



Annual Report | FY20

NEBRASKA ADMINISTRATIVE OFFICE
OF THE COURTS & PROBATION



NEBRASKA REPORTS
102 108 104 105 106 107 108 109 110 111 112 113 114 115 116
STODDART VOL. 102 STODDART VOL. 103 STODDART VOL. 104 STODDART VOL. 105 STODDART VOL. 106 STODDART VOL. 107 STODDART VOL. 108 STODDART VOL. 109 STODDART VOL. 110 STODDART VOL. 111 STODDART VOL. 112 STODDART VOL. 113 STODDART VOL. 114 STODDART VOL. 115 STODDART VOL. 116

NEBRASKA REPORTS
117 118 119 120 121 122 123 124 125 126 127 128 129 130 131
STODDART VOL. 117 STODDART VOL. 118 STODDART VOL. 119 STODDART VOL. 120 STODDART VOL. 121 STODDART VOL. 122 STODDART VOL. 123 STODDART VOL. 124 STODDART VOL. 125 STODDART VOL. 126 STODDART VOL. 127 STODDART VOL. 128 STODDART VOL. 129 STODDART VOL. 130 STODDART VOL. 131

NEBRASKA REPORTS
132 133 134 135 136 137 138 141 140
STODDART VOL. 132 STODDART VOL. 133 STODDART VOL. 134 STODDART VOL. 135 STODDART VOL. 136 STODDART VOL. 137 STODDART VOL. 138 STODDART VOL. 139 STODDART VOL. 140 STODDART VOL. 141 JAMES VOL. 142 JAMES VOL. 143 JAMES VOL. 144
Lawyers Room





Annual Report | FY20

NEBRASKA ADMINISTRATIVE OFFICE
OF THE COURTS & PROBATION



Published by the
**Nebraska Administrative Office
of the Courts & Probation**

Public Information & Communications

1445 K Street
10th Floor
Lincoln, NE 68509

PHOTOGRAPHY:

Janet Bancroft
Jared Callahan
Lincoln Journal Star
Tarik Abdel Monem
Omaha Daily Record
Omaha World Herald
... and Other Friends of the Judicial Branch





SUPREME COURT

2200

6

A MESSAGE FROM CHIEF JUSTICE HEAVICAN

Addressing equality before the law.

8

NEBRASKA JUDICIARY

Supreme Court | Summer Tour | Court of Appeals Judicial Leadership | New & Distinguished Judges

16

COVID-19 Experience

The Judicial Branch responds and adapts in the face of a pandemic.

18

ADMINISTRATIVE OFFICE HIGHLIGHTS

Reports of the divisions and offices of the Administrative Office of the Courts & Probation

43

STATISTICS

Data reports of appellate and trial courts, and probation.

A Message from Chief Justice Heavican

Recent events here in Nebraska and across the nation have rightly focused attention on persons of color and other historically disadvantaged persons seeking equal access to justice. No institution in this state plays a more pivotal role in providing equal access to justice than Nebraska's courts.

Nebraska's State motto is "Equality Before the Law." And our Constitution says that "all courts shall be open, and every person, for any injury done him or her in his or her lands, goods, person, or reputation, shall have a remedy by due course of law and justice administered without denial or delay"

Our Judicial Branch has the sacred duty of achieving the lofty goals professed in our State's motto and Constitution. I am proud of the significant role Nebraska's courts have had in carrying out this duty, including some of our recent accomplishments recounted below.

But this is a time when we must ask ourselves, "Is there a way we can do this better?" The answer to that question is yes. Yes, we must find ways to recognize deficiencies in equal access to justice in our courts, and yes, we must find ways to address those deficiencies.

ACCESS TO JUSTICE

The Supreme Court's Access to Justice Commission (previously the Minority Justice Committee) created the Committee on Equity and Fairness in 2017. The Committee recognizes that a person's race, ethnicity, gender, disability, English language proficiency, and immigration status can be a barrier to accessing Nebraska's courts and related programs. In its continuing efforts to ensure fairness and equity for all who use the courts, the Committee works to identify and address such barriers.

