



State of the J U D I C I A R Y

2025
State of Nebraska
Chief Justice Jeffrey J. Funke
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Nebraska Supreme Court

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State of the Judiciary 2025

Mr. President, Mr. Speaker, and Members of the Legislature:

Thank you for inviting me here today to report on the current State of the Judicial Branch, to highlight some of our successes, and to identify future opportunities yet to be acted upon. It is an honor to address this legislative body.

I am joined by my fellow members of the Nebraska Supreme Court. May I introduce, in order of seniority as to years of service on the Court, Justice Lindsey Miller-Lerman of Omaha, Justice William Cassel of O'Neill, Justice Stephanie Stacy of Lincoln, Justice Jonathan Papik of Omaha, and Justice John Freudenberg of Rushville. I would also like to acknowledge soon-to-be Supreme Court Justice Jason Bergevin of Columbus.

I appear before you as the newest Chief Justice of the Nebraska Supreme Court. Though the giving of this address is new to me, seeing the excellent work of the men and women of the Judicial Branch is not. The extraordinary efforts of these dedicated professionals ensure that all Nebraskans have a forum to peacefully resolve disputes.

Many of you I have known for years, and some of you I have met for the first time these last few months. When speaking with you, it is abundantly clear that although the Judiciary and the Legislature are separate branches of government, we share the common goal of serving Nebraskans to the best of our abilities.

Over the years we have collaborated to find new and innovative ways to administer justice. In doing so the Judicial Branch has expanded its core functions, which has proven to be a benefit to our citizens.

The partnerships and cooperation between our branches are vital to maintain a society where the law is applied fairly, and justice is accessible to all. Some of these partnerships include probation, post-release supervision, problem-solving courts, and public guardianships. Our joint efforts have increased public safety and saved taxpayer dollars.

But as I stand here today, we can all agree that there is more work to be done. Our past accomplishments have built a strong foundation for our future successes. And this legislative session marks the next opportunity for our branches to work together to serve the people of Nebraska.

Adult Probation

Back in 2014 and again in 2021, all three branches of Nebraska's government participated in criminal justice reinvestment efforts. The principal goal of these efforts was to reduce the costly utilization of incarceration. Even though our state's crime rate has decreased, the rate of incarceration has increased. We continue to have one of the most overcrowded prison systems in the United States.

These criminal justice reinvestment efforts identified a need to divert less serious felons from prison and place them on probation. As a result, Probation has been tasked with supervising more people with higher risks to recidivate and higher needs to rehabilitate. Despite this increase in more complex cases, the work of our Adult Probation Office continues to provide excellent results. The recidivism rate for those successfully completing probation is an exceptional 19%.

Today, Adult Probation supervises over 14,000 individuals across Nebraska. Our probation officers are educated and trained in evidence-based practices focused on behavioral change. The success of these strategies requires a high degree of involvement with families, service providers, employers, and community members to ensure accountability for offenders and safety for victims and the public.

We currently operate 17 community reporting centers throughout the state, which provide a central location for a continuum of services. Last year, over 7,000 probationers accessed our reporting centers.

In 2022, Nebraska Probation was selected by a national foundation as one of three innovation sites in the country to work with young people aged 18 to 25, referred to as emerging adults. Our work focuses on redefining strategies to improve outcomes for this age group, as data has shown emerging adults to be the group most likely to re-offend.

This past June, the Supreme Court approved the first-ever strategic plan for Probation. The goals outlined in this plan will ensure that Nebraska Probation remains a national model of proven sentencing alternatives for our courts.

Furthermore, Nebraska Probation is cost-effective. The average cost of incarceration in Nebraska is \$41,000 per person per year. The average cost of adult probation is \$3,500 per person per year.

Post-Release Supervision

As part of the 2014 justice reinvestment effort, research showed that Nebraska’s felony sentencing system failed to provide adequate supervision of individuals upon their release from incarceration. Accordingly, when this body enacted LB 605 in 2015, it turned to the Judicial Branch and Nebraska Probation to administer post-release supervision. On a daily average, 1,300 individuals are supervised under this program.

Those on post-release supervision must comply with court-ordered conditions, including maintaining employment, participating in behavioral health services, and refraining from criminal activity, all while being intensely supervised by a probation officer. Less than 10% of those under post-release supervision returned to the Department of Correctional Services because of a probation revocation.

There is no doubt that the administration of this program by Probation has prevented future crime and kept thousands of individuals from returning to our prison system—and has done so at a substantially lower cost to taxpayers.

Problem-Solving Courts

Another partnership between our branches is our state’s problem-solving courts. To date, adult drug courts have been established in every judicial district. Additionally, our trial court judges have implemented four veteran’s treatment courts, two re-entry courts, one young adult court, a mental health court, and a DUI court. Our juvenile court judges have implemented two family treatment courts and a juvenile drug court. Nebraska judges volunteer to preside over these labor-intensive courts, and their role is vital to the success of these programs.

