcourts.gov/media/1455946/court-structure-chart-january-2023.pdf>>.

Additional source

Texas Judicial Branch website: <http://www.txcourts.gov/>

32. Utah

Overview

Juvenile Courts/Justice Courts: hear cases involving specific subject matter like traffic violations, small claims, misdemeanors, and juvenile matters

Utah District Court: trial court of general jurisdiction

Utah Court of Appeals: intermediate appellate court

Utah Supreme Court: highest court in the state

Appeals from Justice Court

Appeals from the Justice Courts are made to the District Courts. Utah has prepared a helpful chart for navigating the court system, available at: <https://www.utcourts.gov/content/dam/knowcts/docs/Navigating_the_Court_System.pdf>.

Additional source

Utah State Courts website: <https://www.utcourts.gov/>

33. Vermont

Overview

Judicial Bureau: court of limited jurisdiction hearing cases on low-level civil violations

Vermont Superior Court: trial court of general jurisdiction, divided into five divisions: civil, criminal, environmental, family, and probate

Vermont Supreme Court: highest court in the state

Appeals from Judicial Bureau

Decisions of the hearing officer of the Judicial Bureau are appealable to the Criminal Division of the Superior Court. Vt. Stat. Ann. tit. 4, § 1107. The proceedings are on the record or, at the option of the defendant, de novo (with a right to trial by jury). *Id.* Any further appeal to the Vermont Supreme Court is by discretion. *Id.*

Additional source

Vermont Judiciary website: <https://www.vermontjudiciary.org/>

34. Virginia

Overview

General District Courts/Juvenile & Domestic Relations District Courts: hear specific subject matter such as traffic violations, small claims, misdemeanors, and family law matters

Virginia Circuit Court: trial court of general jurisdiction

Court of Appeals: intermediate appellate court

Supreme Court of Virginia: highest court in the state

Appeals from District Courts

The Circuit Courts hear appeals from the General District Courts and Juvenile & Domestic Relations District Courts. Va. Code Ann. §§ 16.1-106, 16.1-132, 16.1-296 & 17.1-513. Appeals to the Circuit Court are heard de novo. Va. Code Ann. §§ 16.1-106, 16.1-114.1 & 16.1-136.

Additional sources

Virginia's Judicial System website: <https://www.vacourts.gov/main.htm>
"Virginia Courts in Brief," a detailed discussion of Virginia's court system: <https://www.vacourts.gov/courts/cib.pdf>

35. Washington

Overview

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

Superior Court: trial court of general jurisdiction

Washington Court of Appeals: intermediate appellate court

Washington Supreme Court: highest court in the state

Appeals from courts of limited jurisdiction

According to the online Guide to Washington Courts, appeals from courts of limited jurisdiction (the District Courts, Municipal Courts, and others) function as follows:

Cases are appealed from “the record” made in the lower court. In courts of limited jurisdiction, the record is made from an electronic recording of the original proceedings and court documents. The cases are appealed to superior court where only legal errors from the proceeding below are argued.

There is no additional evidence or testimony presented on appeal. The one exception is an appeal from a small claims case. Small claims cases are heard *de novo* (or anew) in superior court on the record from the court of limited jurisdiction.

Additional sources

Washington Courts website: <https://www.courts.wa.gov/>

Guide to Washington Courts, Section on Courts of Limited Jurisdiction: https://www.courts.wa.gov/newsinfo/resources/index.cfm?fa=newsinfo_jury.display&altMenu=Citi&folderID=jury_guide&fileID=limited

36. West Virginia

Overview

West Virginia Family Courts/Magistrate Courts/Municipal Courts: hear specific subject matter like traffic violations, small claims, misdemeanors, and family matters

West Virginia Circuit Court: trial court of general jurisdiction

Supreme Court of Appeals of West Virginia: highest court in the state

Appeals from Magistrate Courts and Municipal Courts

Civil and criminal appeals from the Magistrate Courts are made to the Circuit Courts; jury trials are reviewed on the record, but bench trials are tried *de novo* to the Circuit Court (without a jury). W. Va. Code §§ 50-5-12 & 50-5-13.

Cities may provide by ordinance for the creation of a municipal court. W. Va. Code § 8-10-2. Appeals from the Municipal Courts are also made to the Circuit Courts, with jury trials reviewed on the record and bench trials receiving a new trial (without a jury). W. Va. Code § 8-34-1.

Additional source

West Virginia Judiciary website: <http://www.courtswv.gov/>

37. Wisconsin

Overview

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

Circuit Court: trial court of general jurisdiction

Court of Appeals: intermediate appellate court

Supreme Court: highest court in the state

Appeals from Municipal Courts

Appeals from the Municipal Courts are taken to the Circuit Courts. Wis. Stat. § 800.14. The appeal is on the record unless one of the parties requests a new trial. *Id.* The new trial is conducted without a jury unless one of the parties meets certain conditions (such as timely requesting the jury and posting a jury fee). *Id.*

Additional sources

Wisconsin Court System website: <https://www.wicourts.gov/>

Online guide to Municipal Courts:

<https://www.wicourts.gov/courts/municipal/index.htm>

38. Wyoming

Overview

Municipal Courts: courts with jurisdiction only over a municipality's ordinances

Circuit Courts: courts hearing cases involving misdemeanors, cases where damages do not exceed \$50,000, as well as cases for family violence and forcible entry and detainer

District Courts: trial court of general jurisdiction

Chancery Court: trial court for streamlined resolution of commercial, business, and trust cases

Supreme Court: highest court in the state

Appeals from Municipal Courts & Circuit Courts

Appeals from the Circuit Courts are made to the District Courts and are reviewed on the record. Wyo. Stat. Ann. § 5-9-141. Appeals from the judgment or sentence of a Municipal Court may be taken to the District

Court. Wyo. Stat. Ann. § 5-6-107. Appeals from Municipal Courts are treated in the same manner as criminal appeals from Circuit Courts. *Id.*

Additional sources

Wyoming Judicial Branch website: <https://www.courts.state.wy.us/>

“About the Courts” page: <https://www.courts.state.wy.us/about-the-courts/>

C. States with limited appeals to another trial court

1. Maine

Overview

State District Courts/Probate Courts: hear cases involving specific subject matter, such as lesser criminal offenses, civil actions, and family law matters

Superior Court: trial court of general jurisdiction

Supreme Judicial Court: appellate court with jurisdiction to consider other matters; called the “**Law Court**” when performing appellate review

Appeals from State District Courts

The Superior Court has jurisdiction over only three types of appeals from the District Court:

- Residential landlord and tenant claims for possession under Me. Stat. tit. 14, § 6008;
- Small claims cases under Me. Stat. tit. 14, § 7476–7487; and
- Commitments to psychiatric hospitals under Me. Stat. tit. 34-B, § 3864(11).

Me. Stat. tit. 4, § 105(3)(B). The Superior Court cannot otherwise exercise the authority of the Supreme Judicial Court sitting as the Law Court. Me. Stat. tit. 4, § 105(4); Me. Stat. tit. 15, § 1.

Additional source

Maine Judicial Branch website: <https://www.courts.maine.gov/index.html>

2. Massachusetts

Overview

District Court/Juvenile Court/Probate & Family Court: hear specific subject matter like misdemeanors, small claims, juvenile matters, and probate matters

Superior Court: trial court of general jurisdiction (At the same level, the Boston Municipal Court, Housing Court, and Land Court also hear specific cases)

Massachusetts Appeals Court: intermediate appellate court

Supreme Judicial Court: highest court in the state

Appeals from lower courts

By statute, the Superior Court has jurisdiction of civil actions brought before it by appeal. M.G.L.A. 212 § 5. That said, I did not locate supporting authority identifying what specific cases would be brought before the Superior Court by appeal.

Additional source

Massachusetts Court System organization chart, which is **not helpful**:
<https://www.mass.gov/doc/court-system-organization-chart/download>

3. New Hampshire

Overview

Circuit Court (District, Family, and Probate divisions): hear specific subject matter like probate, small claims, misdemeanors, and family matters

New Hampshire Superior Court: trial court of general jurisdiction

New Hampshire Supreme Court: highest court in the state

Appeals from Circuit Court, District Division

The Circuit Court has three divisions: district, probate, and family. N.H. Rev. Stat. § 490-F:3. The district division of the Circuit Court is also called the “District Court” throughout New Hampshire’s rules and statutes.

The District Court has original jurisdiction over criminal cases punishable by fines of \$2,000 or less or imprisonment for one year or less. N.H. Rev. Stat. § 502-A:11. The District Court also has exclusive jurisdiction on civil cases where the amount in controversy is \$1,500 or less and concurrent jurisdiction with the Superior Court on civil cases where the amount in controversy is \$25,000 or less. N.H. Rev. Stat. § 502-A:14.

Criminal convictions in the District Court are appealed to the Superior Court, which will have a de novo jury trial. N.H. Rev. Stat. §§ 502-A:12 & 599:1. If the Superior Court also finds the defendant guilty, then the defendant may appeal questions of law to the New Hampshire Supreme Court. N.H. Rev. Stat. § 599:1. The defendant appears to have the option to waive the de novo jury trial, in which case the questions of law in the case are

simply appealed to the New Hampshire Supreme Court. N.H. Rev. Stat. §§ 502-A:12 & 599:1.

Judgments (and other interlocutory orders) in civil matters in the District Court are subject to appeal to the New Hampshire Supreme Court. N.H. Dist. Ct. R. 3.46.

In both civil and criminal cases before the District Court, the district court justice may transfer questions of law to the New Hampshire Supreme Court. N.H. Rev. Stat. § 502-A:17-a. (The Superior Court also has the ability to transfer questions of law to the New Hampshire Supreme Court. N.H. Rev. Stat. § 491:17.)

