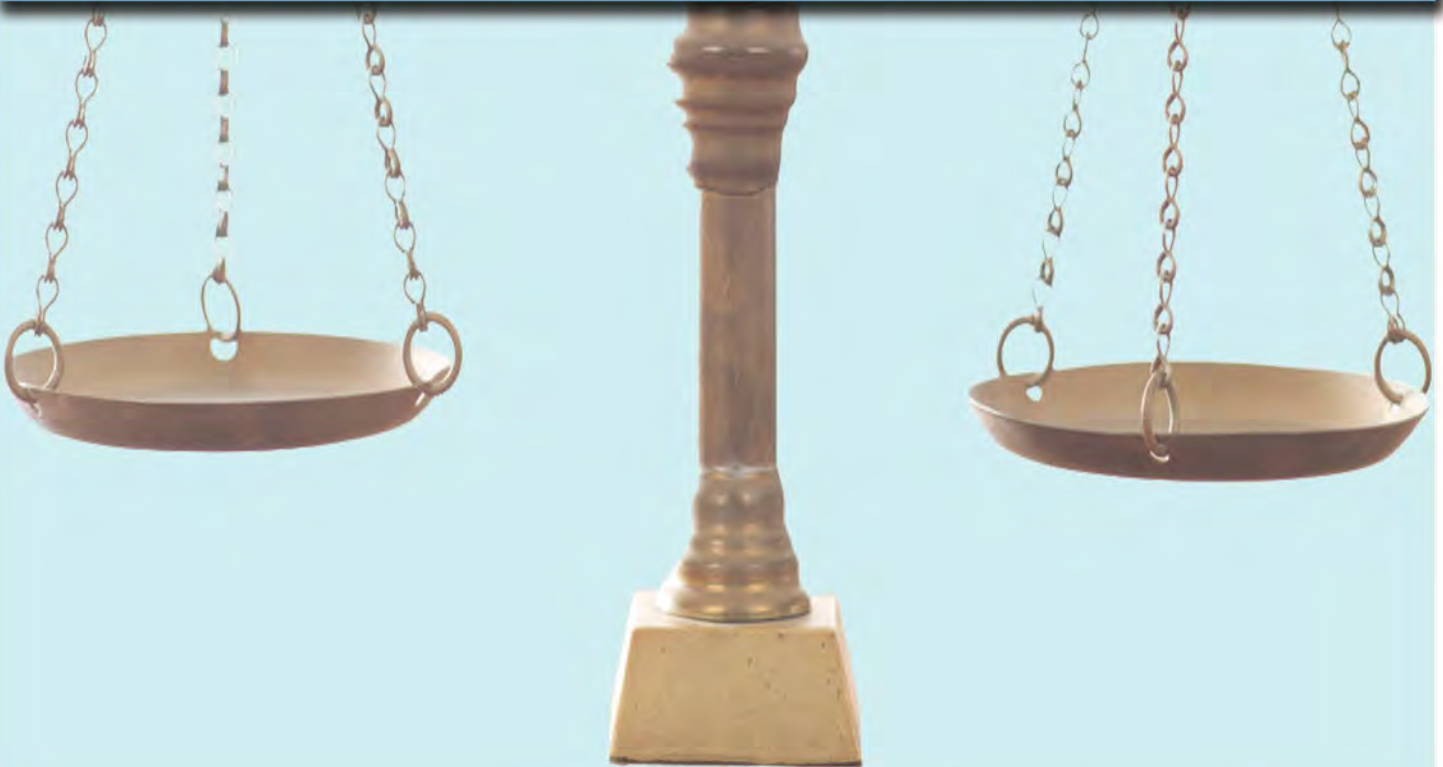




THE NEBRASKA MINORITY JUSTICE COMMITTEE

PROGRESS REPORT 2012

— *EQUAL JUSTICE BEFORE THE COURTS* —



History and Mission

By addressing systemic barriers to equity and access, the Minority Justice Committee (MJC) improves the justice system and strengthens public trust and confidence in the courts. Legitimacy of the legal system is based on the perception that the law is executed in a fair and even-handed fashion; when evidence suggests the contrary, it diminishes the strength of the justice 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 diversity in Nebraska's judicial workforce and legal profession

The Committee is pleased to share these brief accounts of progress made in 2012.

