

2006

Nebraska Efforts to Ensure Equal Access to Justice

Elizabeth Neeley

University of Nebraska Public Policy Center

Follow this and additional works at: <http://digitalcommons.unl.edu/publicpolicyfacpub>



Part of the [Public Policy Commons](#)

Neeley, Elizabeth, "Nebraska Efforts to Ensure Equal Access to Justice" (2006). *Publications of Affiliated Faculty: Nebraska Public Policy Center*. 12.

<http://digitalcommons.unl.edu/publicpolicyfacpub/12>

This Article is brought to you for free and open access by the Public Policy Center, University of Nebraska at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Publications of Affiliated Faculty: Nebraska Public Policy Center by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

feature article

Nebraska Efforts to Ensure Equal Access to Justice

by Elizabeth Neeley, PhD



The Nebraska Supreme Court and Nebraska State Bar Association are involved in several efforts to ensure equal access to the justice system. An update on the efforts of the Minority and Justice Implementation Committee, the Interpreter Advisory Committee, the Commission on Children in the Courts, and the Committee on Pro Se Litigation are highlighted below.

Nebraska Minority and Justice Implementation Committee

The Minority and Justice Implementation Committee is a joint initiative of the Nebraska State Bar Association and the Nebraska Supreme Court, established to examine and address issues and perceptions of racial and ethnic bias in the court system in legal profession. The Committee consists of a diverse group of judges, lawyers and community leaders and is chaired

by Justice John Gerrard of the Nebraska Supreme Court and Linda Crump, president-elect of the Nebraska State Bar Association. The mission of the Committee is to achieve four primary aims:

1. Address racial disparities in both the juvenile and adult justice systems;
2. Ensure equal access to justice;
3. Increase the diversity of Nebraska's judicial workforces;
4. Increase the diversity of Nebraska's legal profession.

The Committee's specific work in the area of access to justice have focused on ensuring that Nebraska's jury pools are representative of their communities and that non-English speakers receive quality interpretation services and translated documents. More specifically, the Committee has been/is involved in:

- Legislative efforts to ensure that Nebraska's juries are representative of the communities they serve (*LB 19 and LB 105*).
- A statewide campaign designed to educate new Americans about the jury system.
- A statewide research study to examine the extent to which the current jury compilation system may systematically exclude racial and ethnic minorities.
- Supreme Court Rule changes to improve the quality of court interpretation in Nebraska's courts.
- Educational programs for attorneys and judges on how to more effectively use court interpreters.
- Development of a bilingual advisement of rights for in-custody defendants and the right to post bond.

Elizabeth Neeley, PhD



Elizabeth M. Neeley, PhD is the project director for the Minority and Justice Implementation Committee. As a doctoral student at the University of Nebraska-Lincoln she worked as the Research Coordinator for the Minority and Justice Task Force. Her efforts with the Task Force earned her the University of Nebraska-Lincoln Graduate Research Assistant of the Year Award in 2002. She has written

several articles examining race and gender discrimination in the courts.

- Development of a uniform and bilingual advisement of rights for misdemeanor cases, juvenile cases under 43-247 (1), (2), (3b) and (4), and juvenile neglect dependency cases.

Nebraska Supreme Court Interpreter Advisory Committee

The Nebraska Supreme Court recently appointed the Interpreter Advisory Committee in order to more fully assist persons in court proceedings who are unable to readily understand or communicate in the English language. The charge of the Committee is to evaluate, update and recommend statewide policies, rules and regulations of court and probation interpreter services throughout the state. This newly appointed Committee's work will impact 1) court and courtroom procedures; 2) training for judges, interpreters, the legal community and court staff; and 3) statutory requirements and Supreme Court Rules and policies.

Nebraska Supreme Court Commission on Children in the Courts

In recognition of the far-reaching impact that the courts have on the lives and futures of children, the Supreme Court appointed a Commission on Children in the Courts in late December, 2004. The purpose of the Commission is to study various aspects of the system that involve children and youth to determine if the court system is as responsive as possible for children who interact with, or are directly affected by the courts, to research more effective approaches to cases involving children, and to make recommendations for change to the Supreme Court when warranted. Chief Judge Everett Inbody of the Nebraska Court of Appeals and Douglas County Juvenile Judge Douglas Johnson are co-chairs of the Commission. Members of the Commission include judges, attorneys, and directors of agencies.

The Commission meets quarterly and it reviews the work of subcommittees, where the main work of the Commission is accomplished. Current subcommittees are addressing: 1) the development of standards and training requirements for guardians ad litem in abuse/neglect cases, 2) the development of standards and training requirements for attorneys for law violators and status offenders, 3) expediting the appellate process for abuse/neglect and termination of parental rights cases, 4) planning a Children's Summit for fall of 2006 to begin statewide implementation of best court practices for abuse/neglect and foster care cases, and 5) issues affecting children in District Court (*marital dissolution and domestic violence*).

Nebraska Supreme Court Committee on Pro Se Litigation

The Nebraska Supreme Court appointed the Committee on Pro Se Litigation in 2003 to identify challenges to and

propose solutions or improvements to the right of self representation. The Committee is chaired by Judge Richard Sievers of the Nebraska Court of Appeals and vice-chaired by Judge Teresa Luther, District Court Judge in the 9th District, who were jointly honored with the 2005 Distinguished Judge Award for Service to the Community for their work with the Committee on Pro Se Litigation.

Thus far, their committee's work has included the release of an employee manual for dealing with pro se litigants and the establishment of a "self-help" section on the Nebraska Judicial Branch Web site with simple divorce forms. Judges Luther and Sievers worked with Administrative Office staff and the Reporter of Decisions to organize, edit, and upload information for divorcing couples in Nebraska who have no children and little property. Their committee plans to continue its work through web site outreach and employee training.

The Committee has recently authored a manuscript entitled, "Citizen's Guide to the Nebraska Appellate Courts." The "Guide" provides:

- an explanation of the differing roles of Nebraska's two appellate courts;
- an explanation of how the standard of review impacts cases, including a litigant's assessment of whether an appeal should be pursued;
- an explanation of how appeals are "perfected" so that either the Nebraska Supreme Court or the Nebraska Court of Appeals has jurisdiction to consider the merits of the appeal;
- a discussion of how the record from the trial court is secured and is made available to the appellate courts;
- a discussion of the briefing process pursuant to the Rules of Practice and Procedure before the Appellate Courts.
- an explanation of how cases are set for oral argument;
- and a description of the several types of opinions authored by the two courts to decide cases.

This comprehensive Guide has been carefully edited to be a helpful and easily understandable resource. The Guide has been approved for dissemination by the Nebraska Supreme Court, and is scheduled to be placed on the Nebraska Judicial Branch website, which will include web links to the various rules discussed in the Guide. Hard copies will be available through the Clerk of the Supreme Court and will routinely be sent to self-represented litigants. The Committee is exploring the possibility of making hard copies of the Guide available via the Clerks of the District Courts. 