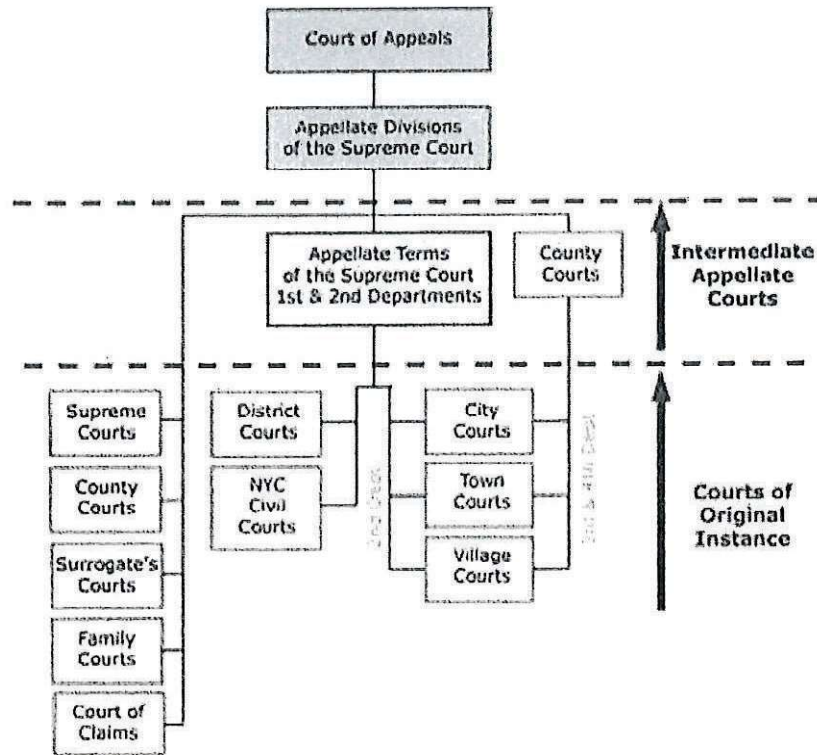
Additional sources

New Hampshire Judicial Branch website: <https://www.courts.nh.gov/>

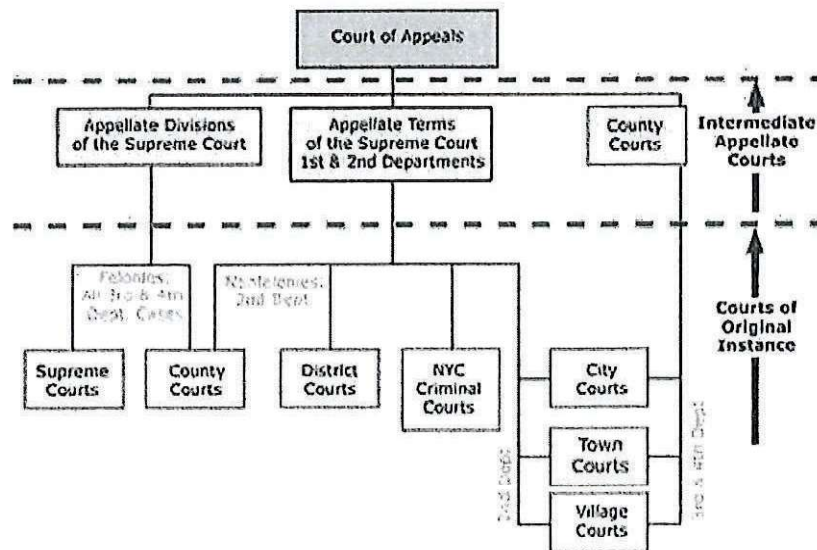
New York Unified Court System: Structure of the Courts

<https://www.nycourts.gov/courts/structure.shtml>

CIVIL COURT STRUCTURE

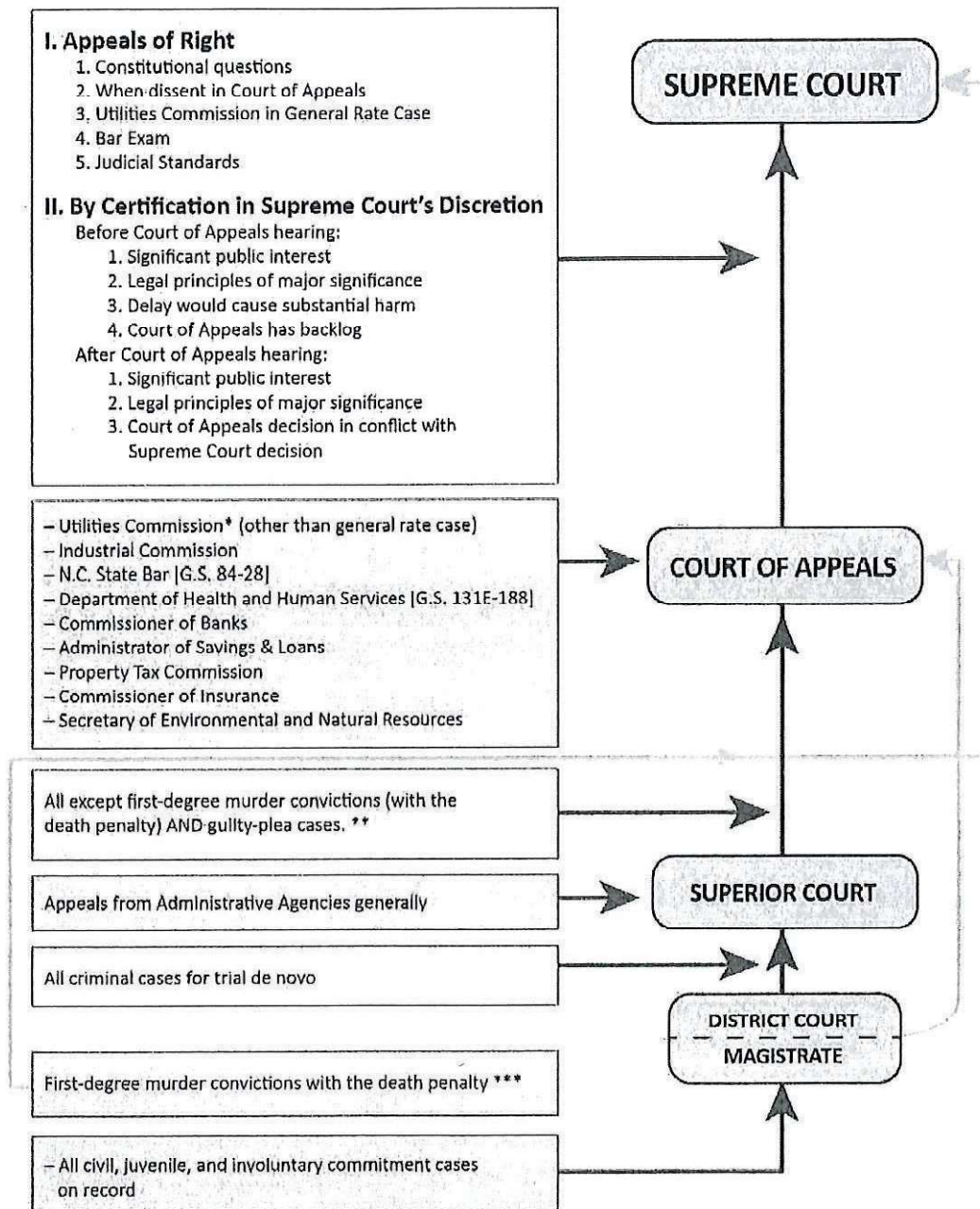


CRIMINAL COURT STRUCTURE



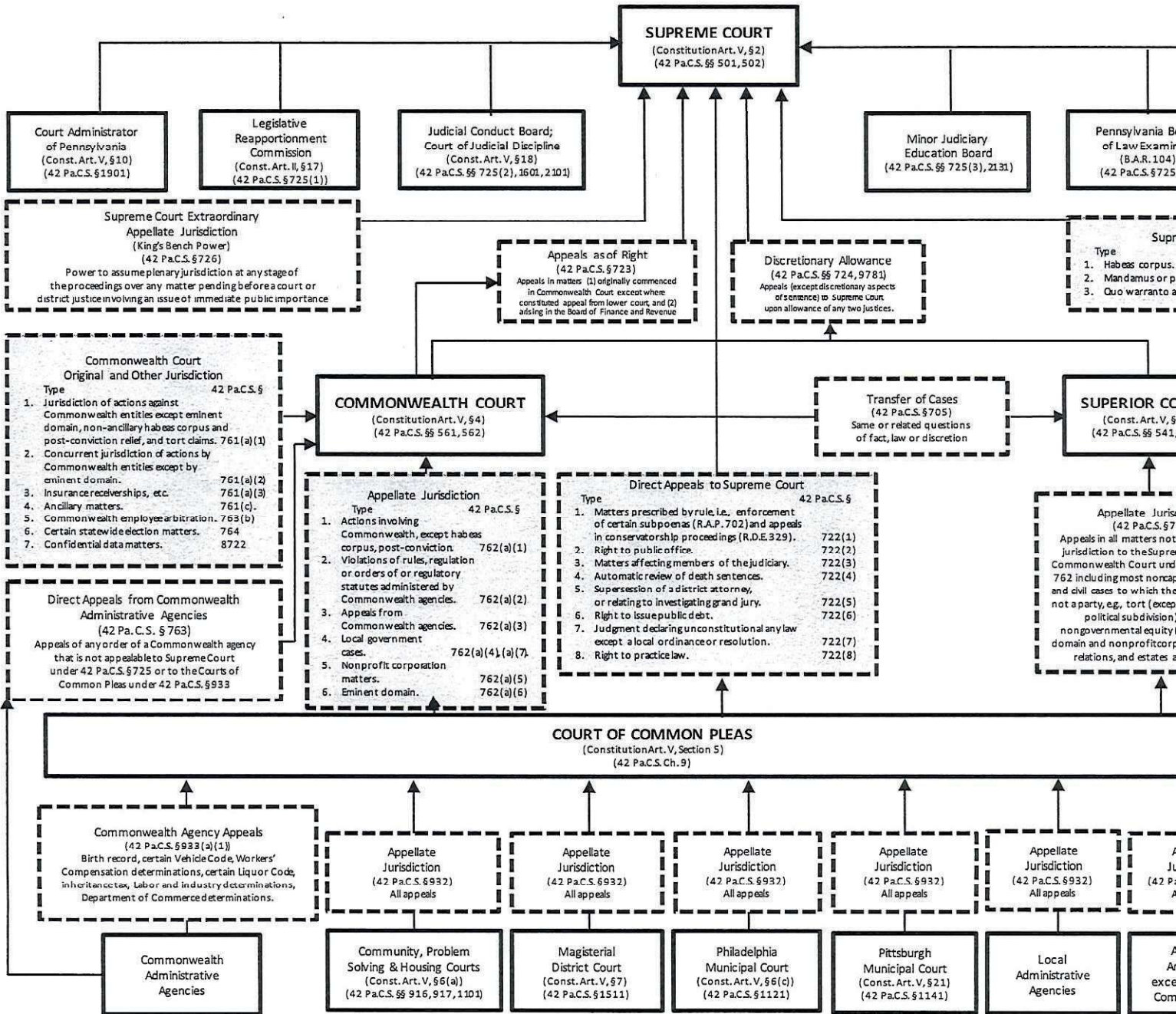
North Carolina Judicial Branch: Routes of Appeal Chart

