



State Supreme Court's chief justice visits Ogallala court

By JORDAN SHEARER
 News Staff Writer

With fewer and fewer physical files running across Judge Ed Steenburg's desk, he has come to be one of the few judges in the state who are progressively moving toward a paperless court room.

Steenburg's system has been so successful, in fact, that Nebraska Supreme Court Chief Justice Mike Heavican stopped in the Keith County Courthouse on Tuesday for a demonstration of how the county court has progressed electronically. Although he does not represent Keith County, District 44 Sen. Dan Hughes also visited the presentation.

In addition to Ogallala, Heavican is visiting a number of other counties throughout western Nebraska, making stops at places such as North Platte and Sidney. However, it was, in part, because of the paperless system in Keith County that he made sure to make a stop at Ogallala while on his summer tour throughout the state.

"Judge Steenburg has really been doing some cutting edge things," Heavican said. "He's taken on a leadership role in going toward a paperless court situation."

Heavican said there will be an "educational



(Jordan Shearer)

CHIEF – Nebraska Supreme Court Chief Justice Mike Heavican (right) met with 11th Judicial District County Court Judge Ed Steenburg of Ogallala and several other local representatives on Tuesday to review how the local court has transitioned to a near-paperless system.

effort" to encourage other judges throughout the state to transition their courtrooms to similar systems, as well.

Whereas Steenburg used to have a high stack of files sitting on his desk that would need to be looked through, he now runs through them on his laptop, something that has resulted in less space

needed and a higher level of efficiency.

Even though the Keith County Court has gone nearly paperless for the most part, there are still some files that are kept in the physical form, such as juvenile or probate cases. Nonetheless, Steenburg said that some 30 filing cabinets that used to take up office space in the

courthouse have now been reduced to approximately 10.

Aside from simply cutting down on the amount of actual paper that flows through the courthouse, the move to a near paperless system, and the progression of other aspects of technology, has resulted in financial and time-saving benefits for several different aspects of the court system.

For example, when a defendant is sentenced to probation, his or her court file is electronically filed with the probation office immediately after the journal entries were created during the court hearing, something that wasn't necessarily possible before.

Additionally, with fewer physical files, fewer man-hours are now needed to sort, categorize and transport those files from one place to another before and after court dates.

Aside from going paperless, improved technology also has benefited the court system in other ways.

For example, the Keith County Court has begun to video conference with inmates who may be held at other facilities, or who may be held in Keith County and facing charges elsewhere.

(Continued on page 3)

State Supreme Court's chief...

(Continued from page 1)

Incorporating that option has begun to reduce the cost of transporting inmates back and forth. Keith County is one of only several jails in the state that have incorporated the video-conference option.

"With increasing the bandwidth and increasing the use of technology, we're also using technology for video conferencing in the courts as well; we'll link with jails; we'll link with detention centers," State Court Administrator Corey Steel said.

He added that while they are still developing that specific program, they are continuing to work with other counties and jails to make it more accommodating.

Both the state and the county share the cost of running the courtroom.

Even though the Keith County Court may have been one of the few in the state to reduce the amount of paper it uses to the extent that it has, the legal system statewide has moved toward a more electronic version.

Attorneys are now able to file paperwork electronically, if they so choose. Whereas files used to be isolated to the courthouse in which they were kept, they are now accessible through the Internet from anywhere.

"All the cases in the state of Nebraska can be viewed online now, so someone doesn't have to drive from some other location to view a case file in Keith County," Steenburg said. "Going paperless is just kind of a natural outgrowth of going with the justice system and going electronic."



Neb. courts 'do what courts are supposed to'

County judges receive high marks during bar association assessment

By **TAMMY BAIN**
 tammy.bain
 @nptelegraph.com

Lincoln County lawyers gave high marks to the judges they work with in biennial evaluations, the results of which were released this week.

