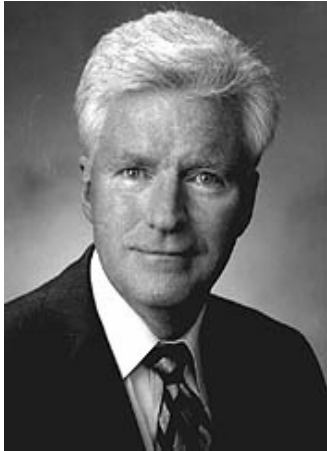


## A Message from the Chief Justice



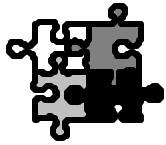
I am pleased to present the Nebraska Supreme Court's Annual Report for 2001. This report summarizes the work of judicial branch employees in all 93 counties of our State.

The Nebraska court system is comprised of individuals performing a variety of tasks each day. In performing these tasks, each employee contributes significantly toward the goal of our court system - the fair and efficient administration of justice to the citizens of Nebraska. We must always be mindful that our actions are constantly being observed by the citizens of Nebraska, whose observations will play a major role in the public's perception of the extent to which our goal is being met. We should therefore always perform our tasks in such a way as will bring respect and honor to our court system.

This report looks at the various pieces that make up the Nebraska judicial system. The trial courts, appellate courts, and probation system all provide direct services to the public. Commissions and committees work to advance the administration of justice in a variety of areas. Employees in the Administrative Office of the Courts, State Law Library, Counsel for Discipline, and Office of Dispute Resolution work behind the scenes to support and improve the work of the court system with a wide variety of projects, assignments and endeavors.

I invite you to look through this report of court activities for the past year and reflect on how we can continue to improve and enhance the quality of our judicial services in the years to come.





NEBRASKA SUPREME COURT



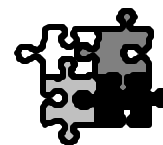
Standing left to right: Justice Michael McCormack, Justice John M. Gerrard, Justice Kenneth C. Stephan, Justice Lindsey Miller-Lerman

Sitting left to right: Justice John F. Wright, Chief Justice John V. Hendry, Justice William M. Connolly

The Supreme Court's basic responsibilities are to hear appeals and provide administrative leadership for the state judicial system. The Supreme Court has the authority to be the original court in which a case is heard under certain circumstances. The Supreme Court also hears all appeal cases regarding the death penalty, the sentence of life imprisonment, or cases where constitutional questions are raised. Appeals are brought to the Supreme Court from the Court of Appeals, district courts, county courts, juvenile courts, Workers' Compensation Court, and administrative agencies. Upon the granting of a petition for further review, a Court of Appeals case is moved to the Supreme Court for review and disposition.

Supreme Court Caseload	
New Cases Docketed in 2001 .....	77
Petitions to Bypass Filed.....	55
Petitions to Bypass Granted .....	32
Petitions to Bypass Denied .....	22
Cases Transferred from Court of Appeals .....	144
Petitions for Further Review Filed .....	253
Petitions for Further Review Granted .....	32
Petitions for Further Review Denied .....	238
Cases Disposed by Opinion .....	207
Cases Disposed Without Opinion .....	52
Total Cases Disposed.....	259





## NEBRASKA COURT OF APPEALS



Standing left to right:  
Judge Theodore L. Carlson, Judge Frankie J. Moore, Judge Everett O. Inbody

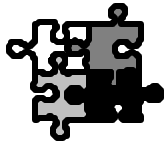
Sitting left to right:  
Judge Richard D. Sievers, Chief Judge John F. Irwin, Judge Edward Hannon

The Court of Appeals consists of six judges appointed by the Governor from lists submitted by judicial nominating commissions. From those six judges, a chief judge is appointed by the Supreme Court to serve a one year renewable term. The districts from which the Court of Appeals judges are appointed are the same as those used for the six Supreme Court Associate Justices. The Court of Appeals' primary courtroom is in the state capitol in Lincoln but for the convenience of citizens, the Court travels to other Nebraska cities to hear appeals.

Court of Appeals Caseload	
New Cases Docketed in 2001.....	1,347
Transferred to Supreme Court .....	144
Petitions to Bypass Granted .....	32
Cases Disposed by Opinion .....	367
Total Cases Disposed .....	1,077

The Court of Appeals is divided into two panels consisting of three judges each. The panels decide separate cases to expedite the processing of appeals. The composition of the panels changes periodically so that all the judges work with each other at some time.





# 2001 ANNUAL REPORT

## NEBRASKA TRIAL COURTS

### DISTRICT COURTS

District courts are trial courts of general jurisdiction and are organized into 12 judicial districts to serve all 93 counties of the state. Fifty-five district court judges serve these judicial districts.

Although the district courts have concurrent jurisdiction with county courts, they primarily hear all felony criminal cases, equity cases, and civil cases involving more than \$45,000. District courts also function as appellate courts in deciding appeals from certain county court case types and various administrative agencies. When acting as an appellate court, the district judges review the county court record of testimony and evidence in order to rule on the appeal.

- There were 39,435 cases filed in the district courts of Nebraska in 2001 compared with 39,201 cases in 2000.
- Domestic relations cases make up the majority of district court filings. In 2001, there were 22,560 domestic relations cases filed.

