

THE NEBRASKA MINORITY JUSTICE COMMITTEE PROGRESS REPORT 2013

— EQUAL JUSTICE BEFORE THE COURTS —

History and Mission

Legitimacy of the legal system is based on the perception that the law is executed in a fair and even-handed fashion; when evidence suggests the contrary, it diminishes the strength of the justice system. By addressing systemic barriers to equity and access, the Minority Justice Committee (MJC) improves the justice system and strengthens public trust and confidence in the courts. The Committee is a joint effort of the Nebraska State Bar Association and the Nebraska Supreme Court, appointed by the Supreme Court in May of 2003 in response to a Task Force's two-year investigation of racial and ethnic fairness in Nebraska's court system.

The mission of the Committee is to:

- address racial disparities in both the juvenile and adult justice systems
- ensure equal access to justice
- increase the diversity of Nebraska's judicial workforces and legal profession

The Committee is pleased to share the progress it made in 2013.



MJC Executive Committee members:
Linda Crump, Liz Neeley, Hon. John Irwin and Judy Beutler

MJC Ethics Seminar Series

According to the Rules of Professional Conduct, attorneys have an ethical obligation to seek improvement of: "access to the legal system, the administration of justice and the quality of service rendered by the legal profession." Focusing on these obligations, the Committee established an Ethics Seminar Series which addresses access issues and enhances attorneys' ability to provide legal services. The Seminar Series offers educational programs accredited for two hours of ethics at a reduced rate in locations across the state on the following topics:

- Cross Cultural Considerations in Alternative Dispute Resolution
- Americans with Disability Act
- Cross Cultural Considerations in Client Interviewing
- The Overlap of Family and Immigration Law: Ethical Issues for Practitioners
- The Ethics of Using Court Interpreters



Access to Justice

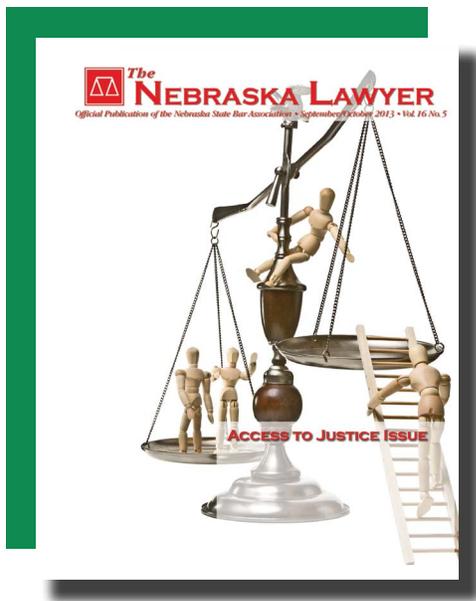
Language Access Plan

As a recipient of federal funding, Nebraska's Judicial Branch is obligated to submit a plan for how the courts will provide meaningful access to Limited English Proficient populations. To this end, the Minority Justice Committee together with the Administrative Office of the Courts undertook an assessment of interpreter services in Nebraska's state court system to identify any gaps in services and make recommendations to improve the provision of interpreter services in state courts. The report was submitted to the Nebraska Supreme Court in 2013.

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Educating the Legal Profession on Access Issues

The MJC aspires to create a legal profession that is cognizant of and sensitive to the various access and fairness issues faced by the courts and legal profession. In 2013, the MJC edited the September/October issue of *The Nebraska Lawyer*, highlighting: the 50th Anniversary of the Gideon Decision, the increasing need for Pro Bono Service, the Equal Opportunity Commission's Initiative to target Systemic Discrimination Cases, the Ethics of Attorneys Using and Individual's Unauthorized Immigrant Status Against Them, the Collateral Consequences of Criminal Behavior in the State of Nebraska, and the impact of *United States v. Windsor* on Employee Benefit Plans and Human Resource Practices.



