



Legislators' Guide to the Nebraska Judicial Branch

The Nebraska Judicial Branch works to...

- assure Nebraskans that their courts are fair and impartial,
- promote public confidence in the Nebraska court system through the protection of individual rights,
- provide equal access to justice, and
- uphold the Constitution.



EYES AND EARS ARE



It is the mission of the Nebraska Judicial Branch to provide the citizens of the state with an open, fair, efficient, and independent system for the advancement of justice under the law.

In Nebraska, as at the national level of government, power is distributed among three branches: the legislative, the executive, and the judicial. The judicial branch is designed to settle any conflicts arising from the interpretation or application of the laws. While each branch of government has its own separate responsibilities, one branch cannot function without the other two branches, and none of the branches can function without the consent of the people.

As the branch of government designed to settle disputes, the judicial branch interprets the laws and settles conflicts involving the laws. In Nebraska, the laws are interpreted by a court system on two levels: trial courts and appellate courts.

Equality before the Law

...emblem placed above the Supreme Court bench as designed by architect Bertram Grosvenor Goodhue

Nebraska Court System

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

In addition to the courts created by the Constitution, the Nebraska judicial system has two other types of courts: the separate juvenile courts located in Douglas, Lancaster, and Sarpy Counties, and a statewide Workers' Compensation Court. The state also has courts which are called problem-solving or drug courts, which are divisions of district or separate juvenile courts. Small claims courts are divisions of county courts.

Nebraska State Judges

All of Nebraska's judges are appointed through the merit selection process, which uses commissions made up of lawyers and non-lawyers who locate, recruit, investigate, and evaluate applicants for judgeships. Each commission forwards the names of the most highly qualified applicants to the governor, who makes the final selection from the list. For subsequent terms of office, judges are evaluated for retention by the voters in uncontested elections.

Judges are "neutral fact finders" who follow the law as it is written. The judicial code of ethics prohibits a judge from taking into consideration his or her personal views, statements by politicians, or public opinion when deciding cases.

Judges are also responsible for the control of the courtroom and to insure that litigants understand court processes. Judges explain the rights of individuals, appoint attorneys if needed, and ensure that defendants and witnesses have interpreters if they do not speak or understand English.

A judge serves as a referee, and not as an advocate for one position or another. Judges are careful to avoid making a decision before hearing the evidence in any case.

The Supreme Court of Nebraska

Nebraska has one Supreme Court, which is made up of the Chief Justice and six associate justices. Each associate justice represents one of six judicial districts in the state, while the Chief Justice represents the entire state.

The Supreme Court's basic responsibilities are to hear appeals from decisions made by lower courts and to provide administrative leadership for the state judicial system. Under certain circumstances, the Supreme Court has the authority to hear a case filed directly with it. The court also is required to hear all appeals in which the death penalty or a sentence of life imprisonment has been imposed, and cases in which questions are raised about the constitutionality of a statute.

Appeals are brought to the Supreme Court from the Court of Appeals, district courts, county courts, juvenile courts, Workers' Compensation Court, and administrative agencies. A Court of Appeals case may be moved to the Supreme Court for review and disposition at the request of the parties involved. The Supreme Court may also review decisions of the Court of Appeals upon the request of the parties.

In addition to appeals, the Supreme Court is responsible for the regulation of the practice of law in Nebraska. The Constitution of the State of Nebraska vests general administrative authority in the Supreme Court over all courts and provides that the authority be exercised by the Chief Justice. Under the Constitution, the Chief Justice is the executive head of the courts and may appoint an administrative director, who is called the court administrator. The Supreme Court has established an Administrative Office of the Courts and Probation, which is directed by the State Court Administrator and State Probation Administrator.

The Nebraska Constitution also grants extensive rulemaking authority to the Supreme Court, including the ability to proscribe rules of practice and procedure, rules governing the administration of Nebraska courts, and regulations governing the practice of law and the disciplining of attorneys and judges. Rules adopted by the Supreme Court become effective upon adoption by the court and are not subject to review by any agency or organization.

Nebraska Court of Appeals

The Court of Appeals was established on September 6, 1991, after voters approved a constitutional amendment. The court currently operates with six judges, although the Constitution allows up to nine judges. One of the six judges is appointed by the Supreme Court to serve as chief judge for a two-year term. The Court of Appeals judges are appointed from the same six districts as are the six Supreme Court associate judges. The Court of Appeals' primary courtroom is in the State Capitol in Lincoln but for the convenience of citizens and to provide educational opportunities to students, the court travels to other Nebraska cities to hear appeals.