The recidivism rate for those who successfully graduate from a problem-solving court is 24%. There are over 800 participants in these courts, which is nearly an all-time high. However, more Nebraskans can and should be served. To do so we will need your continued commitment to provide additional resources.

The Strategic Plan for Problem-Solving Courts identified the need for growth and expansion. Following the plan, in 2024, the Supreme Court invited judges, prosecutors, defense attorneys, law enforcement, treatment providers, and probation staff to participate in a summit to address these needs. Summit attendees made recommendations to assist with the expansion and growth of problem-solving courts, and they will continue working on these goals in 2025.

Juvenile Probation

Juvenile Probation is yet another example of the collaborative work between our two branches. In 2013, the Legislature shifted full responsibility of juvenile supervision from the Executive Branch to the Judicial Branch. You did so because Nebraska had the country's highest rate -- more than double the national average -- of children being removed from their homes and made wards of the state. Since taking on this additional responsibility, we have cut the rate of out-of-home placement nearly in half.

On any given day in Nebraska, nearly 2,700 youth are on juvenile probation. In executing its duties, Nebraska's Juvenile Probation has become a nationwide leader in juvenile justice, and our results exceed national standards. Our recidivism rate continues to decrease and is now at an all-time low of 17%.

We have achieved these successes despite supervising an increasing number of youth who again have a higher risk to recidivate and higher needs to rehabilitate.

However, juveniles who are responsible for violent offenses remain an area of priority focus. Though this population comprises only 3% of the total juveniles on probation, it requires our full attention. To address this issue, we continually review supervision techniques and services in connection with subject matter experts, including the National Center for State Courts and various universities.

We have also commenced a joint effort with the Department of Health and Human Services. This effort is aimed at transitioning youth out of our Youth Rehabilitation and Treatment Centers and stabilizing them within the community.

The focus on community safety will continue, but it must involve all of us, including the courts and probation, this Legislature, the Department of Health and Human Services, schools, law enforcement, service providers, community leaders, and family members.

Our successes in probation, post-release supervision, and problem-solving courts are reducing crime, rebuilding families, increasing workforces, and improving our communities.

I would be remiss if I did not acknowledge the excellent work of our probation administrator, Deb Minardi. At the end of this month, Ms. Minardi will retire after 44 years of dedicated service to Nebraska Probation. Her legacy of being a servant leader, an unparalleled visionary, and an outstanding person will endure well after her retirement. Deb, on behalf of the State of Nebraska, we thank you.

Office of the Public Guardian

Also in 2014, the Legislature enacted the Public Guardianship Act and created the Office of Public Guardian. In doing so, you placed that Office with the Judicial Branch to make certain there would be well-qualified guardians to serve Nebraskans. The Office acts as a guardian of last resort for vulnerable individuals when no one else is available. From the time of its inception, the Office of Public Guardian has been asked to serve over 1,100 Nebraskans and has a current caseload of nearly 400 individuals.

Since the creation of the Office of Public Guardian, you have approved additional funding to hire more associate public guardians, resulting in reduced numbers of those in need. However, there are still too many individuals on a waitlist. I am confident that with your support, the Office of Public Guardian can continue to serve more Nebraskans.

Personnel

The work of the Judicial Branch cannot be completed without our outstanding judges and workforce. Chief Justice Mike Heavican opened each of the past two State of the Judiciary addresses by discussing the dire but improving staffing challenges faced by the Judiciary. The improvement is due in large part to this body's acknowledgment of the need to increase wages.

Besides wage increases, we have partnered with institutions of higher learning to allow students to obtain college credits for participating in our new probation officer training program. This opportunity will help create a pipeline for probation officers who are ready to work on day one.

Along with the successes I have already mentioned, we have had other accomplishments that I would like to share with you, specifically involving access to justice in Nebraska.

Access to Justice Commission

Our Access to Justice Commission identifies barriers to equal access to the courts so that we can determine effective solutions. For example, anecdotal evidence from judges and court staff suggests that self-represented litigants continue to have difficulty navigating the court system and this, in turn, compromises the efficiencies of the courts.

In response, we have developed a pilot project that will establish an in-person self-help center in Douglas County to assist self-represented litigants in filing and processing their cases. Over time, our goal is to expand in-person and virtual self-help access statewide, especially in our rural communities and for our low-income court users.

Nebraska Court Improvement Project

Another example of improving access to justice is Nebraska’s Court Improvement Project, which focuses on the needs of children and families involved in the juvenile court system. In 2024 our Court Improvement Project, in partnership with the National Center for State Courts, hosted community engagement sessions in Red Willow and Cheyenne Counties. These groups identified strategies for prevention and intervention and developed action plans for children and families in need of assistance.

Language Access

Over 50 years ago, this Legislature recognized that those unable to communicate in the English language could not fully participate in the legal process without available court interpreters. You enacted legislation for the appointment of interpreters to guarantee that “[a]ll courts shall be open [for] every person.” I am pleased to report that the Judicial Branch continues to be successful in realizing that promise. Our Language Access Program plays a critical role to ensure state and federal mandates are met.