None of North Platte's judges scored lower than a 3.78 on a scale of 1-5. Judges were rated in 13 areas, including efficiency, timeliness, impartiality, effective arguments, trial management and legal analysis.

According to a press release that accompanied the results, the Nebraska State Bar Association gave 5,519 evaluations to attorneys across the state and in some bordering cities. Attorneys were asked only to assess judges with whom they had recent

first-hand experience.

Attorneys could assess up to 30 district court and county court judges each, as well as any Supreme Court, Workers' Compensation Court, juvenile court and federal court judges they work with. Appeals judges were assessed by those who were familiar with their written opinions.

More than 97 percent of those surveyed recommended retaining Lincoln County Judge Michael Piccolo. Just over 90 percent of evaluators said County Judge Kent Turnbull should be retained. Nearly 90 percent would retain Lincoln County District Judges Richard Birch and Donald Rowlands.

Other 11th District judges also fared well, with Dawson County Dis-

trict Judge James Doyle IV scoring no lower than a 3.87 and Red Willow County District Judge David W. Urbom scoring no lower than a 4.24. Red Willow County Judge Anne M. Paine, Dawson County Judge Jeffrey M. Wightman and Keith County Judge Edward D. Steenburg all scored solely in the 4's.

Steenburg landed a 100 percent opinion that he stay on the bench. The other area judges all received at least a 92 percent affirmative to be retained.

Of the 136 judges evaluated in the surveys, the lawyers recommended that 135 be retained. Survey results are purely opinion — judges can only be removed in elections that take place "more than three years after his [or] her appointment, and every six years

thereafter," according to the release. In those elections, more than half of voters must vote to retain the judge for him or her to stay.

Douglas County Judge Darryl Lowe was the sole judge who was recommended not to be retained. Nearly 57 percent of the lawyers said he should be removed.

The bar association received 976 completed evaluations, and on the whole, results were "remarkable," said Tom Maul, president of the bar association. "In these times of deep political division, they confirm that our courts in Nebraska do not operate as a political branch of government, but just do what courts are supposed to do: follow the law," he said.



Chief Justice highlights community corrections

MAUNETTE LOEKS Digital News Editor
 mloeks@starherald.com

Nebraska Supreme Court Justice Mike Heavican toured western Nebraska courts during a two-day tour this week.

During a visit at the Probation Center in Gering on Tuesday, Heavican said he had visited as many courts as he could during his travels Monday and Tuesday.

He visited with judges, attorneys, probation officers and others, describing his visits as a listening tour about problems and successes, he said. The Star-Herald caught up with Heavican at the Gering probation center, where he talked to probation officers, judges and other court personnel about the importance of the work and community corrections.

Over the years, the functions of the court have expanded, Heavican noted. The Nebraska Judicial System now oversees or offers probation, guardian and dispute resolution services.

Community corrections — or probation services — have become an integral part of the court system and the way that the state handles cor-

Continued from page 1

rections, Heavican said.

“One of the things that has happened in Nebraska in the last 10 years, the Nebraska Legislature, the courts and all of us have had to face the decision: whether we are going to build a large new correctional center that will cost a lot of money or whether we will emphasize community corrections. In Nebraska, that means probation. Probation is part of the court system and one of the things that has happened here in Scotts Bluff County and the state, we have a huge emphasis on trying to rehabilitate people ... and hopefully, they never go to the penitentiary.”

The Scotts Bluff County Drug Court is among the successes in western Nebraska, and Heavican said that his visit included visiting the drug court. Officials like Heavican want

HEAVICAN:

to learn from the successes and look at applying them in other areas of the state, he said.

Some of the drug court participants have indicated that the court helped save their lives.

“That is important not only for them, but for the community, because they can become productive citizens. We aren’t paying thousands for them to be in jail, paying for other things in their lives and they are not burglarizing, stealing and other things.”

The intensive probation program has also had similar results, he said.

During his visits, he said, he has also talked to judges and others about increasing the use of technology in the courts.

