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## Progress Report 2005

Nebraska Minority and Justice Implementation Committee

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NEBRASKA MINORITY AND JUSTICE IMPLEMENTATION COMMITTEE

## PROGRESS REPORT 2005



# History and Mission



**Chairs and staff of the MJIC:** *Sitting:* Hon. John Gerrard, Nebraska Supreme Court and Co-Chair of the MJIC. *Standing, from left to right:* Jane Schoenike, Executive Director of the Nebraska State Bar Association; Liz Neeley, PhD, Project Director of the MJIC and Linda Crump, Office of Equity Access and Diversity UNL, Co-Chair of the MJIC.

The Nebraska Minority and Justice Implementation Committee is a unique statewide collaboration that works to develop and implement just and sustainable policy reforms that will not only improve the system of justice but will also strengthen public trust and confidence in our laws and court system. The Committee is a joint effort of the Nebraska State Bar Association and the Nebraska Supreme Court, appointed by the Supreme Court in May of 2003 in response to a Task Force's two-year investigation of racial and ethnic bias and discrimination in Nebraska's justice system. The mission of the Committee is to achieve four primary aims:

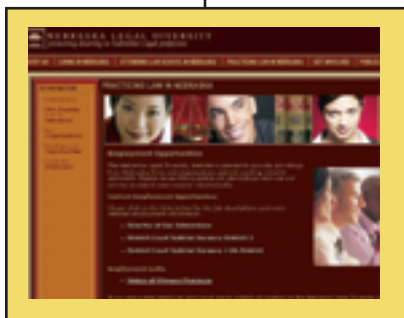
- address racial disparities in both the juvenile and adult justice systems
- ensure equal access to justice
- increase the diversity of Nebraska's judicial workforce
- increase the diversity of Nebraska's legal profession

The Committee is pleased to share these brief descriptions of the progress it made in 2005:

# Diversity in the Profession



**Legal Diversity Summit:** On April 11, 2005 the MJIC coordinated Nebraska's first Legal Diversity Summit. The Summit featured two nationally prominent speakers, Dennis Archer and Muzette Hill. The Summit was well attended and successful in providing law students of color from the region with new knowledge, contacts and an interest in seeking employment in Nebraska after law school. The Summit also provided Nebraska's legal employers with new ways of understanding the value of a diverse workforce and strategies for recruiting and retaining attorneys of color. Given the success of the first Summit, the MJIC has committed to coordinating another diversity event involving law students and employers in 2006.



**Nebraska Legal Diversity Website:** In an effort to promote diversity in the legal profession, the Nebraska Legal Diversity Website ([www.nelegaldiversity.org](http://www.nelegaldiversity.org)) was designed to showcase the growing diversity in Nebraska while providing a unique view of what Nebraska has to offer arriving legal professionals and law students including information about communities, organizations, activities, entertainment and other ways that one can get connected in Nebraska. The website also provides a venue for discussion forums, on-line mentoring, personal commentaries from Nebraska's law students and attorneys of color, tools for legal employers, information about networking opportunities, and job postings from firms and organizations actively seeking minority applicants.



**The University of Nebraska College of Law Pre-Law Institute:** Through a grant from the Law School Admissions Council, the University of Nebraska College of Law developed a summer Pre-Law Institute in 2003. The Institute targets students who are traditionally underrepresented at the University of Nebraska College of Law and within the legal profession in Nebraska. For the past three years, the Pre-Law Institute has provided students with an introduction to legal study and its analytical and writing demands; exposure to the many roles of the law and lawyers in society; and instruction on the process of applying to law school and obtaining financial aid. The general goal of the program is to orient students to the special nature of legal study and to excite them both about law school itself and about life in the law beyond law school. In addition, the program established two mentoring relationships for each student, one with a lawyer involved in academics and one from outside academia. In addition to nurturing and developing interest in the law among a broadly diverse group of students, the Pre-Law Institute also hopes to increase the diversity of the University of Nebraska College of Law and ultimately the legal profession in Nebraska.