<https://www.nccourts.gov/learn/routes-of-appeal>



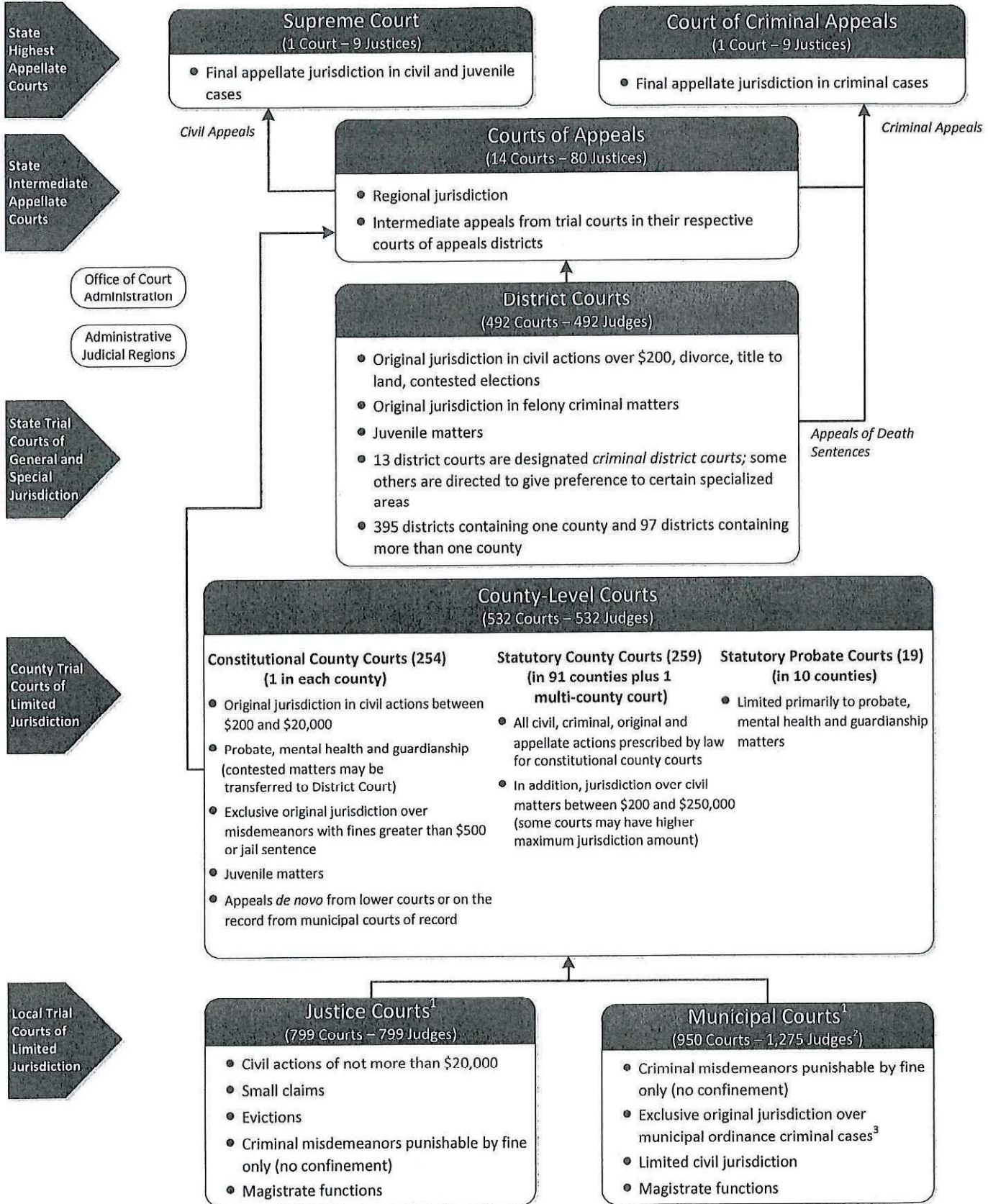
COMMONWEALTH OF PENNSYLVANIA – UNIFIED JUDICIAL SYSTEM

Current as of October 31, 2016



Court Structure of Texas

January 2023



1. All justice courts and most municipal courts are not courts of record. Appeals from these courts are by trial *de novo* in the county-level courts, and in some instances in the district courts.
2. Some municipal courts are courts of record—appeals from the courts are taken on the record to the county-level courts. As of April 2020, 188 courts indicated that they were a court of record; a list is posted at <http://www.txcourts.gov/about-texas-courts.aspx>.
3. An offense that arises under a municipal ordinance is punishable by a fine not to exceed: (1) \$2,000 for ordinances that govern fire safety, zoning, and public health, (2) \$4,000 for dumping of refuse or (3) \$500 for all others.

Navigating the Court System

Last Updated: January 2022

UTAH SUPREME COURT

5 Justices: 10-year terms

The Supreme Court is the "court of last resort" in Utah. It hears appeals from capital and first degree felony cases and all district court civil cases other than domestic relations cases. The Supreme Court also has jurisdiction over judgments of the Court of Appeals, proceedings of the Judicial Conduct Commission, lawyer discipline, and constitutional and election questions.

COURT OF APPEALS

7 Judges: 6-year terms

The Court of Appeals hears all appeals from the Juvenile Courts and those from the District Courts involving domestic relations and criminal matters of less than a first-degree felony. It also may hear any cases transferred to it by the Supreme Court, including first-degree felony criminal cases.

DISTRICT COURT

77 Judges / 10 Court Commissioners

District Court is the state trial court of general jurisdiction. Among the cases it hears are:

- Civil cases
- Domestic relations cases
- Probate cases
- Criminal cases
- Small claims cases
- Appeals from Justice Courts

JUVENILE COURT

30 Judges

Juvenile Court is the state court with jurisdiction over youth under 18 years of age, who violate a state or municipal law. The Juvenile Court also has jurisdiction in all cases involving a child who is abused, neglected, or dependent.

JUSTICE COURT

77 Judges

Located throughout Utah, Justice Courts are locally-funded and operated courts. Justice Court cases include:

- Class B and Class C misdemeanor cases
- Traffic and parking infractions
- Small claims cases
- Violations of local ordinances

Nebraska County Judges Association

December 12, 2023

Judicial Resources Commission
c/o Dawn Mussmann
Via email to: dawn.mussmann@nebraska.gov

Dear Members of the Judicial Resources Commission,

We write to you on behalf of the Nebraska County Judges Association (NCJA) and its member judges to express our thanks for your hard work and dedication to ensuring that the judicial resources of the county courts across the state are sufficient to serve Nebraska's citizens.

This past year, your decisions guaranteed that the citizens in the 4th & 6th judicial districts continue to have adequate access to justice in the county courts. The impact of filling those vacancies on the county court bench is not limited to those judicial districts. Filling judicial vacancies when necessary also has a positive impact on surrounding judicial districts.

As you consider the factors set forth in Neb. Rev. Stat. § 24-1205 at your annual meeting, the NCJA requests that you maintain the current allocation and assignment of judges in each judicial district, as well as the boundaries of each district. The current number of county judges in each judicial district is appropriate. There is no present need to add or reduce the number of county judges. There is also no present need to change the current number of county court judicial districts or the boundaries of those districts.

Nebraska's county courts are effective and efficient. The NCJA appreciates your help in maintaining the county courts' ability to serve the people of Nebraska.

Sincerely,

Judge Jeffrey M. Wightman
President

Judge Kale B. Burdick
Chair
Caseload & Redistricting Committee



ANDREW J. WILSON
President

ANGELA M. LENNON
President Elect

QUINN R. EATON
Secretary

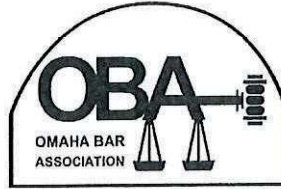
KATHERINE A. McNAMARA
Treasurer

MARK F. JACOBS
Treasurer Elect

KENNETH W. WENTZ III
Immediate Past President

OMAHA BAR ASSOCIATION

2133 California, #150 Omaha, Nebraska 68178
www.omahabarassociation.com



EXECUTIVE COUNCIL
Catherine E. French McGill
Kathleen S. Pallesen
Andrea L. McChesney
Korey T. Taylor
Hon. Tressa M. Alioth
Steven R. Hogan

OF COUNSEL
Hon. Stephanie R. Hansen
J. Terry Macnamara

EXECUTIVE DIRECTOR
Dave Sommers, Esq.
P: 402-280-3607 F: 402-280-3608
dave@omahabarassociation.com

December 12, 2023

Judicial Resources Commission
c/o Dawn Mussmann
Via email to: Dawn.Mussmann@nejudicial.gov

RE: Nebraska Judicial Resources Commission Hearing on December 14, 2023

Members of the Nebraska Judicial Resources Commission:

On behalf of the Omaha Bar Association, thank you for the work you do to assess the needs of our state's judiciary. I write today in follow-up to my letter to the Commission dated September 12, 2023 (see attached copy), to expound upon and reiterate a few important points.

Testimony at the September 15th hearing reiterated: the workload in Douglas County courts is great, and more judges and staff are needed to keep up with the current caseload. This Commission heard that feedback and ultimately determined to declare a judicial vacancy created by Judge Vaughn's move to a seat in Douglas County District Court. We thank the Commission for making that determination – it is vital for the effective administration of justice in Douglas County Court by our judiciary.

Further, it is imperative to continue to properly assessing the judicial vacancies and needs in the entire state. Therefore we strongly encourage the Commission to request improved assessments by the Administrative Office of Courts (AOC) in the following areas:

- (1) Implementation of a transparent Quality Adjustment Process (“QAP”) in their determination of Weighted Caseload Reports. Use of this QAP appears to be standard by the National Center for State Courts¹ in their establishment of Judicial Workload

¹ See The Book of the States, 2013 Edition, Vol. 45, by Matthew Kleiman, Cynthia G. Lee and Brian J. Ostrom. The Council of State Governments. p. 244. Accessible at <https://issuu.com/csg.publications/docs/bos2013>. The NCSC authors state “The preliminary case weights generated from the time study measure the amount of time judges currently spend handling various types of cases, but do not necessarily indicate whether this is the amount of time judges *should* spend. To ensure that the final weighted caseload model incorporates sufficient time for effective case processing, the workload assessment should include a systematic process for reviewing and adjusting the case weights. Quality adjustments are typically made by a panel of experienced judges using a variant on the Delphi process, a structured method for decision-making by a group of experts. The panel's decisions may also be informed by data gathered from a larger group of judges through interviews, focus groups and/or surveys.” See also Quality Adjustment Process used by NCSC State Judicial Workload Assessments in Maine in 2023 (accessible at



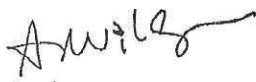
Assessments in at least 11 other states. A QAP is absent from Nebraska's Assessment,² and creates a confirmation bias that skews toward lesser judicial need (read: less judges per District) in Weighted Caseload Reports.

- (2) Commissioning and utilizing a Sufficiency of Time Survey for court staff in the Assessment/Weighted Caseload Reports.³ Including court staff information and feedback would increase in assessing judicial efficiency and need. When judges do their work with less court staff than needed, their processes slows down and more time is required to do tasks.
- (3) Requesting more transparency and better reporting in Weighted Caseload Studies on whether or not reopened cases are included in the assessment (i.e. Guardian Ad Litem cases, Modifications, Contempt Actions, etc. where there is an existing case ID).

I understand that use of "Delphi Groups" was mentioned at the September meeting of the Commission, and we appreciate the hard work of the Commission in getting feedback from members of the judiciary on what case types need more time. This appears to show the Commission is trying to include a Quality Adjustment Process in its work to determine judicial vacancies. Nevertheless, we submit that QAP should be included earlier in the process, in Nebraska's Judicial Workload Assessment and its direction in determining Nebraska's Weighted Caseload Reports. These Reports' impact to the judiciary and bar matter. Accuracy is key.

On behalf of the Omaha Bar Association and our 1450 members, I want to thank you again for critically important work done by this Commission. Your effort does not go unnoticed, and is greatly appreciated.

Sincerely,



Andrew J. Wilson
President, Omaha Bar Association

<https://www.courts.maine.gov/news/article.html?id=11144596>) and Georgia in 2020 (accessible at <https://research.georgiacourts.gov/wp-content/uploads/sites/3/2022/07/Workload-and-Caseload-Policy-4.22.22v2-final.pdf>).

² Since NCSC uses a template for their Judicial Workload Assessment reports in various states, just compare the Part IVs of Georgia's 2020 Assessment, Michigan's 2019 Assessment (accessible at <https://www.courts.michigan.gov/4a659f/siteassets/reports/statistics/judicial-resources/judicialworkloadassessment2019.pdf>), and Florida's 2016 Assessment (accessible at <https://www.flcourts.gov/content/download/216629/file/Final-Florida-Judicial-Workload-Assessment-Final-report.pdf>) to Nebraska's 2020 Assessment (accessible at https://supremecourt.nebraska.gov/sites/default/files/Nebraska_Judicial_Workload_Assessment_Final_Report_with_Addendum_12-8-2020.pdf).

³ As seen in the 2023 Maine Judicial Workload Assessment, p. 9, 17 (accessible at <https://www.courts.maine.gov/news/article.html?id=11144596>), and as identified as Recommendation 4 in *Nebraska Judicial Workload Assessment Final Report* (2020), p. 3.