In hearing cases, the Court of Appeals is divided into two panels consisting of three judges each. The panels hear separate cases to expedite the processing of appeals. The composition of the panels changes periodically so that all judges work with all other judges at various times.

Nebraska District Courts

District courts are trial courts of general jurisdiction and are organized into 12 judicial districts to serve all 93 counties of the state. Fifty-six district court judges serve these judicial districts.

Although the district courts have concurrent jurisdiction with county courts, they primarily hear all felony criminal cases and civil cases involving greater requests for damages. District courts also function as appellate courts in deciding appeals from certain county court cases and various administrative agencies. When acting as an appellate court, the district judges review the county court record of testimony and evidence.

Nebraska County Courts

The county court system is organized into 12 judicial districts which range in size from one to 17 counties. Nebraska has 58 county court (or limited jurisdiction) judgeships.

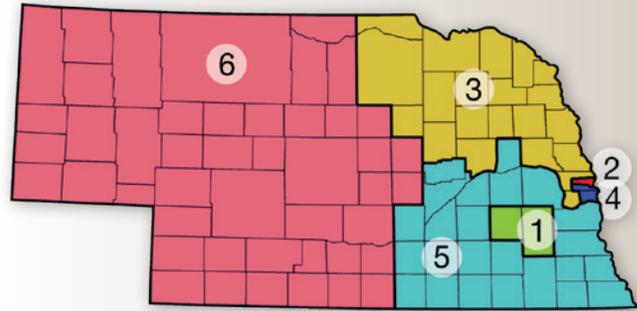
County courts handle misdemeanor cases, traffic and municipal ordinance violations, preliminary hearings in felony cases, civil cases involving requests for damages of up to \$52,000, some divorce cases, probate, guardianship, conservatorship and adoption proceedings, and juvenile matters. In Douglas, Lancaster, and Sarpy Counties the separate juvenile courts hear juvenile matters.

Although the district courts have concurrent jurisdiction in misdemeanor cases, nearly all misdemeanor cases are tried in the county courts. In a felony matter, preliminary hearings are held in county courts to determine whether the evidence is sufficient to establish probable cause for the case to proceed.

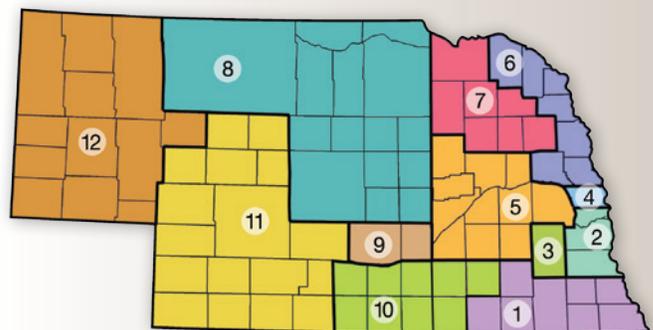
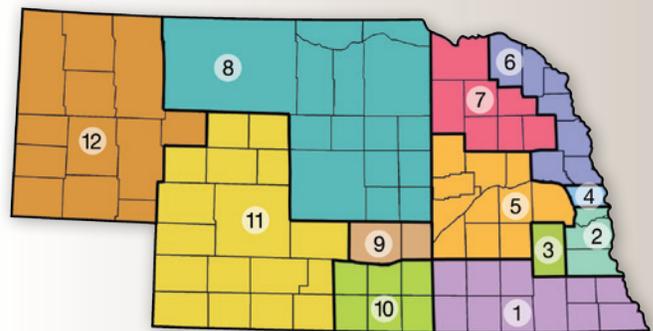
If the evidence at the hearing supports a finding that the crime charged has been committed and there is probable cause to believe that the person charged with committing the crime is responsible, the defendant will be bound over to stand trial in district court. Small claims court is a division of county court, and the hearings are conducted by a county judge. Extensive instructional information is available to litigants in county courts through the offices of the county clerks or online.

Separate Juvenile Courts of Nebraska

Nebraska has three separate juvenile courts located in Douglas, Lancaster, and Sarpy Counties. In all other counties, juvenile matters are heard in county courts. Matters involving neglected, dependent, and delinquent children are handled by the separate juvenile courts or county courts sitting as a juvenile court. Such courts also have jurisdiction in domestic relations cases where the care, support, or custody of minor children is an issue. Douglas County has five juvenile court judges, Lancaster County has four, and Sarpy County has two.



