



THE NEBRASKA MINORITY JUSTICE COMMITTEE

PROGRESS REPORT 2007

— *EQUAL JUSTICE BEFORE THE COURTS* —



History and Mission



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

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 bias and discrimination in Nebraska's justice 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 Minority Justice Committee is pleased to share these brief descriptions of the progress it made in 2007.

Access to Justice

Translation Grant

The MJC received a grant for \$25,000 from Woods Charitable Fund to have all appropriate civil and *pro se* (self-represented litigants) court forms translated into a bilingual format (for the most commonly requested languages: Spanish, Vietnamese and Arabic). The objective of this initiative is to improve the justice system's capacity to serve limited- and non-English speakers in civil and *pro se* matters.



Research on Representative Juries

The MJC is currently undertaking a study of the juror compilation process to determine to what extent racial and ethnic minorities may systematically be excluded. The study includes an analysis of each stage of the jury compilation process, from the compilation of the initial pool to the final impaneled jury and a process evaluation to determine variations in local practices. Results of this examination will be used to explain why the composition of Nebraska jury pools may or may not be reflective of the diversity of our counties and to formulate any recommendations necessary to rectify systemic bias.

Extending Project Passport

The MJC is participating in the National Center for State Courts, "Extending Project Passport", an initiative designed to improve recognition and enforcement of protection orders within and between states and Indian tribes by encouraging states and tribes to adopt a recognizable first page for orders of protection. A growing number of states and tribes have already adopted, or are in the process of adopting, a model template first page for their protection orders. The initiative helps strengthen the safety net for battered women and their children by offering greater consistency in the issuance and enforcement of orders of protection orders. The initiative also assists law enforcement in effectively implementing protection orders, enhances tribal sovereignty and communication between state and tribal courts, increases awareness for petitioners and respondents of the terms and conditions of orders of protection, and promotes the accurate entry of information into the NCIC database of protection orders.



Criminal and Juvenile Justice

Assigned Counsel Fee Study

At the request of the Supreme Court, the MJC undertook a statewide assessment of fee structures for assigned counsel in misdemeanor and felony cases. The results of the examination, coupled with existing national guidelines for indigent defense systems, are the basis for the Committee's recommendations regarding standards on the qualifications, compensation, training, caseloads and workloads for each type of indigent defense system in Nebraska. The standards have been submitted to the Nebraska Supreme Court for their consideration.

Failure to Appear Project

If an individual fails to appear for a court date, a warrant can be issued and the individual can be detained. Failure to appear for court causes increased work loads for court staff, issuance of misdemeanor arrest warrants, incarceration on minor offenses for the non-compliant defendant, and longer detention stays for those defendants in connection with the present offense or future offenses. Nationally, jurisdictions have implemented a reminder telephone call/postcard policy and have documented a significant reduction in the failure to appear rate. The MJC has developed a policy designed to reduce failures to appear for misdemeanor defendants. The Nebraska Supreme Court has adopted the policy in concept and the MJC is currently working with the Administrative Office of the Courts to coordinate the details of implementation and evaluation of the project. Because preliminary data indicate that non-whites fail to appear at higher rates, the MJC is hopeful that the policy will reduce disproportionate confinement of minorities in Nebraska jails.



Improvement of Race/Ethnicity Data Collection

To the Committee's knowledge, all justice system entities are now following one of the two federally recommended guidelines for racial classifications. This improves the state's ability to effectively compare data across the justice system continuum. Efforts continue to improve the quality and reduce the prevalence of missing race and ethnicity information in these data systems.

Sentencing Study

The Committee has just begun an examination of sentencing disparities using data collected by the Nebraska Supreme Court Office of Probation Administration. The data will allow the committee to examine felony sentencing disparities for which pre-sentence investigations were ordered.

Diversity in the Legal Profession and Court System

Call to Action Initiative

In an effort to promote diversity in Nebraska's legal profession, the MJC is coordinating a Call to Action Initiative. Modeled after successful initiatives in other cities, the Call to Action Initiative encourages law firms and corporations to sign on to a basic statement of diversity principles and agree to participate in Nebraska State Bar Association programs in pursuit of these principles. In essence, the Call to Action Initiative creates a network of firms and corporations that can work collaboratively and innovatively to promote diversity in the legal profession.



