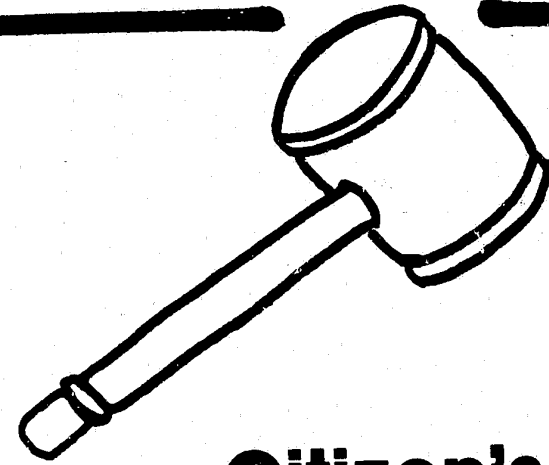
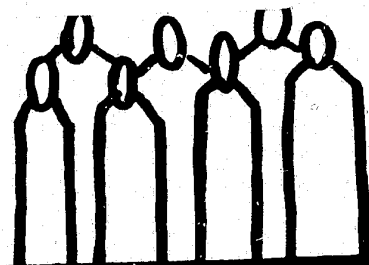


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# **Citizen's Guide to Nebraska's Courts**

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U.S. Department of Justice  
National Institute of Justice

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Office of the Chief Justice  
SUPREME COURT OF NEBRASKA

NORMAN KRIVOSHA  
Chief Justice



SUITE 2214  
STATE CAPITOL BLDG.  
LINCOLN, NEBRASKA 68509 • TEL. (402) 471-3732

To the People of the State of Nebraska:

I am extremely pleased to provide a brief introduction to this very important material explaining the Nebraska Judicial System. I have long been of the view that a healthy democratic society can only exist if the people of the State have respect for their legal system. That respect, however, comes not from being awed by the system but, rather, from understanding that system. This material, therefore, will play an important and significant part in helping you, the people of the State of Nebraska, to better understand the system under which we operate.

Too often judges are criticized for taking action which, to the citizenry, may seem inappropriate. Yet, once the public understands that judges are not free to do whatever they please and are limited in their actions by both the Constitution of the United States and the State of Nebraska, and the laws passed by the Legislature of the State of Nebraska, that action may not seem so inappropriate. An understanding of that fact will do much to help promote the effective administration of justice.

The motto of the State of Nebraska engraved above the front door of the Capitol reads "The Salvation of the State is Watchfulness in the Citizen." And just above that may be found the words "Wisdom, Justice, Power, Mercy, Constant Guardians of the Law."

In those two phrases lie the very essence of our democratic form of government. On the one hand, the law must be restrained by wisdom, justice, power, and mercy. And, on the other hand, the citizenry must be ever watchful. Yet, if the citizens are to understand what it is they must watch and evaluate, then, of course, they must be familiar with the system. This pamphlet will play an extremely important role in providing that information. For that reason, I am ever grateful for its preparation and distribution. I am hopeful that you will find it of interest and benefit to you.

Very truly yours,

*Norman Krivosha*  
Norman Krivosha  
Chief Justice

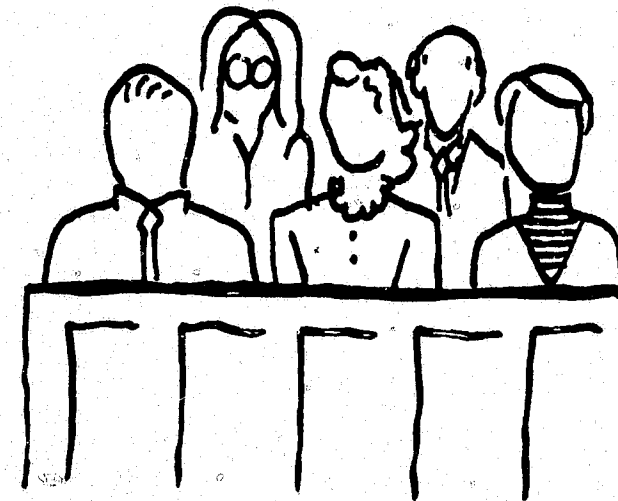
# INTRODUCTION

Nebraska's courts play an important role in your life. When you buy or sell goods or property, get married or divorced, have children, work, retire, drive a car, and even after your death, your state courts are available to protect your rights and enforce your responsibilities.

If you are the victim of a crime, are accused of committing a crime, or witness a crime, you may be required to appear in a Nebraska court. You may also be called upon to serve as a juror, one of the most important privileges we all share as citizens.

This pamphlet is designed to answer questions which you, a citizen of Nebraska, may have about your state court system. The following pages present an overview of Nebraska courts - how they work and how they affect you. A glossary of legal terms is provided in the back of the book.

You are encouraged to learn as much about your courts as you can.



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**ACQUISITIONS**

## **THE NEBRASKA JUDICIAL SYSTEM**

The Constitution of the State of Nebraska distributes the judicial power for this state among the Supreme Court, district courts, county courts, and several other courts created by the state legislature. All courts operate under the administrative direction of the Supreme Court.

In addition to the courts created by the Constitution, the Nebraska judicial system has three other types of courts - the municipal courts in Lincoln and Omaha, separate juvenile courts in Douglas, Lancaster, and Sarpy counties, and a Workmen's Compensation Court.

The Judicial Article of the Constitution was amended in 1970, giving the Supreme Court general administrative authority over all of the courts in Nebraska. The amendments also permitted the appointment of a state court administrator, removed the constitutional basis for justices of the peace, and permitted the unification of the courts of limited jurisdiction.

The Nebraska Unicameral reacted promptly to the constitutional changes, and in 1972 abolished the justice of the peace and other local courts. As of Jan. 4, 1973, the functions of all those courts were combined into a reorganized county court system.

The Supreme Court appointed an administrator of the courts on July 1, 1972. The initial tasks of the office were directed towards the implementation of the legislation creating the new county court system and assisting in the added responsibilities given to the Supreme Court in the 1970 constitutional amendments.

# THE COURTS:

## Supreme Court

While the Constitution makes original legal authority possible for the court in certain cases, especially where the state is a party, the court's basic responsibility is to hear appeals and provide administrative and policy leadership for the state judicial system.

The Constitution guarantees the right of appeal to the Supreme Court in all felony and civil cases. In addition, the law allows a case to be appealed to the highest court in almost every other type of legal proceedings. Appeals come directly to the Supreme Court from the district courts, the separate juvenile courts, the compensation court, and certain regulatory agencies such as the Public Service Commission.

The Supreme Court consists of a chief justice and six judges. The chief justice is appointed by the Governor from a statewide list of applicants. The other six judges are chosen from six districts.

The court may sit in two five-member divisions, with addition of district court judges or retired judges as needed, to help with prompt determination of cases.

Since 1920, the Supreme Court has had the constitutional authority to enforce for all courts the practice and procedures rules which are in agreement within each level of the courts, as long as they do not interfere with other laws governing such matters.

From a practical standpoint, this rule-making authority had been limited until 1975, when the court appointed committees to develop pattern jury instructions and new rules of evidence.

The Supreme Court is also responsible for the regulation of the practice of law in Nebraska. This responsibility includes the monitoring and appointment of attorneys to serve on local committees of inquiry, as well as a state committee on discipline and professional responsibility. The Supreme Court also handles the admission of applicants to the Nebraska State Bar Association.

## District Courts

District courts are trial courts of general legal authority, but they also function as appellate courts in deciding appeals from county and municipal courts and from various administrative agencies.

There are 48 district court judges in Nebraska. District courts are organized into 21 judicial districts which serve all 93 Nebraska counties.

### Jurisdiction

District courts hear all felony cases and some misdemeanor cases, however more misdemeanor cases are tried in the county and municipal courts. Civil cases involving more than \$10,000 are tried by district courts as well as some cases involving lesser amounts.

A large percentage of district court filings are domestic relations cases. In addition to new filings, statutes require domestic relations cases to be reopened allowing court clerks to audit all cases where child support is involved. More than half of the total volume of district court caseload are domestic relations matters due in part to the reopening of such cases.

