

Nebraska Judicial Branch and the COVID-19 Experience

by Janet Bancroft, Nebraska Supreme Court Public Information Officer

In a world that has been forever altered by the discovery of and response to COVID-19, one thing that will not change is the critical role of the Judicial Branch as the foundation for our civil society. The Judicial Branch had and still has the absolute responsibility to Nebraskans to keep the courts open. But we also must do so in a way that keeps everyone who uses, serves, and works for the courts safe and healthy.

The enormous scale of the pandemic has naturally caused uncertainty and anxiety. However, during this time when people are losing their jobs, are socially isolated, and are having their work and family routines disrupted, it is more important than ever for the courts to remain open. In March 2020, when the Governor issued a state of emergency, the Judicial Branch had to create plans to provide critical services for defendants in criminal cases; children and families involved in juvenile cases; litigants facing civil legal problems, including domestic violence, eviction, and child custody; and individuals on probation. Closing the courts and locking the courthouse was not an option.

Since March, the Supreme Court has not issued court orders with strict directives for modified court operations at the local level. Instead, the direction of the Supreme Court is to appreciate that judges, court and probation staff, attorneys, local officials, and law enforcement are more adept at putting in place modified court processes and procedures that better meet the needs of those who must have access to the courts while at the same time ensuring the safety and health of those who must work in and have access to the courts.

At the state level, the Judicial Branch developed tools and resources needed to implement modified court operations and resume normal court operations safely. This included:

- Creating pages on our website with all of the Nebraska Judicial Branch's emergency status information. These pages provide the courts, court staff, attorneys, and the public about the status of the court, court office, and probation services.
- Communicating with the Nebraska Association of County Officials to ensure local officials were not closing courthouses or restricting access to the courts or court offices.
- Developing materials, webinars, and guidance for local courts that incorporated CDC guidelines and recommendations from UNMC to modify court operations and return to normal court operations.
- Dedicating staff and financial resources to expand the availability and use of technology in the courts.
- Participating and collaborating with the National Center for State Courts, Conference of Chief Justices, and Conference of State Court Administrators to bring resources and ideas from courts across the country.



Probation staff switch to drug-detecting sweat patch to facilitate proper client monitoring while reducing the risk of viral infection.



Judge Laurie Yardley processes Lancaster County overnight jail holds using remote equipment after protests during pandemic.





Chief Justice Heavican makes solo appearance on the bench while hosting remote arguments.

Across Nebraska, the court system has adapted and continues to adjust to the pandemic challenges brought about by COVID-19. The legal community began working together in ways not contemplated in prior years to address social distancing issues while providing fair, impartial, and orderly trials. Buildings that house Nebraska court offices, on occasion, were closed by the Coronavirus. Nevertheless, Nebraska's judges continued to hold court proceedings, court staff continued to assist attorneys and self-represented litigants, and probation offices continued to supervise and offer services to individuals on probation. The essential functions of the Judicial Branch have continued to move forward despite the concerns of exposure and varied Directed Health Measures in Nebraska communities.

In an editorial published in late March 2020, Chief Justice Mike Heavican noted, "Our trial court judges and probation offices are working diligently to respond to constantly evolving conditions presented by this (COVID-19) situation. Judges are meeting with local bar associations, county commissioners, and attorneys to develop workable solutions, put plans together, and execute those plans."



News reporters view proceedings using monitors installed by county court ensuring media and public access to the courtrooms in Douglas County.



Administrative staff gathers homemade masks, hand sanitizer and other PPE to be delivered from Capitol to state trial courts.

Ensuring Nebraskans benefit from access to justice at all times, the Judicial Branch has leveraged available technological solutions, adapted procedures, and found new ways of doing business. Across the State, weddings have continued, Problem-Solving Court graduations have continued, probation drug testing has continued, court interpreters have kept interpreting, bonds continue to be set, and educational meetings have gone online. The Judicial Branch has continued to assess and adjust as the pandemic has evolved, including organizing a COVID-19 and the Courts Response Committee co-chaired by Chief Justice Heavican and Corey Steel, State Court Administrator. This committee of judges, clerks of the district and county courts, court administrators, probation, law enforcement, county attorneys, criminal defense attorneys, and representatives from the NSBA have been brought together to review the Supreme Court and trial courts' implementation of modified court and probation operations and to make recommendations for response improvements.

Recognizing the extraordinary efforts of Judicial Branch members at all levels, Chief Justice Heavican established "Everyday Hero" awards to highlight the various efforts across



Douglas County Court Judge Derek Vaughn takes notes while a court interpreter speaks with courtroom participant about charges filed against him.

COURT NEWS

the State. The awards spotlight Judicial Branch innovators, go-getters, and exemplary team workers from judges to line staff—turning challenging times into inspiration for the future. Although planned for a limited time, nominations are received weekly, and the program will continue indefinitely.

“Judges and Judicial Branch personnel, along with attorneys throughout our legal community, are working tirelessly to keep our courts open and provide necessary services. They are frontline professionals working under stressful circumstances to safeguard access to justice while protecting the public’s health and safety and everyone’s rights,” wrote Nebraska State Bar

Foundation President Steven Guenzel in a June Op-Ed. He continued, “For this, we extend our sincere appreciation to those on the front lines in court and probation offices. A special thank you to the judges, court staff, interpreters, security officers, and probation officers who have stepped up to serve Nebraska communities in innovative ways.”

Throughout the COVID-19 crisis, Nebraska’s state courts and probation offices continue to offer essential services to communities reminding Nebraskans that the need for access to the courts and probation has continued despite the closing of so many businesses and activities.

Successes of Juvenile Detention Alternatives Initiative Highlighted in New Report

The State JDAI (Juvenile Detention Alternatives Initiative) Collaborative, co-chaired by State Court Administrator Corey Steel and State Senator Tony Vargas, has released Nebraska’s first statewide Progress Report.

The report highlights the significant improvements made within the State’s juvenile justice system and JDAI sites, including:

- A 63% decline in juvenile detention admissions across the four JDAI sites (Douglas, Sarpy, Otoe, and Lancaster Counties);
- Implementation of innovative community based alternatives to detention such as Crisis Mediation, Emergency Professional Foster Care, and Reception Centers; and
- Legislative changes requiring hearings for youth on alternatives to detention and aligning the purpose of detention with national best practice.

The Nebraska Juvenile Detention Alternatives Initiative (JDAI) has been instrumental in leading juvenile justice system reform in Nebraska since 2011. The Collaborative is comprised of local community members, local JDAI site leaders, and state juvenile justice stakeholders.

To learn more about the success of JDAI in Nebraska and future plans for each county, read the recently published Nebraska JDAI Progress Report here: <https://supremecourt.nebraska.gov/successes-juvenile-detention-alternatives-initiative-highlighted-new-report>.