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Lancaster County Board
c/o Kerry Eagan and David Derbin
KEagan@lancaster.ne.gov and DDerbin@lancaster.ne.gov

Re: Late Fees Submitted to Lancaster County Juvenile Court

To the Lancaster County Board of Commissioners:

I want to thank you for the opportunity to provide you with additional information prior to your public meeting. I am also available to answer any questions that might arise based on the additional information.

First and foremost, I would like the Board to know that I take full responsibility for filing the fees late. No matter what else is happening, at the end of the day it is my responsibility to oversee all aspects in my firm and to follow-up on items which must be completed, such as the filing of court appointed fees. Although I am not making excuses, I do think it is important for the Board to know what has occurred since May 2018 that has contributed to the delay.

In way of a brief background, Brennan, Nielsen, & Wooster Law is small firm, totaling five people in the office – three attorneys and two support staff. The three attorneys work on an office sharing arrangement, which basically means we split almost all expenses equally between the three of us, and the remainder of the income is the individual attorney's profit for the month. There are no shared profits. So, each attorney is responsible for his or her own caseload and fees.

The first contributing factor is that we lost our office manager/paralegal. In May 2018, when two of three attorneys were out on an extended vacation, our office manager/paralegal of eleven years provided her two-week notice. During that time, I had to handle my caseload, hire a replacement, and also attempt to get caught up in all areas of the firm and my cases prior the departure of our office manager. This included filing all fees prior to the end of the two weeks. Unfortunately, I was unable to find and hire a replacement prior to the office manager's departure. Our new office manager/paralegal was hired about a month after the previous office manager left, so training was left to myself and our law clerk. One of the duties of the office manager is to make sure our calendars reflect due dates to file court appointed fees. However, with training left to myself and to our law clerk who had started only a few weeks prior to the departure of our office manager, I know that many items were missed. With prior Juvenile filings occurring in May 2018, then that meant that the next round would be filed between August

and November 2018. Some of the oldest fees are from October and November 2018. I take responsibility for not ensuring that the next filing dates were noticed or for following up on those dates. Per our office policy at that time, a reminder to file the fees would have been set in the office manager's calendar, but unfortunately no one else's. The deadline for filing the fees was obviously missed and continued to be missed.

Second, the office manager/paralegal that was hired in July 2018, was ultimately let go due to job performance. As a small law firm, the human resource duties fell to one of the attorneys, specifically me. It began to be apparent that duties were missed or neglected, and that absences from work became excessive. The firm attempted to work with this individual for multiple reasons, but after 46 missed working days in an eleven-month period, the newly hired paralegal/office manager was let go in early July 2019. While the office manager was out for practically two and a half months, the additional duties of that role fell on the other attorneys. This includes clerical duties, such as letters to clients, opening files, calls to clients, and also financial duties, such as paying bills, taking payments, and handling court appointed fees, just to name a few. Our office manager works full-time, and that work load had to be picked up by the rest of us. So, I was tasked with handling my work load, and the office manager's work load.

Third, our senior law partner had a stroke in May 2019, at the height of our problems with our newly hired office manager. As a small firm, we are family and this greatly affected us not only as business partners, but as friends. Luckily, the senior partner has fully recovered, but it took time to get there. On top of managing my own case load, I also oversaw the cases belonging to the senior partner, and the work of the office manager. Our law clerk assisted as much as she could, but she was still in law school and also took summer school courses.

During all this time, the cases do not slow down or hit pause. New cases still came in and current cases had to be maintained. The areas of priority became the immediate needs of the cases, which varied from reviewing discovery, preparing for trial, preparing for various dispositions of the cases, gathering evidence, etc. The court appointed fees continued to be pushed aside to be reviewed later in an effort to prepare for hearings. Many nights were spent completing work. Although I continued to attentively and actively represent my clients and see to their needs and the needs of their case, other areas of my practice were pushed down the priority to-do list, such as ensuring fees were timely filed.

At the very end of September 2019, a new office manager/paralegal was hired, and she has been a tremendous support. We have done our best to provide her with training and hopefully learned from prior mistakes, but training takes time. It is hard to devote time to full-time training while also trying to manage a large caseload of 60-80 cases at a time. In November 2019, I had a two week long federal trial. My time was devoted solely to that trial during the entire two weeks, and much time was spent preparing prior to the start of trial. It took me about two months to catch up due to all the lost time spent on my other cases during the trial. It is astonishing how long it can take to catch up from just a few days or a few weeks spent focusing on one case or one task. This also explains those gaps in time in between the listed events. Much time was spent playing catch up in effort to make up for lost time spent training, hiring, or conducting other management duties.

While the foregoing events were occurring in the office, my personal life continued on its own busy path. In September 2019, after multiple doctor visits and tests, my then two-year-old son was diagnosed with chronic kidney disease, which means a kidney transplant will be necessary in his future, and his kidney function has to be constantly monitored. All of those tests and visits occur during the week day and some have occurred at Children's

Hospital in Omaha, which requires about a half day out of the office. Additionally, in October 2019, my uncle passed away, which required a trip back to Illinois for the funeral.

Again, I want to point out that throughout all the time the foregoing events were occurring, I understand it was my responsibility to keep up on everything that had to be done, but regretfully I failed to do so. All the work listed on the fees, I did. I put my clients and their needs sometimes to a fault ahead of my own needs. In effort to prevent this from happening again, my office has reviewed all of my cases and fees to make sure all cases are currently up-to-date. Calendar reminders have been put in our calendars for not only my office manager, but also myself. I have a second paper calendar, that is considered our back-up calendar, which also now marks the filing fee deadlines, and it will continue to be updated.

Thank you, again, for the opportunity to provide you with this additional background information. I do ask that the late fees be approved with the knowledge that provisions have been put in place to prevent my appearance before you again. Please let me know if you have any questions. Thank you for your time and attention to this matter.

Sincerely,

Candice C. Wooster

Candice Wooster
Attorney at law