

July 1, 2021 - June 30, 2023

Nebraska Supreme Court Strategic Agenda



NEBRASKA JUDICIAL BRANCH STRATEGIC AGENDA 2021-2023

The Nebraska Judicial Branch continues its six overarching goals for the 2021-2023 strategic agenda. This document identifies those goals and their respective objectives and initiatives. It is essential that in the twenty-first century, the provision of justice is sustained and maintained through a system of impartial, fair, and accessible courts and related services in order to achieve community safety, promote the general welfare, and encourage civility among people. The six overarching goals of the Nebraska Judicial Branch are:

Goal 1: Providing Access to Swift, Fair Justice

Goal 2: Protecting Children and Vulnerable Adults

Goal 3: Addressing Community Safety

Goal 4: Being Accountable to the Public

Goal 5: Strengthening Communication with Citizens and Government

Goal 6: Regulating the Legal Profession



GOAL 1: PROVIDING ACCESS TO SWIFT, FAIR JUSTICE



As a result of recent experiences with extensive flooding in 2019 and the pandemic in 2020, extensive emergency preparedness efforts were undertaken throughout the Nebraska Judicial Branch. These efforts ensured no person was deprived access to the courts and its services, even in the aftermath of an emergency.

Lessons were learned through the sponsorship of a national conference on pandemic preparedness in May 2019 and the early adoption of a pandemic bench book for judges. The Judicial Branch will evaluate the effectiveness of preparation and subsequent planning modifications to ensure that courts can deliver their mission-essential functions during times of crisis.

“The Judicial Branch believes not only in being responsive to current needs and wants but also in being prepared for what we may encounter in the future.”

*~ Chief Justice Heavican
State of the Judiciary
Address, January 2019,
regarding Nebraska’s
sponsorship of the
National Pandemic
Conference, 9 months
before COVID-19.*

The role of courts is to swiftly and fairly resolve cases. To accomplish this goal, the courts must be impartial, efficient, and accessible for the user. Our judicial system is based upon the principle that all citizens coming before the courts are entitled to equal justice. Courts must ensure that the accused fully understand their rights and that those rights are protected. Courts must provide meaningful access to all, ensuring that no litigant is denied justice due to the lack of counsel, the inability to understand legal proceedings or because of their race, ethnicity, gender, disability, English language proficiency, or immigration status. Participants in the court process should have physical access to safe, secure courthouses, and when this is not possible because of an emergency event, contingency plans should be in place so all courts are able to continue and maintain their mission essential functions.

This strategic goal focuses on the following areas: providing adequate funding for the Judicial Branch; implementing and maintaining modern technology to support the internal work of the courts; enhancing technological access for external court users; processing and managing cases efficiently to resolve disputes in a fair and timely manner; continuously improving access to justice for limited English-proficient and the deaf or hard of hearing litigants; ensuring quality continuing education for judges and staff of the Judicial Branch; addressing bias and racial inequality in the judicial system; providing meaningful assistance to self-represented litigants; integrating alternative dispute resolution approaches to improve how trial and appellate courts conduct their business; and planning for courthouse accessibility, access during an emergency event and security.

- Access to Justice
- Adequate funding for the Judicial Branch
- Technology and the Courts
- Case Management Procedures
- Access to Justice for those with limited English-proficiency or the Deaf and Hard of Hearing
- Enhancing Judicial Branch Education
- Civil Justice Reform
- Providing Assistance for Self-Represented Litigant
- Alternative Dispute Resolution
- Tribal, State, and Federal Court Interconnection
- Engaging Public Through Community Conversations
- Courthouse Accessibility, Security, and Continuity of Operations

GOAL 2: PROTECTING CHILDREN AND VULNERABLE ADULTS

Nebraska's children and families are precious resources. Courts must be able to act swiftly and justly in those instances when children are at risk of abuse or neglect. In domestic relations cases in which children are involved, courts must be able to offer procedures and resources to decrease children's exposure to parental conflict, as well as make timely decisions so parents have certainty in their roles and responsibilities. Racial and ethnic disparities must be considered when working with children and their families. Potential shortcomings in dealing with racial inequity in our child welfare and juvenile justice systems must be explored and solutions found and implemented. At the same time, courts must ensure the rights of parents or other family members are also being addressed. This goal addresses the protection and safety of Nebraska's children.

Judges and court staff must be knowledgeable about racial and other forms of implicit bias, as well as the legal, societal, or familial impact of domestic violence on parents and children involved in the dissolution of marriage, custodial, or child welfare matters. Additionally, protecting children includes an active role by the court to support permanency for children through legal adoption after timely relinquishment or termination of parental rights. Protecting children may also include the appointment of a guardian.

