



THE NEBRASKA MINORITY JUSTICE COMMITTEE

# PROGRESS REPORT 2009

— *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 2009.

# Access to Justice

## 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 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 intends to measure the impact of this legislation and continue exploring additional source list options in the event that the addition of state identification card holders does not have its intended impact of providing more representative jury pools.

## Increasing Cultural Understanding

The Committee seeks to increase cultural understanding between the legal profession and refugee populations. Last October, the Committee sponsored an educational seminar for justice system practitioners on the Sudanese culture, the resettlement of Sudanese refugees to Nebraska, and the legal issues faced by the Sudanese population. The Committee has subsequently made this information available to the greater Bar Association through *The Nebraska Lawyer* magazine.

In partnership with the Nebraska Equal Opportunity Commission and the Southern Sudan Community Association, the Committee hosted an event this summer for refugees in the Omaha area. The event included approximately 60 participants from the Hmong and African refugee communities. The event provided information for refugees regarding immigration, immigrant workers rights, the juvenile justice system, Child Protection Services, parents' rights, and accessing legal assistance for civil legal issues. Additional events are planned for 2010.



## 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 has coordinated the translation of many of the state's civil, *pro se*, juvenile court and juvenile probation forms into a bilingual format. Translation was completed for the most commonly requested languages: Spanish, Vietnamese and Arabic. The project was possible through funding awarded by the Woods Charitable Fund and the Nebraska Crime Commission. The forms are available on the Nebraska Judicial Branch website: <http://www.supremecourt.ne.gov/>

# Criminal and Juvenile Justice

## Failure to Appear Project

The Committee received a \$200,000 grant from the National Institute of Justice to pilot a policy designed to reduce failures to appear for misdemeanor defendants. 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. 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. Preliminary data indicate that the reminder policy is effective in reducing failure to appear, especially for minority populations. The study is currently taking place in 13 Nebraska counties and will conclude in the spring of 2010.

## Criminal Records

In an effort to reduce the collateral consequences of conviction, many states are reevaluating their processes for sealing, setting aside, and/or expunging criminal records. The Committee is working in partnership with the Nebraska State Patrol in reviewing Nebraska's process and will partner with the Nebraska Supreme Court Committee on Pro Se Litigation to ensure that information regarding the processes for requesting a modification to a criminal record is readily accessible to the public.

## Appointment of Counsel

The issue of bias in court appointments is of concern to the Minority Justice Committee because it threatens trust and confidence in the fairness of the judicial system and hinders diversity in the legal profession by limiting opportunities for minority attorneys. In an effort to ensure equity of opportunity in court appointments, the Committee proposed a rule which if adopted, would require each judicial district to adopt a process for the appointment of counsel that is both transparent and systematic. The Committee's proposal provides autonomy to judicial districts in establishing their respective processes and provides discretion to judges to ensure that the systematic process will protect defendants' constitutional right to the effectiveness of counsel and the judiciary's interest of efficient administration of assignments.



# 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, 16 LSAT Prep Scholarships have been awarded. To donate to the LSAT Prep Scholarship Fund or to apply for a scholarship visit: [www.nelegaldiversity.org](http://www.nelegaldiversity.org) for more information.



## Job Shadowing Program

In 2009, the Committee established a job shadowing program which provides 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. Four firms participated in the job shadowing program this spring: Koley Jessen P.C., L.L.O; Kutak Rock, LLP; Jackson Lewis, LLP; and Spencer Fane Britt & Browne, LLP. The participating high schools were Blackburn, Benson and Northwest. Cline Williams Wright Johnson and Oldfather, LLP offered a similar program in Lincoln in partnership with the Lincoln HUB. The job shadowing program hopes to continue its partnership with OPS and the Creighton Street Law Program and plans to extend the job shadowing program across the state.



## 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. To date, the Program has hosted three events sponsored by ConAgra Foods, Inc, Legal Aid of Nebraska, and Stinson Morrison Hecker, LLP. 2010 networking and continuing legal education events are scheduled for: February 19, May 21, August 19, and November 18.



## Legal Diversity Summit

The Committee hosted its annual Legal Diversity Summit on October 9, 2009 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. The Summit featured University of Texas Law School Professor Norma Cantu. Professor Cantu served as the Assistant Secretary of Education for Civil Rights in the Clinton Administration for eight years, implementing governmental policy for civil rights in American education. Professor Cantu's address was entitled, "Holding Educational Institutions Accountable, Not Liable: Issues of Law, Equity and Excellence in Education."



## How to Apply for a Judicial Vacancy

In an effort to promote diversity on the bench and on Nebraska's judicial nominating commissions, the Committee hosted a seminar on "How to Apply for a Judicial Vacancy". The seminar described the role of Judicial Nominating Commissions and took the 100+ audience step by step through the application process. Materials for the session are available on the Nebraska Legal Diversity Website: [www.nelegal-diversity.org](http://www.nelegal-diversity.org).

## Upcoming Priorities

The Minority Justice Committee's future priorities include:

- Establishing a diversity award to recognize individuals, firms and organizations that work to promote a diverse legal profession.
- Research on representative juries, potential racial disparities in bail bond, the diversity of Nebraska's judicial workforce, and re-assessing public perceptions of racial and ethnic fairness in the courts.
- Partnering with the Nebraska Supreme Court's Pro Se Committee and the Nebraska State Patrol to address concerns with the process for sealing and setting aside criminal records.

## 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 2009 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](http://www.nebar.com/publicinfo/minority_justice.htm).



## Feedback and Questions

For more information on the Nebraska Minority Justice Committee visit <http://www.nebar.com/displaycommon.cfm?an=1&subarticlenbr=73> 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.

## 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  
**Dean Eric Chiappinelli**, Creighton University School of Law  
**Hon. Vernon Daniels**, Separate Juvenile Court Douglas County  
**Angel Freytez**, Mexican American Commission  
**Judi gaiashkibos**, Nebraska Commission on Indian Affairs  
**Becky Gould**, Nebraska Appleseed  
**John Grant**, Attorney at Law  
**Anne Hobbs**, Juvenile Justice Institute  
**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**, Nebraska Crime Commission  
**Andrea Miller**, Attorney at Law  
**Carlos Monzón**, Attorney at Law

**Liz Neeley**, NU Public Policy Center  
**Jim Rembolt**, Attorney at Law  
**Tom Riley**, Douglas County Public Defender  
**Harold Rock**, Attorney at Law  
**Mohammed Sadden**, Attorney at Law  
**Lt. Col. David Sankey**, Nebraska State Patrol  
**Susan Sapp**, Attorney at Law  
**Jane Schoenike**, Nebraska State Bar Association  
**Anna Williams Shavers**, University of Nebraska College of Law  
**Shawntal Smith**, Attorney at Law  
**José Soto**, Southeast Community College  
**Hon. Robert Steinke**, Platte County District Court  
**David Stickman**, Federal Public Defender  
**Kimberley Taylor Riley**, Nebraska Attorney General's Office  
**Alan Tomkins**, NU Public Policy Center  
**Hon. Ken Vampola**, Dodge County Court  
**Terry Waite**, Attorney at Law  
**Janice Walker**, State Court Administrator  
**Thomas Warren**, Urban League of Nebraska  
**Linda Willard**, Nebraska Attorney Generals Office  
**Sherman Willis**, Attorney at 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 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  
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*State Bar Association*