ANDREW J. WILSON
President

ANGELA M. LENNON
President Elect

QUINN R. EATON
Secretary

KATHERINE A. McNAMARA
Treasurer

MARK F. JACOBS
Treasurer Elect

KENNETH W. WENTZ III
Immediate Past President

OMAHA BAR ASSOCIATION

2133 California, #150 Omaha, Nebraska 68178
www.omahabarassociation.com



EXECUTIVE COUNCIL
Catherine E. French McGill
Kathleen S. Pallesen
Andrea L. McChesney
Korey T. Taylor
Hon. Tressa M. Alioth
Steven R. Hogan

OF COUNSEL
Hon. Stephanie R. Hansen
J. Terry Macnamara

EXECUTIVE DIRECTOR
Dave Sommers, Esq.
P: 402-280-3607 F: 402-280-3608
dave@omahabarassociation.com

September 12, 2023

VIA EMAIL ONLY: dawn.mussmann@nebraska.gov
Judicial Resources Commission
c/o Dawn Mussmann

RE: Judicial Vacancies in 4th Judicial District

Members of the Nebraska Judicial Resources Commission:

On behalf of the Omaha Bar Association, I write today in support of taking the necessary actions to fill any and all vacant judicial seats in the 4th Judicial District.

In sustained feedback received from OBA members, both judges and attorneys, the message has been constant and sincere: we need more judges in Douglas County (both County and District Court) to keep up with the current caseload. We have heard from our members that the judicial needs (both in number of judges and numbers of judicial support staff) in the 4th District significantly outweigh current levels. This is not a new concern as case levels have been growing for years resulting in judicial needs increasing compared to allotted levels.

The consequences of the growing caseloads are serious. Overwhelmed courts are taking longer to schedule hearings and trials due to lack of availability of court dates. Many times, the attention required for a particular case is not given due to the overloaded calendars. These delays not only frustrate the members of the practicing bar, but more importantly, frustrate those clients our OBA members serve.

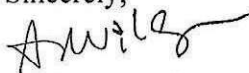
The OBA is encouraged to see so many letters submitted, along with attorneys and judges scheduled to testify at this Judicial Resources hearing, echoing what we have heard. There is a need to quickly fill any judicial seats that are available in the 4th District.

Additionally, and more broadly as it relates to accurately determining the annual weighted caseload calculation for judicial resources, the OBA supports any effort by the Nebraska Judicial Resources Commission and associated entities to better assess state court judicial needs. This includes, but is not limited to:

- (1) Requesting the AOC (Administrative Office of Courts) implement a Quality Adjustment Process (as outlined and recommended by the National Center for State Courts)¹ when determining annual weighted caseloads reports for county and district courts;
- (2) Requesting the commission of a Sufficiency of Time Survey of state court staff/clerks, to assist in the Quality Adjustment Process;²
- (3) Requesting an examination and possible adjustment of methodology used to count number of open and active case files for the annual Nebraska Judicial Branch's weighted caseload reports, including counting cases that are re-opened;³
- (4) Requesting the judges' Sufficiency of Time Survey from the 2020 Nebraska Judicial Workload Assessment be redone to require judges to answer all questions.⁴

On behalf of the Omaha Bar Association and our 1450 members, I want to thank the Nebraska Judicial Resources Commission for its hard work on these important issues. Having the necessary amount of judicial resources helps ensure a robust, diverse, and engaged bench, and most importantly, ensures the public's access to justice is of the highest quality. In the end, that high quality level accurately reflects what we all strive to deliver and achieve.

Sincerely,



Andrew J. Wilson
President, Omaha Bar Association

¹ See The Book of the States, 2013 Edition, Vol. 45, by Matthew Kleiman, Cynthia G. Lee and Brian J. Ostrom. The Council of State Governments. p. 244. Accessible at https://issuu.com/csg_publications/docs/bos2013. See also Quality Adjustment Process used by NCSC State Judicial Workload Assessments in Maine in 2023 (accessible at <https://www.courts.maine.gov/news/article.html?id=11144596>) and Georgia in 2020 (accessible at <https://research.georgiacourts.gov/wp-content/uploads/sites/3/2022/07/Workload-and-Caseload-Policy-4.22.22v2-final.pdf>).

² As done in the 2023 Maine Judicial Workload Assessment, p. 9, 17 (accessible at <https://www.courts.maine.gov/news/article.html?id=11144596>), and as identified as Recommendation 4 in the Nebraska Judicial Workload Assessment, p. 3.

³ See Letter to Nebraska Judicial Resources Commission written by Hon. Marcela Keim, September 2023.

⁴ This inference comes from an examination of 2020 Nebraska Judicial Workload Assessment. Page 13 states that 85% of District Court judges completed the Survey, but results on pp. 31-32 show number of responses as variable and at most 29 responses to any one question (29 replies being just over 50% of District Court judges in Nebraska in 2019-20 when the survey was completed). A similar gap exists with the Sufficiency of Time Survey exists in County Court, with Page 13 stating 67% of judges completed, but in the results (pp. 33-34) the most answered question received just 22 responses, well under half the County Court judges in Nebraska in 2019-20. Contrast with mandatory responses required in 2023 Maine Judicial Workload Assessment (accessible at <https://www.courts.maine.gov/news/article.html?id=11144596>), p. 4, 30-34, where 80% of state judges answered every question of Survey.

Judicial Resources Commission

Supportive Data for 2023 Annual Meeting

1. Caseload Data & Trends
2. Weighted Caseload Reports
3. Other Factors Affecting Judicial Resources
4. Judicial Retirement Forecast
5. Number of Trial Court Judges
6. Judicial District Boundaries

2

2023 Caseloads

July 1, 2022-June 30, 2023

FY2023 New Cases Filed—All Trial Courts

In FY2023, there were

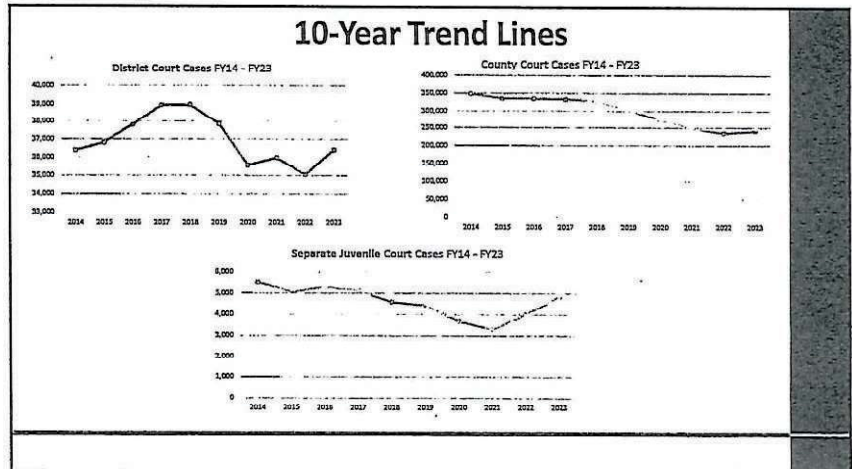
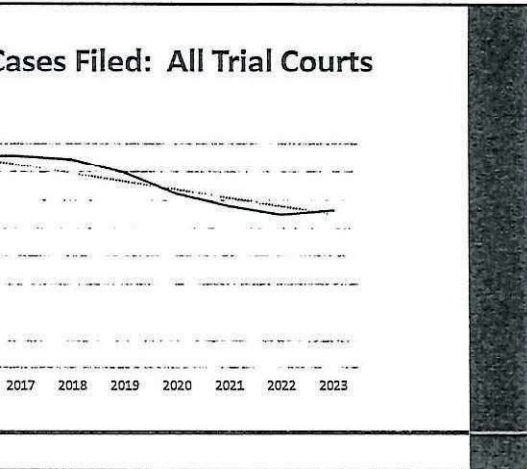
281,625

new cases filed in the district, county, and separate juvenile courts

District Courts	County Courts	Separate Juvenile Courts
36,420 cases filed	240,371 cases filed	4,834 cases filed*

* Data on juvenile abuse/neglect cases count children rather than cases

4

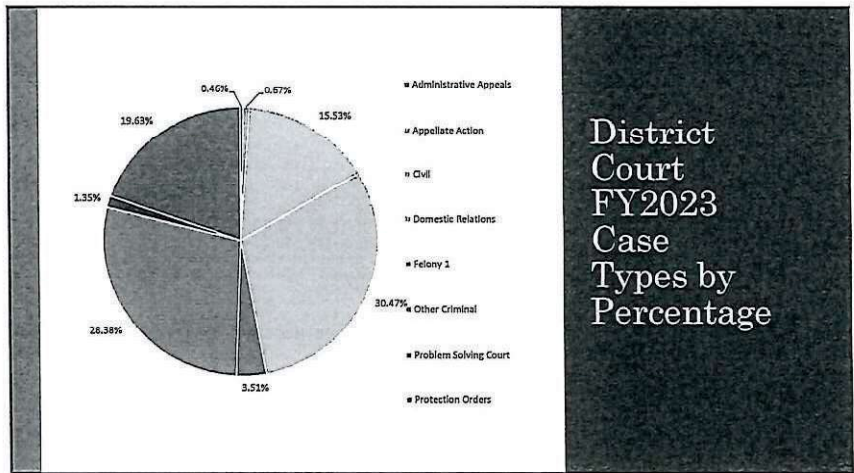
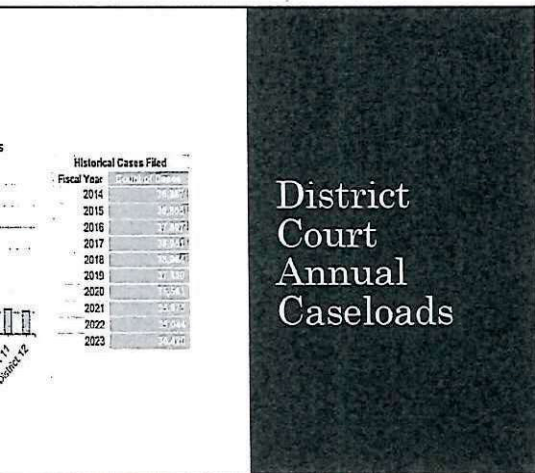


6

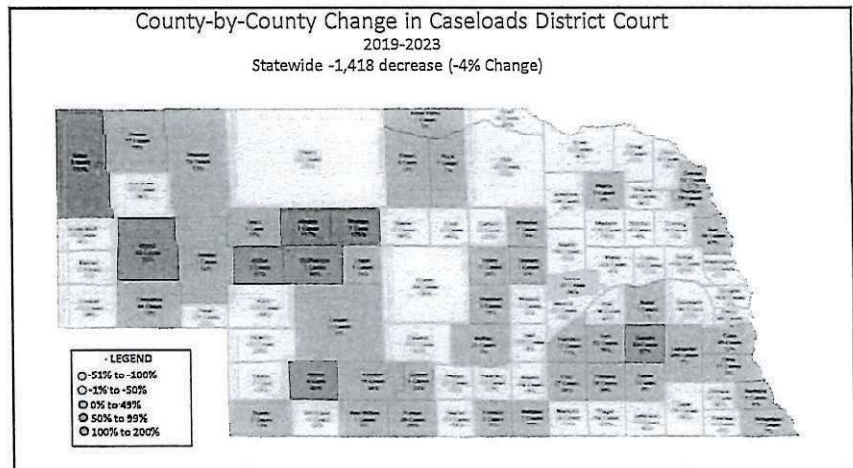
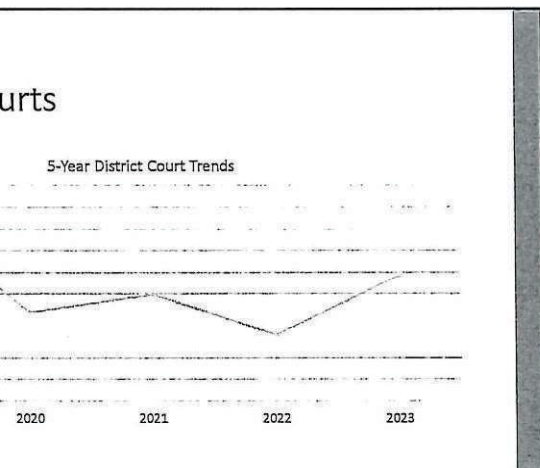
er Look at ad Trends