LSAT Prep Scholarship Program

In an effort to expand the pipeline for a diverse profession, the MJC 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. Recipients are required to complete the LSAT prep course and take the LSAT exam on the designated date. Recipients are required to apply to at least one law school in Nebraska and indicate a genuine interest in staying in Nebraska after law school. The application form and process are available online at www.nelegaldiversity.org. The Review Committee will consider applications each March. LSAT Prep Scholarships will be presented to recipients each March and recognized at the annual Legal Diversity Summit in September. The number of recipients will be determined by the amount of available funding. To donate to the LSAT Prep Scholarship Fund visit: www.nelegaldiversity.org for more information.



Third Annual Legal Diversity Summit

The MJC hosted its third Annual Legal Diversity Summit on September 14, 2007 in Omaha at the Double Tree Hotel. The Summit featured Ted Shaw, Director-Counsel and President of the NAACP Legal Defense and Education Fund and provided interviews between regional law students of color, lateral hires, and Nebraska legal employers. The Summit provided regional law students of color 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.



Issue on Diversity

In an effort to educate the legal profession, the MJC edited a special edition of *The Nebraska Lawyer*, on diversity issues. The issue included: information for employers on Equal Employment Opportunity policies, an article on the business case for diversity, and an article on the need to "expand the pipeline" of diverse applicants to law school.

Upcoming Priorities

The Minority Justice Committee's future priorities include:

- An initiative to provide uniform bilingual forms and documents for criminal and juvenile court matters and for the Nebraska probation system.
- Exploring policies to ensure that there are not barriers for non-English speakers and low income individuals from participating in diversion.
- Improving access to legal services.
- Establishing mock trial programs in high schools with significant minority populations.
- Establishing a non-monetary system of bond.

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 2007 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

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



Minority and Justice Committee: *Sitting (from left to right):* Monica Miles-Steffens, Valorie Bendixen, Judy Beutler, Jane Schoenike, Hon. John Gerrard, Dr. Liz Neeley, Hon. Ken Vampola, Linda Crump, Linda Willard, and Janice Walker.

Standing (from left to right): Cecilia Huerta, Riko Bishop, Darrell Fisher, Hon. Vernon Daniels, Ellen Fabian Brokofsky, David Stickman, Alan Tomkins, Hon. John Irwin, Mohummed Sadden, Carlos Monzón, Anna Williams Shavers, Jim Rembolt, Judi gaiashkibos, Mark Young, and José Soto.

Not pictured: Daphne Aronson, Hon. Edna Atkins, Becky Gould, John Grant, Anne Hobbs, Dennis Keefe, Don Kleine, Kate Mahern, Hon. Marlon Polk, Kimberly Taylor Riley, Tom Riley, Harold Rock, David Sankey, Hon. Robert Steinke, Terry Waite, Thomas Warren, Dean Steven Willborn, and Sherman Willis.

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
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
Ellen Fabian Brokofsky, State Probation Administrator
Hon. Vernon Daniels, Separate Juvenile Court Douglas County
Judi gaiashkibos, Nebraska Commission on Indian Affairs
Becky Gould, Nebraska Appleseed
John Grant, Attorney at Law
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
Don Kleine, Douglas County Attorney
Kate Mahern, Milton Abrahams Legal Clinic
Monica Miles-Steffens, Judicial Branch Education
Andrea Miller, Attorney at Law
Carlos Monzón, Attorney at Law
Liz Neeley, PhD, University of Nebraska Public Policy Center

Hon. Marlon Polk, Douglas County District Court
Jim Rembolt, Attorney at Law
Kimberly Taylor Riley, Nebraska Attorney General's Office
Tom Riley, Douglas County Public Defender
Harold Rock, Attorney at Law
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David Sankey, Nebraska State Patrol
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Anna Williams Shavers, University of Nebraska College of Law
José Soto, Southeast Community College
Hon. Robert Steinke, Platte County District Court
David Stickman, Federal Public Defender
Alan Tomkins, NU Public Policy Center
Hon. Ken Vampola, Dodge County Court
Terry Waite, Attorney at Law
Janice Walker, State Court Administrator
Thomas Warren, Omaha Police Department
Linda Willard, Nebraska Attorney Generals Office
Sherman Willis, Attorney at Law
Dean Steven Willborn, University of Nebraska College of Law
Mark Young, Hall County Attorney

— Equal Justice Before the Courts —

Support the Nebraska Minority Justice Committee

The Nebraska Minority Justice Committee is supported in part by the Nebraska State Bar Association's Charitable Funds, Inc. (www.nebar.com/nsbainfo/otherorgs/cfi/index.htm).

To support the future efforts of the Minority Justice Committee, please make a tax deductible contribution to NSBA Charitable Funds, Inc. today!

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