

## Nebraska Workers' Compensation Court Information Sheet:

# Information for Claimants Not Represented by an Attorney



### Do I need an attorney?

You have the right to have an attorney represent you; however, it is your responsibility to secure the services of an attorney yourself. The court may not secure an attorney for you nor may the court recommend an attorney.

The law does not require that you have an attorney and you may represent yourself. No one, other than yourself or an attorney, may represent you.

### What happens if I file a petition without an attorney or my attorney withdraws?

Pursuant to **Rule 6, C** of the court's Rules of Procedure, an unrepresented plaintiff's petition will be routed to the legal section of the court for Informal Dispute Resolution (**IDR**) after an answer is received from the defendant. A pretrial mediation conference will be scheduled.

Any medical records or anything else the court receives from you during mediation will not be passed along to the trial judge. The mediation file is privileged and confidential and will not be shown to the trial judge unless everyone agrees in writing. If the mediation conference does not result in a settlement or the dismissal of your case, you should consider getting an attorney. In these types of cases it usually does not cost anything up front, but the attorney takes the case on a contingent fee basis.

### If mediation is unsuccessful:

If you wish to proceed with your trial and represent yourself, there are several things you should know. Please read the following.

### The hearing:

The hearing is before a single judge of this court. At the hearing, rules of procedure and certain rules of evidence need to be followed. An example of this is that at the hearing before one judge, the court may receive in evidence medical bills and medical reports only if certain procedures are followed. You may jeopardize your case if you make mistakes along the way regarding these rules. ***Parties without attorneys are held to the same standard at trial as parties who have an attorney representing them.***

### The decision and an appeal:

The judge who hears the case will not make a decision on the day of hearing, but will write his or her decision at a later time. This decision will be mailed to all parties and will be dated on the date it is mailed. Either party who is not satisfied with the single judge's decision may appeal that decision by asking for a review hearing; however, this request for review ***must be on file in the court's office within fourteen (14) days of the date of the judge's decision and must follow certain statutory requirements.***

The date of the judge's decision will be written on the decision at the end, just before the judge's signature, and will also be stamped on the first page of the decision. The fourteen day period is computed by not counting the date shown on the decision but starting with the next day and counting the last day. For example, if the decision is dated March 2, then the last day for filing the Application for Review would be March 16. If the decision is dated March 30, then the last day for filing the Application for Review would be April 13.

**A review hearing:**

If either party requests a review hearing within the time limit as set out above, the review will be before three judges of this court. The review hearing consists of arguments of 10 minutes for each side with no new evidence permitted.

*Because of the fact that no new evidence may be presented at the review hearing, the court suggests that you seriously consider the advisability of getting an attorney to represent you at the trial.* There is no requirement that you have an attorney at the trial, but the defendant undoubtedly will have an attorney who is familiar with the rules. You may be at a disadvantage if you do not have an attorney who is also familiar with the rules to look out for your interests.

**This information sheet has been prepared by the Nebraska Workers' Compensation Court for claimants who are not represented by an attorney. Further inquiries should be directed to:**

**Nebraska Workers' Compensation Court  
P.O. Box 98908  
Lincoln, NE 68509-8908**

**800-599-5155 or 402-471-6468**

**<http://www.wcc.ne.gov/>**

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