Supreme Court & Court of Appeals Judicial Districts



District Court Judicial Districts

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



Separate Juvenile Courts: Sarpy, Douglas and Lancaster

Nebraska Workers' Compensation Court

The Nebraska Workers' Compensation Court consists of seven judges who have statewide jurisdiction. The statewide jurisdiction requires the judges to travel to all parts of the state to hold hearings.

The Workers' Compensation Court administers and enforces all provisions of the Nebraska Workers' Compensation Act, which includes original jurisdiction of all claims for workers' compensation benefits resulting from occupational injuries or illnesses. All industrial accidents are required to be reported to this court.

Disputed claims for workers' compensation are submitted to the court for a finding of responsibility and an award of damages, if supported. Appeals may be taken to the Court of Appeals or the Supreme Court.



Administrative Office of the Courts and Probation

The Chief Justice is the executive head of the courts under the state Constitution. The Administrative Office of the Courts and Probation, located in the State Capitol in Lincoln, Nebraska, provides oversight of all Judicial Branch programs. The program goals and procedures are defined in the Judicial Branch Strategic Agenda. Offices and divisions of the administrative office include both internal branch services and programs and services for the public.

Internal Branch Services for the Courts and Probation

■ Budget and Finance

The State Court Administrator and State Probation Administrator share the services of an administrative fiscal analyst in the Office of Finance. The finance office maximizes the use of the Judicial Branch's resources and allows for the development of uniform financial practices. The fiscal analyst serves as the single point of contact for legislative budget requests and branch wide financial projects.

■ Information Technology

The role of technology is increasingly essential to governmental functions as work expands, budgets tighten, and public expectations rise. The information technology division supports and enhances the statewide case management system, which is known as JUSTICE, the Nebraska Probation Applications Community Safety (NPACS) case management system, the appellate court case management system (SSCALES), and other technology projects. The division is also the central point of contact for the expansion of technology for trial courts, probation offices, interpreters, and related programs.

■ Judicial Branch Education

The office of Judicial Branch Education oversees quality training and education for all employees of the Judicial Branch. Employee training is focused on supporting the philosophy of the Judicial Branch that justice is administered each time an employee comes into contact with a member of the public, whether the employee works in the office of the clerk of the court in a small county, is the local probation officer, or is the Chief Justice. The public's perception of Nebraska's justice system is directly linked to the human interactions experienced by our citizens, and the Judicial Branch Education office ensures multiple forms of training are available to all employees.

■ Language Access (Interpreter/Translation)

The Nebraska Supreme Court recognizes that language access to court proceedings and probation services may have a lasting and life-altering impact on persons with limited proficiency in the English language.

To ensure that all individuals receive a fair and equal opportunity to participate in court proceedings and to access probation services, the administrative office provides education and support so that qualified interpreters are available for those unable to fully communicate in the English language.

■ Personnel Services for Courts and Probation

The Judicial Branch coordinates services with and through the State's Division of State Personnel in the Department of Administrative Services. The Judicial Branch is ultimately responsible for personnel services including classification and compensation, employee relations, payroll, and benefit distribution for all employees and judges.

■ Public Information and Communications

The central source for communications within the Judicial Branch is the Supreme Court Public Information Officer, who is responsible for managing the court's website, www.supremecourt.ne.gov, maintaining the court's print publications, responding to media inquiries, and publishing articles about administrative activities for distribution as news releases and web content.



Office of the State Court Administrator Programs and Services

■ Attorney Services

The Attorney Services Division provides administrative support to the Counsel for Discipline, the Commission on Mandatory Continuing Legal Education for attorneys, the State Bar Commission, and the Commission on the Unauthorized Practice of Law. The division also provides access to guardian ad litem education for attorneys who are then qualified to serve in juvenile court proceedings. This division is responsible for ensuring that active attorneys obtain annual mandatory continuing legal education and comply with all mandatory annual licensure rules. It provides support for those entities responsible for investigating disciplinary complaints against attorneys, admitting new attorneys to practice, and protecting the public against persons practicing law without a license.

■ Community Outreach and Public Education

The Judicial Branch provides educational and outreach programs for both students and adults. The two primary youth programs are tied to nationally recognized events: Constitution Day (September 17) and Law Day (May 1). Adult outreach programs include education of adults involved in the court system, in addition to education of voters and jurors. Oral arguments of the appellate courts may be watched live on the court's website, and the arguments are archived for later viewing.