Most appeals from the county and municipal courts are decided by judges of the district courts solely on the record. The 1980 Unicameral changed the appeal procedure in all but small claims cases, requiring appeals to be heard on the record by the district judge. Small claims appeals are heard anew in the district court.

### Clerks of the District Courts

Each county in the State of Nebraska has a clerk of the district court performing the administrative duties associated with district court. Examples of their administrative responsibilities include the processing of judgment records, maintaining court dockets, and securing transcripts from lower courts.

Nebraska law specifies that counties with 6,000 inhabitants are required to have a clerk of the district court, elected by the voters. In counties with less than 6,000 population, the county clerk is designated as the ex officio clerk of the district court and performs the duties of that office. At the present time, Nebraska has 89 district court clerks and four county clerks who serve as ex officio clerks of the district courts.

## County Courts

Prior to 1973, each of Nebraska's 93 counties had a county judge as well as several hundred justices of the peace and local magistrates, the majority of whom had no legal training. The 1972 Unicameral reorganized the county court system by abolishing the justices of the peace and police magistrate courts and combining their functions into the county court system. Legal authority of the county court was increased, qualifications for judges and other court personnel were established.

The county court system is organized into 21 judicial districts which are identical to the district court judicial districts. Each county has a county court. The districts range in size from one to nine counties, with one to three judges for each judicial district. Nebraska has 44 county court judges.

### Jurisdiction

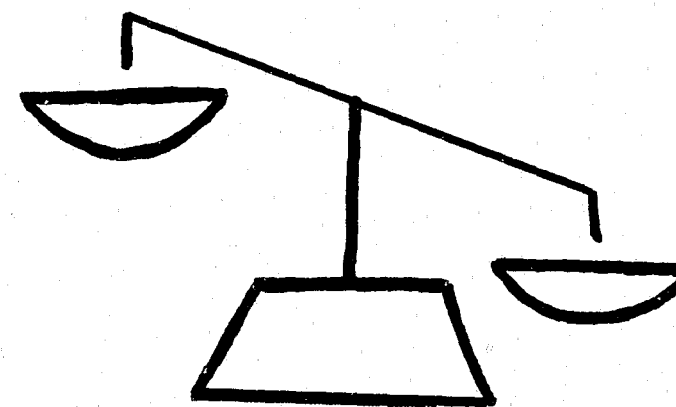
County courts have exclusive original jurisdiction in all probate, guardianship, conservatorship, adoption, and eminent domain matters, and in civil cases up to \$10,000. They also have concurrent jurisdiction with district courts in misdemeanor cases arising under state law, but virtually all misdemeanor cases are tried in the county courts. The jurisdictional limit of the county courts in civil cases is \$10,000. While this jurisdiction is exercised concurrently with the district courts, the majority of cases involving less than \$10,000 are filed in the county courts.

Preliminary hearings in felony cases generally are held in county courts, except in Omaha, where the municipal court conducts most of the preliminary hearings. However, preliminary hearings also may be heard in district courts. Since Nebraska rarely uses grand jury charges, the preliminary hearing is used to determine whether there is probable cause to believe that a crime has been committed and whether the person charged is responsible.

### Associate County Judges - Clerks of County Courts

Associate county judges (clerks in Douglas and Lancaster counties) have the responsibilities for the administrative functions of the county court offices. These officers are appointed by county judges of the district in which they serve.

Individuals serving as associate county judges also have some judicial responsibilities. They may accept pleas in traffic and misdemeanor cases, set bail, and perform other limited judicial services.



## Separate Juvenile Courts

Nebraska has three separate juvenile courts located in Douglas, Lancaster, and Sarpy counties. In the remaining 90 Nebraska counties, juvenile matters are heard in their respective county courts.

Nebraska law permits separate juvenile courts to be created with the approval of the voters in any county with a population of more than 30,000 people.

The separate juvenile courts have the same jurisdiction and employ the same procedures as the county courts sitting as juvenile courts in other counties, except that appeals for the separate juvenile courts go directly to the Supreme Court.

Separate juvenile courts are courts of record and handle matters involving neglected, dependent, and delinquent children. The court also may be given jurisdiction in domestic relations cases where the care, support or custody of minor children is an issue.

Douglas County has two judges; Lancaster and Sarpy counties have one judge each. The judges are selected and retained under the merit plan.



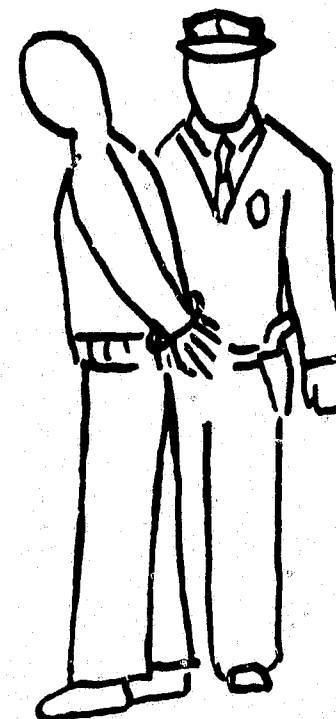
## Municipal Courts

Nebraska has two municipal courts - one in Lincoln and one in Omaha. State law requires each city of the metropolitan and primary classes to maintain a municipal court.

Municipal courts have original jurisdiction in cases involving the violation of city laws of their respective cities. They have joint authority with the county courts in civil cases, including small claims, and in criminal and traffic cases occurring under jurisdiction of state law.

As a matter of procedure, felony preliminary hearings are heard in the Omaha Municipal Court, but not in the Lincoln Municipal Court. State Patrol traffic cases are filed in the Lincoln Municipal Court, but not in the Omaha Municipal Court.

Both of the municipal courts receive all their financial support from their respective city governments, however both courts are subject to the governing authority of the Supreme Court. The salaries of municipal court judges are set by state law, and the judges are selected and retained under the merit plan.



