

Supreme Court Commission on Children in the Courts

Summary of August 5, 2005 Meeting

Attending: Judge Everett Inbody and Judge Douglas Johnson, Judge Vernon Daniels, Judge Paul Korslund, Judge Patrick McDermott, Judge Linda Porter, Judge Gerald Rouse, Judge Patrick Runge, Judge Kenneth Vampola, Senator Gwen Howard, Senator Ron Raikes, Janice Walker, Lynnette Boyle, Mark Ells, Marsha Fangmeyer, Robert Goodwin, Nancy Montanez, Elizabeth Neeley, Jodi Nelson, Mary Jo Pankoke, Amy Prenda, James Ruby, Richard Stafford, Roberta Stick, Marlene Vetick, Elizabeth Waterman, Vicky Weisz, Kirs Wertz

After the welcome and introduction, the main agenda of the Commission meeting focused on in depth discussions of the work and proposals of the GAL and Children's attorney subcommittees.

GAL Subcommittee – Chair Jim Ruby presented a working draft of GAL standards. He noted that one issue of some controversy is the dual role of the GAL (advocate who makes direct recommendations to the court and legal counsel to the child) that is presently in the Nebraska statute and endorsed in principle by the majority of the subcommittee but is viewed as a violation of the Nebraska Rules of Professional Conduct by some. Judge Inbody moderated the discussion. There was a vigorous and lengthy debate about the blended role issue and possible solutions. The final recommendation that appeared to offer most agreement was to keep the dual role in the standards, but to also draft an amendment to the Nebraska Rules of Professional Conduct that would allow an exception to the general prohibition of the blending of roles.

Expedited Appeals Subcommittee – Judge Patrick McDermott reported that this subcommittee is planning to analyze the timelines of appellate cases at the end of the year to see if the new rules have had a substantial impact. In the meantime the subcommittee will begin some general planning as to how an Iowa type expedited process can be adopted in Nebraska. The committee will make a recommendation as to how to proceed depending on the impact of the recently enacted changes. Additionally, Kirs Wertz is reviewing the work of the three-judge juvenile panels to see how often the decisions of the panels are further appealed.

Children's Attorney Subcommittee – Judge Kenneth Vampola reported that the subcommittee has drafted surveys to be distributed to judges, defense attorneys, and county attorneys to assess current practice in the state. The Commission approved the mailing of the surveys. The subcommittee also reported that the National Council of Juvenile and Family Court Judges has just published Guidelines for Improving Court Practice in Juvenile Delinquency Cases. Those parts of the guidelines that pertain to legal representation were summarized and presented to the Commission for review.