■ Dispute Resolution and Mediation

The Office of Dispute Resolution coordinates nonprofit court-approved mediation centers across the state. Mediation serves as an alternative or supplemental method to resolve problems. Mediators are neutral individuals who assist conflicting parties in resolving their own problems mutually. All types of civil cases, including family matters, landlord/tenant, employer/employee, community, and business disputes can be handled by the mediation centers.

■ Problem-Solving Courts

The administration and expansion of Nebraska's problem-solving courts and services are coordinated through the Director of Problem-Solving Courts in the Administrative Office of the Courts, in conjunction with the court's advisory committee on problem-solving courts. The committee includes representatives of courts, probation, law enforcement, the legal community, judges, prosecutors, and defense attorneys. The group advises the Supreme Court and

makes recommendations regarding the standards, direction, development, and evaluation of problem-solving courts in Nebraska.

■ Public Guardian

The Office of Public Guardian for the State of Nebraska was recently established within the Nebraska Judicial Branch. The Director of the Office of Public Guardian, deputy public guardian, and associate guardians will establish guardian services throughout the state. Nebraska relies on volunteers to assist the elderly and others in need of guardianship, and the office will act as guardian or conservator in those situations in which no family member or other suitable individual is available.

■ Self-Represented Litigants/Pro Se Resources

The Supreme Court Committee on Implementation of Assistance to Pro Se Litigants works to assist individuals who are not represented in court by an attorney. The committee provides forms and procedural information using an online self-help center along with community outreach programming. The committee works in conjunction with the established legal community and providers of legal services to low income individuals. Through this programming, the court system demonstrates its commitment to ensuring that all Nebraskans have meaningful and full access to the judicial system, including those Nebraskans who represent themselves.

■ Trial Court Services

Management support for the trial courts is provided through the Trial Court Services Division of the Administrative Office of the Courts. This division is responsible for communicating Supreme Court administrative policy, providing procedural standards for trial court operations, and providing publications and procedural manuals along with standard court forms for use in everyday operations within the courts.

Trial Court Services also serves as a liaison to trial court-related associations and committees. Intense focus is placed on areas related to jury service, record retention, forms, manuals and topics of special interest like drug courts, domestic violence, children in the court system, and the needs of incapacitated adults.

Office of Probation Administration Programs and Services

The Office of Probation Administration, part of the Judicial Branch, administers probation services for convicted offenders who serve their sentences in a community setting rather than in a correctional institution. Probation differs from parole, which is a Department of Correctional Services program in which a convicted offender is supervised upon release from incarceration.

Under a sentence of probation, a convicted offender is allowed to live at home and is required to perform certain activities designed to rehabilitate rather than to punish. The offender may be required to make restitution to victims. Probationers are allowed to financially support themselves without monetary intervention by the state. The offender is also required to report regularly to a probation office in the district in which the sentence is being served.

■ Community-Based Programs and Field Services

Community-based probation programs provide a continuum of programs which range from presentence and predisposition investigations and assessments to supervision.

In support of this community-based approach, several specialized services are offered, including reporting centers, fees for service voucher program, RISE (Rural Improvement for Schooling and Employment), the standardized model for

the treatment of substance abusing offenders, and the juvenile service delivery project.

The division is also charged with the internal auditing and evaluation of probation districts to ensure that quality programming and services are provided.

■ Adult and Juvenile Probation

Nebraska probation serves both adult and juvenile populations and is responsible for statewide administration of intake and detention alternatives, investigations, assessments and evaluations, case management and supervision, and placement and reentry programs. In addition, the Juvenile Services Division is accountable for the state's new Juvenile Detention Alternative Initiative.

■ Interstate Compact and Inter-District Transfer

The Probation Compact Office oversees out-of-state and in-state transfers for probationer relocation. The office's overarching goal is to enhance public safety by ensuring compliance with transfer processes, while serving as a resource for training and support to enhance successful courtesy supervision.