“I always say the future of the courts is technology,” he said. “We put a lot of emphasis on that in the last 10 years.”

Soon, he said, all filings will be done electronical-

ly in county and district court, up from 60 to 70 percent of filings currently. He is also emphasizing the use of teleconferencing, not only for court proceedings, but in uses for probation and other areas to obtain treatment or other professional services for those in the system.

“They (judges) talk to us about lack of services and one way we can expand that availability is through the use of technology.”

Other stops included tours at Chadron State College, where the Nebraska Court of Appeals will hold oral arguments in the spring of 2017, and a visit to Mediation Center of the West in Scottsbluff. Dispute resolution services have extended beyond use in domestic relations cases, but also into juvenile justice, Heavican said.

HEAVICAN, 3A



AP

Nebraska Supreme Court Chief Justice Michael Heavican speaks during a stop at the Gering Probation Center on Tuesday. Heavican visited the center and other western Nebraska locations during a listening tour Monday and Tuesday.



RETENTION

Low rankings by lawyers for Judges Lowe, Crnkovich

But 79% of respondents in informal survey back judge in Sarah Root case

By JOE DUGGAN

WORLD-HERALD BUREAU

LINCOLN — Two judges in Douglas County have received the lowest scores in an informal survey of lawyers who practice in Nebraska courts.

Douglas County Judge Darryl Lowe, an outspoken veteran of the court, was the only one of 136 judges who did not receive majority support for retention. Juvenile Court Judge Elizabeth Crnkovich received a slim margin of support but scored second-lowest in a survey compiled by the Nebraska State Bar Association.

Meanwhile, a judge who presided over a motor-vehicle homicide case that fanned the national immigration debate received the endorsement of nearly eight out of 10 lawyers who responded to the survey.

Douglas County Judge Jeffrey Marcuzzo approved a bail of \$50,000, meaning \$5,000 in cash had to be posted, for a Honduran man arrested Jan. 31 in what police say was a drunken-driving crash that killed 21-year-old Sarah Root of Council Bluffs.

See Ratings: Page 2

Ratings: 55 judges face votes this fall

Continued from Page 1

The man, in the United States illegally, failed to report for subsequent court hearings and remains at large.

Much of the criticism was directed at federal immigration officials for not detaining the man. The case prompted U.S. senators in Iowa and Nebraska to introduce "Sarah's Law," which would require detainers on immigrants charged in crimes that result in serious injury or death.

Republican presidential nominee Donald Trump also has called attention to the case, saying it is an example of the broken immigration system.

Marcuzzo and Crnkovich are among the 55 judges who face retention votes in the Nov. 8 election.

Judges stand for their first retention election no sooner than three years after appointment by the governor. Then they serve six-year terms between retention votes.

The Bar Association conducts the judicial performance evaluation every two years. In April, it emailed the survey to its 5,500 active members and received 976 responses by the mid-May deadline.

The survey is not a scientific poll. It is intended to help judges improve their performance and to help voters make informed decisions at the voting booth, said Thomas Maul, a Columbus lawyer who serves as bar president.

"Nobody ever confronts a judge when they're on a case," he said. "This is the only way they get feedback."

Attorneys rate judges in 10

performance categories using a five-point scale, with a "1" being poor and "5" being excellent. Attorneys are instructed to evaluate only judges with whom they are familiar on a firsthand basis.

Most judges fared well in the survey, with more than half receiving at least a 90 percent retention approval rating.

Lowe spent 11 years as a Douglas County prosecutor before he was appointed to the bench in 1998. As a judge, he has a reputation for being unconventional and outspoken. Some have said his hearings border on the theatrical.

His supporters say he holds people accountable. For example, he will overrule deals between prosecution and defense lawyers if he thinks a plea bargain fails to protect public safety.