### CLERKS OF THE DISTRICT COURTS

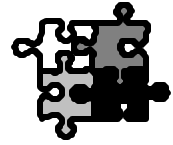
Each county in the State of Nebraska has a clerk of the district court performing the administrative duties associated with the court. Nebraska law states that counties with 7,000 inhabitants are required to have a clerk of the district court elected by the voters. In counties with less than 7,000 the county board and district judge determine whether there should be a clerk of the district court. If a clerk does not exist, the county clerk is the ex officio clerk of the district court. Besides being the clerk of the district court, they also serve as the court's administrative officer.

#### 2001 Caseload

(Districts Ranked According to Caseload)

<u>District</u>	<u>Cases Filed</u>	<u># of Judges</u>	<u># of Counties in District</u>
4	13,554	16	1
3	5,294	7	1
2	3,154	4	3
5	2,522	4	11
11	2,500	4	17
9	2,475	3	2
12	2,315	5	12
6	1,997	3	7
1	1,617	3	9
10	1,603	2	8
7	1,590	2	7
8	814	2	15
<b>TOTAL</b>	<b>39,201</b>	<b>55</b>	<b>93</b>





## COUNTY COURTS

The county court system is organized into 12 judicial districts which range in size from one to nine counties. Nebraska has 59 county court judges. County courts handle misdemeanor cases, traffic and municipal ordinance violations, preliminary hearings in felony cases, civil cases involving up to \$45,000, small claims cases, some divorce cases, probate, guardianship, conservatorship and adoption proceedings, and juvenile matters. In Douglas, Lancaster, and Sarpy counties the separate juvenile courts hear juvenile matters. The district courts have concurrent jurisdiction in misdemeanor cases, but nearly all misdemeanor cases are tried in the county courts.

Preliminary hearings are used in county court to determine whether there is enough evidence to establish probable cause in a felony case. If it appears the crime charged has been committed and there is probable cause to believe that the person charged with committing the crime is responsible, the defendant will be bound over to stand trial in district court.

- **385,995 cases were filed in the county courts of Nebraska during the year 2001.**
- **In all counties except Sarpy, Douglas and Lancaster, county courts act as juvenile courts. In 2001 there were 6,675 juvenile cases filed in the county courts.**
- **The 12 county court judicial districts are served by 59 county judges and 398 full and part-time non-judicial staff.**

## CLERK MAGISTRATES – JUDICIAL ADMINISTRATORS OF COUNTY COURTS

Except in Douglas, Lancaster, and Sarpy counties, clerk magistrates are responsible for the administrative functions of the county court offices. In Douglas, Lancaster, and Sarpy, these duties are performed by judicial administrators.

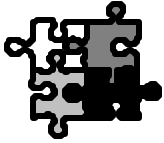
Besides administrative duties, clerk magistrates have limited judicial responsibilities which may include accepting pleas in traffic and misdemeanor cases, setting bail, and performing weddings or other judicial services. These officers are hired by county judges of the district in which they serve.

### 2001 Caseload

(Districts Ranked According to Caseload)

<u>District</u>	<u>Cases Filed</u>	<u># of Judges</u>	<u># of Counties in District</u>
4	92,630	12	1
3	53,728	6	1
11	35,005	5	17
2	30,655	4	3
5	29,995	6	11
9	28,737	4	2
12	24,986	6	12
6	24,826	3	7
7	18,233	4	7
10	17,598	3	9
1	16,790	3	8
8	12,812	3	15
<b>TOTAL</b>	<b>385,995</b>	<b>59</b>	<b>93</b>





## 2001 ANNUAL REPORT

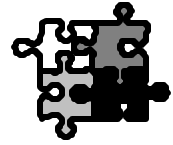
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### SEPARATE JUVENILE COURTS

Nebraska has three separate juvenile courts located in Douglas, Lancaster, and Sarpy counties. In the remaining counties, juvenile matters are heard in the county courts. Separate juvenile courts are courts of record and handle matters involving neglected, dependent, and delinquent children. The court also has jurisdiction in domestic relations cases where the care, support, or custody of minor children is an issue. The three separate juvenile courts have the same jurisdiction and employ the same procedures as the county courts acting as juvenile courts. Douglas County has five juvenile court judges, Lancaster County has three and Sarpy County has two.

<b>SEPARATE JUVENILE COURTS 10 YEAR FILINGS</b>				
<b>Year</b>	<b>Sarpy</b>	<b>Lancaster</b>	<b>Douglas</b>	<b>Total</b>
<b>1992</b>	632	593	1,839	3,064
<b>1993</b>	819	640	2,024	3,483
<b>1994</b>	845	631	2,233	3,709
<b>1995</b>	869	1,113	2,377	4,359
<b>1996</b>	806	1,223	1,996	4,025
<b>1997</b>	920	1,700	1,946	4,566
<b>1998</b>	975	2,052	1,965	4,992
<b>1999</b>	842	2,106	1,933	4,791
<b>2000</b>	772	1,762	1,713	4,247
<b>2001</b>	831	1,731	1,949	4,511





## THE NEBRASKA PROBATION SYSTEM

Probation is a judicially administered sanction whereby an offender is conditionally allowed to serve his or her sentence within the community contingent upon satisfactory compliance with the terms of a probation order. Probation sentences vary in length as do the conditions of probation and the extent of officer contact with the offender and significant others. The terms of probation contain general provisions as well as special conditions unique to the offender's crime, the offender's risk to the community, and individual offender needs. In performing its function, probation strives to achieve intertwined goals of community protection, offender accountability, and competency development.