Supreme Court Specialty Programs Committed to Serving Children

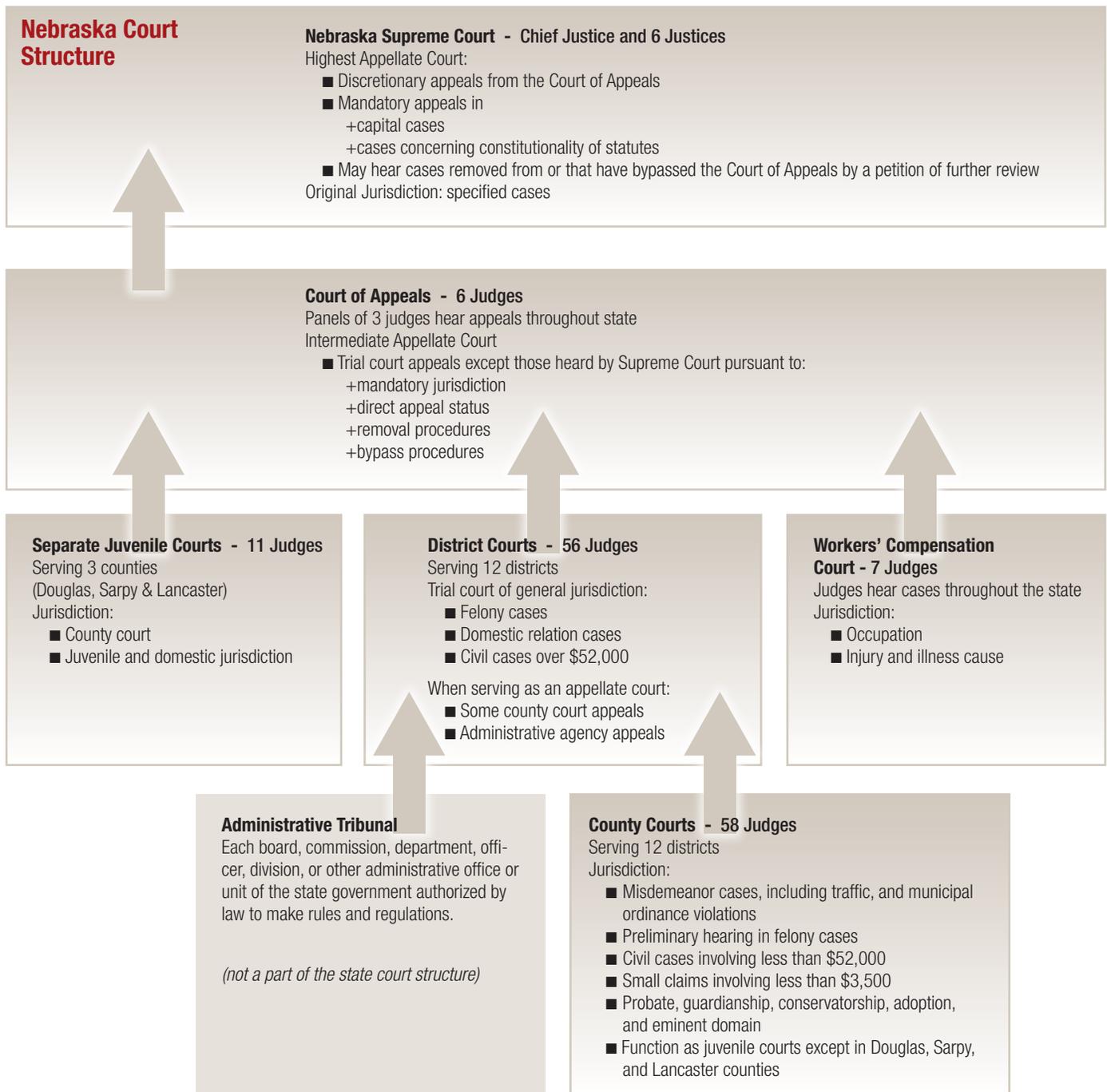
The Supreme Court Commission on Children in the Courts was established to insure that the court system is responsive to families and children who interact with, or are directly affected by, the courts. The Commission is responsible to investigate system concerns, research more effective and efficient approaches, and make recommendations for change to the Supreme Court.

The involvement of children and their families in the court system creates a need for extensive and varied court programs and services. Courts must be able to act swiftly and justly in child abuse and neglect cases while ensuring that the rights of the parents are being addressed. In domestic relations cases where children are involved, courts must strive to decrease children's exposure to parental conflict, as well as make timely decisions so parents have certainty

in their roles and responsibilities. Teens involved in juvenile court proceedings require a unique array of interventions which are often not necessary for adults. Additionally, courts must play an active role in providing permanency for children through legal adoption after parents have had parental rights terminated.

An outgrowth of the Children's Commission is the "Through the Eyes of the Child" initiative. The initiative was developed to facilitate the active leadership role of judges and lawyers in improving the court process in child protection cases.

The project has been adopted throughout the state under the direction of teams with regional judge coordinators. Many court and system process changes have been launched and refined through volunteer teams.





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