DISTRICT COURTS

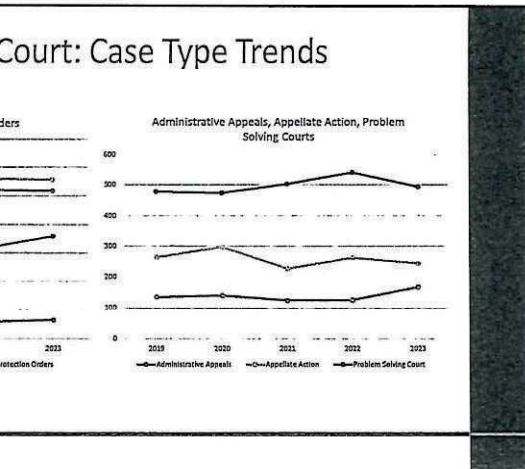
8



10



12



District Court 5-Year Summary

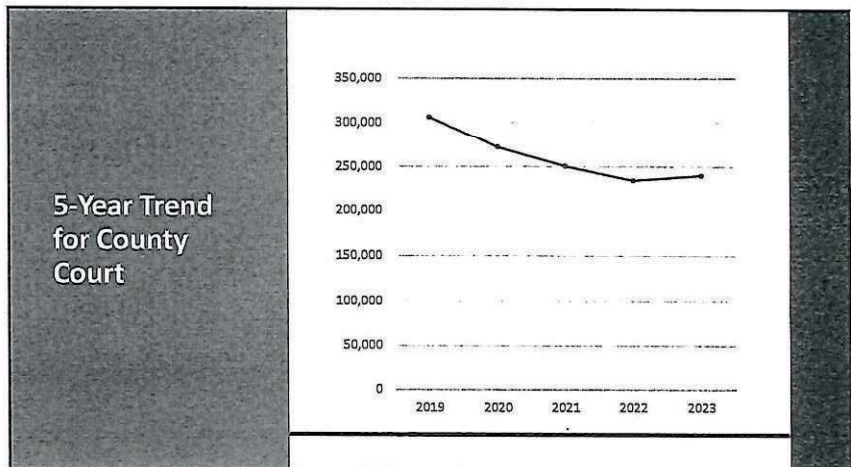
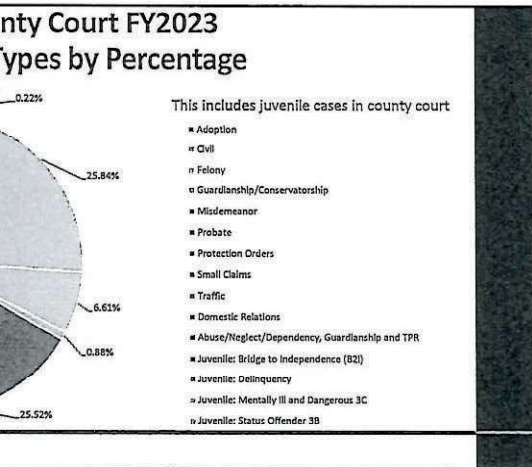
Overall, from 2019 to 2023 district courts experienced a 4% decrease in cases filed.

Felony 1	+5%
Other Criminal	-9%
Civil	-1%
Domestic Relations	-13%
Appeals County Court	-8%
Admin Appeals	+24%
Protection Orders	+20%
Problem Solving	+4%

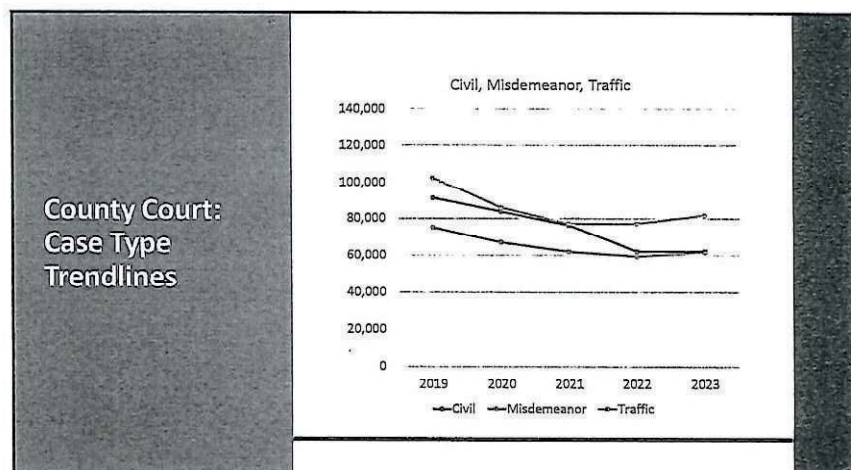
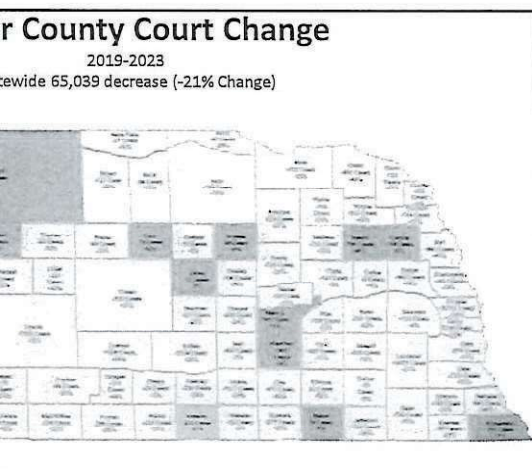
Y COURTS

Fiscal Year 2023 Nebraska County Court Adult Annual Cases Filed

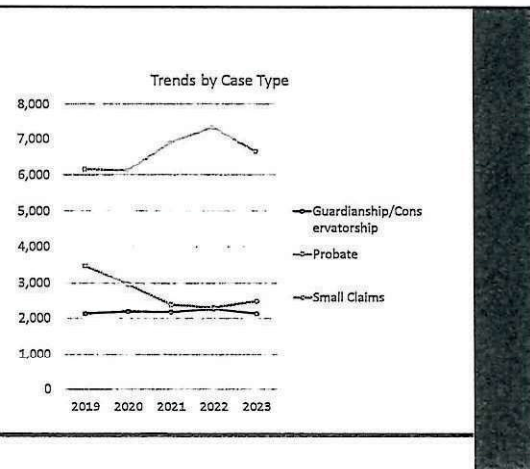
Fiscal Year	Adult Case Count	Total Case Filings
2014	4,703	710,412
2015	5,132	715,624
2016	5,101	713,605
2017	5,638	723,676
2018	4,752	727,525
2019	4,426	737,413
2020	4,479	721,768
2021	4,323	720,325
2022	4,558	724,037
2023	4,415	720,371



18



20



County Court: Case Type Trendlines

COUNTY COURT JUVENILE DOCKET

From FY2022 to FY2023, the county court juvenile docket experienced:

- 7% increase in juvenile delinquency cases (+189 cases)
- 22% increase in bridge to independence cases (+10 cases)
- 33% increase in mentally ill and dangerous (3C) cases (+6 cases)
- 5% decrease in abuse/neglect (3A Children) (-53 cases)
- 14% decrease in adoption cases (-87 cases)
- 9% decrease in status offense (3B) cases (-51 cases)

Overall, from 2019 to 2023, county courts experienced a 21% decrease in cases filed

Misdemeanors	-18%
Traffic	-20%
Felony	-9%
Civil	-32%
Probate	+8%
Guardian/Conserv	0%
Adoption	-21%
Small Claims	-28%
Protection Orders	+3%
Juv. Delinquency	+8%
Juv. B2I	+2%
3A Children	-1%

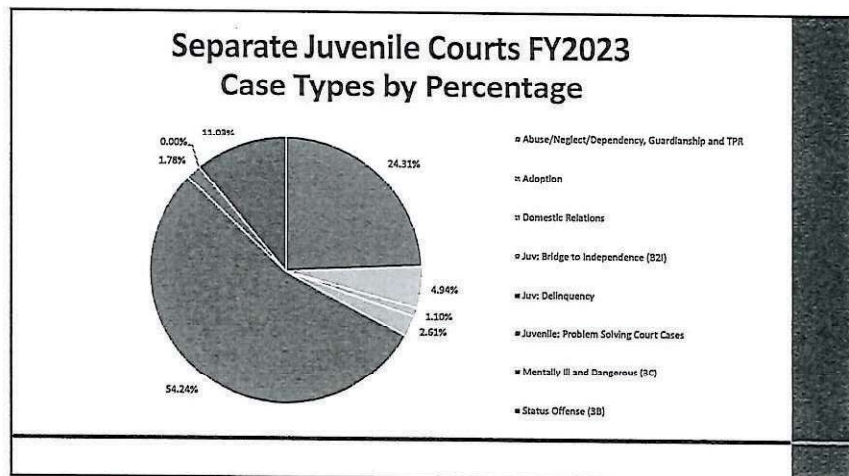
SEPARATE JUVENILE COURTS

County Separate Juvenile Court

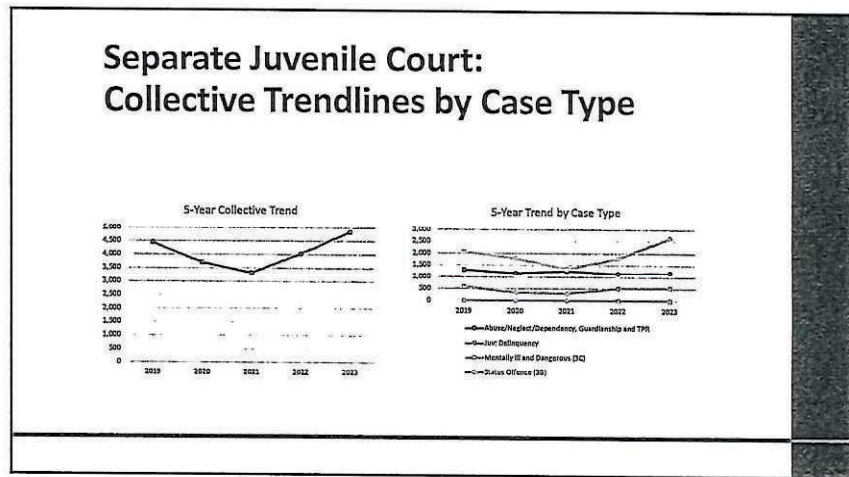
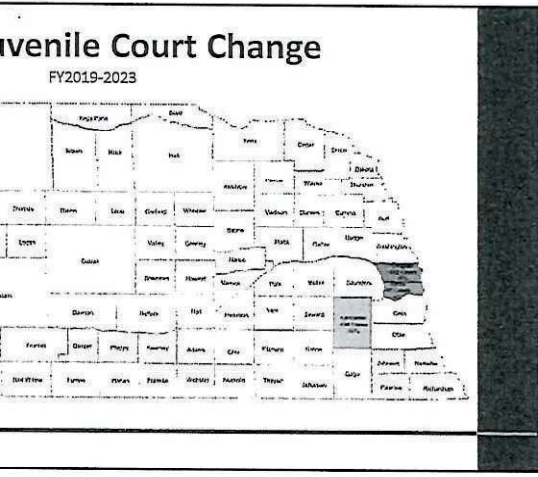
Filed - 10 Year History