The administration of probation is delegated to the Probation Administrator under the direction of the Supreme Court. Probation administration is located in the State Capitol and is within the Administrative Office of the Courts/Probation.

Nebraska Probation's field services are organizationally divided among three divisions: intake, traditional, and intensive. There are 15 traditional probation districts and 6 ISP regions. Each probation district has a principal office and there are, in addition, a total of 32 satellite offices that augment the principal offices. Probation personnel consist of line staff probation officers, intake officers, support staff, and a chief probation officer or ISP coordinator who is responsible for the overall district/region management. Staff allocation is primarily determined by measuring task-oriented workloads rather than counting caseloads.

Operationally, the Nebraska Probation System performs two vital roles: (1) conducting investigative reports for the court to assist in decision-making regarding an offender's ultimate sentence, and (2) supervising offenders in the community as per the dictates of their probation order. Probation caseloads reflect juvenile as well as adult offenders who have been convicted of either misdemeanors or felony offenses.

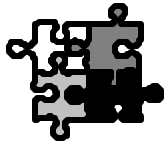
In conformance with the Interstate Compact for the Supervision of Parolees and Probationers, Nebraska Probation regulates the transfer of adult and juvenile probationers between Nebraska and other states.

The Office of Probation Administration publishes a biennial report which highlights Probation's statistics and services provided. The report can be obtained from this office.



*Further information available from  
**Ed Birkel** at the Administrative  
Office of Probation, 402-471-4928.*





### OFFICE OF DISPUTE RESOLUTION

The Office of Dispute Resolution (ODR) was created in 1991 with the passing of the Dispute Resolution Act and was established under the Administrative Office of the Courts. ODR, with input from an Advisory Council, oversees the development of dispute resolution and collaborative problem solving programs in Nebraska. The office works with six non-profit mediation centers to provide services to the entire state. The public/private partnership creates an efficient, effective and responsive system that enhances existing structures and fosters new opportunities to prevent and resolve conflict.

One of our biggest successes for this fiscal year was that ODR and the mediation centers teamed up with a grant from the National Association for Community Mediation (NAFCM) for a new case tracking system. The centers are all collecting the same data, in the same way, and sending it electronically to ODR on a quarterly basis. This new system enables us to collect a wide variety of statistics in a very efficient manner. We will also be participating in a national study based on our use of this system through NAFCM.

We are also pleased to announce that our webpage is up and running. We are still fine-tuning the layout, but it is full of useful information. It contains background information on ODR, training opportunities, the annual report, and links to various other alternative dispute resolution sites. You can find the webpage at: <http://court.nol.org/odr/>

Another new development during fiscal year 2000-2001, was the passage of LB46 by the legislature. This bill is called the settlement escrow bill. Its function is to offer citizens of Nebraska who file monetary

only civil actions another means of settling their dispute without going to court. It involves a confidential process of submitting an offer of settlement to ODR before going to trial. The program will officially begin September 2001.

The State appropriation to each center continued this fiscal year at \$45,000. The centers continue to maximize their use of these dollars, especially in light of the fact that 91% of their clients earn less than \$10,000 a year. While some cases are supplemented by grants or contracts, many are not.

Total caseload for fiscal year 2000-2001 was 1,428. This was up from last year's caseload of 1,104. Family cases continue to dominate the overall caseload of the centers, with community cases following in a close second. Restorative Justice also continues to be a strong area of service. In fiscal year 2000-2001, those cases that met at the table for mediation had an 82% resolution rate (either full or partial). At 38%, the courts continue to be the single largest source of statewide referrals. However, the entire legal system represents 59% of all referrals.

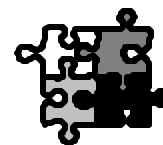
Year after year Nebraska's center affiliated mediators continue to demonstrate an amazing commitment to mediation. This fiscal year the centers had 283 active volunteers, contributing a total of 30,081 hours of service! We cannot thank them enough for sharing their expertise to help solve conflicts in Nebraska.

Thank you for another year of opportunity to help resolve conflict in Nebraska. In our small way, we strive everyday to help make this world a more peaceful place to live.



Further information available from  
**Wendy Hind** at the Administrative  
Office of the Courts, 402-471-3148.





## OFFICE OF COUNSEL FOR DISCIPLINE

The Office of Counsel for Discipline investigates and prosecutes attorneys for ethical misconduct and renders advice to attorneys regarding their obligations under the Code of Professional Responsibility. The Office of Counsel for Discipline and the attorney disciplinary system are funded by an annual assessment against lawyers.

Formerly provided administrative support by the Nebraska State Bar Association, the Office of Counsel for Discipline was placed under the direct authority of the Nebraska Supreme Court in 2001. To improve efficiency and effectiveness, the Court also adopted major revisions to the disciplinary procedural rules in 2001. In addition, the Court approved a rule, effective July 1, 2002, authorizing attorney trust accounts to be maintained only in financial institutions agreeing to report overdrafts to the Counsel for Discipline.

The Office of Counsel for Discipline is located at 3808 Normal Boulevard, Lincoln, NE 68506.