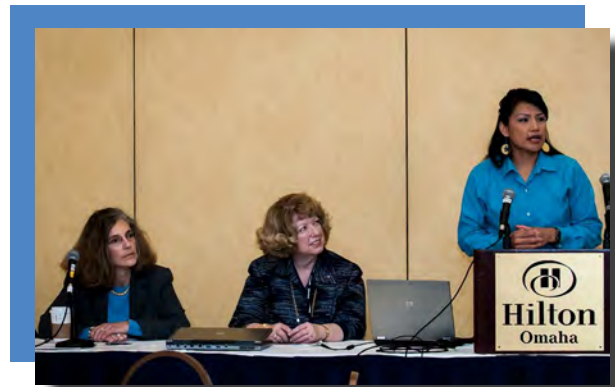
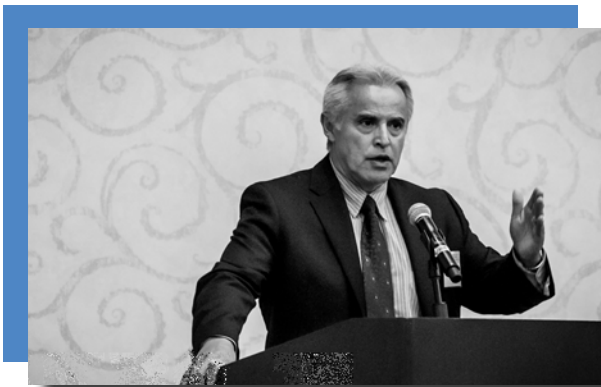
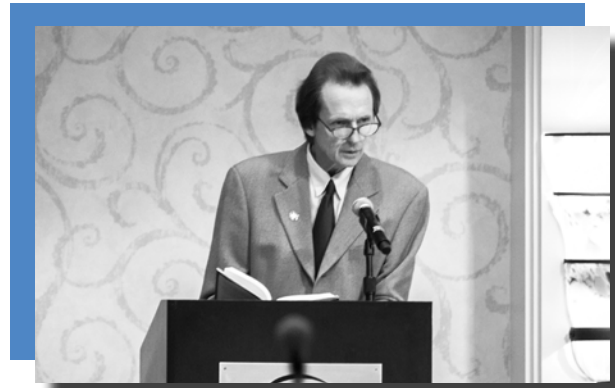


MJC Committee members:

Linda Crump, Liz Neeley, Hon. John Irwin and Judy Beutler

National Consortium on Racial and Ethnic Fairness in the Courts

In 2012, the Nebraska Minority Justice Committee was honored to host the 24th Annual Conference of the National Consortium on Racial and Ethnic Fairness in the Courts, held at the downtown Omaha Hilton May 9-12. We are thrilled to report that Nebraska set the all-time attendance record for the conference with over 360 attendees representing 37 states and the District of Columbia. Recognizing the ever-changing landscape and the increasing challenges that face justice systems committed to achieving the promise of equality before the law, the purpose of the National Consortium is to bring together thought-leaders and delegates of state justice systems from around the country to share their collective knowledge about best practices within their court systems for achieving access and fairness. The conference offered an exceptional agenda filled with nationally recognized speakers on a range of topics : addressing language barriers, cross cultural issues in the courts, prosecutorial discretion, implicit bias, juvenile justice reform, court innovations, and building the capacity to effect change.



Access to Justice

Language Access Plan

As a recipient of federal funding, Nebraska's Judicial Branch is required to develop a Language Access Plan for how the courts will provide meaningful access to Limited English Proficient populations. To this end, the Administrative Office of the Courts together with the Minority Justice Committee has begun an assessment of interpreter services in Nebraska's state court system by obtaining feedback from various justice system stakeholders including limited English speaking court consumers, interpreters, judges, attorneys, and probation and court personnel. In 2013, the Language Access Plan will present recommendations for improving the provision of interpreter services in state courts.