Recently, the Consortium of Tribal, State, and Federal Courts, a part of the Access to Justice Commission, began to hold public engagement sessions across the State of Nebraska, one of the goals of which is the identification of ways to address disparate treatment in our court system. The Consortium is currently in the process of completing a series of public engagement sessions focused on the concerns of Native American

communities in all three judicial systems: Tribal, State, and Federal. We thank the many community members, judges, and attorneys who have attended those sessions thus far. The participating courts listened carefully and have pledged to implement changes based on information gathered at these public engagement sessions. Based on the events earlier this year, I have asked the Access to Justice Commission to hold similar public engagement sessions to learn, directly from court users, what we need to do better to address racial inequity in our courtrooms and our court processes.

Thanks to the Access to Justice Commission for its dedication to this process. And special thanks to the Nebraska State Bar Association for its participation in this process. I invited all members of Nebraska's court family and legal community to join us in these expanded public engagement sessions during fall 2020.

CHILDREN IN THE COURTS

One of my fellow Chief Justices, Loretta Rush of Indiana, has suggested that the best place to begin improving equal access to justice for all is in our juvenile courts and other courts dealing with children and children's issues. I find Chief Justice Rush's suggestion to be both profound and timely.

In Nebraska, we have the framework in place to improve access to justice for our young people. We have a Court Improvement Project dedicated to child welfare and juvenile justice issues, focusing on the education of judges and court staff. For several years, our Court Improvement Project has emphasized addressing racial inequities in the Project's many education programs.

We have 26 local interdisciplinary teams in place across Nebraska to improve the treatment of children in local courts. These 'Through the Eyes of the Child' teams consider racial and ethnic disparities when working with children and their families. And we also have a special Commission on Children in the Courts designed to advise courts throughout the State on big issues affecting children.

Now is the time, however, for our local Through the Eyes teams to assess their local courts and communities for shortcomings in dealing with racial inequity in our child welfare and juvenile justice systems - and to find solutions for those shortcomings. Now is the time for our Court Improvement Project to intensify its training regarding racial bias and all forms of implicit bias. And now is also the time for our Commission on Children in the Courts to likewise intensify the pursuit of equal access to justice in our court system.

JUVENILE DETENTION ALTERNATIVE INITIATIVE (JDAI)

The Administrative Office of the Courts and Probation leads the Juvenile Detention Alternative Initiative (JDAI) in Nebraska. This national evidence-based model is grounded in eight core strategies for improvement in juvenile justice systems, including reducing over-representation of youth of color at all points of the juvenile justice system. This strategy does not stand alone. All work performed through JDAI at the state and local level is done through a lens of equity and inclusion. JDAI's accomplishments include reducing the number of pre-trial incarcerated juveniles in Douglas County from 163 in 2018 to 106 in 2019, and in Lancaster County from 39 in 2018 to 18 in 2019. Now is the time to recommit to the JDAI principles and expand the JDAI program throughout Nebraska.

JUDICIAL BRANCH EDUCATION

The Supreme Court has partnered with the University of Nebraska at Omaha to create inclusion and implicit bias education for all court employees. Since 2017, these education sessions have been mandated for all Judicial Branch employees. In partnership with the Nebraska State Bar Association, these sessions have recently been adapted for continuing education for all Nebraska attorneys.

'EQUALITY BEFORE THE LAW'

Racial injustice, implicit bias, and equal access to justice are complex issues but, nonetheless, issues that must be addressed. The initiatives listed above are only a small start. Progress will not come overnight, but it is imperative that we all do a better job of aspiring to the goals embraced in our State

motto and our State Constitution. All Nebraskans must have equal access to justice in our courts, and there is no place in our court system for historic racial discrimination or inequity.

I know that the nearly 2,000 strong members of the Nebraska court family and the nearly 10,000 strong Nebraska lawyers will rise to the occasion to find better ways to ensure "Equality Before the Law" for all Nebraska citizens.





