

An Update from Nebraska's Access to Justice Commission

by Hon. Stephanie F. Stacy and Liz Neeley, Ph.D.

Article I, Section 13, of The Nebraska Constitution declares the fundamental principles that all courts shall be open to every person, and that justice shall be administered without denial or delay. A primary role of the Judicial Branch is to safeguard these fundamental principles. Nebraska's state motto is "Equality Before the Law." And to deliver on that promise, the Nebraska Judicial Branch has long worked with court-appointed advisory committees of judges, lawyers, and court staff to help identify and eliminate barriers to equal access so that all those who come before the courts in Nebraska receive the same quality of swift, fair justice. The important work of these advisory committees, which was focused initially on addressing barriers experienced by self-represented litigants, minorities, and non-English speakers, has fundamentally changed how the Judicial Branch administers and delivers justice in Nebraska.

In 2017, the Nebraska Supreme Court reorganized these advisory committees under an Access to Justice Commission. The Commission was created to help coordinate and support the ongoing work of the advisory committees, and to expand

the focus of access to justice work in Nebraska. Commission membership was structured to engage a broader group of stakeholders, committed to raising awareness of justice gaps and positioned to recommend effective solutions to improve the court system. Commissioners include government and private practice attorneys, judges and court staff from all court levels, and leaders from legal aid organizations, organizations that advocate for persons with disabilities, Nebraska's law schools and law libraries, as well as leaders from the Legislative and Executive branches of government, and from within the Administrative Office of the Courts and Probation (AOCP).

Since its inception, the Commission has reorganized some of the work around access to justice, including expanding the committee structure to support a broader focus. A Committee on Equity and Fairness was created to address barriers related to race, ethnicity, gender, disability, and language. A Consortium of Tribal, State, and Federal Courts was created to improve communication and coordination between the three sovereign court systems in Nebraska with the goal of improving



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equal access and increasing public trust. A Civil Justice Reform working group was created to recommend procedural changes aimed at reducing the time and expense of civil litigation. The Commission has also formed several other working groups to study specific issues, like improving access for the deaf and hard of hearing through the use of real-time closed-caption technology in the courtroom and encouraging pro bono and limited scope representation to address the unmet legal needs of underserved populations across the State. The Commission is also in the planning stages of creating a working group to study the unique access issues confronted in Nebraska's rural communities. The ultimate goal of each committee and working group of the Access to Justice Commission is to inspire and support the good ideas, big and small, that improve equal access to justice across Nebraska.

For an attorney's perspective on some of the access issues confronting Nebraska's rural communities, please see the *Accessing Justice in Rural Areas* article on page 25.

As this issue of *The Nebraska Lawyer* illustrates, there is a lot of really good work happening now, both inside and outside of the Judicial Branch, to improve Nebraskan's access to justice. The Commission's current project inventory spans more than 25 pages, but we take this opportunity to update the legal profession on a few of the projects being worked on by the Commission and its committees.

Racial Equity Initiative and Court User Study

During November 2020, the Commission conducted a statewide survey of court users to measure current perceptions around access and fairness in our trial courts. The online survey tool, available in both English and Spanish, was completed by court users from every judicial district in Nebraska, with more than 700 responses received. The responses and demographic data from this survey are being analyzed now and will help to inform and prioritize the Commission's work going forward. The court user survey is also an important part of the Commission's three-phase Racial Equity Initiative, launched

at the request of the Chief Justice in June of 2020. The initiative will actively involve court users, community leaders, judges, lawyers, court staff, and probation staff in a discussion of ways to improve racial equity in our courtrooms and our court processes. Summarized, phase 1 of the initiative involves collecting preliminary data, phase 2 will involve listening sessions across Nebraska with teams of community leaders, and phase 3 will involve a series of facilitated public hearings. The Commission sees this initiative as an unprecedented opportunity to ask difficult questions, listen to the answers, and use what we learn to recommend specific reforms that improve racial equity in our courtrooms, our jury boxes, our court and probation procedures, and our judicial decision making.