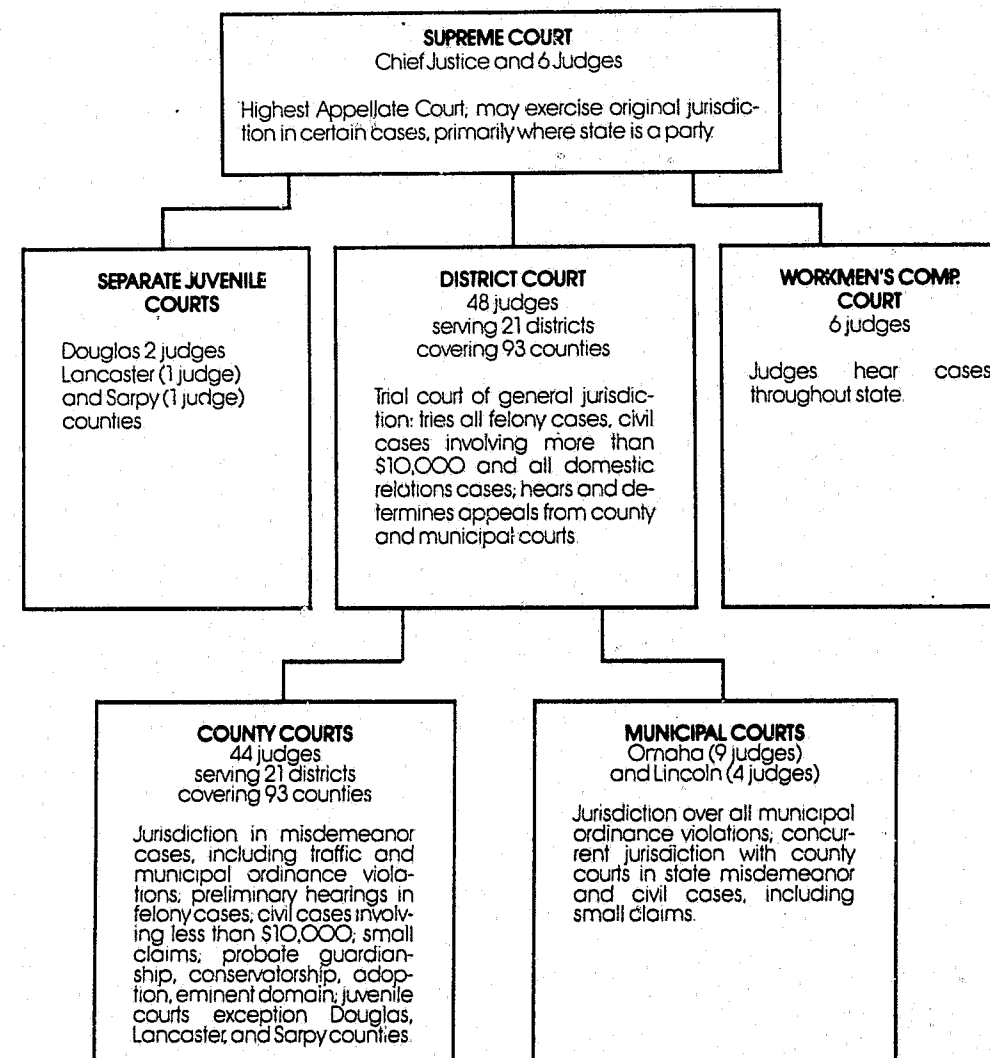
## Workmen's Compensation Court

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

Disputed claims for workmen's compensation are submitted to the compensation court for finding, award, order or judgment. Appeals may be taken to the Supreme Court.

The court consists of six judges; one of these five is elected by the others as the presiding judge. Compensation court judges have statewide jurisdiction and travel to all parts of the state to hold hearings in county seats.

## Court Structure – Process of Appeal



## Prehearing Conference

The Prehearing Conference was established in 1979 as a voluntary procedure in which attorneys agree to appear before a retired judge in an attempt to settle their cases on appeal to the Supreme Court. On Jan. 1, 1982, the conference became a mandatory procedure for all domestic relations cases, appeals from the workmen's compensation court cases, and for all other cases in which the amount did not exceed \$5,000. On Jan. 1, 1983, the process became mandatory in all civil cases.

## Financial Responsibility

The financing of Nebraska's courts is a mixed state and local responsibility. Less than two per cent of the total state budget is appropriated for the judicial branch. The Supreme Court and the Workmen's Compensation Court are entirely state-financed.

The State of Nebraska pays approximately 90 per cent of the finances of the county court system. It pays all personnel costs, including travel, and expenses associated with tape recording equipment. Counties are responsible for providing office supplies, equipment, and facilities.

Salaries and expenses of the district court judges and separate juvenile court judges and their court reporters are paid by the state. Counties are responsible for other operating costs of the district and separate juvenile courts, including clerical personnel.

The Lincoln and Omaha Municipal Courts are financed entirely by their respective cities.

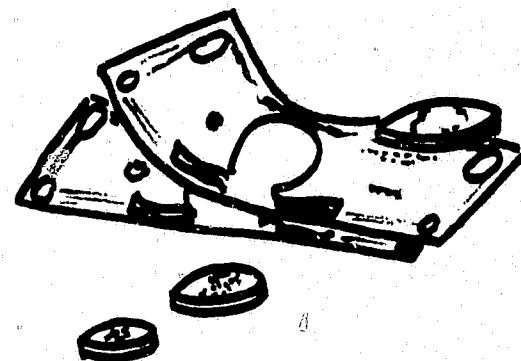


## Distribution of Court-Generated Revenues

Fees and costs collected by the Supreme Court, county courts, and the compensation court, are deposited into the state's General Fund. Counties receive fees and costs that have been collected by the district courts. The cities of Lincoln and Omaha keep the fees and costs from municipal court cases.

Nebraska's Constitution controls the distribution of fines collected by the courts. Most of this revenue is distributed to school districts. Some fines result from the use of overloaded trucks. This revenue is split between the state highway fund, which receives 75 per cent, and the general fund of the county in which the violation occurs, which receives 25 per cent.

The district courts are required to pay \$5 of their \$40 filing fee to the State Treasurer. In addition, the courts collect a \$1 fee in each civil and criminal case for the judges retirement fund, plus a fee based on the value of the estate in probate cases. In all criminal and traffic cases resulting in conviction, the courts collect a \$2 fee for the Law Enforcement Training Fund, which supports the Nebraska Law Enforcement Training Academy at Grand Island.



## Probation System

The term probation is often misunderstood. Probation refers to an offender serving a sentence within a community setting rather than in a correctional institution. If an offender is convicted and placed on probation, generally he or she will be required to perform specified functions designed to rehabilitate rather than punish. This concept is not to be confused with that of parole, in which an offender is released before he or she has completed his or her original sentence on condition of continued good behavior.

A probationer is allowed to live at home. In all cases, the individual is allowed to pay for any damages caused while committing the crime. This also allows the probationers to support themselves financially and removes the responsibility from the hands of the state. During the probation term, the individual is also required to report regularly to the probation officer in the district from which the probation sentence is being served.

The Nebraska State Probation System is divided into 17 probation districts which serve the 21 judicial districts in the state. Each probation district is supervised by a chief probation officer and includes line staff field probation officers and a clerical staff.

The officers' responsibilities include completing pre-sentence investigations on offenders for the courts and supervising those persons placed on probation by the courts. The areas of probation supervision cover juvenile and adults, misdemeanor and felony cases. At the present time, the Douglas, Lancaster, and Sarpy separate juvenile courts, and the Lincoln and Omaha municipal courts have probation services which are apart from the Nebraska Probation Systems.

In addition, Nebraska participates in the Interstate Compact which allows probationers from other states, who have moved to Nebraska, to be supervised, as well as for Nebraska probationers who have moved out of state to be supervised by probation officers in their new place of residence.

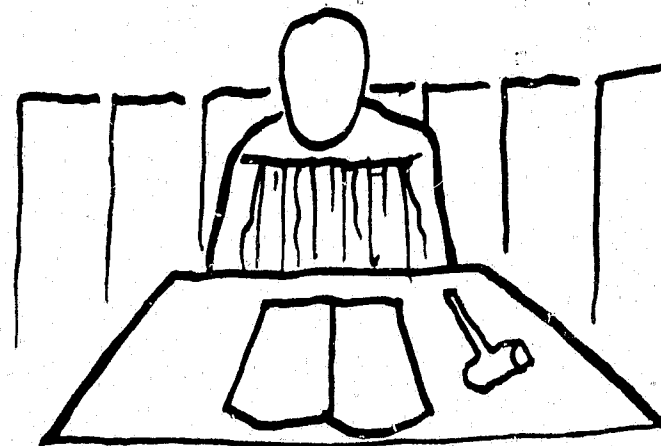
Operation of the statewide probation system is the legal responsibility of the Nebraska Probation Systems Committee. This committee includes district and county judges, and members of the field probation service. The state-financed system serves both the district and county courts. Probation staffs of the separate juvenile courts in Douglas, Lancaster, and Sarpy counties are paid by the counties.

# THE JUDGES:

## Where Do Judges Come From?

The merit system, sometimes called the Missouri plan, is used for the selection and retention of Nebraska judges. When a judicial vacancy occurs, a judicial nominating commission submits the names of at least two qualified attorneys to the Governor. Generally, the Governor makes the final decision as to who will become the new judge. However, if the Governor elects not to make an appointment within 60 days after receiving the list of nominees from the judicial nominating commission, the chief justice of the Supreme Court makes the appointment from the list of nominees.

Each judicial nominating commission is made up of four lawyers selected by the Nebraska State Bar Association, and four nonlawyers who are appointed by the Governor. All members of the commission must live in the district for which they serve. In addition, the judicial nominating commission must not have more than two lawyers or two nonlawyer members from either political party.



## Qualifications of Judges

Applicants for positions on all levels of Nebraska courts must meet a number of requirements in order to be appointed to office. Each person must be a U.S. citizen, at least 30 years of age, and must have had a minimum of five years of law practice which may include prior service as a judge. In addition, the individual must be a current member of the Nebraska State Bar Association.

A Supreme Court judge applicant must be a resident and elector, for at least three years, of the district to be represented. District court, county court, separate juvenile court, and municipal court judges must on the effective date of their appointment be residents of the districts to be served, and must remain residents of those districts during their periods of service. Workmen's Compensation Court judges are required to reside in Lancaster County unless permission has been given by a majority vote of the compensation court to live elsewhere.