JUSTICES

JUSTICE
**LINDSEY
MILLER-LERMAN**

JOINED COURT:
September 1, 1998

Supreme Court
District 2
Omaha

JUSTICE
**JEFFREY J.
FUNKE**

JOINED COURT:
August 2, 2016

Supreme Court
District 5
Nebraska City

CHIEF JUSTICE
**MICHAEL G.
HEAVICAN**

JOINED COURT:
October 2, 2006

Supreme Court
Statewide
Chief Justice

JUSTICE
**WILLIAM B.
CASSEL**

JOINED COURT:
May 9, 2012

Supreme Court
District 3
O'Neill

JUSTICE
**STEPHANIE F.
STACY**

JOINED COURT:
September 28, 2015

Supreme Court
District 1
Lincoln

JUSTICE
**JONATHAN J.
PAPIK**

JOINED COURT:
April 11, 2018

Supreme Court
District 4
Omaha

JUSTICE
**JOHN R.
FREUDENBERG**

JOINED COURT:
July 6, 2018

Supreme Court
District 6
Rushville





Chief Justice's Summer Tour

During the annual summer tour, the Chief Justice and fellow justices meet with various county board members, lawyers, and community leaders to thank them for their dedication to their local courts and the judicial system.

Over 1100 miles were traveled through 24 counties (top left). The purpose of the summer tour is to elicit local feedback on improvements to the court system.



COURT OF APPEALS



JUDGE
**David K.
Arterburn**

District 4

JUDGE
**Lawrence E.
Welch, Jr.**

District 5

JUDGE
**Riko
Bishop**

District 1

CHIEF JUDGE
**Frankie J.
Moore**

District 6

JUDGE
**Michael W.
Pirtle**

District 2

JUDGE
**Francie C.
Riedmann**

District 3

Judicial Leadership

The Nebraska Constitution

provides that general administrative authority over all the courts in the state is vested in the Supreme Court and shall be exercised by the Chief Justice (Nebraska Const. art. V).

At the local level, trial court judges are responsible for the operation of the court system. They are tasked with providing leadership within their judicial district to enrich the well-being of the court system.

The Court supports a number of commissions and committees consisting of citizens, judges, and lawyers who collaborate to improve the delivery of justice throughout the state. A complete listing of committees and their members can be found on the Judicial Branch website under the Administration section.

Bookended by standing ovations, Chief Justice Mike Heavican accepts his Nebraska State Bar Foundation Public Service award for his lifetime record of service to the community.



Judicial Associations

Each level of the trial court system has an association providing leadership for its judges. The presidents of the associations for the 2019-20 fiscal year are:

- District Court Judges' Association: Judge Thomas A. Otepka , Lincoln
- County Court Judges' Association: Judge Michael P. Burns, Hastings
- Separate Juvenile Court Judges' Association: Judge Reggie Ryder, Lincoln

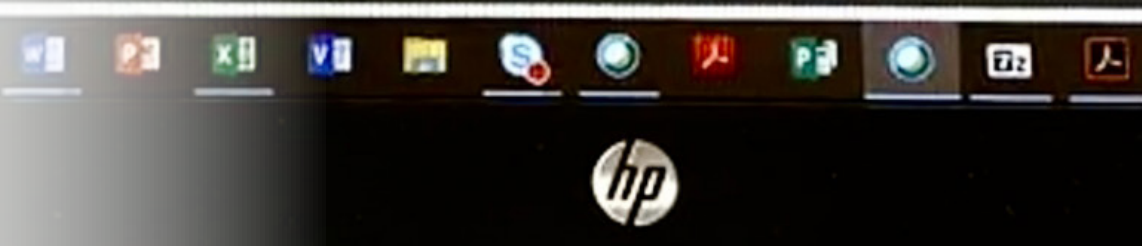
Chief Justice's Leadership Conference

Chief Justice Heavican convenes a conference of judicial leaders each spring which includes the chairs of commissions and committees of the Supreme Court. The conference is designed to enhance the leadership skills of trial court judges and to promote innovative programming throughout the branch.

The Chief Justice's five work groups, led by judges who had completed the judicial leadership development program, reported their recommendations to the Supreme Court. Work groups for 2020 included:

- Creating an Accommodating Courtroom for Protection Order Petitioners and Respondents
- Addressing the Increasing Number of High Conflict Cases Returning to Court
- Post-Release Supervision – Evaluation of Pending Legislation and Implementation
- Mentoring of New Attorneys
- Evaluation of the Judicial Evaluation Poll

The 2020 Chief Justice's Leadership Conference was held online, via web-conferencing, to continue the work of the group amidst social distancing.



