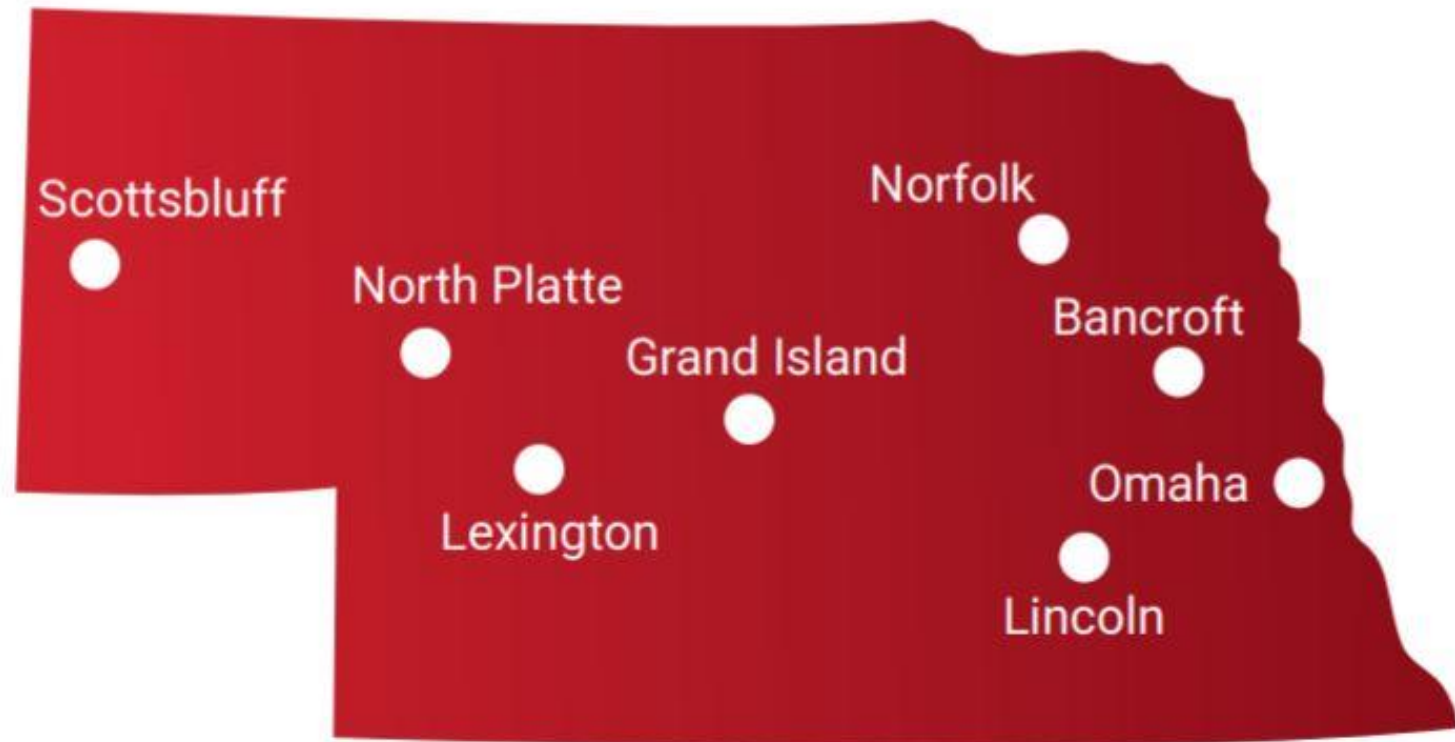




Nebraska Public Engagement Project  
Your Rights in Court



As Nebraska's largest nonprofit law firm, we serve:

- 8 locations.
- 93 counties.
- 1 unified goal.

# Native American Program

- Four Attorneys
- Seven People Total
- Targeted legal assistance to Native Americans across Nebraska.
  - Tribal Court

# How We Help

- Direct Legal Assistance
  - Advice
  - Brief Service
  - Representation
- Self Help
  - Law Help Nebraska
  - A2J
  - Trainings
- Legal Education

# Priorities



## HOUSING

- Eviction/foreclosure
- Unsafe conditions in rental unit
- Utility shut off/risk of shut off
- Return of security deposit



## CHILDREN & FAMILIES

- Protection from abuse
- Juvenile record sealing
- Divorce, custody and child support



## DEBT & FINANCE

- Bankruptcy
- Debt collection
- Wage and bank garnishment
- Student loan debt
- Tax and medical debt



## INCOME & BENEFITS

- Disability benefits
- Public assistance programs (ADC, SNAP, Medicaid)
- Unpaid wages

# Limitations

- Income requirements
- Conflicts of Interest
- Resources

# Get Help

- Call Us – Native American AccessLine
  - Monday – Friday
  - 9:00 a.m. – 12:00 p.m.
  - 1-800-729-9908
- Apply online
  - Law Help Nebraska: [LawHelpNE.org](http://LawHelpNE.org)
- Office Hours
  - Santee, Macy, Winnebago, Omaha, and more...



