

An Overview of the Structure and Administration of the Federal Judicial Branch and The U.S. District Court for the District of Nebraska

Jurisdiction of the Federal Courts

Jurisdiction in federal courts is defined and limited by Article III of the United States Constitution and Title 28 of the United States Code. In many instances a litigant has the choice of a federal or state forum in which to bring the lawsuit, although in some areas of law the federal court has exclusive jurisdiction.

Structure of the Federal Court System

The structure of the federal court system is represented in [Figure 1](#).

The Supreme Court is created directly by Article III of the Constitution. The Supreme Court has original (trial) jurisdiction to hear all cases affecting ambassadors, other public ministers and consuls, and certain cases involving controversies between states. The Supreme Court has appellate jurisdiction of all other cases within the jurisdiction of Article III.

Below the Supreme Court are twelve geographical units called the circuit courts of appeal. The circuit courts have no trial jurisdiction. Instead, they hear cases that typically originate and are appealed from the district court. A thirteenth circuit court, the Federal Circuit, hears specific types of cases such as those dealing with federal claims and international trade. The number and composition of federal judicial circuits are shown in [Figure 2](#).

Each state has at least one federal district court, and many more populous states have additional districts (e.g., the Eastern District of Kentucky or the Southern District of New York). The district courts are courts of general jurisdiction where both civil and criminal cases are actually tried. Cases may be brought in federal district court in three situations: (1) where diversity jurisdiction exists (case is between citizens of different states and the claim exceeds \$75,000.00); or (2) where federal question jurisdiction exists (case arises under the Constitution, laws or treaties of the United States); or (3) where the United States is a party to the lawsuit.

In addition to this basic three-tiered federal court system, Congress has at various times established specialized courts, such as the Bankruptcy Court, the Court of Federal Claims, the Court of International Trade, the Court of Veterans Appeals, the military courts, and the Tax Court. These courts are sometimes referred to “Article I courts” since their jurisdiction derives from the powers granted to Congress in Article I of the Constitution rather than from the powers granted to the judiciary in Article III.

Nebraska’s District Court

Nebraska is authorized three permanent district court judgeships and one temporary judgeship. The temporary judgeship was first authorized under the Judicial Improvements Act of 1990. The temporary judgeship was authorized for five years from

the date the judgeship was filled. The judgeship was not filled until November 22, 1993. In 1997 the temporary judgeship was extended an additional five years under the Arbitration in United States District Courts Appropriation bill. Authorization for the temporary judgeship ended on November 22, 2003. Without additional legislation, the next Nebraska judge to retire or take senior status will not be replaced.

Nebraska's district court is a busy place. According to the [2003 judicial caseload profile prepared by the Administrative Office of the Courts](#), Nebraska has the seventh heaviest per-judge criminal felony case load in the nation (out of 94 districts). The average federal judge handles [87 criminal felony cases, while a Nebraska judge handles 175 cases](#). In addition to felony cases the court handles supervised release violation hearings. Nebraska ranks tenth in the nation for supervised release hearings, 75% more violation hearing than the norm. [Since 1998, the criminal felony caseload per judge rose from 89 to 175, a 97% increase](#). The court is busy overall as well, compared to 1998, total filings (civil and criminal) for the district have risen 30.5%. Nebraska ranks eighth highest in the number of trials per judge, 68% more than the norm. The federal judiciary has applied weights to filings in the U.S. District Courts to account for the different amounts of time judges require to resolve various types of civil and criminal actions. Nebraska's weighted case filings [ranks 16th in the nation](#). Despite these caseload pressures Nebraska is the sixth fastest in the nation from filing to trial and eighth best (fewest) in the number of three year old civil cases.

Appellate Process

A person who is involved in a lawsuit in a United States court may proceed, in general, through three levels of decision. Typically, a case is first tried by the district court. If a party is dissatisfied with the decision in the case, that party may appeal to the appropriate court of appeals. If the party loses at the court of appeals level, the party may then seek review in the Supreme Court of the United States. However, in the majority of cases, the Supreme Court only grants review of those cases that involve a matter of significant national importance.

The Judicial Branch

The judicial branch of government is an independent one. It is not subject to the jurisdiction of the President or the control of the Office of Management and Budget or the Department of Justice. However, the courts cannot function completely independently of the other branches of government and the various agencies. [Figure 3](#) shows the organization of the federal judicial administration.

Role of the Judicial Conference

The federal court system governs itself on the national level through the Judicial Conference of the United States, which exists pursuant to 28 U.S.C. § 331. The Judicial Conference is a body consisting of twenty-seven federal judges. Membership includes the Chief Justice of the Supreme Court, the chief judge of each of the thirteen courts of appeals, one district judge from each of the twelve geographic circuits, and the chief judge

of the Court of International Trade. The Conference must meet annually but, in practice, it meets in March and September. The Conference is the central policy-making body and national voice for the judicial branch. The Conference must survey the condition of the business of the courts, assign judges where necessary, submit suggestions to promote uniformity of procedures and the expeditious conduct of court business, supervise and direct the Director of the Administrative Office of the United States Courts in the performance of a wide variety of management and administrative functions, approve the budget, elect judges to the Board of the Federal Judicial Center, submit proposed legislation, review the federal rules, oversee the conduct of judges, and carry out other duties as prescribed by statute.