Supporting the Examination of Racial Profiling

The MJC supported the passage of LB 99. Among other things, the bill institutionalized the practice requiring law enforcement to report the race and ethnicity of all traffic stops to the Nebraska Crime Commission (by removing the sunset clause). The MJC's ability to examine racial and ethnic fairness issues in the courts is in part tied to the accuracy and completeness of information submitted by law enforcement. The bill also requires law enforcement agencies to adopt a policy prohibiting racial profiling, and charges the Nebraska Crime Commission with providing law enforcement agencies with a model policy. The bill charges the Racial Profiling Advisory Committee with reviewing racial profiling data collected by the Nebraska Crime Commission and to make recommendations to law enforcement agencies aimed at preventing racial profiling or its appearance. Finally, the bill requires any prosecutor, defense attorney or probation officer who becomes aware of incidents of racial profiling by a law enforcement officer to report those incidents to the Nebraska Crime Commission.

Criminal and Juvenile Justice

Revisiting the Rules of Professional Conduct

Several states are in the process of exploring and proposing a revision to the Rules of Professional Conduct (Rule 4.4: Respect for Rights of Third Persons) to specifically prohibit a lawyer from using a third person's immigration status for the purpose of intimidation, coercion, or to obstruct that person from participating in the judicial process. The Committee is exploring the prevalence of this issue in Nebraska and the extent to which a revision to the comment to the Rules of Professional Conduct would be beneficial.

Diversity in the Legal Profession and Court Workforce

LSAT Prep Scholarship Program

In an effort to promote a diverse legal profession, the MJC and the Nebraska Lawyers Foundation established an LSAT Prep Scholarship Program. The program provides a scholarship for a Kaplan LSAT Prep Course and covers the costs of registering for the LSAT exam. To be eligible for an LSAT Prep Scholarship, applicants must reside in Nebraska, demonstrate economic need, and be a racial or ethnic minority. To date, 46 LSAT Prep Scholarships have been awarded. On average, students experience an 8-point difference between their first practice exam and their final LSAT score. To donate to the LSAT Prep Scholarship Fund or to apply for a scholarship, visit: www.nelegaldiversity.org.

— Equal Justice Before the Courts —



2013 LSAT Prep scholarship recipients.

Job Shadowing Program

The job shadowing program was established to inform diverse high school students about the steps to becoming an attorney, and teach them about various legal career opportunities. Students receive tours of law firms and courthouses around the state and have lunch with practicing attorneys and judges. Since the start of the program in 2009, more than 500 students have participated.

Legal Diversity Summit

In September of 2013, the MJC hosted its annual Legal Diversity Summit. This unique event provides networking and education opportunities for law students of color, prospective law students, and members of the legal community. The event offered several CLE programs, informational sessions for people considering law school, and a keynote address by the Honorable Bernice Donald, U.S. Court of Appeals Judge for the 6th Circuit and President of the American Bar Foundation.



Hon. Bernice Donald, keynote speaker at the 2013 Legal Diversity Summit.

2013 Diversity Awards

The MJC established the Nebraska State Bar Association Diversity Award to recognize outstanding efforts made by firms, organizations or individual attorneys in promoting diversity in the legal profession in the state of Nebraska. The 2013 Law Firm Recipient was Fredericks Peebles and Morgan. The firm was recognized for the diversity they have achieved at all levels of their law firm with their representation of women, minorities, veterans and LGBT attorneys and staff; their efforts to promote higher education and legal careers among Native American youth through mentoring; and the financial support they provide for Native American law students through scholarships and law school preparation. The individual recipient was Frederick Franklin, who was recognized for his efforts to ensure that minority practitioners are represented in Nebraska's court system through personal mentoring, active involvement in the Midlands Bar Association, serving as a reference for job opportunities, and encouraging minority practitioners to serve on committees and join organizations that need diverse perspectives.



Members of Fredericks Peebles and Morgan accept the 2013 Diversity Award from Hon. John Irwin.



Frederick Franklin accepts the 2013 Diversity Award from Hon. John Irwin

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Co-Chairs

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Hon. John Irwin, *Nebraska Court of Appeals*

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Support the Nebraska Minority Justice Committee - The MJC is supported in part by the Nebraska Lawyers Foundation. To support the efforts of the MJC, please make a tax deductible contribution to the Nebraska Lawyers Foundation today. The Nebraska Lawyers Foundation, PO Box 81809, Lincoln, NE 68501-1809