<u>2001</u>	
Grievances formally investigated ...	140
Private reprimands issued .....	20
Public reprimands issued .....	3
Suspended from practice.....	12
Disbarred .....	1



Further information available from **Dennis G. Carlson** at the Counsel for Discipline, 402-471-1040. Visit them on the web at <http://court.nol.org/ethics/lawyers/>

## NEBRASKA JUDICIAL BRANCH IN CYBERSPACE

Be sure to check out the Nebraska Court System at <http://court.nol.org/>

You will find sections designed:

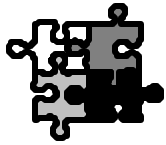
- For The Public/Families
- For The Court Community
- For Students/Teachers
- For The Press

New additions this year include several items of interest to the courts and the media. Short summaries of Nebraska Supreme Court and Nebraska Court of Appeals cases are now online and updated regularly so that local press and educators can track the progress of cases of interest. The voluntary Nebraska Bar-Press Guidelines have been added to the site along with a glossary of legal terms originally published in the Citizens' Guide for Nebraska Courts. Refer your local reporters to "for the Press" when they have questions about court structure or rules.



Further information available from **Janet Hammer** at the Administrative Office of the Courts 402-471-3205.





### TECHNOLOGY

#### JUSTICE AUTOMATION PROJECT

The JUSTICE project team completed the work needed to accommodate the change to the new child support collection system. This conversion took place on December 21, 2001. The JUSTICE portion proceeded according to plan. The work on this project required more time than anticipated, limiting work on other projects.

The Legislature and Governor signaled confidence in the JUSTICE team, approving the projects proposed in the Court's Technology Plan and appropriating the funds requested. Subsequent revenue shortfalls resulted in a special session of the Legislature, resulting in budget cuts as well as approval of the Court's proposal to reallocate money earmarked for computer changes. That money will be used to pay court employees.

The Court Administrator's Office held meetings in Lincoln, Ogallala and Gering to assess satisfaction with JUSTICE, solicit ideas for JUSTICE enhancements, and to learn what priority court workers would assign to the various projects. Attendees cast their votes for four main areas. The first area related to enhanced access to the system, ranging from statewide Internet access to JUSTICE to allowing employees to work on cases in another county in multi-county districts to integrating JUSTICE with the Probation computer system. The second area included various JUSTICE enhancements. The third area included ideas related to training, and the fourth area included ideas related to documentation and manuals.

Two projects have high priority as the new year begins: The first is creating a central 'warehouse' of information in all the courts. This is the foundation for many projects, including access to court information statewide via the Internet, information sharing with other computer systems, and many of the projects relating to better access to information. The second project is defining and completing enhancements to the Juvenile case type. A committee of judges and court employees who work with juvenile cases will be working on this project with the JUSTICE team.

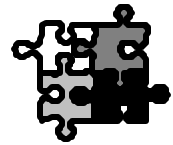
Work is also underway to develop automation support for judges, evaluate document management systems, and plan for electronic filing in the courts.

Two committees appointed by the Supreme Court provide overall guidance for these projects: The Automation Advisory Committee concentrates on projects which primarily affect judges and court employees, while the Technology Committee addresses projects which address those doing business with the courts and who use court information.



*Further information available from  
**John Cariotto** at the Administrative  
Office of the Courts, 402-471-3049.*





## COMMITTEES AND COMMISSIONS

### TECHNOLOGY COMMITTEE

This year the Supreme Court Technology Committee undertook a study of the new federal paperless filing system by reviewing the program set up in the Federal Court in Omaha.

In 2001, the committee divided itself into four subcommittees based on upcoming projects.

#### Subcommittees include:

##### Preparation of a Technology Plan

(Chairperson: Judge William B. Cassel)

This plan is to be submitted to the Supreme Court for its approval. The technology plan, which must be completed by the first of next year, is a funding requirement by the Governor and Legislature for all technology expansion projects. The plan is designed to provide an overview of the direction that the Supreme Court's technology should be taking.

##### E-Filing

(Chairperson: William E. Olson, Esq.)

A statewide e-filing system study will be conducted on whether to implement e-filing in Nebraska and, if so, the type of system that should be used. The study will identify what level of safeguards are necessary to insure that the system works effectively.

##### Payment of traffic tickets over the Internet

(Chairperson: Judge Curt Maschman)

A review of the technology of internet payments with the idea of paying traffic

tickets via the Supreme Court's web site. Recommendations will be to (1) safeguard the privacy of individuals using the system, (2) insure the integrity of our JUSTICE computer system, and (3) make certain that defendant's rights are fully protected.

##### Public access to court records over the Internet

(Chairperson: Warren R. Whitted, Esq.)

This review of records should be available over the Internet and the process that individuals would follow to obtain information. A study will include the protection of the JUSTICE court computer system, the best interface for users, and safeguards necessary to insure privacy.



Further information available from **Janet Hammer** at the Administrative Office of the Courts 402-471-3205.

View committee members on the web at <http://court.nol.org/comm/technology.htm>

### ETHICS ADVISORY COMMITTEE

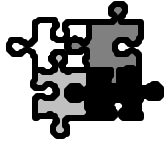
The committee launched into the area of judicial education through the Fall Judges meeting in 2001. Judge Donald E. Rowlands presented a segment on judicial ethics during the judge's "Current Issues" session. The committee has been invited to provide an update on an annual basis.



Further information available from **Janet Hammer** at the Administrative Office of the Courts 402-471-3205.

View committee members on the web at <http://court.nol.org/comm/jec.htm>





### JUDICIAL BRANCH EDUCATION COMMITTEE

The Judicial Branch Education Advisory Committee worked diligently throughout 2001 to design a structure to provide continuing education to all employees in the court system.

The committee's primary goal is to establish an office within the State Court Administrator's with full-time staff to conduct and coordinate programming for all employees throughout the state.