In cases in which vulnerable adults are involved, courts must be able to appoint guardians and conservators to help protect those adults who no longer can protect themselves. Individuals who are unable to make responsible decisions about their finances, property, living situation or care, may require the courts to appoint a guardian or conservator to manage the vulnerable adult's personal and financial affairs. In guardianship and conservatorship matters, a higher level of initial and annual court scrutiny is realized through the Office of Public Guardian. As the population of our state continues to age, the responsibility placed on the courts to appoint guardians and conservators will also increase.

- Nebraska Court Improvement Project
- Office of the Public Guardian
- Office of Dispute Resolution
- Judicial Branch Education
- Attorney Services Guardian Ad Litem Training



GOAL 3: ADDRESSING COMMUNITY SAFETY



Each July, the Judicial Branch recognizes Nebraska Probation Week to celebrate the monumental work done by probation professionals each day. In every Nebraska community, officers and staff are working hard to change lives for the better.

“I want to give praise to my probation officers. I have been in prison seven/eight times, and I always kept hitting that brick wall. I’ve been clean now for almost two years, and I’ve got to tell you, I never thought there was life after that because it is all I knew.”

“Until post-release, I was given \$100 at the (prison) gate and told ‘goodbye, I’ll see you later.’ I had no place to go. I didn’t know what to do, so of course, I did what I have always done. Thank God for post-release, thank God somebody cares what happens to you after you leave the gates because I’ve got to tell you it made all the difference in my life.”

~ Probation Proclamation 2020 guest speaker, Rhonda Nygaard, who completed the post-release supervision program following her incarceration.

Courts are required by statute to determine the appropriate sanctions or disposition for individuals who violate the law. When a court determines probation to be the most appropriate action, it must ensure that the individual not only is held accountable but also is offered rehabilitative services designed to reduce or eliminate future criminal or delinquent activity. Those individuals with histories of substance use or mental health concerns present a unique challenge. Teens involved in juvenile court proceedings require a unique array of interventions from the court and community to address the legal and habilitative concerns of young people.

Innovative approaches, such as specialized probation programs, restorative justice, or problem-solving courts, must be considered. Successful management of probation populations, including those returning to the community from incarceration, requires following proven principles of effective community supervision and using treatment and rehabilitation programs supported by research. It also requires accurate, relevant, and timely information.

Initiatives that enhance probation and community supervision call for increased technology, advanced officer skill competency, access to services, and improved methods to assist individuals with special needs.

In Nebraska, as well as across the country, more specialty courts and specialized probation programs have been established. The utilization of problem-solving courts, including drug courts, veteran’s treatment courts, reentry courts, and other specialty courts, results in significant cost savings. Recidivism rates for problem-solving court participants are less than rates of incarcerated individuals. In addition, specialized probation programs incorporating proven risk reduction practices continue to yield positive outcomes in the management of those who have caused sexual harm, use substances, or engage in domestic violence behavior. Lastly, over-representation of people of color in the criminal and juvenile justice systems must not be ignored.

Juvenile justice is also an area of specialty. In addition to maintaining safety, the primary goals of juvenile justice are skill development, rehabilitation, addressing treatment needs, and community or family reintegration. An individualized approach utilizing the tenets of adolescent development and brain science is necessary for sustained outcomes. The juvenile justice system strives to prevent juveniles from returning to the juvenile justice system or entering the adult system. This is accomplished by engaging juveniles and their families in the court process, eliminating barriers to accessing treatment or services, and partnering with educational and community stakeholders.

- Problem-Solving Court Services
- Adult and Probation Services
- Juvenile Probation Services

GOAL 4: BEING ACCOUNTABLE TO THE PUBLIC

The Judicial Branch must be accountable to the public. This goal focuses on the obligation of courts and probation to ensure that staff at all levels are competent, professional, fiscally responsible, and customer service oriented; to establish standards by which court and probation operations and performance can be measured; to keep all branches of government and the public informed of Judicial Branch operations, programs, and initiatives; and to develop a clear strategic agenda that fosters public trust and confidence. Confidence in our judges is at the heart of maintaining the public's trust in the Judicial Branch. It is vital that judges and all Judicial Branch employees are provided an ongoing quality education. Allegations of misconduct must be investigated and resolved timely and fairly.

Racial injustice, implicit bias, and equal access to justice are complex issues but issues that must be addressed. All Nebraskans must have equal access to justice in our courts, and there is no place in our court system for racial discrimination or inequity.

- Professional, Competent, Customer Service Oriented Workforce
- Leadership Development and Conferencing with Judges Statewide
- Performance Standards for the Judicial Branch
- Financial Accountability
- Ongoing Branch Wide Education
- Professional Ethics and Codes of Conduct
- Judge and Attorney Disciplinary Systems
- Judicial Case Progression Standards
- Efficient Court Business Practices



GOAL 5: STRENGTHENING COMMUNICATION WITH CITIZENS & WITHIN GOVERNMENT



The Judicial Branch is committed to providing law-related education to both students and adults to ensure that Nebraskans understand our democratic institutions' workings and maintain confidence in our court system.

