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THE NEBRASKA MINORITY JUSTICE COMMITTEE

PROGRESS REPORT 2010

— *EQUAL JUSTICE BEFORE THE COURTS* —



History and Mission



Chairs and staff of the MJC: From left to right: Jane Schoenike, Executive Director of the Nebraska State Bar Association; Hon. John Gerrard, Nebraska Supreme Court and Co-Chair of the MJC; Linda Crump, Office of Equity Access and Diversity UNL and Co-Chair of the MJC; Liz Neeley, PhD, Project Director of the MJC; and Judy Beutler, Nebraska Administrative Office of the Courts.

The Nebraska Minority Justice Committee (MJC) 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 fairness in Nebraska's court system.

The mission of the Committee is to achieve three 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 workforces and legal profession

The Committee is pleased to share these brief descriptions of the progress it made in 2010.

Access to Justice

Capacity to Serve Limited and Non-English Speakers

In an effort to improve the justice system's capacity to serve limited and non-English speakers, the Committee, in partnership with the Administrative Office of the Courts, received grant funds to outfit judicial districts with high resolution videoconferencing technology. The availability of videoconferencing technology will increase the use of certified language and sign interpreters in the Nebraska court systems, and may reduce the cost to the state by reducing travel costs to areas where certified court interpreters are not readily available.

Legal Services for Underserved Populations

In partnership with the Volunteer Lawyers Project, the Minority Justice Committee worked to receive Federal Recovery Act Funds to place domestic violence cases with pro bono/reduced fee attorneys. The grant specifically works to reach underserved populations including limited and non-English speakers and domestic violence victims who live on Indian reservations.

Increasing Cross Cultural Understanding

Over the course of the year, the Committee offered a number of educational seminars and publications on: Procedures, Protocols and Ethics of Interpreting in the Justice System, The Indian Child Welfare Act, The Intersection of Child Welfare and Immigration Issues in Nebraska, and Understanding the Impact of Legislative Bill 403.

Representative Juries

On May 29, 2009, Governor Heineman signed LB 35 into law which adds state identification card holders as a source list for compiling juries. The bill came in response to a study conducted by Nebraska's Minority Justice Committee. As the report explains, state law provides that master jury lists are comprised by combining the lists of registered voters and registered drivers in Nebraska. There had been anecdotal concerns that because minorities may be less likely to be registered to vote and less likely to be licensed to drive, the current source lists may not effectively achieve a representative master list. The study confirmed these perceptions. Based on an examination of nearly 70,000 juror qualification forms from eight of Nebraska's most diverse counties, data indicate that racial and ethnic minorities are significantly underrepresented in the pools of potential jurors. Addressing disparity in the initial stages is important because representative jury panels are necessarily dependent on the extent to which the initial and eligible juror pools are representative of the community.

Data provided by the Department of Motor Vehicles indicates that non-whites (Asians, Blacks, Hispanics and American Indians) comprise a much greater percentage of state identification card holders than of licensed drivers. Thus, the addition of state identification card holders as a source list will likely increase the diversity of the master list and increase the pool of potential jurors. The Committee is in the process of measuring the impact of this legislation on the extent to which the legislative change has resulted in juries that are more representative of the communities that they serve.



Criminal and Juvenile Justice

Reducing Failure to Appear

Failure to appear for court cases increased workloads for court staff, issuance of misdemeanor arrest warrants, incarceration on minor offense for the non-compliant defendant, and longer detention stays for those defendants in connection with the present offense or future offenses.

The Committee received a grant from the National Institute of Justice to pilot a postcard reminder program designed to reduce failures to appear for misdemeanor defendants.

Because non-whites fail to appear at higher rates, the policy is hoped to play a small yet important role in reducing the disproportionate confinement of minorities in Nebraska jails.



NMCCP Event

Immigration Consequences of Criminal Convictions

On March 31, 2010, the United States Supreme Court issued its momentous Sixth Amendment right to counsel decision in *Padilla v. Kentucky*, 599 U.S. (2010). The Court held that, in light of the severity of deportation and the reality that immigration consequences of criminal convictions are inextricably linked to criminal proceedings, the Sixth Amendment requires defense counsel to provide affirmative, competent advice to noncitizen defendants regarding the immigration consequences of a guilty plea, and, absent such advice, a noncitizen may raise a claim of ineffective assistance of counsel. Immigration Law is a highly specialized area of the law. There are very few immigration attorneys in Nebraska, and few criminal defense attorneys in Nebraska that have the necessary expertise to properly analyze cases for immigration consequences. The MJC together with the Lancaster County Public Defender Office has obtained grant funding to provide statewide training and resources to criminal defense attorneys on the immigration consequences of criminal convictions.