Self-Represented Litigation Committee

For nearly 20 years the Self-Represented Litigation Committee ("SRL Committee") has studied the unique challenges posed by the growing number of self-represented litigants and developed specific recommendations to improve their access while maintaining the impartiality, dignity, and efficiency of the judicial process. Some of the SRL Committee's initial efforts were focused on developing standardized court forms for self-represented litigants. Today, those efforts have evolved into a robust online forms library, staffed by a full-time forms coordinator and housed on the Nebraska Supreme Court Website that contains instructions and 990 fillable court forms used regularly by self-represented litigants, lawyers, and judges across Nebraska. Recent projects include developing and updating the Nebraska Online Legal Self-Help Center and developing an online Limited Scope Toolkit for lawyers to share best practices, sample forms, and checklists for providing limited scope representation. Moving forward, the SRL Committee is focused on emerging issues such as e-filing for self-represented litigants, promoting limited-scope representation, exploring on-line dispute resolution options for certain case types, and studying the use of non-lawyer court navigators.

Committee on Equity and Fairness

Based on recommendations from the Equity and Fairness Committee and supported by the Commission, the AOCIP implemented mandatory diversity and inclusion education for



If you are aware of anyone within the Nebraska legal community (lawyers, law office personnel, judges, courthouse employees or law students) who suffers a sudden, catastrophic loss due to an unexpected event, illness or injury, the NSBA's SOLACE Program can likely assist that person in some meaningful way.

Contact Mike Kinney at mkinney@ctagd.com and/or Liz Neeley at lneeley@nebar.com for more information.

We have a statewide-and-beyond network of generous Nebraska attorneys willing to get involved. We do not solicit cash, but can assist with contributions of clothing, housing, transportation, medical community contacts, and a myriad of other possible solutions through the thousands of contacts available to us through the NSBA and its membership.


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all court and probation staff. To date, more than 1,600 court and probation staff have completed the curriculum, and it has become part of the standard education of all new court and probation staff. Some of the Equity and Fairness Committee's current projects involve studying issues related to minority participation in the juror qualification process, considering best practices for ability to pay hearings, and developing recommendations for using technology to reduce failure to appear rates through court date reminders.

Consortium of Tribal, State, and Federal Courts

In the fall of 2019, the Consortium led public engagement sessions with tribal representatives in Omaha, Santee, Macy, and Winnebago and heard first-hand their concerns about barriers to access in the tribal, state, and federal court systems in Nebraska. Due to the COVID-19 pandemic, the public engagement sessions planned for spring of 2020 in Scottsbluff and Rushville, were postponed to protect the health and safety of all participants. When it is determined to be safe for larger public gatherings, the engagement sessions will be rescheduled. In the meantime, the Consortium is focused on projects responding to some of the concerns voiced during the initial public engagement sessions, such as increasing judicial education on the laws and issues that impact Native American communities, improving collaboration and communication between court systems, sharing educational resources and

probation services across court systems, and creating an online resource so tribal court rules, jurisdictional information, and information about court services is more accessible.

Across the Judicial Branch, and within the Access to Justice Commission and its committees, there are hundreds of other projects and initiatives designed to improve access to justice at the local and statewide levels. Some of those projects are in the concept phase, others are in the study and recommendation phase, and some are already being implemented by the AOCJ. Most of this transformational work happens quietly and with little fanfare. Lawyers might notice a change in the court rules, or court users might notice the forms they need are easier to find and understand. Many of the court's most transformative projects started with a single lawyer or judge who spoke up when they saw a problem and offered to work alongside others to recommend a solution that ended up changing how our courts operate. There is plenty of that sort of collaboration happening now, and each new project holds the possibility of meaningful systemic change that removes another barrier and get the Judicial Branch closer to realizing the promise of equal access to justice in Nebraska. If you have an idea for how to improve equal access in Nebraska, please contact the Access to Justice Commission through Amy Prenda, Deputy Administrator for Court Services Division, at amy.prenda@nebraska.gov or 402-471-2921. 



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