

# Students find court sessions appealing

## NEBRASKA COURT OF APPEALS HOLDS HEARINGS AT HASTINGS COLLEGE

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**A**rea students and the public got a chance to see the Nebraska Court of Appeals in action Thursday during oral arguments heard at Hastings College.

Jerod Fox, a junior at Hastings College, described it as an eye-opening experience with the court system. He is a political science and broadcasting dual major, but has thought about law school in the past.

"I was fortunate to be able to attend," he said. "It seemed less formal than I was expecting. It was a great experience."

Along with college participants, high school students were able to attend, as well, including those from Adams Central, Hastings High, Blue Hill, Wilber-Clatonia, Silver Lake, St. Paul and Doniphan-Trumbull.

John Hewitt, a member of the board

of trustees at Hastings College, thanked the justices for making the trip to Hastings and introduced them to students. Hewitt is an Omaha attorney who graduated from Hastings College and argued before the appellate court about six months ago.

"This gives hands-on experience in how the court system works," he said.

Matt Sase, a Hastings College senior majoring in education, also thought it was a great way to learn about the judicial branch.

"I was surprised at how fast it went," he said. "It was also interesting that two of the judges were teachers before going to law school."

The appellate judges answered questions from the audience. While they couldn't discuss any specific case, they talked about their jobs in general.

Chief Justice Frankie Moore explained the court consists of six judges, who are divided into two panels of three judges each. The Court of Appeals reviews

about 1,000 cases each year. The goal is to have a decision in each case within a year.

A panel of three judges is assigned to each case. Judges then review each case before them. They read transcripts of court proceedings and trials. They read argument briefs submitted by attorneys on each side of a case. Then the judges decide whether oral arguments are needed to further clarify each side's position on a case.

During oral arguments, such as those seen Thursday, each attorney is allotted 10 minutes to present their case and answer questions posed by the judges.

Thursday's session included a variety of cases, ranging from a criminal child abuse case that had resulted in death to a civil custody dispute. Cases heard on Thursday originated from Adams, Buffalo, Fillmore, Furnas, Holt, Merrick and Sheridan counties.

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## Hearings: Court in session at college

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Moore explained that after the oral arguments, the judges meet to discuss the merits of each case and one judge will write the decision to be handed down about two months later.

And the panel of judges doesn't always agree.

After the author of a decision completes a draft, it is sent to the other judges for review.

If the judges disagree with how a case should be resolved, two judges can make up the majority decision and the third can write a dissenting

opinion.

Judges can also write a concurring opinion if they come to the same conclusion, but using different reasoning.

Justice Riko Bishop of Lincoln said judges put a substantial amount of time into preparing for each case.

"In every case, all three judges are deeply invested in every case, whether we are the author judge or not," she said.

Justice David Arterburn of Papillion served as a trial court judge for 12 years before being appointed to the appellate court.

He said the court doesn't just side with other judges, but overturning a trial decision is uncommon.

The appellate court is limited to a standard of review and must find convincing evidence to overturn a trial court ruling.

Without the benefit of being in the courtroom to see and hear the things that a trial judge experiences, he said appellate judges have to look closely for errors.

"We have to have a good reason to differ with them," Arterburn said.

The day was a homecoming for Justice Everett Inbody of Wahoo, who grew up in Hastings and graduated from Hastings High School.

Inbody served as Chief Justice of the Court of Appeals from 2004 to 2014, when the court started the outreach program taking oral arguments to college campuses.

In 2012, he said the court was looking for a way to show the general public more about the judicial system.

The appellate court first held hearings at Peru State College to give students and

the public the chance to see them in action.

Inbody said the program was a success.

Since Peru, the appellate court has held its oral arguments at Midland University, Nebraska Wesleyan University, Concordia

University, University of Nebraska at Kearney, Doane College and Chadron State College.

The program is held near Constitution Day, but since that holiday falls on Sunday this year, the Court of Appeals decided to hold its hearings on Thursday.

“We really enjoy the opportunity to work with colleges like this,” Inbody said. “We think it’s a worthwhile endeavor.”

The Nebraska Court of Appeals is the state’s second-highest court and reviews appeals from state trial court decisions. Nebraskans voted

to create the Court of Appeals in 1991 to help alleviate the backlog in the Nebraska Supreme Court.

Decisions from the Court of Appeals is final unless a party is granted further review by the Nebraska Supreme Court.



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**Above: Attorney Nathan Bruner speaks to the judges to appeal a custody ruling Thursday in Perkins Auditorium at Hastings College. The Court of Appeals held two sessions of cases at the college in front of an audience of college and high school students for the Nebraska Court of Appeals College Campus Initiative. Below: Attorney Brian Davis addresses the court.**





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**Judges on the Court of Appeals smile during a light moment in the proceedings in the first of two sessions held at Hastings College Thursday. From left is Judge David Arterburn, Chief Judge Frankie Moore and Judge Riko Bishop.**