# Diversity in the Court Workforce

**Program on How to Apply for a Judicial Vacancy:** In an effort to promote diversity on the bench and on our judicial nominating commissions, the MJIC sponsored a session on how to apply for a judicial vacancy on Friday, November 11, 2005 at the NSBA Annual Meeting. The session was co-sponsored by the Midlands and Hispanic Bar Associations.

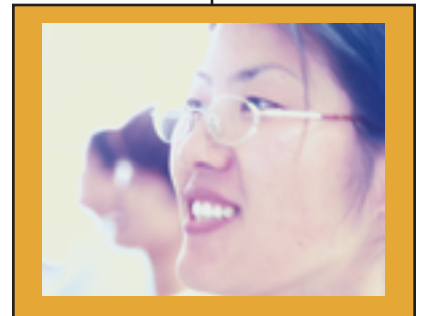
**Recommendations for Improving Diversity:** The Nebraska Administrative Office of the Courts, the Nebraska Juvenile Court Judges Association, the Nebraska County Court Judges Association, and the Nebraska District Court Judges Association have all voted to adopt the Minority and Justice Implementation Committee's recommendations and action plan for increasing diversity in the court system.

## Access to Justice

**Advisement of Rights Project:** The MJIC is working to develop and implement a uniform and bilingual advisement of rights for misdemeanor ordinances, juvenile cases under 43-247 (1), (2), (3b) and (4), and juvenile neglect dependency cases.

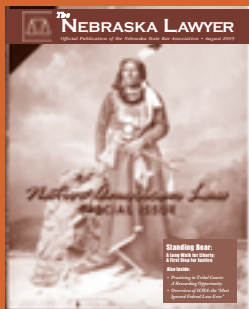
**LB 105:** LB 105 was passed in 2005 and accomplishes two things: It authorizes the Nebraska Supreme Court authority to adopt a uniform juror qualification form and authorizes the Nebraska Supreme Court or its agent access to juror qualification forms for the purposes of research. Prior to the passage of LB 105, Nebraska had been inhibited from conducting a thorough study of the jury compilation system because of a lack of data. In essence, LB 105 clears the path for a full examination of how the current system of jury compilation may or may not systematically exclude racial and ethnic minorities—an issue that many states are currently grappling with.

**Juror Participation Project:** The Minority and Justice Implementation Committee was awarded \$30,000 from Woods Charitable Fund to develop, implement and evaluate a statewide educational campaign designed to educate and encourage jury service. The results of the evaluation will be used to inform and make policy recommendations to the Administrative Office of the Courts to increase juror participation and encourage minority representation on juries. The project is a collaborative effort among the Administrative Office of the Courts, the Nebraska Mexican American Commission, the Urban League of Nebraska, and the Nebraska Commission on Indian Affairs.





# Criminal and Juvenile Justice



**Indian Law:** In August, 2005 the Committee co-published a special issue on Indian Law in *The Nebraska Lawyer* to educate our profession on the legal issues faced by Native Americans. The issue addressed: the Indian Child Welfare Act, business transactions with tribal governments and enterprises, Indian Nation sovereignty, the historic Standing Bear Trial, and a primer on practicing in tribal courts.

**Bail/Bond Advisement of Rights:** In smaller counties where judges and interpreters are not available on a daily basis, non-English speaking misdemeanor defendants were sometimes detained until arraignment without being advised of available scheduled bonds. In an effort to ensure equal access to bonds, the MJIC developed a translated packet of information to be shared with defendants. The packet includes the following documents in a bilingual format (English and Spanish): *Notice Of Rights of An In-Custody Defendant*, *Notice of Right To Post Bond*, and *Affidavit In Support of Personal Recognizance Bond* (available online at <http://court.nol.org/rules/forms/>). This packet of information is intended to serve an informative purpose; non-English-speaking defendants may or may not be familiar with the United States' justice system and its processes. Moreover, if non-English-speaking detainees are advised of the bond schedule and can post bond or contact someone to post bond for them, this procedure has the potential to relieve jail overcrowding. If defendants are not able to post bond they can use the financial affidavit to request a personal recognizance bond. Finally, implementation of these procedures is expected to help reduce any perception by minorities that they are being treated differently in regards to bonds and pretrial detention. The documents will be made available in an audio format (tape, CD, or video) and will be translated into additional languages as requested. The MJIC is currently working with the Administrative Office of the Courts on implementation of the initiative.