## Retention of Judges

A judge must run for retention in office at the first general election that occurs more than three years after his or her appointment, and every six years thereafter.

When a judge runs for retention in office, the question presented to the voters is in the form, "Shall Judge \_\_\_\_\_ be retained in office?" If more than 50 per cent of the voters indicate that the judge should not be retained, the judge is removed and a vacancy occurs.

The merit system was adopted by constitutional amendment in 1962. It originally applied to the selection of judges to the Supreme Court and district courts. Since then, it has been extended to include all judges.

Judges may retire at the age of 65, and must retire upon reaching the age of 72. Earlier retirement due to disability may be approved by the Commission on Judicial Qualifications, which also has the responsibility of investigating complaints against judges.

## Discipline of Judges

In 1966, Nebraska voters adopted constitutional provisions for a Commission on Judicial Qualifications, which reviews complaints submitted by the general public regarding the behavior of judges, and has the authority to privately reprimand judges as well as to order formal hearings on the matters in question. The commission was significantly modified by a constitutional amendment in 1980, and legislation enacted in 1981.

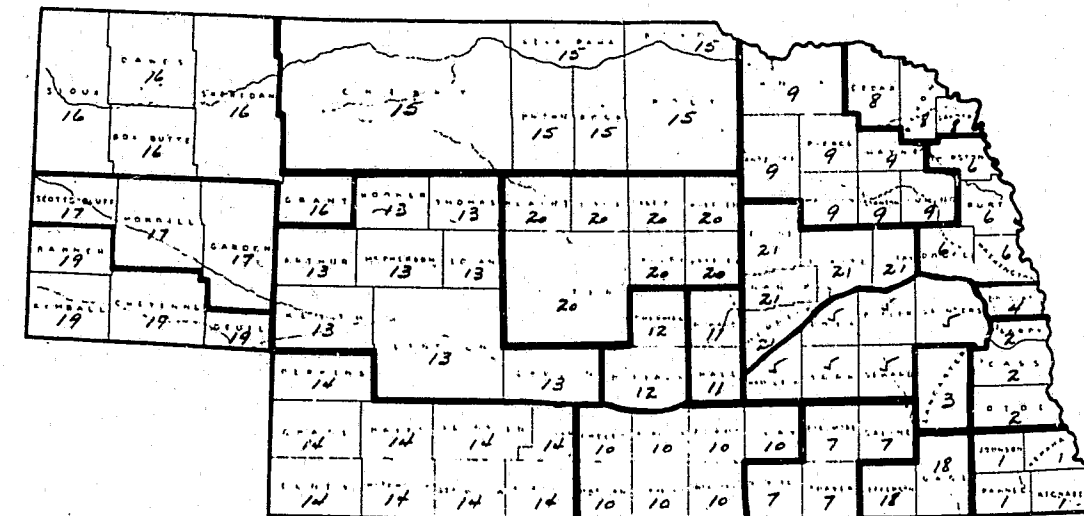
According to statute, a judge may be disciplined for behavior which violates the laws and purposes of his or her office. In addition, a judge may be disciplined for misconduct in office, failure to perform his or her duties, frequent intemperance, conviction of a crime involving moral turpitude, and disbarment.

Once charges are established upon clear and convincing evidence, the commission may recommend to the Supreme Court that a judge be reprimanded, disciplined, censured, suspended without pay for a period not exceeding six months, removed, or retired. Disciplinary suspension of a judge does not create a vacancy in the office. A judge is not allowed to participate in any proceedings involving his or her own case.

The Commission on Judicial Qualifications consists of 10 members: the chief justice, who serves as its permanent chairperson; three judges appointed by the Supreme Court; three attorneys appointed by the Nebraska State Bar Association; and three lay citizens appointed by the governor.

The Commission on Judicial Qualifications prepares an annual report of its activities, which is available upon request from the State Court Administrator, State Capitol, Lincoln, NE 68509.

## Nebraska's Judicial Districts



District	No. of Counties	Population 1980	Area Sq. Mi.	County Court Judges	District Court Judges	Muni Court Judges	Juvenile Court Judges
1	4	28,160	1,760	1	1	-	-
2	3	119,606	1,413	3	3	-	1
3	1	186,961	845	2	6	4	1
4	1	388,945	335	2	12	9	2
5	6	73,436	3,458	3	2	-	-
6	4	63,131	1,785	2	2	-	-
7	4	34,670	2,308	2	1	-	-
8	3	34,137	1,472	2	1	-	-
9	7	86,911	4,550	3	2	-	-
10	7	68,989	3,877	2	2	-	-
11	2	54,370	1,101	2	2	-	-
12	2	38,976	1,519	1	1	-	-
13	8	70,693	8,097	3	2	-	-
14	9	40,883	6,953	2	1	-	-
15	6	31,135	11,904	2	1	-	-
16	5	32,597	7,743	2	2	-	-
17	3	45,677	3,806	2	2	-	-
18	2	34,011	1,435	1	1	-	-
19	4	17,974	3,313	2	1	-	-
20	7	27,786	6,126	2	1	-	-
21	5	59,740	2,675	3	2	-	-

## Types of Cases

Most legal matters filed in Nebraska state courts are classified as being civil or criminal in nature.

### Civil

Civil cases usually are disputes between private citizens, corporations, governmental bodies or other organizations. Civil cases may involve property or personal rights. For example:

- (1) actions arising from landlord-tenant disputes
- (2) auto or personal accidents
- (3) breach of warranty and consumer goods
- (4) contract disputes
- (5) adoptions
- (6) divorces
- (7) probates
- (8) guardianships
- (9) professional liability suits

In a civil action the party bringing the action (plaintiff) must prove his or her case by presenting evidence that is more convincing to the trier of fact (judge or jury) than the evidence of the opposing party (defendant).

### Criminal

Criminal cases are brought by the state against individuals or groups of individuals accused of committing a crime. The state makes the charge because a crime is considered an act against all of society.

The prosecuting attorney presents the charge against the accused person (defendant) on behalf of the state (plaintiff). The prosecution must prove to the judge or jury that the defendant is guilty beyond a reasonable doubt.

## Types of Criminal Offenses

There are two classifications of criminal offenses: felonies and misdemeanors. The most serious criminal offenses are called felonies. Felonies are punishable by confinement in a state prison. Examples of felonies are:

- (1) arson
- (2) assault
- (3) larceny
- (4) burglary
- (5) murder
- (6) rape

Minor offenses are called misdemeanors. Misdemeanors are punishable by fine and/or confinement of up to one year in a local city or county jail. Examples of misdemeanors include:

- (1) theft of property valued at up to \$250
- (2) driving while under the influence (DWI) of alcohol or drugs
- (3) disorderly conduct
- (4) prostitution
- (5) possession of less than 40 grams of marijuana

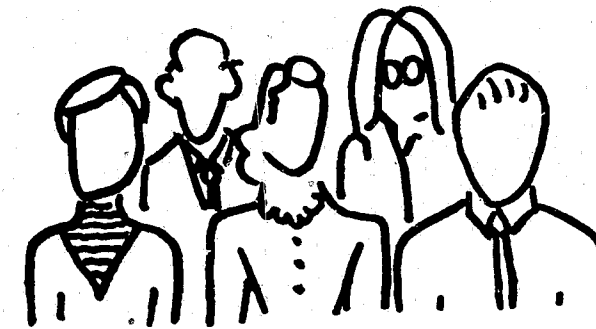


## State Court Administrator's Office

The Constitution of the State of Nebraska, as amended in 1970, vests general administrative authority over all courts in the Supreme Court, and provided that this authority shall be exercised by the chief justice. It also states that the chief justice will be the executive head of the courts, and may appoint an administrative director.

The court administrator's responsibilities include developing coordination within the judicial branch and with other state agencies with regard to programs affecting the courts, developing plans for improvement of the judicial system, and serving as a central source for information about the courts.

The court administrator's office has helped the state's courts in case processing and records management, developing a statistical reporting system for both the district and county courts, and implementing a uniform accounting system for county courts along with improved in-service training programs for court personnel.