# KNOW YOUR RIGHTS IN COURT





# COMPLAINT

- Written document asking a court to do something.
  - To award a parent custody.
  - To issue a domestic violence protection order.
  - To find someone guilty of a crime
  - To order another person to pay money.

# - KNOW YOUR RIGHTS - FILING FEES

- Often, a fee is required to start a case in court.
  - Exception – Most Domestic Violence Protection Orders
- Filing fees often can be waived.
  - Motion to Proceed In Forma Pauperis

# - KNOW YOUR RIGHTS - COURT APPOINTED COUNSEL

- Criminal proceedings
- Juveniles in delinquency proceedings.
- Parents in juvenile abuse/neglect proceedings.
- Defendants in state-initiated paternity proceedings.
- Persons alleged to have acted in contempt of court.
- \*\*Does not apply in tribal court.

# - KNOW YOUR RIGHTS - DUE PROCESS

- Federal, State, and many Tribal Constitutions prohibit their governments from depriving a person of life, liberty, and property without due process of law.
- Generally requires Courts to not take action against a person, unless:
  - Notice
  - Opportunity to be Heard

# NOTICE

- Personal Service
  - Service by Mail
  - Alternate Service
- Summons
- Proof of Service

# OPPORTUNITY TO BE HEARD

- First Response
  - Answer/Plea in Court – Do not ignore!!
- Discovery
  - Informal/Formal (Written Questions/Request for Documents/Subpoenas) – Do not ignore!!
- Trial

# TRIAL

- Opportunity to present evidence relevant to case.
- Judges and juries are required to decide cases only based on the evidence presented at trial.
  - The statements in the complaint, answer, and other things filed with the court often cannot be considered.
- Types of Evidence
  - Witnesses
  - Documents

# - KNOW YOUR RIGHTS – TRIAL

- Tips on presenting evidence:
  - In order to testify, witnesses usually must be present in court.
  - Witnesses can only testify about their personal knowledge.
  - Judges and Juries will not gather evidence after trial.



# - KNOW YOUR RIGHTS - AFTER TRIAL

- Motion for New Trial
- Appeal
- Criminal Set-Asides, Pardons, and Record Sealing

# - KNOW YOUR RIGHTS -

## Criminal Set Asides, Pardons, and Record Sealing

- Nebraska State Court Cases Only
- Criminal Set Asides
  - “Nullifies” Conviction; Record remains open to public view; Good first step to a pardon.
- Eligible if:
  - 1) Not originally sentenced to jail; 2) Satisfactory completed probation, 3) Paid all fines. -- Helps to have a clean record for two years.

# - KNOW YOUR RIGHTS -

## Criminal Set Asides, Pardons, and Record Sealing

- Pardons
  - Official forgiveness by the state; granted by Board of Pardons
  - Must be 3 years since sentence ended; 10 years for felonies
  - Alcohol related offenses and traffic offenses are difficult.
  - Criminal record can be sealed from public view
  - Restores civil rights

# - KNOW YOUR RIGHTS -

## Criminal Set Asides, Pardons, and Record Sealing

- Record Sealing
  - Removes criminal record from public record; can answer “No”.
  - Eligible if case ended in something other than conviction.
    - Automatic if case ended in 2017 or later, must ask if earlier.
  - If conviction – 1) pardon, 2) sex trafficking crime -if- set aside

# - KNOW YOUR RIGHTS -

## Criminal Set Asides, Pardons, and Record Sealing

- Juvenile Record Sealing
  - Juvenile Delinquency Records must be sealed if juvenile completed everything the judge required.
  - Even if not, can ask record be sealed.
    - Court must seal records if juvenile has been “rehabilitated to a satisfactory degree”.



[LegalAidOfNebraska.org](http://LegalAidOfNebraska.org)

We make equal justice happen.