	2017	2018	2019	2020	2021	2022	2023
0	912	962	936	844	578	741	891
1,464	1,305	941	980	827	942	1,483	1,474
2,912	2,858	2,723	2,611	2,124	1,796	1,819	2,469
4,288	5,125	4,600	4,435	3,705	3,316	4,023	4,834

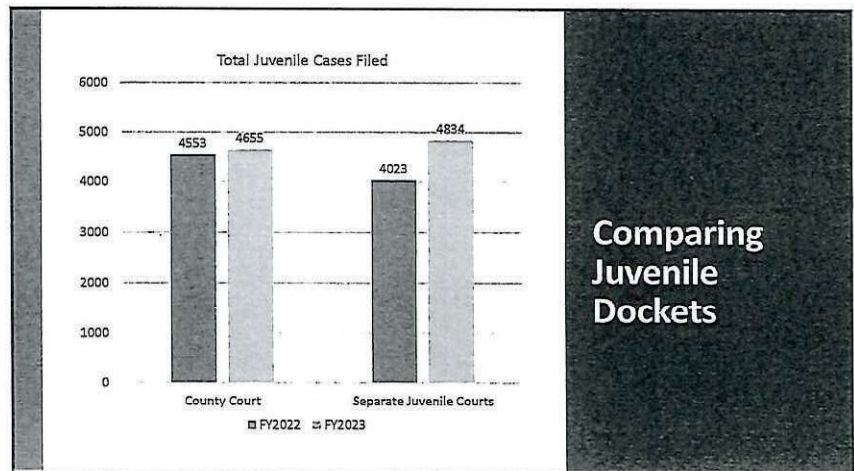
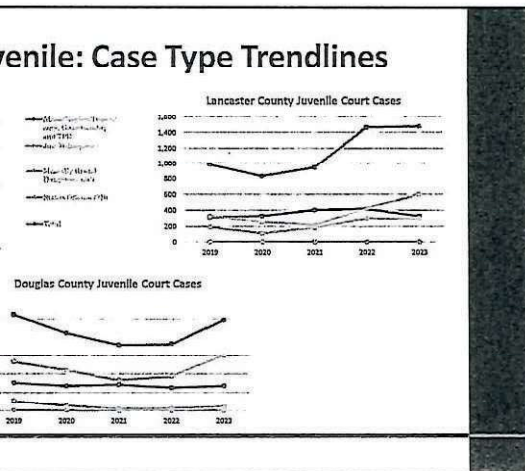
County Court Caseloads



26

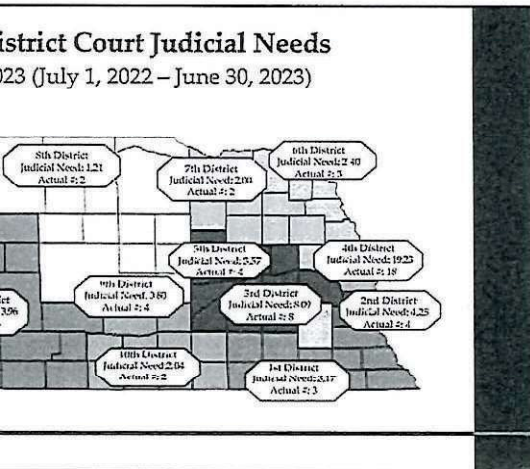


28




ed ad Reports

District Courts Weighted Caseload Data



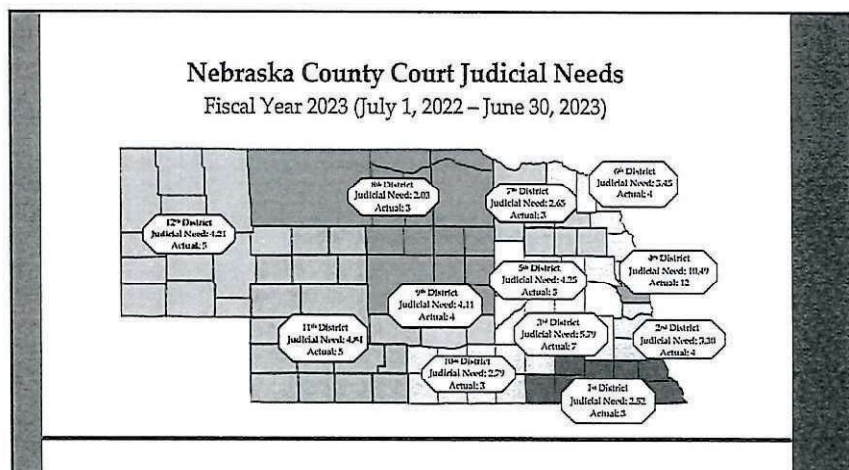
Average Workload Per Judge District Court

First Judicial District:	1.06
Second Judicial District:	1.06
Third Judicial District:	1.01
Fourth Judicial District:	1.07
Fifth Judicial District:	0.89
Sixth Judicial District:	0.80
Seventh Judicial District:	1.00
Eighth Judicial District:	0.61
Ninth Judicial District:	0.95
Tenth Judicial District:	1.02
Eleventh Judicial District:	0.99
Twelfth Judicial District:	0.86



34

Courts and Caseload Data




36

First Judicial District:	0.84
Second Judicial District:	0.83
Third Judicial District:	0.83
Fourth Judicial District:	0.87
Fifth Judicial District:	0.85
Sixth Judicial District:	0.86
Seventh Judicial District:	0.88
Eighth Judicial District:	0.68
Ninth Judicial District:	1.03 *
Tenth Judicial District:	0.93
Eleventh Judicial District:	0.97
Twelfth Judicial District:	0.84

Separate Juvenile Courts Weighted Caseload Data

2 Weighted Caseload Separate Juvenile Courts



Lancaster County:	4 judges
Sarpy County:	2 judges
Douglas County:	6 judges

Lancaster County	0.89	Average Workload Per Judge Separate Juvenile Court
Sarpy County	0.79	
Douglas County	0.88	

Nebraska Problem Solving

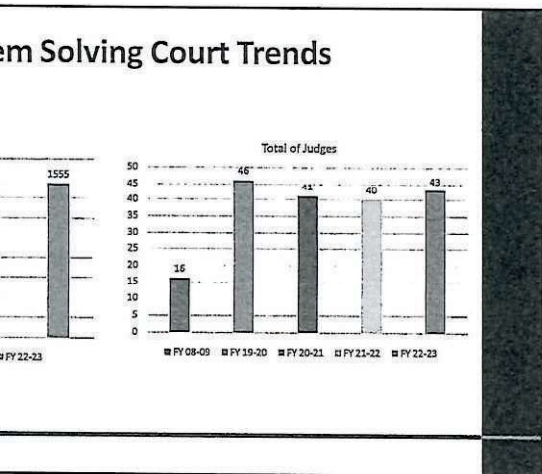
Problem Solving Courts

Nebraska currently has 33 problem solving courts

- 20 Adult Drug Courts
- 1 Juvenile Drug Courts
- 2 DUI Courts
- 1 Young Adult Court
- 1 Mental Health Court
- 4 Veterans Treatment Courts
- 2 Reentry Courts
- 2 Family Treatment Courts

43 judges currently preside over a Problem Solving Court (some preside over more than 1 such court)

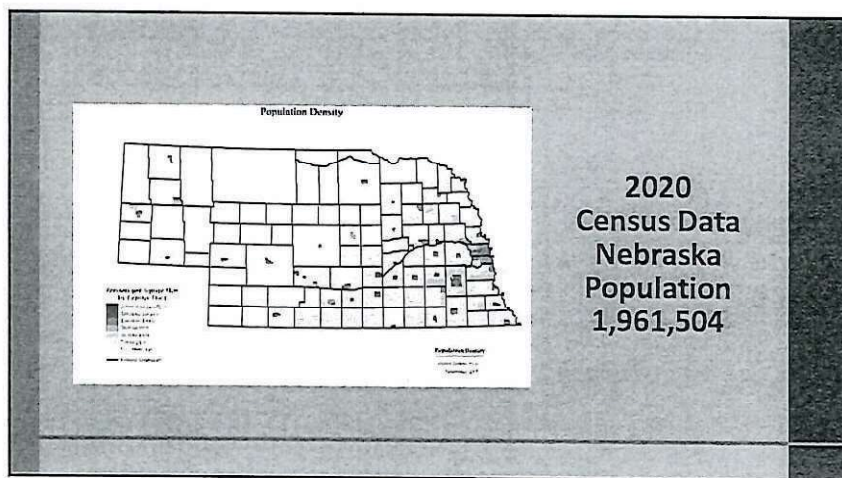
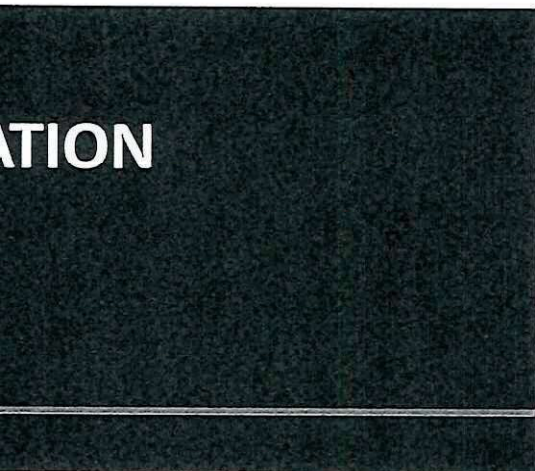
42