## Judges Speakers Bureau

Nebraska's judiciary supports a speakers bureau staffed by district, county, separate juvenile court, and municipal judges, who are available as judicial resources for classroom and community organization presentations.

A listing of the judicial resources in your area can be obtained by contacting the court administrator's office, State Capitol.

The judges also welcome visitors to their courtrooms so you can get a first hand view of your working courts. Courtroom visits can be arranged by contacting the clerk of the court in your county.

For additional information on your Nebraska courts including caseload statistics and rosters of judges, contact the State Court Administrator's Office, State Capitol, Lincoln, NE 68509 (Phone: (402) 471-3730).

# GLOSSARY

<b>abet</b>	To encourage or incite another to commit a crime.
<b>abstract of record</b>	A complete history in short; abbreviated form of the case as found in the record.
<b>acquit</b>	To find a defendant not guilty in a criminal trial.
<b>adjudication</b>	Giving or pronouncing a judgment or decree; also the judgment given.
<b>adversary system</b>	The system of trial practice in the U.S. and some other countries in which each of the opposing or adversary parties has full opportunity to present and establish its opposing contentions before the court.
<b>affidavit</b>	A written, sworn statement of facts made voluntarily, usually in support of a motion or in response to a request of the court.
<b>affirm</b>	The assertion of an appellate court that the judgment of lower court is correct and should stand.
<b>allegation</b>	The assertion, declaration or statement of a party to a lawsuit often made in a pleading or legal document, setting out what the party expects to prove at the trial.
<b>amicus curiae</b>	A friend of the court; one who interposes and volunteers information upon some matter of law.
<b>answer</b>	A pleading by which defendant endeavors to resist the plaintiff's allegation of facts.
<b>appeal</b>	A request to take a case to a higher court for review.

<b>appearance</b>	The formal proceeding by which a defendant submits himself or herself to the jurisdiction of the court.
<b>appellant</b>	The party appealing a decision or judgment to a higher court.
<b>appellate jurisdiction</b>	The power of a court to review a case that has already been tried by a lower court.
<b>appellee</b>	The party against whom an appeal is taken.
<b>arbitration</b>	The hearing and settlement of a dispute between opposing parties by a third party whose decision the parties have agreed to accept.
<b>arraignment</b>	In a criminal case, the proceeding in which an accused is brought to the court to hear the charges read and to enter a plea.
<b>arrest</b>	To take into custody; to deprive a person of liberty by legal authority.
<b>attachment</b>	A remedy by which plaintiff is enabled to acquire a lien upon property or effects of defendant for satisfaction of judgment which plaintiff may obtain in the future.
<b>attorney of record</b>	The attorney whose name appears as counsel to a party in the permanent records or files in a case.
<b>attorney-at-law</b>	A lawyer; one who is licensed to act as a representative for another in a legal matter or proceeding.
<b>bail</b>	To set at liberty a person arrested or imprisoned on security (or bail) being taken for his or her appearance in court on a specified day and place.
<b>bailliff</b>	A court attendant whose duties are to keep order in the courtroom and to have custody of the jury.
<b>banc</b>	Bench; the place where a court permanently or regularly sits. A "sitting en banc" is a meeting of all the judges of the court; as distinguished from the sitting of a single judge.



<b>bar</b>	Historically, the partition separating the general public from the space occupied by the judges, attorneys, jury, and others during a trial. More commonly, the whole body of lawyers qualified to practice in any jurisdiction. A "case at bar" is a case now under the court's consideration.
<b>bench</b>	The seat occupied by the judge; more broadly, the court itself.
<b>beneficiary</b>	The individual or corporation who receives the benefit of a transaction; e.g. beneficiary of a life insurance policy.
<b>best evidence</b>	Primary evidence; the best evidence which is available; any evidence falling short of this standard is secondary; i.e., an original letter is best evidence compared to a copy.
<b>bind over</b>	To hold for trial.
<b>brief</b>	A written document presented to the court by a lawyer usually setting forth both facts and law in support of his or her case.
<b>burden of proof</b>	In the law of evidence, the necessity or duty of affirmatively proving a fact or facts in dispute.
<b>capital case</b>	A criminal case in which death sentence may be imposed.
<b>case</b>	Any proceeding, action, cause, lawsuit or controversy initiated through the court system by filing a complaint, petition, indictment or information.
<b>caseload</b>	The number of cases a judge or a court handles in a specific time period.
<b>cause</b>	A suit, litigation or action, civil or criminal.
<b>cause of action</b>	The rights which a party has to institute a judicial proceeding.
<b>certiorari</b>	An original writ or court order commanding judges or officers of inferior courts to certify or return records of proceedings in a cause for judicial review.

<b>chambers</b>	The private office or room of a judge.
<b>change of venue</b>	The removal of a suit begun in one district to another district for trial or from one court to another in the same district.
<b>charge</b>	Formal accusation of having committed a criminal offense.
<b>chief justice</b>	Presiding judge of the Supreme Court.
<b>civil action</b>	A lawsuit between or among private parties for declaration, enforcement or protection of a right, or for redress or prevention of a wrong.
<b>claim</b>	The assertion of a right to money or property.
<b>code</b>	A collection, compendium or revision of laws systematically arranged into chapters, table of contents and index, and promulgated by legislative authority.
<b>codicil</b>	A supplement or an addition to a will.
<b>commit</b>	To send a person to prison, reformatory, workhouse or an asylum by lawful authority.
<b>common law</b>	The law of a country based on custom, usage, and the decision of law courts.
<b>commutation</b>	The change of a punishment from a greater degree to a lesser degree, as from death to life imprisonment.
<b>comparative negligence</b>	The doctrine by which acts of the opposing parties in a civil action are compared in the degrees of "slight," "ordinary," and "gross" negligence.
<b>complainant</b>	Synonymous with "plaintiff."
<b>concurrent sentence</b>	Sentences for more than one crime in which the time of each is to be served concurrently rather than successively.
<b>condemnation</b>	The legal process by which real estate of a private owner is taken for public use without the owner's consent, but upon the award and payment of just compensation.

<b>consecutive sentences</b>	Successive sentences, succeeding one another in regular order.
<b>contempt of court</b>	Any act calculated to embarrass, hinder or obstruct a court in the administration of justice, or calculated to lessen its authority or dignity. Contempts are two kinds: direct and indirect. Direct contempts are those committed in the immediate presence of the court; indirect is the term chiefly used with reference to the failure or refusal to obey a lawful order.
<b>controlling case</b>	A prior appellate court opinion dealing with a case which, by reason of its legal point or facts, is so similar to a current case as to constitute a precedent.
<b>conviction</b>	The finding that a person is guilty beyond a reasonable doubt of committing a crime.
<b>corroborating evidence</b>	Evidence supplementary to that already given and tending to strengthen or confirm it.
<b>costs</b>	An allowance for expenses in prosecuting or defending a suit; ordinarily does not include attorney's fees.
<b>counterclaim</b>	A claim presented by a defendant against the plaintiff in a civil action.
<b>counsel</b>	A lawyer or group of lawyers.
<b>court administrator</b>	Manager of administrative, nonjudicial affairs of a court.
<b>court of record</b>	A court in which a permanent record of proceedings is made; a court having the power to fine or imprison for contempt.
<b>court reporter</b>	Person who records and transcribes the verbatim testimony and all other oral statements made during court sessions.
<b>crime</b>	Conduct declared unlawful by a legislative body and for which there is a punishment of a jail or prison term, a fine, or both.

<b>criminal insanity</b>	Lack of mental capacity to do or abstain from doing a particular act; inability to distinguish right from wrong.
<b>criminal matters</b>	Cases concerned with acts considered harmful to the general public that are forbidden by law and are punishable by fine, imprisonment or death.
<b>cross-examination</b>	The questioning of a witness in a trial, or in the taking of a deposition, by the party opposed to the one who produced the witness.
<b>custody</b>	Detaining a person by lawful process and authority to assure his or her appearance at any hearing; the jailing or imprisonment of a person convicted of a crime.
<b>damages</b>	Financial compensation claimed by or ordered paid to a person who has suffered injury or loss through the unlawful act or negligence of another.
<b>de novo</b>	Anew, afresh; a "trial de novo" is the retrial of a case.
<b>declaratory judgment</b>	A court's judgment that declares the rights of the parties or expresses the opinion of the court on a question of law without ordering anything to be done.
<b>decree</b>	A decision or order of the court. A final decree is one which fully and finally disposes of the litigation; an interlocutory decree is a provisional or preliminary decree which is not final.
<b>default</b>	The failure of a party to respond in a timely manner to a pleading; a failure to appear for trial.
<b>defendant</b>	A person sued or accused.
<b>demur</b>	To file a pleading (called "a demurrer") admitting the truth of the facts in the complaint or answer, but contending they are legally insufficient.
<b>deposition</b>	The testimony of a witness not taken in open court, but in pursuance of authority given by statute or rule of court to take testimony elsewhere.