Chief Justice's Leadership Conference
Friday, May 15, 2020
9:00 AM – 12:00 PM
WebEx



In October 2019, the Supreme Court awarded its highest honor to two distinguished Nebraska judges for their contributions to the Judicial Branch and to their communities. County Judge Thomas Harmon, Omaha, received the Improvement of Community Relations award and County Judge Holly Parsley, Lincoln, received the Improvement of the Judicial System award.



New Judges, FY2020

District Court

Bryan C. Meisner	Judicial District 6	11/12/2019
------------------	---------------------	------------

Separate Juvenile Court

Mary M. Z. Stevens	Judicial District 4	12/30/2019
--------------------	---------------------	------------

Amy N. Schuman	Judicial District 4	01/16/2020
----------------	---------------------	------------

Elise M. W. White	Judicial District 3	04/27/2020
-------------------	---------------------	------------

County Court

Grant A. Forsberg	Judicial District 4	07/29/2019
-------------------	---------------------	------------

Francis W. Barron III	Judicial District 6	04/10/2020
-----------------------	---------------------	------------

Judge Elise White is sworn-in by Separate Juvenile Court Judge Roger Heideman.

Judicial Branch COVID-19 Experience

Below: Douglas County Court Judge Sheryl Lohaus presides over a guardianship hearing during early days of the pandemic.

Right: Douglas County Court Judge Derek Vaughn waits while a court interpreter speaks with a courtroom participant about charges filed against him.



In a world that has been forever altered by the discovery of and response to COVID-19, one thing that did not change is the critical role of the Judicial Branch as the foundation of our civil society.

Nearly a year before the Coronavirus struck, Nebraska's Chief Justice Mike Heavican hosted the National Summit on Pandemic Preparedness at the University of Nebraska Medical Center which put the Nebraska Judicial Branch at the forefront of the nation's pandemic response. During the summit, Nebraska's leaders shared with other states across the nation information about its planning and home-grown resources.

Across Nebraska, the court system has adapted to the 2020 pandemic challenges brought about by COVID-19, working together in ways not contemplated in prior years.

While some physical spaces were forced to shutter by the Coronavirus, Nebraska's courts, probation offices, and all programming continued. The essential functions of the Judicial Branch moved forward despite the physical limitations of Directed Health Measures.

Ensuring Nebraskans benefit from access to justice at all times, the Judicial Branch leveraged technological solutions, adapted procedures, and found new ways of doing business.

Judges and Judicial Branch staff transformed themselves into everyday heroes in their work to keep the court system operational and functioning. Weddings continued, Problem-Solving Court graduations continued, probation drug testing continued, court interpreters kept interpreting, bonds were set, and educational meetings went online.

Chief Justice Heavican spoke about pandemic preparedness on the American Bar Association's "Legal Rebels" podcast and was interviewed by several law journals. Nebraska was featured in National Center for State Courts articles on maintaining court sessions.

Throughout the COVID-19 crisis, Nebraska's state courts and probation offices offered essential services to communities reminding Nebraskans that the need for access to the courts and probation has continued despite the Coronavirus and the closing of so many businesses and activities.



Clockwise from left: Omaha Judge Horacio Wheelock appears remotely in the courtroom during self-quarantine.

Chief Justice Heavican makes solo appearance on the bench while hosting remote arguments.

News reporters view proceedings using monitors installed by county court ensuring media and public access to the courtroom.

Probation staff applying a drug-detecting sweat patch - facilitating proper client monitoring while reducing the risk of viral infection.