The goal of this continuing education is to maintain and improve the professional competency of all judicial branch employees, enhancing the performance of the judicial system as a whole.

Additional objectives are to assist judicial branch employees in acquiring the knowledge, skills, and attitudes required to perform their responsibilities fairly, correctly, and efficiently; to promote judicial branch employees=adherence to the highest standards of personal and official conduct; to preserve the integrity and impartiality of the judicial system by developing programs aimed at eliminating bias and prejudice, and the appearance of bias and prejudice; to promote effective court practices and procedures; to improve the administration of justice; and to enhance public confidence in the judicial system.



Further information available from **Janet Hammer** at the Administrative Office of the Courts 402-471-3205. View committee members on the web at <http://court.nol.org/comm/JBEadvcomm.htm>

### COMMITTEE ON SELF- REPRESENTED COURT LITIGANTS

The Nebraska Supreme Court announced during 2001 the formation of a Pro Se Litigation Committee to be chaired by Court of Appeals Judge Richard Sievers. The Committee met for the first time on November 12, 2001 and adopted a mission statement to guide its work.

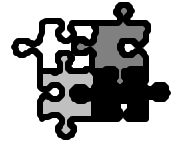
The Committee's mission is "To study the extent and nature of pro se litigation in Nebraska's courts; to identify challenges created by pro se litigation for court staff, judges, and opposing counsel; barriers to justice posed by the existing system to pro se litigants; and to propose innovations and solutions to the Supreme Court which insure equal access to the courts while maintaining the impartiality, dignity, and efficiency of the judicial process".

The Committee will continue its work throughout this year. Subcommittees have been formed to do further research and evaluation within the context of the goals set forth.



Further information available from **Janice Walker** at the Administrative Office of the Courts, 402-471-2764. View committee members on the web at <http://court.nol.org/comm/ProSe.html>





## JUDICIAL RESOURCES COMMISSION

The Judicial Resources Commission was established by the Nebraska Legislature to determine whether or not a judicial vacancy exists whenever there is a death, retirement, resignation or removal of a district, county or separate juvenile judge or if one of these judges is not retained in office.

The Resources Commission is also required to hold an annual meeting and make a report to the Legislature, the Governor and the Supreme Court before the end of December each year. In this annual report, the Commission recommends whether any new judgeships are needed in the state, whether the number of judgeships should be reduced and whether the number or boundaries of any judicial districts should be changed.

All recommendations of the Resources Commission are to be based upon (1) an analysis of judicial workload statistics (2) whether litigants in the judicial district have adequate access to the courts (3) the population of the district (4) other judicial duties and travel time involved within the judicial district and (5) other factors determined by the Supreme Court to be necessary to assure efficiency and maximum service.

The Judicial Resources Commission, chaired by Supreme Court Justice Michael McCormack, met twice during 2001. In February, the commission recommended that a vacancy be filled in the county court of the 7<sup>th</sup> Judicial District.

During 2001, a subcommittee of the Resources Commission looked at statewide judicial resource needs, and made a series of recommendations at the annual meeting

of the commission, held in Lincoln on October 19, 2001.

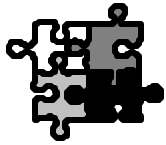
While the subcommittee recommended some boundary changes and the relocation of several judicial positions, the commission took action on only two of the proposals:

1. The Resources Commission recommended to the Legislature that funding be appropriated to provide legal research support services for the judiciary, particularly judges in courts outside Lincoln and Omaha
2. The Commission voted to request a report from the Administrative Office of the Courts regarding the current use of retired judges to assist active judges as well as an assessment of any impediments that exist to increasing the use of retired judges or to instituting a senior status judge program.



Further information available from **Janice Walker** at the Administrative Office of the Courts, 402-471-2764. View committee members on the web at <http://court.nol.org/comm/jrc.htm>





# 2001 ANNUAL REPORT

## JUDICIAL NOMINATING COMMISSIONS

Judges in Nebraska are chosen through the merit selection process. Judicial nominating commissions are used to screen, interview and nominate judicial applicants. The names of qualified applicants are forwarded to the governor for his or her appointment to the bench. The appointment is for an initial three year term after which they must stand for retention on a "Shall Judge X be retained in office for another term?" After the initial three year term, they stand for retention every six years.

During 2001 there were eight new judges appointed; three district court judges, three county court judges, a separate juvenile court judge and a workers' compensation court judge.

<b>District Court</b>		
<b>Appointed</b>	<b>District</b>	<b>Replaced</b>
Gregory M. Schatz	4 <sup>th</sup>	Michael McGill
Patrick G. Rogers	7 <sup>th</sup>	Richard P. Garden
James E. Doyle	11 <sup>th</sup>	New Position

<b>County Court</b>		
Michael L. Offner	10 <sup>th</sup>	Harry C. Haverly
Donna F. Taylor	7 <sup>th</sup>	Stephen P. Finn
Kurt T. Rager	6 <sup>th</sup>	Patrick G. Rogers

<b>Separate Juvenile Court</b>		
Vernon C. Daniels	4 <sup>th</sup>	New Position

<b>Workers' Compensation Court</b>		
John Hoffert		Joseph S. Ramirez



Further information available from **Ken Wade** at the Administrative Office of the Courts, 402-471-2671. View committee members on the web at <http://court.nol.org/jnc/jnc.htm>

## JUDICIAL QUALIFICATIONS COMMISSION

The Commission on Judicial Qualifications reviews complaints submitted by the general public regarding the behavior of judges, and has the authority to reprimand judges as well as to order formal hearings.