<b>dictum</b>	A statement in a court's opinion that is not necessary to the decision of the case, but that is included as "by the way" remark of the court. (Formally called "obiter dictum"; plural, "dicta.")
<b>direct evidence</b>	Proof of facts by witnesses who saw acts done or heard words spoken in relation to a matter directly in issue; as distinguished from circumstantial evidence.
<b>direct examination</b>	The first interrogation of a witness by the party on whose behalf he or she is called.
<b>directed verdict</b>	An instruction by the judge to the jury to return a specific verdict mandated by the evidence.
<b>discovery</b>	A proceeding whereby one party to an action may learn of facts known by other parties or witnesses.
<b>dissent</b>	The explicit disagreement of one or more judges or a court with the decision of the majority.
<b>docket</b>	A list of cases to be tried by a court.
<b>domestic relations</b>	Refers to dissolution of marriage (divorce); custody of children and financial support; maintenance (alimony) and property division.
<b>domicile</b>	The place where a person has his or her true and permanent home; a person may have several residences, but only one domicile.
<b>double jeopardy</b>	More than one prosecution for the same crime, transaction or omission.
<b>DWI</b>	Driving while under the influence of intoxicating liquor or drugs.
<b>due process</b>	Law in its regular course of administration through the courts of justice. The constitutional guarantee of due process requires that every individual have the protection of a fair trial.
<b>embezzle</b>	To take money or property for one's own use in violation of a trust.

<b>eminent domain</b>	The lawful power to take private property for public use by the process of condemnation.
<b>enjoin</b>	To require a person by order of the court to perform, to abstain or resist from some act.
<b>entrapment</b>	The act of officers or agents of a government in inducing a person to commit a crime not contemplated by him or her for the purpose of instituting a criminal prosecution against that individual.
<b>escrow</b>	A writing or deed delivered by the grantor into the hands of a third person, to be held by the latter until the happening of a contingency or performance of a condition.
<b>estoppel</b>	A person's own act or acceptance of facts which preclude his or her later making claims to the contrary.
<b>evidence</b>	A fact presented before a court such as a statement of a witness, an object, etc., that bears on or establishes a point in question.
<b>ex parte</b>	By or for one party; done for, in behalf of, or on the application of one party only.
<b>ex rel</b>	In behalf of.
<b>exception</b>	A formal objection to an action of the court during the trial of a case, in refusing a request, or overruling an objection; implying the party excepting does not acquiesce in the decision of the court, but will seek to procure its reversal.
<b>executor</b>	A person appointed to carry out the directions and requests of a will and to dispose of the property according to its testamentary provisions.
<b>exhibit</b>	A paper, document or other article produced and exhibited to a court during a trial or hearing.

<b>expert evidence</b>	Testimony given in relation to some scientific, technical or professional matter by experts; i.e., persons qualified to speak authoritatively by reason of their special training, skill or familiarity with the subject.
<b>extenuating circumstances</b>	Circumstances which render an event less aggravated, heinous or reprehensible than it would otherwise be; such circumstances may ordinarily be shown in order to reduce the punishment or damages.
<b>extradition</b>	The surrender by one state to another of an individual accused or convicted of an offense outside its own territory and within the territorial jurisdiction.
<b>false arrest</b>	Any unlawful physical restraint of another's liberty whether in prison or elsewhere.
<b>felony</b>	A crime of a graver nature than a misdemeanor; generally, an offense punishable by death or imprisonment in a penitentiary; in Nebraska, Class I through Class IV.
<b>fiduciary</b>	A term derived from the Roman law meaning a person holding the character of a trustee; in respect to the trust and confidence involved in it and the scrupulous good faith and candor which it requires.
<b>fine</b>	A sum of money imposed upon a convicted person as punishment for a criminal offense.
<b>forcible entry and detainer</b>	A summary proceeding for restoring possession of land to one who has been wrongfully deprived of possession.
<b>forgery</b>	The false making or material altering with intent to defraud of any writing which, if genuine, might be the foundation of a legal liability.
<b>fraud</b>	An intentional perversion of truth; deceitful practice or device resorted to with intent to deprive another of property or other right or in some manner to do him or her injury.

<b>garnishment</b>	A proceeding whereby property, money or credits of a debtor in possession of another (garnishee), are applied to the debts of the debtor.
<b>garnishee</b>	The person upon whom a garnishment is served; usually a debtor of the defendant in the action; (verb) to institute garnishment proceedings.
<b>grand jury</b>	A body of persons sworn to inquire into crime and bring an accusation (indictment) against the suspected criminal if warranted; grand juries are uncommon in Nebraska.
<b>guardian ad litem</b>	Person appointed by a court to look after the interest of a minor whose property is involved in litigation.
<b>habeas corpus</b>	"You have the body"; name given a variety of writs whose object is to bring a person before a court or judge. In most common usage, it is directed to the official person detaining another, commanding him or her to produce the body of the prisoner or person detained so the court may determine if such person has been denied his or her liberty without due process of law.
<b>hearing</b>	An in-court proceeding before a judge generally open to the public.
<b>hearsay</b>	Testimony given by a witness who relates what he or she has heard said by others, not what he or she knows personally.
<b>heir</b>	The person who inherits property under state law.
<b>holographic will</b>	A testamentary instrument or will entirely written, dated and signed by the testator is his or her own handwriting.
<b>hostile witness</b>	A witness who is subject to cross-examination by the party who called him or her to testify because of his or her evident antagonism toward that party as exhibited in his or her direct examination.

<b>Immunity from prosecution</b>	The waiver by a prosecutor of his or her right to prosecute in exchange for information or testimony.
<b>Impeachment of witness</b>	An attack on the credibility of a witness by other evidence or the testimony of other witnesses.
<b>In camera</b>	In chambers; in private.
<b>Inadmissible</b>	That which, under the established rules of evidence, cannot be admitted or received.
<b>Indeterminate sentence</b>	An indefinite sentence of "not less than" and "not more than" so many years, the exact term to be served being afterwards determined by parole authorities within the minimum and maximum limits set by the court or by statute.
<b>Indictment</b>	An accusation in writing found and issued by a grand jury, charging that a person named has done some act, or is guilty of some omission, which by law is a crime.
<b>Inferior court</b>	Any court subordinate to the chief appellate tribunal in a particular judicial system.
<b>Information</b>	An accusation of some criminal offense in the nature of an indictment, but which is presented by a competent public officer such as a county attorney instead of a grand jury.
<b>Infraction</b>	An act which is prohibited by law but which is not legally defined as a crime.
<b>Inheritance tax</b>	Tax imposed by Nebraska according to the relationship to the decedent of the person who receives the property.
<b>Injunction</b>	A mandatory or prohibitive order issued by a court.
<b>Insanity</b>	A complete defense to a crime; exists when at the time of the commission of the crime, the accused was not aware of the nature and quality of his or her criminal act, or if the accused did, was not aware that the act was legally wrong.