Administrative Office of the Courts and Probation

Corey R. Steel

State Court Administrator

Deborah A. Minardi

State Probation Administrator

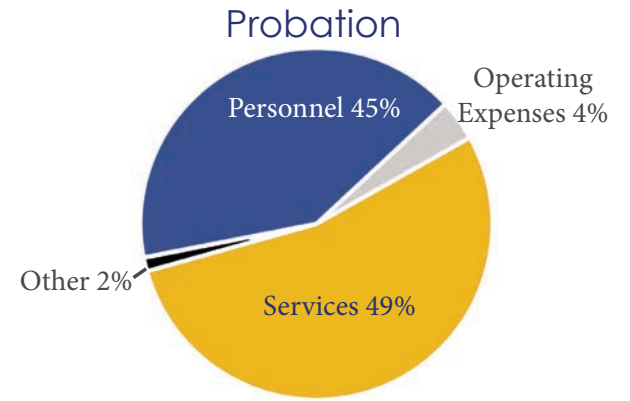
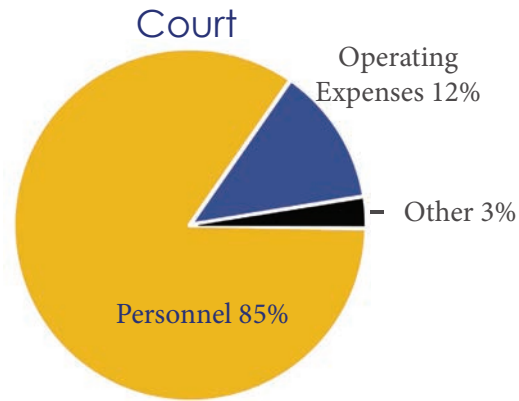
Fiscal Year Highlights:

- 20** Court Services
- 26** Office of Public Guardian
- 27** Attorney Services
- 28** Court Improvement Project
- 31** Problem-Solving Courts
- 32** Programs & Field Services
- 33** Juvenile Services
- 34** Information Technology
- 36** Operations



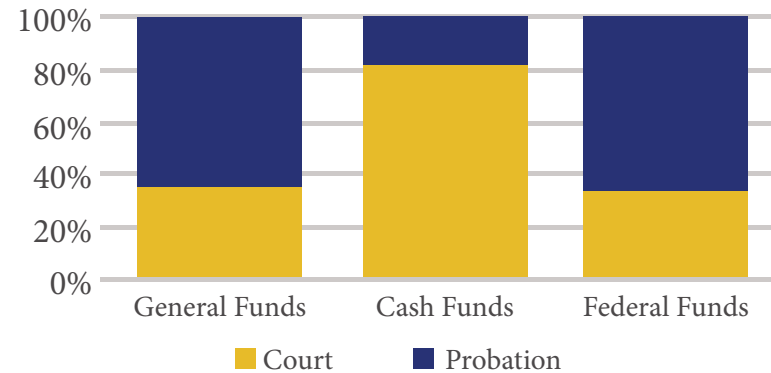
Total Expenditures by Major Account Category FY20

	Court	Probation	Total
Personnel	64,911,646	55,235,347	120,146,993
Operating Expenses	9,066,742	4,668,805	13,735,547
Services	-	60,911,268	60,911,268
Travel	769,186	1,331,090	2,100,276
Equipment	-	1,238,415	1,238,415
Grant-in-Aid	1,370,000	-	1,370,000
Total	76,117,574	123,384,925	199,502,499

