

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. For cases where a hearing on the merits (a trial) was held before August 27, 2011, either party may appeal 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.*** For cases where a hearing on the merits was not held before August 27, 2011, either party may appeal the case to the appellate courts ***within thirty (30) days of the judge's decision and must follow certain statutory requirements.*** For additional information on appealing a case to the appellate courts, please see the Nebraska Supreme Court's "Citizen's Guide to the Nebraska Appellate Courts" (<http://www.supremecourt.ne.gov/press/pdf/citzguide.pdf>).

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.

A review hearing:

In cases where a hearing on the merits was held prior to August 27, 2011, if either party appeals a trial decision within the 14-day time limit as set out above, the review will be before three judges of the compensation court. This hearing is called a review hearing. The review hearing consists of in-person oral arguments of 10 minutes for each side with no new evidence permitted. The parties may also file briefs. See the brochure titled Overview of Appeal to the Nebraska Workers' Compensation Court Review Panel for Cases In Which a Hearing on the Merits Has Been Held Prior to August 27, 2011 (http://www.wcc.ne.gov/publications/appeal_overview_self-represented_litigants_information_sheet.pdf).

For cases filed after August 27, 2011, or in pending cases in which a hearing on the merits has not been held before August 27, 2011, if either party appeals a trial decision within the 30-day time limit as set out above, the review will be heard by the higher appellate court(s) in accordance with Neb. Rev. Stat. §§48-182 and 48-185. For additional information on appealing a case to those courts, please see the Nebraska Supreme Court's "Citizen's Guide to the Nebraska Appellate Courts" (previously referenced).

Because no new evidence may be presented in an appeal, 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. Because you will be held to the same standard as an attorney, 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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