**Improvement of Data Collection:** To address the lack of data on race and ethnicity gathered by the court system the MJIC is working with the the County Attorneys Association and the Administrative Office of the Courts to improve the collection of race and ethnicity data stored by the JUSTICE database.

**Assigned Counsel Fee Study:** At the request of the Supreme Court the MJIC is undertaking a statewide assessment of fee structures for assigned counsel in misdemeanor and felony cases. Recommendations to the Court will be made following the study.

**Supreme Court Commission on Children in the Court:** The MJIC is working with the Supreme Court Commission on Children in the Courts to establish standards for the representation of juveniles in abuse and neglect and delinquency cases. The Commission on Children in the Court is currently funded by a grant obtained by the MJIC.

# Raising Awareness

The Committee hopes that continual media coverage and community outreach will bring broad public exposure to these important issues. Members of the MJIC have met with and made presentations to numerous groups in 2005 including: the County Attorneys Association, the Nebraska Association for Translators and Interpreters, students at the University of Nebraska-Lincoln, the National Consortium for Racial and Ethnic Bias in the courts, Nebraska's Clerks of the District Court, and the County and Juvenile Judges Associations. The MJIC has also reached out to the community through the media via radio interviews, newspaper articles, and magazines and journals. For a complete list of publications visit: [www.nebar.com/publicinfo/minority\\_justice.htm](http://www.nebar.com/publicinfo/minority_justice.htm).



## Feedback and Questions

For more information on the Nebraska Minority and Justice Implementation Committee visit [www.nebar.com/publicinfo/minority\\_justice.htm](http://www.nebar.com/publicinfo/minority_justice.htm) or call (402) 475-7091. The MJIC is at the beginning stages of a long-term effort. While it may take years to fully implement many of the recommendations, the Committee is developing long-term plans to promote change. Interest in the Minority and Justice Implementation Committee's mission and activities is appreciated and encouraged.



**Minority and Justice Implementation Committee:** *Sitting (from left to right):* Cassia Spohn, PhD-UNO Department of Criminal Justice; Valorie Bendixen, Clerk of the District Court for Hall County; Judy Beutler, Administrative Office of the Courts; Jane Schoenike, Nebraska State Bar Association; Hon. John Gerrard, Nebraska Supreme Court; Liz Neeley, PhD, University of Nebraska Public Policy Center; Hon. Ken Vampola, Dodge County Court; Carly Duvall, University of Nebraska Public Policy Center; Linda Willard, Nebraska Attorney Generals Office; Janice Walker, State Court Administrator. *Standing (from left to right):* Cecilia Huerta, Mexican American Commission; Riko Bishop, Attorney at Law; Hon. Vernon Daniels, Separate Juvenile Court Douglas County; David Stickman, Federal Public Defender; Hon. John Irwin, Nebraska Court of Appeals; Mohammed Sadden, Attorney at Law; Carlos Monzón, Attorney at Law; Robin Hadfield, Nebraska Supreme Court; Mark Young, Hall County Attorney. *Not pictured:* Hon. Edna Atkins, Douglas County Court; Dean Patrick Borchers, Creighton University School of Law; Ellen Fabian Brokofsky, State Probation Administrator; Linda Crump, Office of Equity Access and Diversity UNL; Lt. Col. Darrell Fisher, Nebraska State Patrol; Judi gaiashkibos, Commission on Indian Affairs; John Grant, Attorney at Law; Anne Hobbs, Nebraska Equal Opportunity Commission; Dennis Keefe, Lancaster County Public Defender; Hon. Richard Kopf, U.S. Courts; Kate Mahern, Milton Abrahams Legal Clinic; Natalie Malmberg, Certified Court Interpreter; Marilyn McGary, Urban League of Nebraska; D. Milo Mungaard, Nebraska Appleseed Center; Nicole Neesen, Attorney at Law; Hon. Marlon Polk, Douglas County District Court; Jim Rembolt, Attorney at Law; Harold Rock, Attorney at Law; Anna Williams Shavers, University of Nebraska College of Law; José Soto, Southeast Community College; Hon. Robert Steinke, Platte County District Court; Alan Tomkins, Public Policy Center; Susan Ugai, Attorney at Law; Terry Waite, Attorney at Law; Dean Steven Willborn, University of Nebraska College of Law;