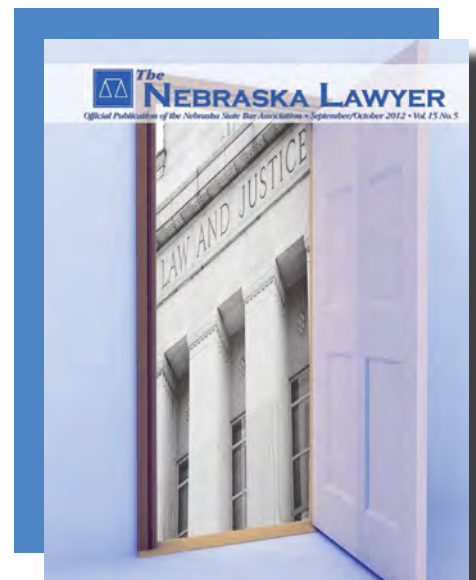
National Spotlight: Impact of Legislation on Nebraska's Jury Compilation Process

In 2011, the MJC released a report measuring the extent to which adding state identification card holders as a source list for compiling juries, has resulted in juries that are more representative of the communities they serve. Data indicates that the legislative change had a significant impact in reducing racial disparities in both the initial and eligible pools of jurors in Nebraska's three most populous counties (Douglas, Lancaster, and Sarpy). Other counties have also seen substantial positive impacts (but not at a statistically significant level). Nebraska's work in this area received national attention when it was published in *Court Review*, the Journal of the American Judges Association: <http://aja.ncsc.dni.us/pdfs/CourtReview/CR%2047-4Neeley.pdf>



Educating the Legal Profession on Access Issues

The MJC aspires to create a legal profession that is cognizant and sensitive to the various access to justice issues faced by the courts and legal profession. In 2012, the MJC edited the September/October issue of *The Nebraska Lawyer*, which included the following articles: The Unique Challenges of Cross-Cultural Justice; Understanding Public Accommodation Requirements under the American with Disabilities Act and its Impact on the Law Office; Cultural Competency in Prosecution of Domestic Violence on Nebraska Indian Reservations; and the results of Nebraska's Statewide Assessment on Disproportionate Minority Contact in the Juvenile Justice System.



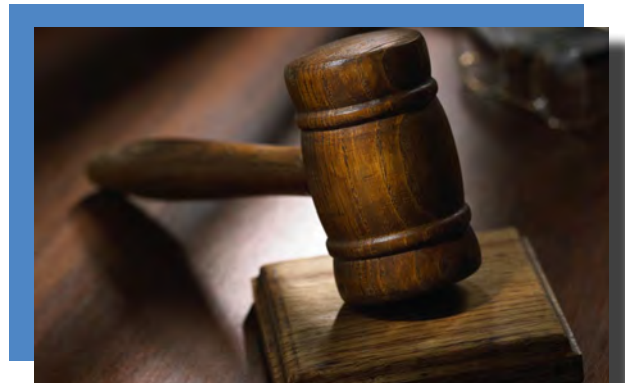
Criminal and Juvenile Justice

Immigration Consequences of Criminal Convictions

In 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's Office obtained grant funding to provide free statewide training and resources to criminal defense attorneys on the immigration consequences of criminal convictions. In 2012, trainings, provided by Professor Kevin Ruser, were held in Kearney, Broken Bow, Norfolk, Columbus and Omaha. In an effort to extend this resource beyond the grant, the MJC together with the Nebraska State Bar

Joint Ad-Hoc Committee on Court Appointments

For the past decade, the MJC examined and made recommendations regarding the quality and delivery of indigent defense services in Nebraska (reports are available online at: <http://www.nebar.com/>). Based on research provided by the MJC, the Nebraska State Bar Association and the Nebraska Supreme Court established a joint Ad-Hoc Committee on Court Appointments in 2011. The Committee is charged with developing rules establishing an objective, transparent and systematic process for court appointments, ensuring effective counsel for those unable to afford an attorney. The proposed rules are expected to be considered by the Nebraska Supreme Court in 2013.



Statewide DMC Assessment

In order to continue receiving federal funds through the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Nebraska was required to conduct a statewide assessment examining the extent to which minority youth have disproportionate contact with the justice system (DMC). The MJC worked collaboratively with researchers from the University of Nebraska Juvenile Justice Institute to develop research questions, identify data sources, and interpret findings from the assessment. The final report was made public by the Nebraska Crime Commission on April 24, 2012. Since the release of the report, the MJC has been partnering with various stakeholders to implement its recommendations.

Juvenile Detention Alternatives Initiative (JDAI)

The Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) is a nationally renowned reform process that has effectively lowered detention populations, enhanced public safety, saved tax payer money, reduced the overrepresentation of minority youth, and introduced other juvenile justice system improvements in more than 130 jurisdictions across the United States. In 2012, Nebraska established a statewide Committee to implement JDAI. The MJC is pleased to be a partner in this initiative and to work within the JDAI model to find ways to reduce racial disparity in the juvenile justice system.