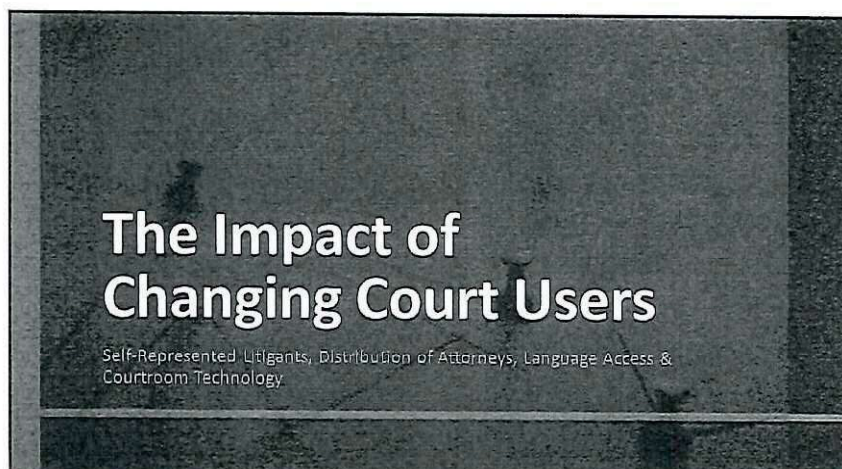
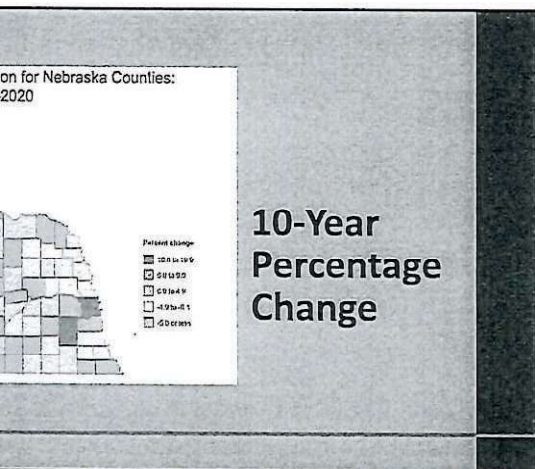
Other Factors Affecting Judicial Resources

shifting populations / changing court users / availability & use of technology

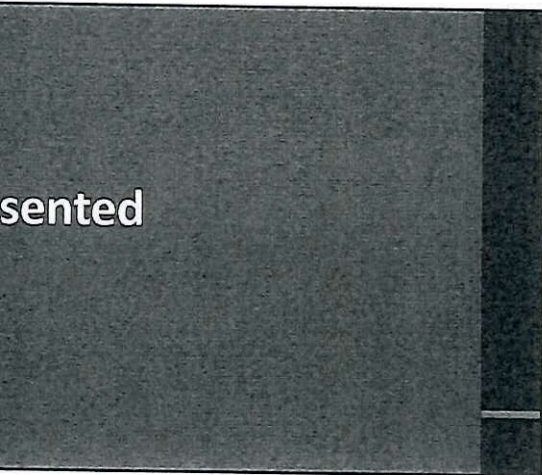
44



46



48

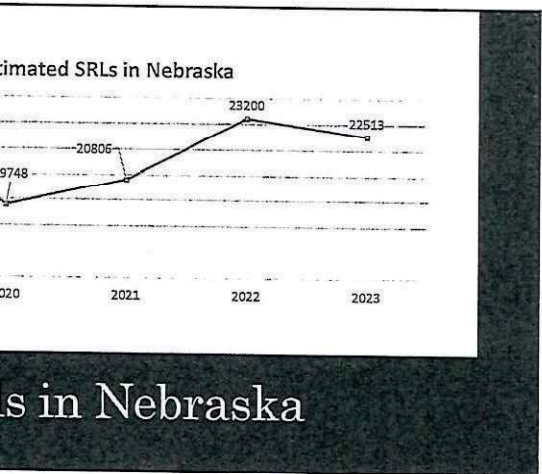


National Increase in Self-Represented Litigants

- Nationally, an estimated 75% of all civil and domestic relations cases involve at least one SRL.
- Steady rise in the number of SRLs represents a fundamental demographic shift in court users that is here to stay.

■ Civil cases with at least one SRL
■ Civil cases where all parties have attorney

50



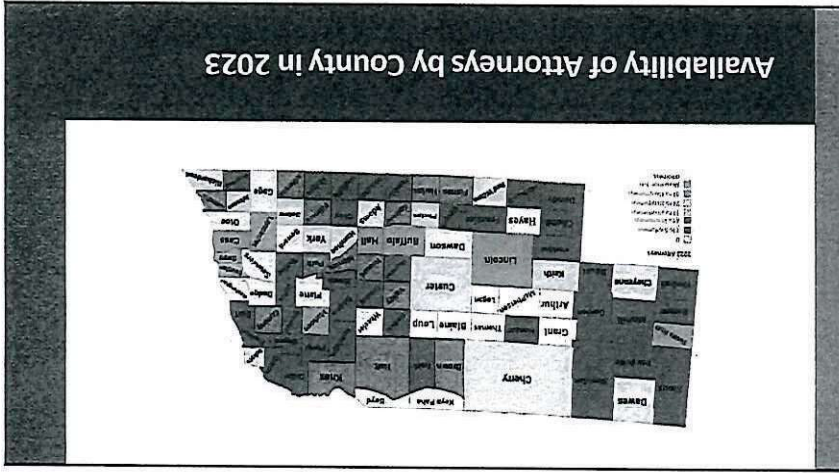
SRLs Separated by Court

■ County Court
■ District Court

Nebraska SRL Distribution FY2023

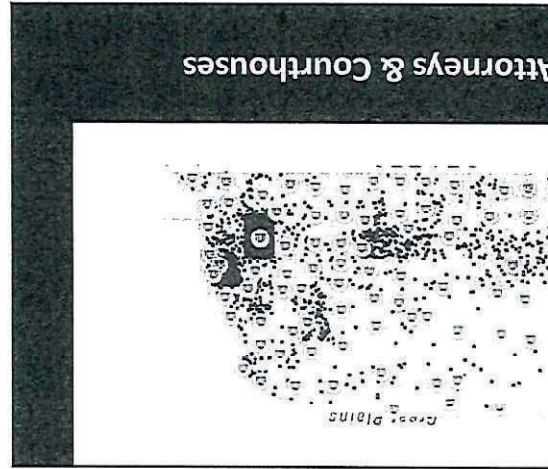
52

de tion of ys



54

Availability of Attorneys by County in 2023

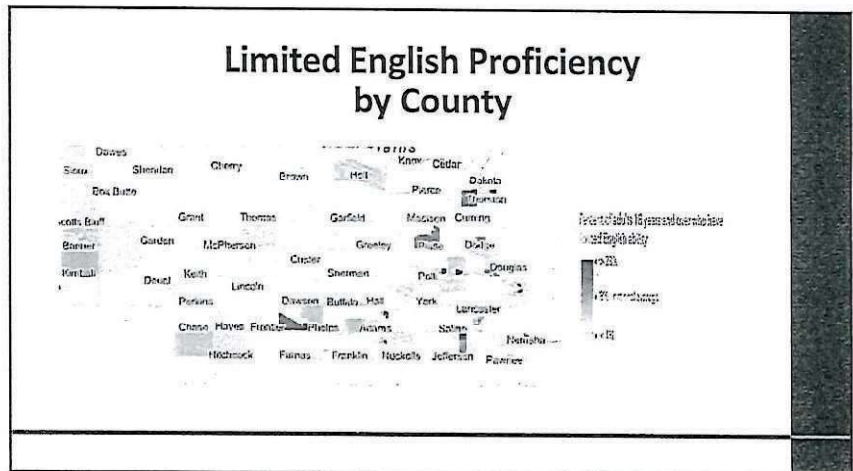
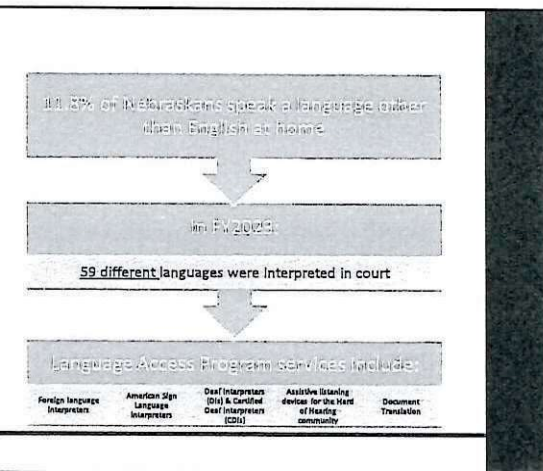


Attorneys & Courthouses

56

Language Interpretation

Language Interpretation

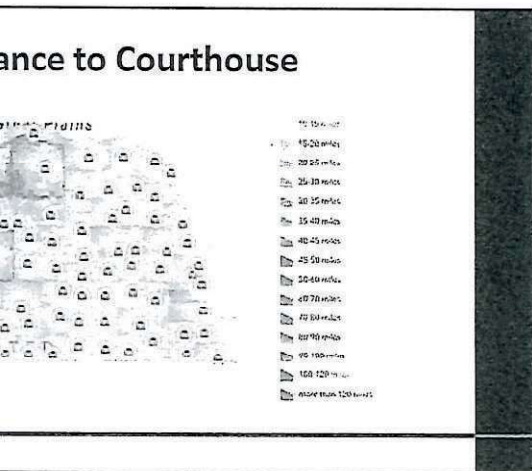


58



Technology in the Courts

60



The Digital Divide in Nebraska Courthouses

Historically, courthouse technology has differed across Nebraska's 93 counties

• Several counties have limited or no available funding for courthouse and supporting equipment for computers.

Historically, internet bandwidth has differed across counties

• Because it is still necessary, information, case files and other records may have been made available through a variety of methods.

62

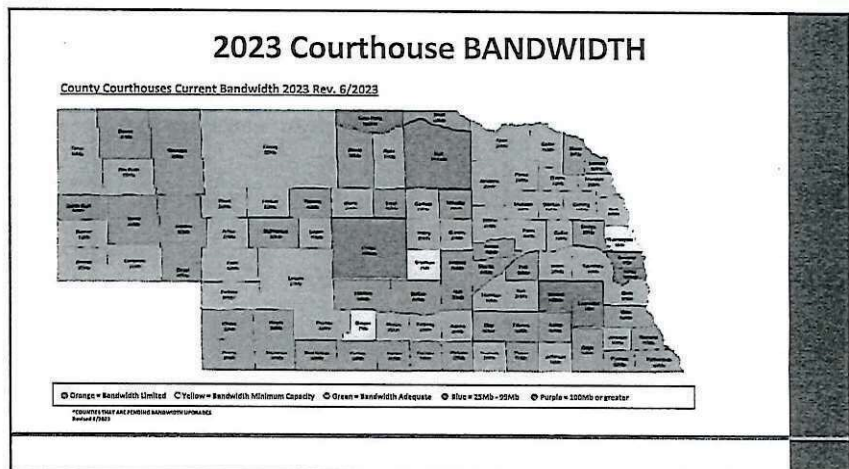
Addressing the Digital Divide

Improving Bandwidth to Every Courthouse

Over several years, the AOCB has been actively working to increase available internet bandwidth to courthouses

Installing New Audio-Visual Equipment in Every Courtroom

In 2021, AOCB launched a state-wide initiative to upgrade the AV equipment in every courtroom

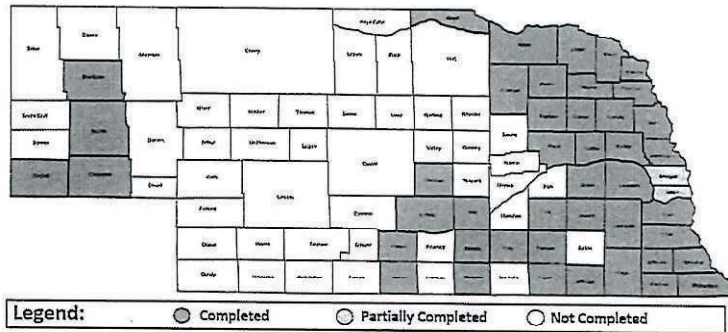


64

Goals of Courtroom Technology Upgrades

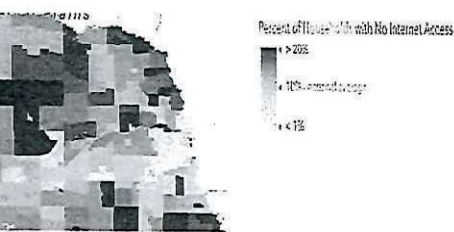
- ✓ Statewide uniformity in essential courtroom audio-visual systems
- ✓ Provide every courtroom with high-quality audio amplification so participants and observers can hear proceedings and accurate record can be made
- ✓ Provide all courtrooms with cameras and display screens to facilitate remote and hybrid hearings
- ✓ Provide all courtrooms with technology necessary to manage and present digital evidence
- ✓ Improve hearing access by installing assistive listening systems in every courtroom