## Members of the Minority and Justice Implementation Committee

### Co-Chairs:

**Linda R. Crump**, Esq., Equity, Access & Diversity Programs UNL  
**Hon. John M. Gerrard**, Nebraska Supreme Court

### Committee:

**Hon. Edna Atkins**, Douglas County Court  
**Valorie Bendixen**, Clerk of the District Court for Hall County  
**Judy Beutler**, Administrative Office of the Courts  
**Riko Bishop**, Attorney at Law  
**Dean Patrick Borchers**, Creighton University School of Law  
**Ellen Fabian Brokofsky**, State Probation Administrator  
**Hon. Vernon Daniels**, Separate Juvenile Court Douglas County  
**Judi gaiashkibos**, Nebraska Commission on Indian Affairs  
**John Grant**, Attorney at Law  
**Robin Hadfield**, Nebraska Supreme Court  
**Anne Hobbs**, Nebraska Equal Opportunity Commission  
**Cecilia Huerta**, Nebraska Mexican American Commission  
**Hon. John Irwin**, Nebraska Court of Appeals  
**Dennis Keefe**, Lancaster County Public Defender  
**Hon. Richard Kopf**, U.S. Courts  
**Kate Mahern**, Milton Abrahams Legal Clinic  
**Natalie Malmberg**, Certified Court Interpreter  
**Marilyn McGary**, Urban League of Nebraska  
**Carlos Monzón**, Attorney at Law  
**D. Milo Mumgaard**, Nebraska Appleseed Center  
**Liz Neeley**, PhD, University of Nebraska Public Policy Center

**Nicole Neesen**, Attorney at Law  
**Hon. Marlon Polk**, Douglas County District Court  
**Jim Rembolt**, Attorney at Law  
**Harold Rock**, Attorney at Law  
**Mohummed Sadden**, Attorney at Law  
**Jane Schoenike**, Nebraska State Bar Association  
**Anna Williams Shavers**, University of Nebraska College of Law  
**José Soto**, Southeast Community College  
**Cassia Spohn, PhD**, UNO Department of Criminal Justice  
**Hon. Robert Steinke**, Platte County District Court  
**David Stickman**, Federal Public Defender  
**Lt. Col. Darrell Fisher**, Nebraska State Patrol  
**Alan Tomkins**, Public Policy Center  
**Susan Ugai**, Attorney at Law  
**Hon. Ken Vampola**, Dodge County Court  
**Terry Waite**, Attorney at Law  
**Janice Walker**, State Court Administrator  
**Linda Willard**, Nebraska Attorney Generals Office  
**Dean Steven Willborn**, University of Nebraska College of Law  
**Mark Young**, Hall County Attorney

\*2005 Undergraduate research assistants:

- **Patrick J. Dorn-Kennedy**, University of Nebraska Public Policy Center
- **Carly Duvall**, University of Nebraska Public Policy Center



### Support the MJIC

The MJIC is supported in part by the Nebraska State Bar Association's Charitable Funds, Inc. ([www.nebar.com/nsbainfo/otherorgs/cfi/index.htm](http://www.nebar.com/nsbainfo/otherorgs/cfi/index.htm)). To support the future efforts of the Minority and Justice Implementation Committee, please make a tax deductible contribution to NSBA Charitable Funds, Inc. today!

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