According to statute, a judge may be disciplined for behavior which violates the laws and purposes of his or her office. In addition, a judge may be disciplined for misconduct in office, failure to perform his or her duties, frequent intemperance, conviction of a crime involving moral turpitude, and disbarment.

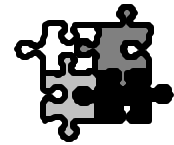
Once charges are established upon clear and convincing evidence, the commission may recommend to the Supreme Court that a judge be reprimanded, censured, suspended, removed, or retired. Disciplinary suspension of a judge does not create a vacancy in the office, although the judge may be suspended without pay for a period not to exceed six months. A judge on the commission is not allowed to participate in any proceedings involving his or her own case.

Complaints from previous year.....	20
New complaints filed .....	111
Complaints disposed of .....	88
Dismissed – lack of jurisdiction.....	75
Dismissed – no misconduct found .....	13
Recommendations to Supreme Court .....	0
Reprimands issued .....	2
Number of complaints pending.....	41
Number of commission meetings .....	6



Further information available from **Joe Steele** at the Administrative Office of the Courts, 402-471-3730. View committee members on the web at <http://court.nol.org/comm/jqc.htm>





## **MINORITY AND JUSTICE TASK FORCE**

The Nebraska Minority and Justice Task Force was jointly created by the Nebraska Supreme Court and the Nebraska State Bar Association. The thirty-plus member Task Force is chaired by Justice John M. Gerrard, Daniel Harris Jr., and Harold L. Rock with Dr. Judd Choate as Project Director and Director of Research. The Nebraska Supreme Court and the Nebraska State Bar Association continue to provide resources in efforts to examine minority justice issues. In addition, the task force was awarded a \$50,000 grant from the State Justice Institute for research. Strategies for research were developed with assistance from the University of Nebraska Public Policy Center funded by a technical assistance grant also from the State Justice Institute. Focus for the task force is in four areas of concern: Access to Justice; Civil Criminal, and Juvenile Justice; Personnel and Employment; and the Legal Professions. Subcommittees for each of these issues have worked with the Public Policy Center in finalizing projects in each of these areas.

The Task Force has adopted a multi-tier approach in its research efforts which include statewide surveys looking at citizens' perceptions of the justice system, jury pools and the selections process, surveys of court employees, data from court cases, interviews, focus groups, and anecdotal information gathered at public hearings. Public hearings will be conducted statewide. Sites will include Lincoln, South and North Omaha, the Omaha Sovereign Nation, the Winnebago Sovereign Nation, Scottsbluff, Lexington and Grand Island. Interpreters will be present at all hearings as well as a court reporter to record the testimony.

The Task Force hopes to complete the planned research by summer of 2002. A final written report will be submitted to the Nebraska Supreme Court in the fall of 2002 with research findings and proposed recommendations for necessary changes to promote equal access to justice and the legal profession.



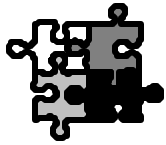
*Further information available from  
**Judy Beutler** at the Administrative  
Office of the Courts, 402-471-2921.*

## **GENDER FAIRNESS IMPLEMENTATION COMMITTEE**

The Nebraska Supreme Court Gender Fairness Implementation Committee continues its efforts toward improving gender fairness in the Nebraska courts. It has been 10 years since the Nebraska Supreme Court Gender Fairness Task Force was established. The current focus for Implementation Committee is developing a plan to evaluate the status of the recommendations of the original Task Force and to establish new goals and objectives for the future. To assist in this process, a new manual, *Gender Fairness in the Courts: Action in the New Millennium* by Lynn Hecht Schafran and Norma J. Wikler is being used. This manual has been a strategic tool for many states in the evaluation process and includes the Key Components to Achieve & Secure Gender Fairness in the Courts.

Each subcommittee is in the process of reviewing the status of the original recommendations from the Gender Fairness Task Force. New goals and objectives will be presented to the Implementation Committee to plan for future projects. Many





## 2001 ANNUAL REPORT

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subcommittees will look to involve new members particularly from the Nebraska State Bar Association groups such as the Young Lawyers and Women in the Law sections.

The Gender Fairness Implementation Committee has also increased its involvement in networking with other states. Justice John M. Gerrard, Chairperson for the Committee, represented Nebraska at the Gender Bias Workshop at the National Association of Women Judges meeting in New York in October of 2001. Participation as a member of a gender fairness task force list serve has been helpful in sharing information and examining activities of other states involved with gender fairness issues. Learning from other states the types of projects that have been successful will help the Committee facilitate future progress towards gender fairness in the Nebraska courts.



*Further information available from **Judy Beutler** at the Administrative Office of the Courts, 402-471-2921.*

*View committee members on the web at <http://court.nol.org/comm/gfic.htm>*

## SUPREME COURT COMMITTEE ON DRUG COURTS

The Supreme Court Committee on Drug Courts was authorized in December 2000 and is chaired by Supreme Court Justice John Wright. The purpose of the committee is to evaluate the feasibility of implementing drug courts or other similar community courts in Nebraska. The committee will advise the Supreme Court as to whether such courts would have a positive effect on the administration of justice in the state and, if so, will provide the Court with recommendations as to structure and

integration of such courts into our judicial system.