<b>Instruction</b>	A direction given by the judge to the jury concerning the law of the case.
<b>Interlocutory</b>	Provisional; temporary; not final; refers to orders and decrees of a court.
<b>Interrogatories</b>	Written questions propounded by one party and served on an adversary, who must provide written answers under oath; discovery procedure in preparation for a trial.
<b>Intestate</b>	One who dies without leaving a will.
<b>Irrelevant</b>	Evidence not relating or applicable to the matter in issue; not supporting the issue.
<b>Jeopardy</b>	Exposure to possible conviction, such as being on trial in court.
<b>John Doe</b>	A fictitious name used in law to designate a person unknown.
<b>Judge</b>	An elected or appointed official with authority to hear and decide cases in a court of law; Nebraska judges are selected and retained according to the merit plan, also called the Missouri plan.
<b>Judgment</b>	The official decision or decree of the court upon the rights and claims of the parties.
<b>Jurisdiction</b>	The legal power to hear and decide cases; the territorial range of such power.
<b>Jurisprudence</b>	The philosophy of law or the science which treats of the principles of positive law and legal relationships.
<b>Jury (or petit jury)</b>	A jury of 12 (or fewer) persons, selected according to law, who are sworn to inquiry of certain matters of fact, and to declare the truth upon evidence laid before them.
<b>Jury commissioner</b>	An officer charged with the duty of selecting the names to be put into a jury wheel, or with selecting the panel of jurors for a particular term of court.



<b>leading question</b>	One which instructs a witness how to answer or puts into the witness' mouth, words to be echoed back; one which suggests to the witness the answer desired; prohibited on direct examination with some exceptions.
<b>libel</b>	A method of defamation expressed by print, writing, pictures or signs; in its most general sense, any publication that is injurious to the reputation of another.
<b>lien</b>	An encumbrance upon property, usually as security for a debt or obligation.
<b>limitation</b>	A certain time allowed by statute in which litigation must be brought.
<b>litigation</b>	A judicial controversy.
<b>malfeasance</b>	Evil doing; ill conduct; the commission of some act, especially by a public official, which is positively prohibited by law.
<b>mandamus</b>	The name of a writ which issues from a court of superior jurisdiction, directed to an inferior court or a public officer, commanding the performance of a particular act.
<b>mandate</b>	A command from a court directing the enforcement of a judgment, sent in the form of a decree.
<b>manslaughter</b>	The unlawful killing of another without malice; may be voluntary, upon a sudden impulse, or involuntary in the commission of some unlawful act.
<b>material evidence</b>	Such as is relevant and goes to the substantial issues in dispute.
<b>merit plan</b>	Method for the selection and retention of judges in Nebraska; sometimes called the Missouri plan.
<b>misdemeanor</b>	Offenses less than felonies; generally those punishable by fine or imprisonment otherwise than in penitentiaries; in Nebraska, Class I through Class V.

<b>mistrial</b>	An erroneous or invalid trial; a trial which cannot stand in law because of lack of jurisdiction, wrong drawing of jurors, or disregard of some other fundamental requisite.
<b>mitigating circumstance</b>	One which does not constitute a justification or excuse for an offense, but which may be considered as reducing the degree of moral culpability; as used in death penalty considerations.
<b>moot</b>	Unsettled; undecided; a moot point is one not settled by judicial decisions; a moot case is one that seeks to determine an abstract question which does not arise upon existing facts.
<b>moral turpitude</b>	Conduct contrary to honesty, modesty or good morals.
<b>municipal court</b>	Court with jurisdiction over territory coextensive with the boundaries of the county in which it is located; in Nebraska, municipal courts are located in Lincoln and Omaha.
<b>murder</b>	The unlawful killing of a human being by another with malice aforethought, either express or implied.
<b>negligence</b>	The failure to do something which a reasonable person, guided by ordinary considerations, would do; the doing of something which a reasonable and prudent person would not do.
<b>next friend</b>	One acting for the benefit of an infant or other person without being regularly appointed as guardian.
<b>no bill</b>	This phrase, endorsed by a grand jury on the indictment, is equivalent to "not found" or "not a true bill"; in the opinion of the jury, evidence was insufficient to warrant the return of a formal charge.
<b>nolo contendere</b>	A pleading usually used by defendants in criminal cases; literally means "I will not contest it."



<b>notary public</b>	A person authorized by law and specifically designated to administer oaths, certify and authenticate specific documents, and perform other prescribed acts.
<b>oath</b>	Written or oral pledge by a person to keep a promise or speak the truth.
<b>objection</b>	The act of taking exception to some statement or procedure in trial; used to call the court's attention to improper evidence or procedure.
<b>opinion</b>	A formal statement by a judge or justice of the law bearing on a case.
<b>ordinance</b>	A law passed by a city or town lawmaking body.
<b>panel</b>	A list of jurors to serve in a particular court or for the trial of a particular action; denotes either the whole body of persons summoned as jurors for a particular term of court or those selected by the clerk by lot.
<b>parole</b>	The conditional release of a convict from prison before the expiration of his or her sentence. If he or she meets the conditions, the parolee does not have to serve the remainder of the sentence.
<b>parties</b>	The persons who are actively concerned in the prosecution or defense of a legal proceeding.
<b>per curiam</b>	A phrase used to distinguish an opinion of the whole court from an opinion written by any one judge.
<b>peremptory challenge</b>	The challenge which the prosecution or defense may use to reject a certain number of prospective jurors without assigning any cause.
<b>personal representatives</b>	Includes executor, administrator, special administrator, and persons who perform substantially the same functions in decedents' estates.

<b>perjury</b>	The willful assertion as to a matter of fact, opinion, belief or knowledge, made by a witness in a judicial proceeding as part of his or her evidence, whether upon oath or in any form allowed by law to be substituted for an oath, and known to such witness to be false.
<b>petition</b>	Written application to a court requesting a remedy available under law.
<b>plaintiff</b>	The person who brings an action; the party who complains or sues in a personal action and is so named on the record.
<b>plea</b>	A defendant's official statement of "guilty" or "not guilty" or to the charges made against him or her.
<b>plea bargaining (or negotiation)</b>	The process by which the prosecutor and the defense counsel attempt to resolve a criminal case by a guilty plea with an agreed upon sentence to be submitted to a trial judge for approval or disapproval.
<b>pleading</b>	The process by which the parties in a suit or action alternately present written statements of their contentions, each responsive to that which precedes, and each serving to narrow the field of controversy, until there evolves a specific point or points, affirmed on one side and denied on the other, called the "issue" upon which they then go to trial.
<b>post conviction proceedings</b>	In criminal cases those matters occurring after conviction.
<b>praecipe</b>	An original writ commanding the defendant to do the thing required; an order addressed to the clerk of a court, requesting him or her to issue a particular writ.
<b>precedent</b>	Previously-decided case which is recognized as an authority for determining future cases.

<b>prehearing conference</b>	Mandatory procedure for civil and domestic relations appeals in Nebraska court system wherein attorneys agree to appear before a prehearing officer in an attempt to settle their cases on appeal to the Nebraska Supreme Court.
<b>preliminary hearing</b>	The hearing given a person charged with a crime to determine whether he or she should be held for trial.
<b>preponderance of evidence</b>	Greater weight of evidence or evidence which is more credible and convincing to the mind, not necessarily the greater number of witnesses; the standard of proof usually required in civil actions.
<b>pre-trial motion</b>	A motion made before the trial of a case, such as motion to suppress evidence which might be expected to be used at a later trial.
<b>prima facie</b>	So far as can be judged from the disclosure; presumably; a fact presumed to be true unless disproved by some evidence to the contrary.
<b>privity</b>	Direct, mutual or successive legal relationship of one person to another.
<b>probable cause</b>	A constitutionally prescribed standard of proof; a reasonable ground for belief in the existence of certain facts.
<b>probate</b>	Proceedings in which court has jurisdiction over the personal representative and the assets of the deceased; protects heirs from fraud and embezzlement; protects federal and state governments so all taxes are paid by the estate; protects creditors of the deceased.
<b>probation</b>	In modern criminal administration, allowing a person convicted of an offense (particularly juvenile offenders) to go at large under a suspension of sentence, during good behavior, and generally under the supervision or guardianship of a probation officer.
<b>prosecution</b>	Act of pursuing a lawsuit or criminal trial.