Sealing of Juvenile Court Records

Presumably, once a sentence has been served, an individual has paid their debt to society. Yet the collateral consequences of a conviction and even a juvenile court adjudication are significant and can affect a youth for decades to come, inhibiting opportunities to obtain employment, federal student loans, public benefits, eligibility for military service, and the ability to obtain licensures, etc. Because minority youth are disproportionately represented in the juvenile justice system, they disproportionately suffer the collateral consequences of adjudications and convictions. The Committee believes that Nebraska directly benefits when more youth are able to obtain employment and financial assistance for higher education, as both are key factors in reducing criminal recidivism, stabilizing family relationships, and ensuring future economic independence. In an effort to reduce these collateral consequences, the Committee worked on legislative changes that allow for the automatic sealing of certain juvenile court records. For more information visit: <http://www.supremecourt.ne.gov/community/pdf/record-sealing-juv.pdf>



2010 LSAT Prep Scholarship Winners

Diversity in the Legal Profession and Court System

LSAT Prep Scholarship Program

In an effort to promote a diverse legal profession, the Nebraska Minority Justice Committee together with the Nebraska Lawyers Foundation, established a LSAT Prep Scholarship Program. The program provides a scholarship for a Kaplan LSAT Prep Course and covers the costs of registering for the LSAT exam. To be eligible for a LSAT Prep Scholarship, applicants must reside in Nebraska, demonstrate economic need, and be a racial/ethnic minority. To date, 25 LSAT Prep Scholarships have been awarded. On average, students experience a 7-point difference between their first practice exam score and their final LSAT score. To donate to the LSAT Prep Scholarship Fund or to apply for a scholarship visit: www.nelegaldiversity.org for more information.

Job Shadowing Program

The job shadowing program was established to provide diverse high school students with information about different careers in the law and the steps to take to become an attorney. The experience provides an inside look at the work of attorneys in firms and organizations—firms often give tours of their facilities or local courthouse and have lunch with the students. Since established in 2009, more than 150 students have participated in the program with the support and participation of a number of attorneys, law firms and judges.

Nebraska Minority Corporate Counsel Program

The mission of the Minority Corporate Counsel Program is to increase opportunities for minority lawyers to serve as outside counsel for corporations and governmental agencies. The Program seeks to cultivate these opportunities by hosting 3-4 networking/professional development opportunities per year and by developing referral directories of the employers and attorneys in the program, and the services that they provide.

Legal Diversity Summit

The Committee hosted its 5th Annual Legal Diversity Summit on September 3, 2010 in Omaha. The Summit brings together law students of color from the region, individuals interested in attending law school, and Nebraska's legal community for a unique day of education, networking and professional development. In addition to a keynote address by Muzette Hill Stallings of the Ford Motor Company, the event offered several continuing legal education programs, employment interviews and sessions for people considering applying to law school.



Participants in the Job Shadowing Program

Awards

The Minority Justice Committee was publicly recognized for its diversity programs several times in 2010. The American Bar Association Standing Committee on Bar Activities and Services selected the Nebraska State Bar Association as the national recipient of an ABA Partnership Award for three of the Minority Justice Committee's diversity programs: the Job Shadowing Program, the Minority Corporate Counsel Program, and the LSAT Prep Scholarship Program.

Additionally, the Nebraska State Bar Association honored Committee members with the Award of Appreciation for establishing the Job Shadowing Program. In turn, the Committee also enjoyed its first opportunity to recognize outstanding efforts made by firms, organizations or individual attorneys in promoting diversity in the legal profession by presenting the first annual NSBA Diversity Award to Kutak Rock and Baird Holm law firms.



NSBA Diversity Award Winners



Award of Appreciation Winners

Upcoming Priorities

The Minority Justice Committee's future priorities include:

- Research assessing public perceptions of racial and ethnic fairness in the courts.
- Research assessing the impact of adding state identification card holders as a source list for the jury compilation process.
- Expanding the Job Shadowing Program to Lincoln Public Schools.