Nebraska's appellate courts provide outreach with programming focused on high schools, colleges, and law schools. Argument sessions of the court are held within the educational facility, preceded by a guest speaker who outlines the court system and followed by an open question session with students.

"It is a great honor for Northwest High to host the Nebraska Supreme Court session, which is a powerful learning opportunity for our students. As Omaha's magnet school for law, government, and international diplomacy, our students welcome the opportunity to watch the State's highest court as they hear an actual case and gain more valuable insight into how our judicial process works."

~ Northwest Principal Thomas Lee, March 5, 2020, regarding the Supreme Court argument session at the high school.

While the Judicial Branch is independent of the Executive and Legislative Branches, it does not exist in isolation. Courts serve the public and cannot do so effectively if meaningful communication between the branches, within the Judicial Branch, and with the public does not take place. This goal focuses on enhancing Judicial Branch communication with the Executive, Legislative Branches of state government, with Federal government, and with the public.

The Judicial Branch also fosters public understanding of its role and how it functions through community outreach and education programs. The Judicial Branch provides information regarding the duties of a judge, the jury system, and the merit selection process. The court system strives for transparency and to share information with the public while safeguarding the private information of court participants, including victims of crimes.

External Communications

- Executive and Legislative Branch Meetings
- Local Governmental Groups, Specifically County Governmental Organizations
- Educational and Media Programs
- Public Understanding of the Judicial Branch Programs
- Access Through In-House Broadcast Capabilities
- Development of Communication Via Social Media
- Chief Justice and Administrative Leadership Annual Visits Throughout State



GOAL 6: REGULATING THE LEGAL PROFESSION

The Judicial Branch has long recognized the indispensable role of the legal profession in protecting individual rights and liberties in a free society. Nebraska's Judicial Branch continues in that tradition. Because the Nebraska Supreme Court regulates the practice of law, the Court must determine how the legal profession can best serve the public. This strategic goal requires ongoing oversight of the attorney admission process, disciplinary systems, and the unauthorized practice of law. The Judicial Branch oversees the licensure of attorneys and the requirements of the Mandatory Continuing Legal Education (MCLE) rule through the Attorney Services Division.

- Attorney Admissions Process
- Annual Licensure of Attorneys
- Counsel for Discipline
- Mandatory Continuing Legal Education
- Rules of Practice in Appellate and Trial Courts
- Unauthorized Practice of Law
- Guardian ad Litem Training





“The Nebraska Judicial Branch remains committed to the delivery of justice in a fair and timely manner. We will carry out this mission efficiently, while continuing to provide equal access for all Nebraska citizens.”

*~ Chief Justice Mike Heavican,
State of the Judiciary Address,
January 2020*

The Nebraska Supreme Court wishes to acknowledge and thank the following Committees for integral participation in planning for the future of the Judicial Branch of Government:

Chief Justice's Leadership

Supreme Court

Chief Justice Michael G. Heavican
Lindsey Miller-Lerman
William B. Cassel
Stephanie F. Stacy
Jeffrey J. Funke
Jonathan J. Papik
John R. Freudenberg

Court of Appeals

Chief Judge Michael W. Pirtle
Frankie J. Moore
Francie C. Riedmann
Riko E. Bishop
David K. Arterburn
Lawrence E. Welch, Jr.

Nebraska District Judges' Association

Nebraska County Judges' Association

Nebraska Separate Juvenile Court Judges' Association

Workers' Compensation Court

Administrative Office of the Courts and Probation

Corey R. Steel, State Court Administrator
Deborah A. Minardi, Probation Administrator

Supreme Court Project Committees

Access to Justice Commission

Stephanie F. Stacy, Supreme Court

Civil Justice Reform Committee

Jonathan J. Papik, Supreme Court

Committee on Equity and Fairness

Stefanie A. Martinez, District Court

Consortium of Tribal, State and Federal Courts

Andrea D. Miller, District Court

Language Access Committee

John R. Freudenberg, Supreme Court

Self-Represented Litigation Committee

Frankie J. Moore, Court of Appeals

Children in the Courts Commission

Francie C. Riedmann, Court of Appeals; Roger J. Heideman, Separate Juvenile Court

Committee on Guardianships and Conservatorships

Francie C. Riedmann, Court of Appeals; Holly J. Parsley, County Court

Statewide Court Security Clearinghouse Committee

John R. Freudenberg, Supreme Court

Dispute Resolution Advisory Council

Michael W. Pirtle, Court of Appeals

Judicial Branch Education Advisory Committee

John R. Freudenberg, Supreme Court; Riko E. Bishop, Court of Appeals

Mandatory Continuing Legal Education Committee

Jonathan J. Papik, Supreme Court

Probation Services Committee

Jodi L. Nelson, District Court

Problem-Solving Courts Committee

James E. Doyle IV, District Court

Public Education Outreach Promoting Law & Equity Media Committee

Jeffrey J. Funke, Supreme Court; Todd J. Hutton, County Court

Technology Committee

William B. Cassel, Supreme Court



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