Drug courts and other specialized courts of this type began in the 1980's. The courts work with treatment providers to remove offenders from the regular court docket, provide intense supervision, and integrate offenders into treatment programs. Teams consisting of judges, prosecutors, and defense attorneys closely monitor each person's progress. There are currently drug courts operating in Sarpy, Douglas, Lancaster, and Cheyenne Counties and in central Nebraska (Adams, Hall, and Buffalo Counties).

The committee met twice during the year 2001 and discussed the feasibility of standardizing the operation of drug courts across the state, the possibility of seeking state funding for drug courts, and the desirability of evaluating the effectiveness of current and future programs.

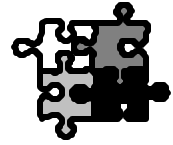
There is currently pending legislation that would, if adopted, recognize the effectiveness of drug court programs and provide for interlocal agreements with local and state agencies for implementation and management of the programs. The committee will discuss this legislation at its next meeting.



*Further information available from **Janice Walker** at the Administrative Office of the Courts, 402-471-2764.*

*View committee members on the web at <http://court.nol.org/comm/DrugCourts.html>*





## PROJECTS FOR THE IMPROVEMENT OF JUSTICE

### COURT IMPROVEMENT PROJECT

The Court Improvement Project (CIP) has assisted in the state-wide implementation of Family Group Conferencing. CIP has provided technical assistance and training support to the state-wide mediation centers that have contracted with the Nebraska Department of Health and Human Services to provide conferences. CIP has also begun a comprehensive evaluation of Family Group Conferences with particular focus on assessing outcomes for children.

CIP helps support publication of the RAP (Research Advancing Practice) Sheet, a quarterly publication that summarizes current findings from the social science literature regarding child protection and juvenile justice. CIP is in the final stages of development of a parents' guide to the juvenile court child protection process. The CIP, in conjunction with the ABA Center on Children and the Law, presented two training sessions on implementation issues in the Adoption and Safe Families Act and the accompanying Federal Rule for judges and attorneys. CIP has distributed a publication of the ABA Center on Children and the Law, *Making Sense of the ASFA Regulations*, to over 100 individuals including all judges with juvenile court jurisdiction as well as a number of attorneys.

The Juvenile Code Revision project has completed the drafting of a proposed code. CIP has, through the procurement of a competitive federal grant entitled *Collaborations Between Child Welfare Agencies and Court Systems to Facilitate Timely Adoptions*, begun collaborative

projects in Douglas, Lancaster, and Sarpy counties focused on addressing system barriers that delay permanency for abused and neglected children. These projects have brought the judges in each county together with Health and Human Services representatives, guardians ad litem, county attorneys, parents' attorneys, Foster Care Review Board representatives and CASA representatives. Although this project is in an early stage, at this point there is great commitment from virtually all participants to work together to solve some of the problems that keep children from returning to or finding permanent homes.



Further information available from **Janice Walker** at the Administrative Office of the Courts, 402-471-2764.

### LEGISLATIVE COURT VISIT PROGRAM

Nebraska trial court judges continue to host state senators for "a day in court." The purpose of the Legislative Court Visit Program is to give the legislators a better understanding of the court system and the complexity, volume and variety of work in the county and district courts.

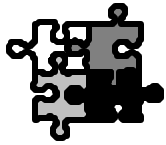
The court visits give state senators a chance to observe court proceedings and to talk with local judges and court employees. It also provides an opportunity, in the words of one participating senator to "see how the laws we pass work."

The Legislative Court Visit Program is conducted each year for new senators.



Further information available from **Janet Hammer** at the Administrative Office of the Courts, 402-471-3205.





### NEBRASKA COURT INTERPRETER PROGRAM

In 2001, the Nebraska Supreme Court sponsored an orientation program for all language court interpreters at College Park in Grand Island. Fifty-five interpreters representing nine different languages were in attendance. The interpreters were introduced to the court interpreter code of ethics, court and legal terminology, and simultaneous, consecutive and sight interpretation techniques. This followed a similar Spanish court interpreter orientation program at the same location in 2000. The Nebraska district, county, and separate juvenile court judges have received an education program on improving court interpretation in their courtrooms.

The Nebraska Supreme Court belongs to a consortium for interpreter certification directed by the National Center for State Courts. This 27-state consortium administers and conducts standardized interpreting tests for court interpreters wishing to be certified. Nebraska has conducted three certification exams, two in Spanish and one in Vietnamese. The Nebraska Supreme Court has now certified six Spanish court interpreters.

In the future, in addition to interpreter orientation programs, the Court plans to sponsor skill development training programs which will assist the interpreters in becoming truly professional court interpreters.



*Further information available from  
**Ken Wade** at the Administrative  
Office of the Courts, 402-471-2671.*

### INTERPRETERS TAKE OATH ON LAW DAY

In celebration of Law Day, Nebraska's first five interpreters took their oaths as Nebraska Certified Spanish Court Interpreters in a ceremony held on May 1, 2001, in the Nebraska Supreme Court chambers with Justice John Gerrard presiding.

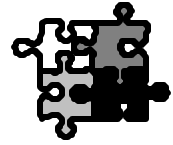
During the ceremony, Federal U.S. District Court Judge Richard G. Kopf spoke to the need for providing equal access to justice for all participants in the court system. Cecilia Huerta, Director of the Mexican American Commission, addressed the significance of the first certified Spanish language interpreters for the state. Ken Wade, coordinator for the Court Interpreter Training and Certification program, presented the interpreters with their certificates of interpreter certification.