<b>prosecutor</b>	A lawyer who represents the government in bringing legal proceedings against an alleged wrongdoer.
<b>prosecutrix</b>	A female prosecutor.
<b>public defender</b>	A lawyer employed by the government to represent a person accused of a crime who cannot afford to a lawyer for his or her defense.
<b>quash</b>	To overthrow, vacate; to annul or void a summons or indictment.
<b>reasonable doubt</b>	An accused person is entitled to acquittal if, in the minds of the jury, his or her guilt has not been proved beyond a "reasonable doubt"; that state of the minds of jurors in which they cannot say they feel an abiding conviction as to the truth of the charge.
<b>rebuttal</b>	The introduction of contradicting or opposing evidence, showing that which witnesses said occurred is not true; the stage of a trial at which such evidence may be introduced.
<b>recognizance</b>	A recorded obligation entered before a court to do some act; e.g., to appear in court at a particular time or pay a specified sum in penalty for default thereof.
<b>recuse</b>	To disqualify oneself as a judge in a particular case.
<b>redirect examination</b>	Follows cross-examination and is exercised by the party who first examined the witness.
<b>referee</b>	A judicial officer at the trial court level to whom a cause pending in a court is referred by the court to take testimony, hear the parties, and report thereon to the court; in the Nebraska court system referees are primarily involved in delinquent child support matters.
<b>registrar</b>	Court official designated to accept or reject applications for informal probate and informal appointment of a personal representative.

<b>release on own recognizance</b>	An alternative to bail; release upon certain conditions set by the court.
<b>reply</b>	When a case is tried or argued in court, the argument of the plaintiff in answer to that of the defendant; a pleading in response to an answer.
<b>respondent</b>	Party against whom an appeal is brought in an appellate court; the prevailing party in the trial court case.
<b>rest</b>	A party is said to "rest" or "rest his or her case" when the party has presented all the evidence he or she intends to offer.
<b>restitution</b>	Act of giving the equivalent for any loss, damage or injury.
<b>restraining order</b>	An order in the nature of an injunction.
<b>retainer</b>	Act of the client in employing an attorney or counsel; denotes the fee which the client pays when retaining an attorney to act for him or her.
<b>rule nisi (or rule to show cause)</b>	A court order obtained on motion by either party to show cause why the particular relief sought should not be granted.
<b>rules of court</b>	Regulations made by a court of competent jurisdiction governing the general practice and procedure in all matters coming before the court.
<b>search and seizure, unreasonable</b>	In general, an examination without authority of law of one's premises or person with a view to discovering stolen contraband or illicit property or some evidence of guilt to be used in prosecuting a crime.
<b>search warrant</b>	An order in writing, issued by a judge in the name of the state, directing an officer to search a specified house or other premises for stolen property; usually required as a condition precedent to a legal search and seizure.

<b>self-defense</b>	The protection of one's person or property against some injury attempted by another. The law of "self-defense" justifies an act done in the reasonable belief of immediate danger. When acting in justifiable self-defense, a person may not be punished criminally nor held responsible for civil damages.
<b>sentence</b>	Judgment formally pronounced by a judge upon a defendant after his or her conviction in a criminal or civil prosecution.
<b>separate maintenance</b>	Allowance granted for support to a married party and any children while the party is living apart from the spouse, but without dissolution of marriage.
<b>separation of witnesses</b>	An order of the court requiring all witnesses to remain outside the courtroom until each is called to testify, except the plaintiff or defendant.
<b>sheriff</b>	An officer of a county, chosen by popular election, whose principal duties are aid of criminal and civil courts; chief preserver of peace; serves processes, summons juries, executes judgments, and holds judicial sales.
<b>slander</b>	Base and defamatory spoken words tending to harm another's reputation, business or means of livelihood. Both "libel" and "slander" are methods of defamation, libel being expressed by print, broadcast, writings, pictures, signs or other forms of side publication, while slander is expressed orally.
<b>special appearance</b>	An answer in a legal proceeding with the sole purpose of testing the court's jurisdiction.
<b>specific performance</b>	A mandatory order in equity; where damages would be inadequate compensation for the breach of a contract, the contractor will be compelled to perform specifically what he or she has agreed to do.

<b>stare decisis</b>	The doctrine that when a court has once laid down a principle of law as applicable to a certain set of facts, it will adhere to the principle and apply it to future cases where the facts are substantially the same.
<b>state's evidence</b>	Testimony given by an accomplice or participant in a crime tending to convict others.
<b>state statute</b>	The codified law of the state, enacted by the legislature.
<b>stay</b>	A stopping or arresting of a judicial proceeding by order of the court.
<b>stipulation</b>	An agreement by attorneys on opposite sides of a case as to any matter pertaining to the proceedings or trial; not binding unless assented to by the parties; most stipulations must be in writing.
<b>subpoena</b>	A process to cause a witness to appear and give testimony before a court.
<b>substantive law</b>	The law dealing with rights, duties and liabilities; as distinguished from adjective law, which is the law regulating procedure.
<b>summary judgment</b>	The termination of a lawsuit, usually before trial, upon the judgment showing that there is no issue of fact in the case, and that one party or another is entitled to prevail as a matter of law.
<b>summons</b>	A writ or order directing the sheriff or other officer to notify the named person that an action has been commenced against him or her in court, and that he or she is required to appear, on the day named, and answer the petition or complaint in such action.
<b>supersedeas</b>	A writ containing a command to stay proceedings at law, such as the enforcement of a judgment pending an appeal.

<b>testamentary trust</b>	Trust that comes into being only as a result of the death of a person whose will provides for the creation of a trust after his or her death.
<b>testator</b>	One who makes or has made a will.
<b>testimony</b>	Evidence given by a competent witness, under oath, as distinguished from evidence derived from writings and other sources.
<b>tort</b>	An injury or wrong committed, either with or without force, to the person or property of another.
<b>transcript</b>	The official record of proceedings in a trial or hearing.
<b>trial de novo</b>	A new trial or retrial held in a higher court in which the whole case is gone into as if no trial had been held in a lower court.
<b>trier of fact</b>	Judge or jury in a case who determines the outcome of the dispute.
<b>trust</b>	A legal entity established by a trust agreement signed by a person during his or her life or arising after death from a will or testamentary trust.
<b>trustee</b>	A person appointed to execute a trust.
<b>trusty</b>	An inmate granted special privileges.
<b>undue influence</b>	Whatever destroys free will and causes a person to do something he or she would not do if left to himself or herself.
<b>usury</b>	The taking of more for the use of money than the law allows.
<b>venire</b>	Technically, a writ summoning persons to court to act as jurors; popularly used as meaning the body of names thus summoned.
<b>venue</b>	The particular county, city or geographic area in which a court with jurisdiction may hear and determine a case.
<b>verdict</b>	In practice, the formal and unanimous decision or finding made by a jury reported to the court and accepted by it.

<b>voir dire</b>	To speak the truth; the phrase denotes the preliminary examination which the court may make of one presented as a witness or juror as to his or her qualifications.
<b>waiver of immunity from self-incrimination</b>	A means authorized by statutes by which a witness in advance of giving testimony or producing evidence, may renounce the fundamental right guaranteed by the Constitution that no person shall be compelled to be a witness against himself or herself.
<b>warrant of arrest</b>	A writ or order issued by a judge or other competent authority, to a sheriff or other officer, requiring him or her to arrest a person therein named and bring that person before the court to answer to a specified charge.
<b>weight of evidence</b>	The balance or preponderance of evidence; the inclination of the greater amount of credible evidence offered by a trial to support one side of the issue rather than the other.
<b>will</b>	The document a person signs to provide for the orderly disposition of his or her assets after his or her death, in accord with individual's wishes, to provide for family security and protection, and to immunize death taxes.
<b>willful</b>	A "willful" act is one done intentionally, without justifiable cause; as distinguished from an act done carelessly or inadvertently.
<b>with prejudice</b>	The term as applied to judgment of dismissal, is as conclusive of rights of parties as if action had been prosecuted to final adjudication adverse to the plaintiff.

<b>without prejudice</b>	A dismissal "without prejudice" allows a new suit to be brought on the same cause of action.
<b>witness</b>	One who testifies to what he or she has seen, heard or otherwise observed or concluded from observations.
<b>writ</b>	An order from a court of justice requiring the performance of a specified act or giving authority and commission to have it done.

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Staff assistance provided by Natalie A. Armisted, Elizabeth A. Greenethaner, Gene Prussman, and Jenny Mueller-Roebke of Concordia Teachers College, Seward, NE.

**END**