Last year, we used interpretation services for over 60 different languages. In addition, we have recruited, trained, and certified court-specific interpreters and have coordinated the appointment of those interpreters across the state. Recently, we began collaborating with foreign consulates to produce videos in our court users’ native languages detailing the court process and the role of the interpreter.

Hearing Assistance

We have also expanded the ability for court users who have hearing loss or difficulty hearing to fully participate in court proceedings. As a result of improvements in technology, nearly every courtroom in the state has been equipped with infrared assistive listening devices at no expense to county governments.

The Judicial Branch remains committed to the principle that every individual can fully participate in and avail themselves of judicial services.

Technology

We continue to make advances in technology. Our emphasis has been on security, electronic exhibits, and remote access to court proceedings.

To protect our systems and operations, the Nebraska Judicial Branch has implemented robust cybersecurity measures to reduce risk. Our new Information Security Officer centralizes oversight and provides consistent application of policies and standards.

In the area of electronic court exhibits, we have built the Nebraska Judicial Electronic Exhibit System. It plays a critical role in modernizing courtroom operations by enabling the digital presentation of evidence. The system will be instrumental in creating more efficient courtroom workflows and more effective evidence retention.

Regarding remote access, our trial court judges have made significant strides in using technology to enable communication, document sharing, and teamwork between courthouses. Our technology improvements have opened virtual courtrooms and have allowed remote hearings which reduce travel needs and provide greater scheduling flexibility – and this, in turn, improves access to justice.

Current Needs

JUSTICE 2.0

However, even with a well-connected and highly trained staff, the successes of the Judicial Branch are impaired by our inefficient and outdated case management system, referred to as JUSTICE. That system was implemented in 1994 -- the same year Ben Nelson was Nebraska's Governor, and the Cornhuskers won a national championship in football. We can no longer operate in the past.

To address this archaic infrastructure, we have begun a comprehensive review of our current system's architecture, workflows, and user needs. This review is supported by a \$1.7 million grant, which will assist us in determining how to design and build JUSTICE 2.0. The modernized system will enable judges, attorneys, and court staff to be more efficient and effective. But to make the plan a reality, we must have the financial support of this legislative branch.

Behavioral Health Funding

Another area of concern, which is largely outside the purview of the Judiciary, is the availability of behavioral health services. Substance use disorders or mental health issues put many Nebraskans in direct contact with the Judicial Branch, particularly by way of criminal charges, guardianships, and the abuse and neglect of children. The lack of treatment options means that our citizens are not getting the care they need, which reduces their chances of stability and recovery.

In 2024, over 6,000 probationers accessed Probation's financial assistance programs for behavioral health services. However, our behavioral health partners continue to report a

significant shortage of available providers, and reimbursement rates are not keeping pace with the cost of delivering those services.

These issues negatively impact judges' sentencing options and the work of Probation, post-release supervision, problem-solving courts, and the Office of Public Guardian—the very work you have asked us to do. Our branches must prioritize behavioral health services.

Additional Considerations

Lastly, in 2022, this body supported our efforts to make Nebraska's Judicial Branch a competitive employer in the job market. In doing so, you agreed that salary increases were necessary to recruit and retain quality personnel. However, you asked us to use our existing funds to pay the salary increases, and no new funds were appropriated.

We also sought funding in 2023 to increase the rate of pay for our interpreters, to add an adult drug court for Platte County and a veteran's treatment court for Sarpy County, and to hire three additional IT staff members to improve cybersecurity and cloud-based management. Those efforts were supported by this body by increasing our personnel spending limits. But again, you asked us to implement these efforts using existing funds, and no new funds were appropriated.

We have done what you have asked. The existing funds we relied upon will soon be exhausted, and we will be unable to support these advancements. Therefore, it is essential that the Judicial Branch receive adequate funding for the next biennium to sustain the progress we have made.

Conclusion

In closing, I extend my sincere thanks to you, the members of the Legislature, for your support of the Judicial Branch. Over the years, I have seen the positive impact of the work of this body, from approving funds that enable us to maintain and improve court and probation operations across the state, to passing legislation so that our laws remain responsive to the needs of our citizens.

Your dedication directly strengthens the foundation of our system of justice. I look forward to working together with you.

Nebraska Judicial Branch Reports



Nebraska Probation Strategic Plan, 2024-2029



Access to Justice Commission, Strategic Plan, FY 2023-2028



Strategic Plan for Nebraska Problem-Solving Courts, 2020-2025



Nebraska Supreme Court IT Strategic Plan, FY 2025-2027

Additional Nebraska Judicial Branch reports are found on the Supreme Court website (supremecourt.nebraska.gov/) under the “Publications” tab on the left side of the homepage.



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Front cover photo: Ormate ceiling plasterwork featuring 'Wisdom' and 'Truth,' which supports one of the two chandeliers in the Lawyer's Room of the Nebraska Supreme Court, reflects the foundational principles of justice."