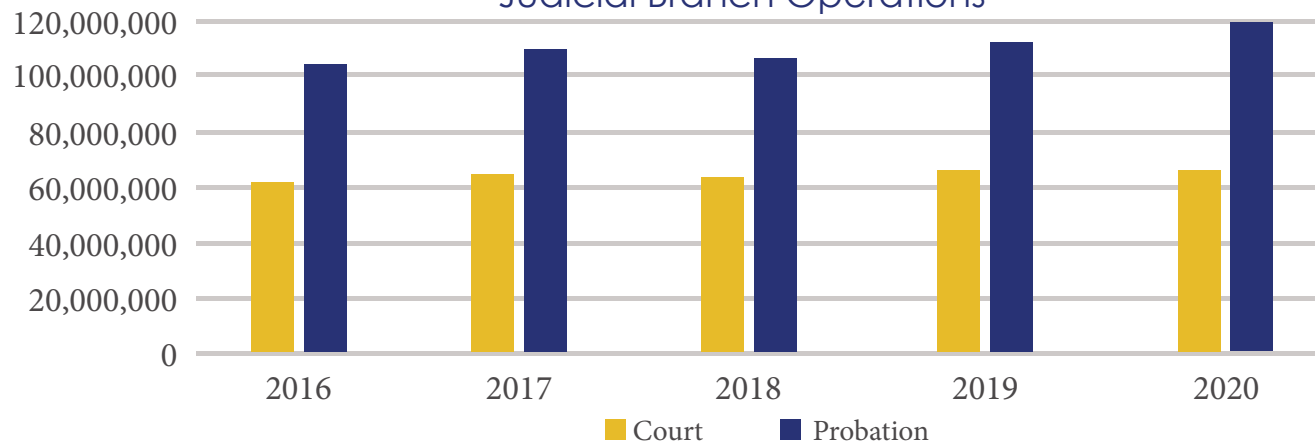


Total Expenditures by Fund Source FY20

	Court	Probation	Total
General Funds	67,987,084	120,729,666	188,716,750
Cash Funds	7,578,693	1,495,489	9,074,182
Federal Funds	551,797	1,159,770	1,711,567
Total	76,117,574	123,384,925	199,502,499



General Fund Expenditures for Judicial Branch Operations



Court Services

Amy E. Prenda, Deputy Administrator

The **Court Services Division** provides management support for the courts. This division is responsible for communicating Supreme Court administrative policy and providing procedural standards and publications for court operations. Intense focus is placed on areas related to working with and training court staff and interpreters; developing and maintaining court forms and procedure manuals; providing support to the statewide child support referees; and providing support for special interest issues like access to justice, self-represented litigants, and mediation.

The Court Services Division also serves as a liaison to trial court-related associations and committees.

COURT SERVICES DIVISION

Office of Dispute
Resolution

Trial Court
Services

Language
Access

Access to
Justice





The **Office of Dispute Resolution (ODR)** oversees the development of dispute resolution with a focus on the six ODR-approved non-profit mediation centers and court-connected programs across the state. The six mediation centers approved by ODR provide Nebraskans with access to court alternatives to dispute resolution.

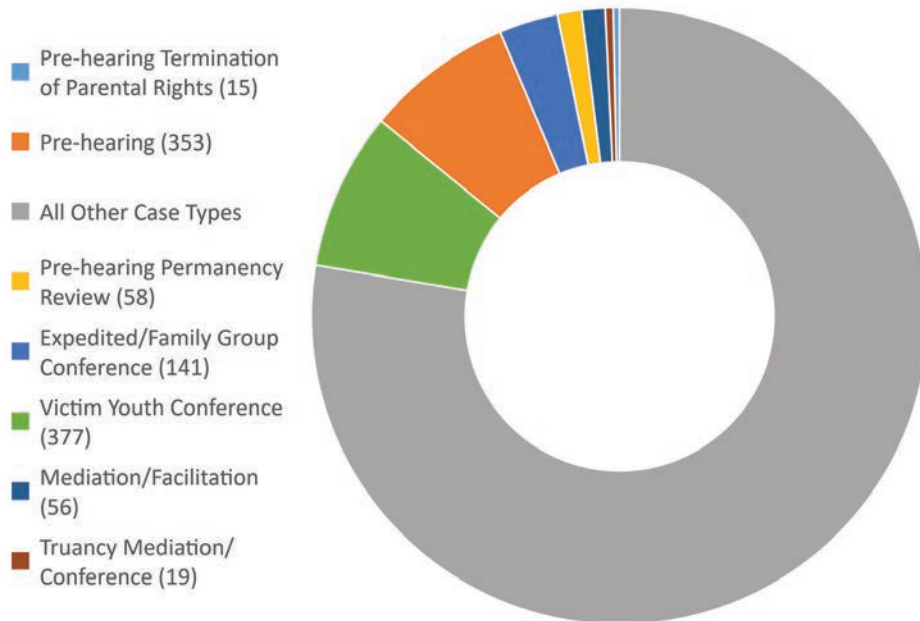
Services include: Basic Mediation, Parenting Act Mediation, Child Welfare Mediation/Facilitation, & Restorative Justice Facilitation.