Courtroom A/V upgrade map



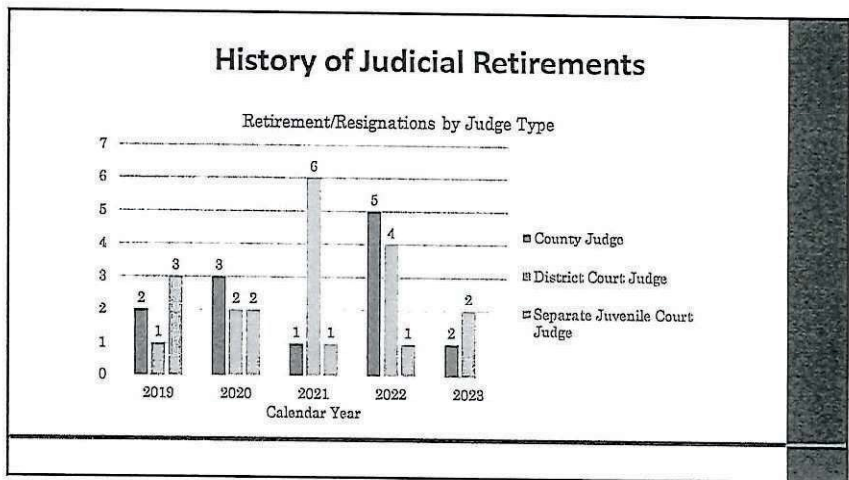
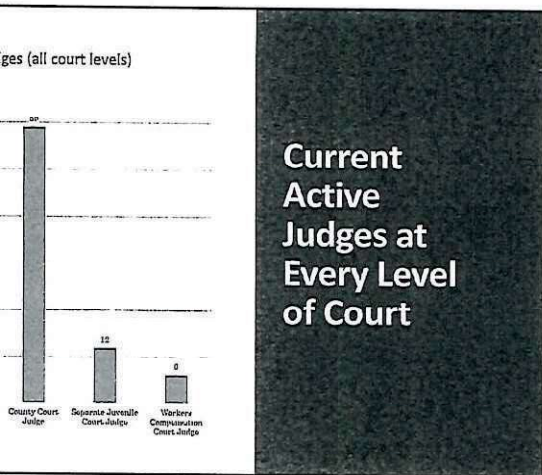
66

Age of Households Without Internet Access

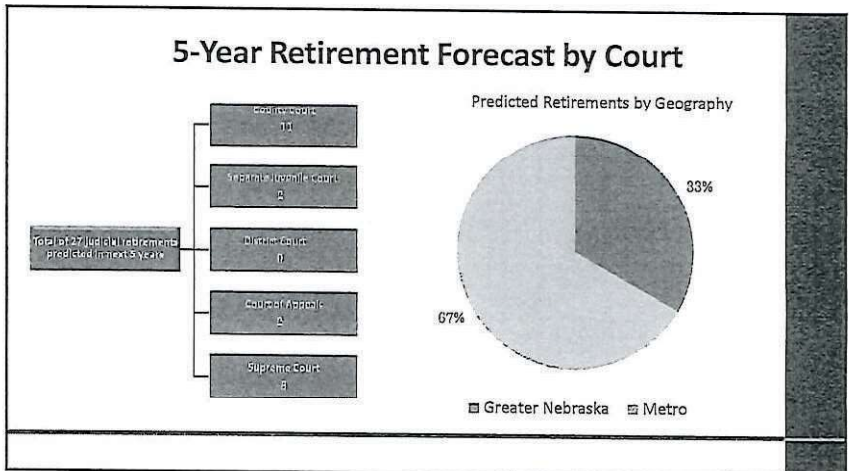
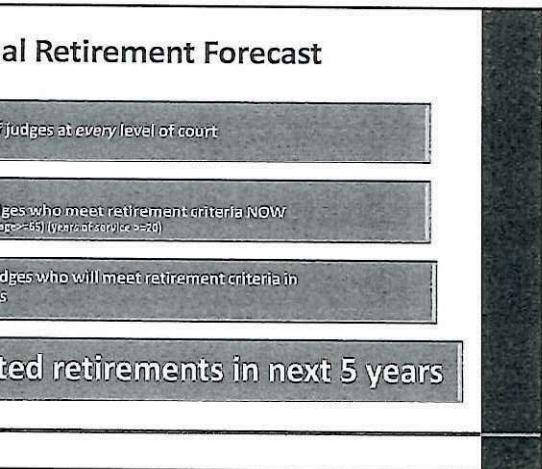


Judicial Retirement Forecast

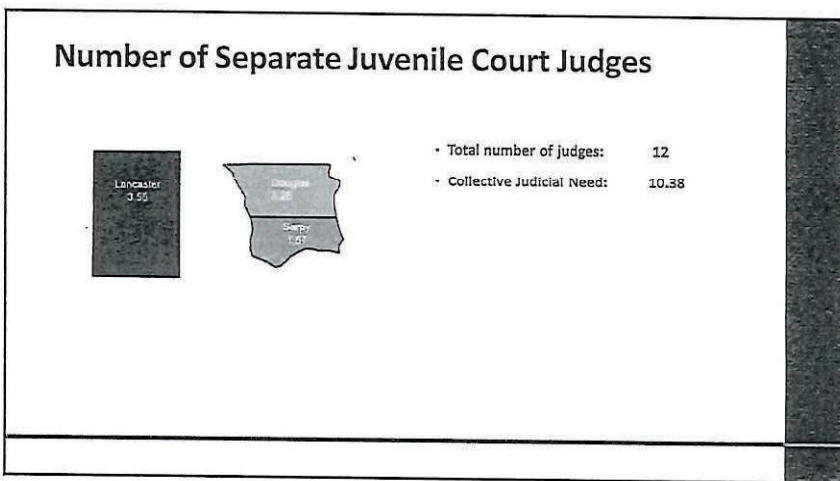
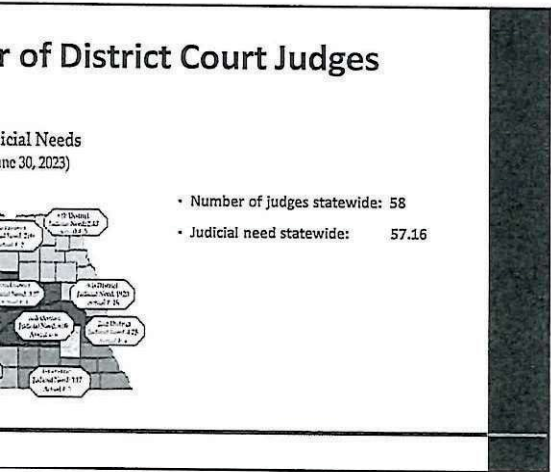
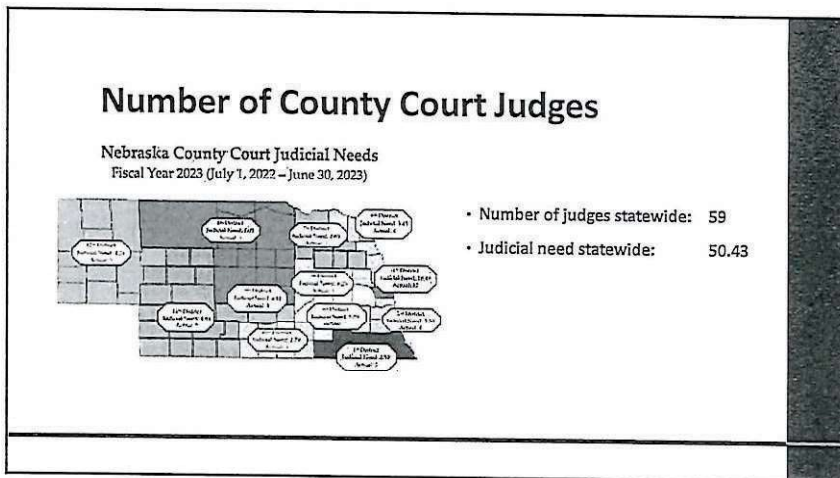
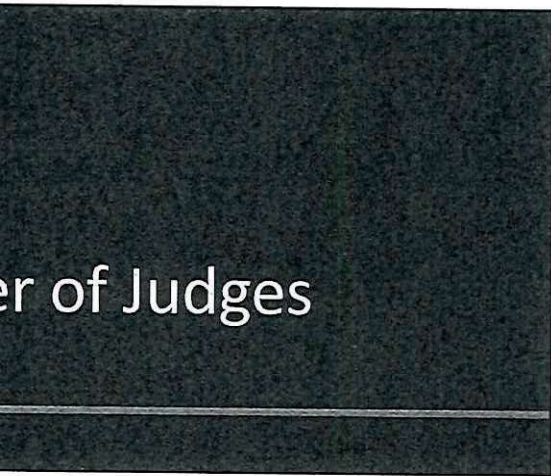
68



70



72



When a separate juvenile court is established in a county, the number of judges is based on county population, *not* judicial workload (Neb. Rev. Stat. § 43-2,119)

- Counties with at least 75,000 but fewer than 200,00 inhabitants "shall have 2 Judges"
- Counties with at least 200,000 but less than 400,000 "shall have 4 Judges"
- Counties with more than 400,000 "shall have 6 Judges"
 - Amended in 2017 to increase # of judges from 5 to 6

Populations in Lancaster and Sarpy Counties are nearing the statutory threshold for adding judges

- § 43-2,119 appears to require additional judges as the statutory population thresholds are met
- As of July 1, 2022 the US Census estimated population
 - In Sarpy County is 196,553
 - In Lancaster County is 324,756
- The current weighted caseload statistics do not support the need for additional separate juvenile court judges in either Sarpy or Lancaster county

Number of Judges in Separate Juvenile Court

- At last year's annual meeting, the JRC voted unanimously to bring this issue to the Legislature's attention now, before the statutory population thresholds are met in Sarpy and Lancaster Counties, so possible statutory solutions can be considered
- The JRC's written report to the Legislature highlighted this issue but did not recommend a specific solution
- The statute has not been amended and AOCF is not aware of any proposed legislation to address issue

er and uration of Districts

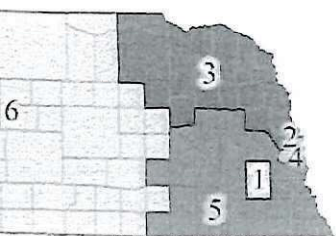
Current Trial Court Judicial Districts

Fillmore County: County Court #30
District Court #1

Osceola County: County Court #2
District Court #1

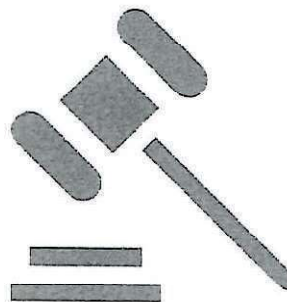
Effective: 7/1/2022

Supreme Court Judicial Districts



Judges Working Group

- In June 2023, the Chief Justice advised the Commission he was planning to task a working group of judges with studying judicial workloads and recommending possible solutions for moving the court system toward a more optimal distribution of judicial resources
- This summer a Judges Working Group was formed with judges from all court levels in all judicial districts
- The working group has met several times, and is studying the issues carefully

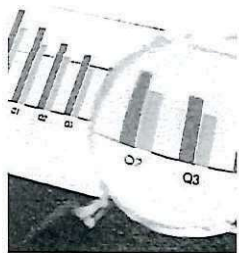


82

Judges Working Group

around any (s), but there is

impacted if county court district court case types caseload methodology and e useful to adjust certain es in judicial handling



Questions?

84