Administrative Office of the United States Courts

The Administrative Office of the United States Courts has the responsibility of implementing regulations and policies promulgated by the Judicial Conference as well as the statutes enacted by Congress. The Administrative Office does not establish policy.

Both the Director and the Deputy Director of the Administrative Office are appointed by the Chief Justice, after consultation with the Judicial Conference. The basic duties of the Administrative Office are set forth in 28 U.S.C. § 604, and include such responsibilities as: Secretariat for the Judicial Conference; staff for the Judicial Conference Committees; legislation monitoring; legal services for the courts; court support; long range planning; analysis and studies; program management; creation of procedures and forms; manuals and publications; annual reports and special reports to Congress; personnel and payroll; statistical analysis; budget creation; disbursement of money; contract officer; space and facilities management; training; information services; liaison with Department of Justice and other agencies; procurement; and records management.

Eighth Circuit Judicial Council

The Eighth Circuit Judicial Council includes the Eight Circuit judges and one district court judge from each state in the circuit. In addition, the Council includes ex officio members from Minnesota, Missouri and Iowa and includes the Circuit Executive as reporter. The Council is very active and has numerous committees. The Council Committees include the following: Ad Hoc Committee on Death Penalty cases; Automation Committee; Bankruptcy Committee; Court Reporter Management Committee; Defender Services Committee (CJA); District Court Committee; Jury System; Magistrate Judges Committee; Personnel Committee; Rules Committee; Senior Judges Committee; Space and Facilities Committee; and the Tribal Court Committee. The Council has the power to take steps that are needed to efficiently manage the caseload of the district court and the court of appeals.

Clerk of the District Court

The clerk of the district court, with offices in Omaha and Lincoln, provides administrative support services to seventy-seven judicial officers and staff in the District of

Nebraska. In addition, the clerk of court also handles all matters relating to space and facilities for the entire district.

Pretrial Services

The United States Pretrial Services Agency for the District of Nebraska was separated from the United States Probation Office in July 1992. The primary responsibility of Pretrial Services officers is to collect, verify, and report to the magistrate and district judges information pertaining to the pretrial release of every person charged with a criminal offense. Pretrial Services officers also supervise individuals charged with an offense for whom a judge has set conditions of release. The officers assist these individuals in securing any necessary employment or medical, legal, or social services. They report any violations of the conditions of release to the United States Attorney and to the court.

Probation

The United States Probation Office for the District of Nebraska has several responsibilities. Probation officers conduct presentence investigations and then prepare presentence reports to assist district court judges in setting appropriate sentences for convicted defendants. Probation officers also supervise people placed on probation or on supervised release. The Probation Office is responsible for overseeing the payment of fines and restitution by convicted defendants.

Functions and Duties of Magistrate Judges

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Case Assignments in General. By general order, Nebraska's three full-time magistrate judges are responsible for pretrial management of all civil and criminal cases. The magistrate judges are randomly drawn for assignment to individual cases. The individual district judges may reserve certain proceedings for conduct by the district judge or may modify the method of assigning matters to magistrate judges, as changing conditions may warrant.

Criminal Cases

General Duties. The magistrate judges issue arrest warrants, search warrants, pen registers, criminal complaints and writs. They receive grand jury returns and warrant returns, authorize transfers of custody, and rule on sealed motions and other *ex parte* applications.

Misdemeanor cases. All cases initiated as misdemeanors are assigned to the magistrate judges for trial and sentencing. If the misdemeanor charged is more serious than a petty offense, the accused may elect to proceed before a district judge.

Felony cases. Upon the filing of felony charges, the magistrate judges are randomly assigned to specific cases to conduct initial appearances, arraignments, pretrial

scheduling conferences or omnibus hearings as are necessary. Subject to the accused's right to appeal to the district court, the magistrate judges decide all nondispositive matters, including appointment of counsel, bond reviews, detention, discovery, severance of trials, and mental competency.

The Nebraska magistrate judges conduct evidentiary hearings and issue reports and recommendations to the district judges on all case-dispositive motions, such as motions to suppress evidence or to dismiss the criminal charges. The parties then have ten days to file objections, after which the district judge reviews the report and recommendation and decides the motion.

Civil Cases

Each civil case is assigned to a magistrate judge for scheduling trials, conducting such discovery, pretrial, and settlement conferences as are necessary, and hearing and determining all pretrial procedural and discovery motions, including the issuance of case progression orders.

The magistrate judges may conduct trials and enter judgments in civil cases upon consent of the parties.

The magistrate judges screen lawsuits filed by state and federal inmates or other persons proceeding without counsel, and review all applications to proceed *in forma pauperis*.