Diversity in the Legal Profession and Court System

LSAT Prep Scholarship Program

In an effort to promote a diverse legal profession, the MJC together with the Nebraska Lawyers Foundation, established an LSAT Prep Scholarship Program. The program provides scholarships for Kaplan LSAT Prep Courses and covers the costs of registering for the LSAT exam. To be eligible for LSAT Prep Scholarships, applicants must reside in Nebraska, demonstrate economic need, and be a racial/ethnic minority. To date, 38 LSAT Prep Scholarships have been awarded. On average, students experience a 7-point difference between their first practice exam and their final LSAT score. To donate to the LSAT Prep Scholarship Fund or to apply for a scholarship visit: www.nelegaldiversity.org.



2012 LSAT Prep scholarship recipients.

Job Shadowing Program

The job shadowing program was established to provide minority high school students with information about careers in the legal profession and the steps to becoming 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 its establishment in 2009, more than 400 students have participated in the program with the support and participation of numerous attorneys, law firms and judges.



Sherman Willis speaks to students as part of the job shadowing program.

Legal Diversity Summit

In September of 2012, the MJC hosted its 8th Annual Legal Diversity Summit, bringing 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 Cornell Law School Professor Jeff Rachlinski on Implicit Bias in the Courts, the event offered several continuing legal education programs, and informational sessions for people considering law school.

2013 Diversity Awards

The MJC established the Nebraska State Bar Association Diversity Award to recognize outstanding efforts made by firms, organizations or individual attorneys in promoting diversity in the legal profession in the state of Nebraska. The 2012 Law Firm Recipient was Baird Holm LLP in recognition of their efforts to increase the number of non-traditional students aspiring to legal careers and for creating opportunities for students of color to attend area law schools.



Members of the Baird Holm firm accept the 2012 Diversity Award.

Members of the Minority Justice Committee

Co-Chairs:

Linda R. Crump, Equity, Access & Diversity Programs UNL
Hon. John Irwin, Nebraska Court of Appeals

Committee:

Hon. Edna Atkins, Douglas County Court	Dean Susan Poser, University of Nebraska
Valorie Bendixen, Clerk of the District Court for Hall County	College of Law
Judy Beutler, Administrative Office of the Courts	Tom Riley, Douglas County Public Defender
Ellen Fabian Brokofsky, State Probation Administrator	Harold Rock, Attorney at Law
Dean Marianne Culhane, Creighton University School of Law	Susan Sapp, Attorney at Law
Hon. Vernon Daniels, Separate Juvenile Court Douglas County	Jane Schoenike, Nebraska State Bar Association
Judi gaiashkibos, Nebraska Commission on Indian Affairs	Lt. Col. Tom Schwarten, Nebraska State Patrol
Cindy Gans, Nebraska Crime Commission	Anna Williams Shavers, University of Nebraska College of Law
Becky Gould, Nebraska Appleseed	Shawntal Smith, Attorney at Law
John Grant, Attorney at Law	Jose Soto, Southeast Community College
Anne Hobbs, UNO Juvenile Justice Institute	Lazaro Spindola, Latino American Commission
Dennis Keefe, Lancaster County Public Defender	Hon. Robert Steinke, Platte County District Court
Kate Mahern, Milton Abrahams Legal Clinic	David Stickman, Federal Public Defender
Stephanie Martinez, Sarpy County Attorney's Office	Hon. Ross Stoffer, Madison County Court
Monica Miles-Steffens, Nebraska Juvenile Justice Association	Kimberly Taylor Riley, Director of Equity & Diversity City of Lincoln
Andrea Miller, Attorney at Law	Alan Tomkins, NU Public Policy Center
Carlos Monzon, Attorney at Law	Homero Vela, Attorney at Law
Dave Pantos, Legal Aid of Nebraska	Terry Waite, Attorney at Law
Arturo Perez, Equity, Access & Diversity Programs UNL	Janice Walker, State Court Administrator
	Linda Willard, Nebraska Attorney General's Office
	Sherman Willis, Attorney at Law
	Mark Young, Hall County Attorney

Staff:

Liz Neeley

— Equal Justice Before the Courts —

Support the Nebraska Minority Justice Committee

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

The Nebraska Lawyers Foundation
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Lincoln, NE 68501-1809



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