His detractors, however, question his fairness and fidelity to the law. In the survey, he received below-average scores for legal analysis, impartiality and judicial temperament. Nearly 57 percent of respondents said he should not be retained.

Lowe, who was last retained by voters in 2014, did not return phone messages left at his office this week.

Crnkovich has been the target of protests and formal complaints by parents and guardians who say she demeans some juveniles and retaliates against those who challenge her authority or question her decisions.

During the last legislative session, State Sen. Ernie Chambers of Omaha mentioned Crnkovich when he threatened to filibuster an amendment that would have provided Douglas County with

a sixth juvenile court judge. The sponsor of the amendment pulled it rather than risk defeat of the underlying bill in the waning days of the session.

Chambers, who said he has complained about Crnkovich to the Nebraska Supreme Court, vowed to fight any future legislation that would provide additional juvenile court funding while she remains on the bench. He said the judge uses intimidation and threats against children and their families.

Contacted this week, Crnkovich declined to comment about the survey results. But during an interview earlier in the year, she said she's being targeted by those who resent her no-nonsense approach to addressing bad juvenile behavior and poor parenting.

"Do I hold people's feet to the fire? I'm told I do, and I'm sure I do," she said in March. "I will confess I've been told I don't suffer fools gladly."

Crnkovich, appointed to the court in 1994, has never been reprimanded by the Judicial Qualifications Commission. Nor has Lowe been reprimanded, according to the Administrative Office of the Courts.

While Crnkovich received a below-average score for judicial temperament and demeanor in the latest survey, nearly 52 percent of respondents said she should be retained. The results represented an improvement for her. In 2014, only 44 percent said voters should approve her retention.

Contact the writer:
402-473-9587, joe.duggan@owh.com

AREA JUDGES' RETENTION RATINGS

Number in parenthesis refers to percentage of respondents who said the judge should be retained. * Denotes judge facing retention vote in November.

Nebraska Supreme Court

Michael Heavican* (84), Lindsey Miller-Lerman (92), William Casel* (85), John Wright* (88)

Nebraska Court of Appeals

Riko Bishop* (88), Michael Pirtle (90), Francie Riedmann* (94), John Irwin (89), Everett Inbody* (90), Frankie Moore* (94)

Douglas County District Court

Mark Ashford* (85), Peter Bataillon* (88), Russell Bowie III* (84), Timothy Burns (95), Michael Coffey (91), J Russell Derr (87), Duane Dougherty (91), James Gleason (70), Thomas Otepka (99), Kimberly Pankonin* (91), Marlon Polk (78), Gary Randall (90), Leigh Ann Retelsdorf (94), Gregory Schatz* (83), Shelly Stratman* (91)

Douglas County Court

Lawrence Barrett* (65), Susan Bazis* (94), Thomas Harmon* (90), Marcena Hendrix (89), John Huber (78), Marcela Keim (95), Sheryl Lohaus (87), Darryl Lowe (43), Jeffrey Marcuzzo* (79),

Craig McDermott (91), Derek Vaughn (95)

Sarpy County District Court

David Arterburn (92), William Zastera (85)

Sarpy County Court

Todd Hutton (98); Stefanie Martinez (92), John Steinheider (90), Robert Wester* (82)

Douglas, Lancaster and Sarpy Juvenile Courts

Lawrence Gendler (96), Robert O'Neal (85), Roger Heideman* (96), Linda Porter (90), Reggie Ryder* (86), Toni Thorson* (74), Elizabeth Crnkovich* (52), Vernon Daniels* (82), Douglas Johnson* (92), Christopher Kelly* (83), Wadie Thomas Jr.* (96)

Lancaster County District Court

Steven Burns (71), John Colburn* (92), Andrew Jacobsen (91), Lori Maret* (67), Jodi Nelson* (85), Robert Otte (85)

Lancaster County Court

Matthew Acton* (94), Thomas Fox (89), Holly Parsley (91), Timothy Phillips* (96), Laurie Yardley* (93)