National Consortium on Racial & Ethnic Fairness in the Courts

In 2012, Nebraska has been selected to host the Annual Conference of the National Consortium on Racial and Ethnic Fairness in the Courts. The Committee is honored to host the Consortium's first conference in the Midwest. Please save the date and join us May 9-12, 2012 in Omaha, Nebraska! Learn more about the Consortium at <http://www.consortiumonline.net/>



Raising Awareness

The Committee hopes that continual media coverage and community outreach will bring broad public exposure to these important issues. Members of the MJC have met with and made presentations to numerous groups in 2010 and 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

Feedback and Questions

Interest in the Minority Justice Committee's mission and activities is appreciated and encouraged. For more information on the Nebraska Minority Justice Committee visit www.nebar.com/publicinfo/minority_justice.htm or call (402) 475-7091.

Recognizing our 2010 Diversity Partners

Job Shadowing Program

Creighton Law School
Jackson Lewis, LLP
Koley Jessen
Kutak Rock
Omaha Public Schools Foundation

Minority Corporate Counsel Program

Harding and Shultz PC LLO
Kutak Rock
Lieben, Whitted, Houghten,
Slowiaczek, and Cavanagh, LLO
Nebraska State Bar Association

Diversity Summit

Baird Holm, LLP
Cline Williams Wright Johnson &
Oldfather
Creighton University School of Law
Engles Ketcham Olson & Keith P.C.
Fraser Stryker, P.C., LLO and Baylor
Evnem
Jackson Lewis, LLP
Kutak Rock
Legal Aid of Nebraska
University of Nebraska College of Law

LSAT Prep Scholarship

2010 Casino Night Participants
Baird Holm, LLP
Cline Williams Wright Johnson &
Oldfather
Dean Marianne Culhane
Hon. Vernon Daniels
Husch Blackwell Sanders LLP
Jackson Lewis LLP
Koley Jessen PC LLO
Legal Aid of Nebraska
McGrath North Mullin & Kratz PC
NSBA Young Lawyers Section
Rembolt Ludtke LLP

Members of the Minority Justice Committee

Co-Chairs:

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

Committee:

| | |
|--|---|
| Daphne Aronson, Kutak Rock | Jim Rembolt, Attorney at Law |
| Hon. Edna Atkins, Douglas County Court | Tom Riley, Douglas County Public Defender |
| Valorie Bendixen, Clerk of the District Court for Hall County | Harold Rock, Attorney at Law |
| Judy Beutler, Administrative Office of the Courts | Mohummed Sadden, Attorney at Law |
| Riko Bishop, Attorney at Law | Lt. Col. David Sankey, Nebraska State Patrol |
| Ellen Fabian Brokofsky, State Probation Administrator | Susan Sapp, Attorney at Law |
| Dean Marianne Culhane, Creighton University School of Law | Jane Schoenike, Nebraska State Bar Association |
| Hon. Vernon Daniels, Separate Juvenile Court Douglas County | Anna Williams Shavers, University of Nebraska College of Law |
| Judi gaiashkibos, Nebraska Commission on Indian Affairs | Shawntal Smith, Attorney at Law |
| Becky Gould, Nebraska Appleseed | José Soto, Southeast Community College |
| John Grant, Attorney at Law | Lazaro Spindola, Latino American Commission |
| Anne Hobbs, Juvenile Justice Institute | Hon. Robert Steinke, Platte County District Court |
| Hon. John Irwin, Nebraska Court of Appeals | David Stickman, Federal Public Defender |
| Dennis Keefe, Lancaster County Public Defender | Hon. Ross Stoffer, Madison County Court |
| Don Kleine, Douglas County Attorney | Kimberley Taylor Riley, Attorney at Law |
| Kate Mahern, Milton Abrahams Legal Clinic | Alan Tomkins, NU Public Policy Center |
| Monica Miles-Steffens, Nebraska Crime Commission | Terry Waite, Attorney at Law |
| Andrea Miller, Attorney at Law | Janice Walker, State Court Administrator |
| Carlos Monzón, Attorney at Law | Thomas Warren, Urban League of Nebraska |
| Dean Susan Poser, University of Nebraska College of Law | Linda Willard, Nebraska Attorney Generals Office |
| | Sherman Willis, Attorney at Law |
| | Mark Young, Hall County Attorney |

Staff:

Liz Neeley and Sara McCue

— Equal Justice Before the Courts —

Support the Nebraska Minority Justice Committee

The Nebraska Minority Justice Committee is supported in part by the Nebraska Lawyers Foundation. To support the future efforts of the Minority Justice Committee, please make a tax deductible contribution to the Nebraska Lawyers Foundation today!

The Nebraska Lawyers Foundation
635 S. 14th Street, P.O. Box 81809
Lincoln, NE 68501-1809



NEBRASKA
State Bar Association