"It is crucial to the overall fairness of the system that judicial proceedings are completely and accurately translated for non-English-speaking participants. The Nebraska Supreme Court is pleased with the initial interpreters who have worked so hard to become certified and for all of the other interpreters who are working toward certification," said Justice Gerrard.



*Further information available from  
**Ken Wade** at the Administrative  
Office of the Courts, 402-471-2671.*





## SUPREME COURT HONORS TWO TRIAL COURT JUDGES

The Supreme Court each year recognizes two judges for outstanding service to the judicial system and to their community. In October, County Judge Alan L. Brodbeck of O'Neill and Separate Juvenile Court Judge Douglas F. Johnson of Omaha received these awards for the year 2001.

Judge Brodbeck, known as the "education judge", was recognized for his long service as chairman of the county judges=education committee and other education efforts which include building a web site for the Nebraska County Judges Association, serving as county judges newsletter editor, chairing the county judges=education committee and co-chairing the Supreme Court Technology Committee.

Judge Douglas F. Johnson was honored for his many unselfish commitments to the community. Appointed to the bench in 1993, Johnson has continued to maintain a rigorous schedule as a volunteer and leader within his community, church and profession despite an active caseload and family obligations.

He has led efforts to educate lawyers and non-lawyers about the workings of the juvenile court and to make changes that have improved the workings of the judicial system. Judge Johnson is best known for starting a series of free "brown bag" educational lectures at the Douglas County Juvenile Court. The lectures, which began in 1998, focus on issues pertaining to children and families.



Further information available from  
**Janet Hammer** at the Administrative  
Office of the Courts 402-471-3205.

## SEMINAR FOR JOURNALISTS HELD

The judges of the Nebraska Supreme Court and Court of Appeals invited journalists from across the state to a seminar for journalists. The seminar, called "Nebraska's Appellate Courts: An Overview for Journalists" was held in May, 2001 in honor of Law Day.

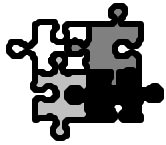
The Court worked closely with the Nebraska Press Association and the Nebraska Broadcasters Association to identify interested reporters and to make arrangements for the program.

The Chief Justice conducted tours of the court area and short presentations on the operations of the Supreme Court and Court of Appeals were given by the Chief Justice and Chief Judge John F. Irwin respectively. Justice William M. Connolly presented a session on "Anatomy of an Appellate Court Opinion." A notebook of materials, including contact information for all reporters was given to each attendee.



Further information available from  
**Janet Hammer** at the Administrative  
Office of the Courts, 402-471-3205.





# 2001 ANNUAL REPORT

## JUDICIAL BRANCH FINANCES

### EXPENDITURES

General Fund Fiscal Year 2000 / 2001

Supreme Court Judges and Staff .....	\$ 4,312,070
Court of Appeals Judges and Staff .....	\$ 1,531,033
District Court Judges and Court Reporters .....	\$10,533,701
County Court Judges and Staff .....	\$17,877,424
Probation/Intensive Supervision Probation and Staff .....	\$13,080,535
Office of Dispute Resolution .....	\$ 362,989
Clerk and Staff .....	\$ 286,256
Reporter and Staff.....	\$ 261,493
JUSTICE Project.....	\$ 2,136,587
*TOTAL .....	\$50,382,088

\*These expenditures do not include district court personnel and operating costs for county court, which are county expenses

### REVENUES

Fiscal Year 2000 / 2001

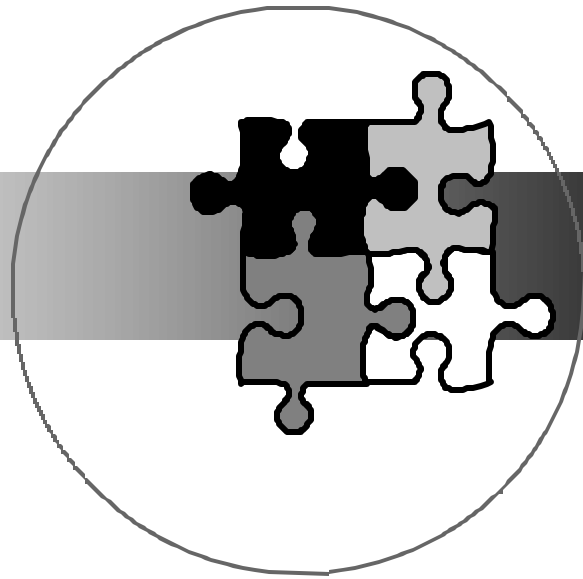
Fees and Costs to State General Fund.....	\$12,509,721
Probation Fees .....	\$ 400,560
Local Fees.....	\$ 2,001,848
State Fines .....	\$15,502,609
Overload Fines .....	\$ 1,160,706
City and Village Fines .....	\$ 4,299,996
Judicial Retirement .....	\$ 416,249
LEIF .....	\$ 526,146
**TOTAL .....	\$36,817,835

\*\*Revenues are disbursed to local government entities in addition to the state general fund.



Further information available from  
**Kathy Harkrader** at the Administrative  
Office of the Courts, 402-471-4428.





# **NEBRASKA SUPREME COURT ANNUAL REPORT 2001**

Prepared by the Nebraska Supreme Court  
Administrative Office of the Courts/Probation

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