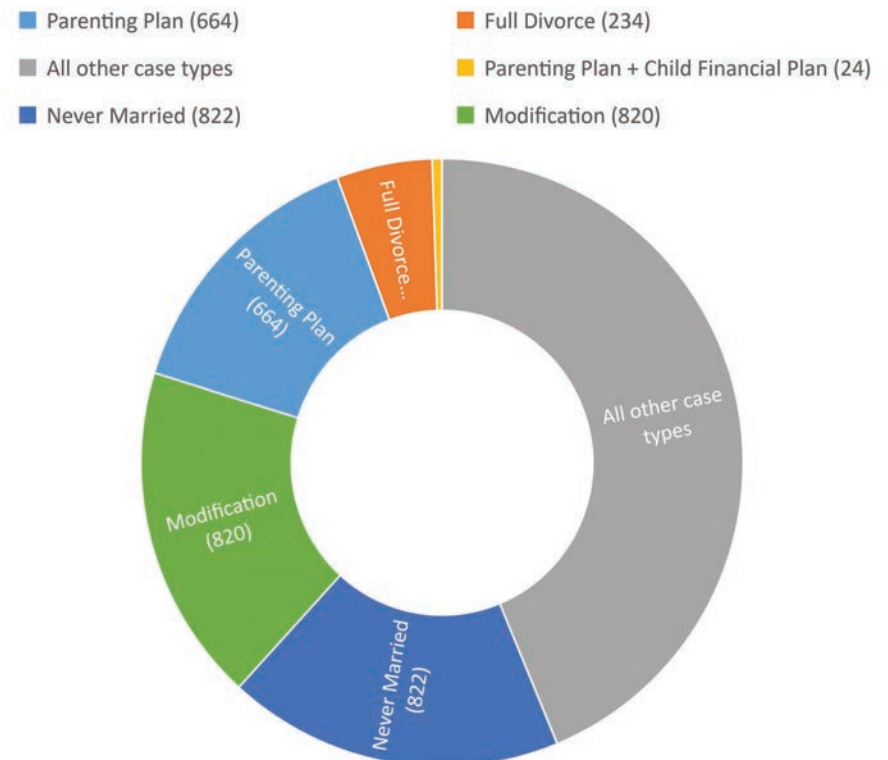
4,558 TOTAL CASE VOLUME

Parenting Plan (2,564), Family (112), General/Community (840), Child Welfare (583), Juvenile Restorative Justice (436), Adult Criminal (16), Undefined (7)

Child Welfare & Juvenile Restorative Justice



Parenting Plan Mediations



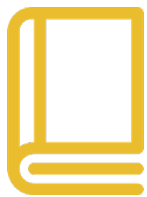


Trial Court Services supports the Nebraska Supreme Court in meeting its general administrative and supervisory authority as set out by the Nebraska State Constitution, art. V, sec. 1. Specifically, Trial Court Services provides direct support and information to the county, district, and juvenile courts, which includes resources for courts, which are not specific to operations or technology. Trial Court Services also provides court services information to the public, assisting individuals in regards to court services.



Emergency Preparedness Plans

Responding to the threat of COVID-19, judges, court officials, and staff rallied to provide access to justice while also ensuring the health and safety of those that work in the courts and the public. Trial Court Services helped the courts create Emergency Preparedness Plans to meet the unique needs of every county and helped them problem solve around the unique challenges as a result of the pandemic.



Procedures and Best Practices

Under the direction of the Nebraska Supreme Court, Trial Court Services assists the courts in implementing consistent, efficient, and effective court practices. Resources developed and available to the courts include Procedures Manuals, County Court Best Practices, Court Consistency Analysis, and Court Retention Schedules. Following each legislative session Trial Court Services adapts forms, instructions, and directives as legislative changes are enacted.



5,500

Information Specialist Inquiries

Information Specialists field queries via phone, chats, and emails from the public who need assistance. Trial Court Services and Information Specialists from county courts across the state personally assist individuals with finding answers to questions related to court services.



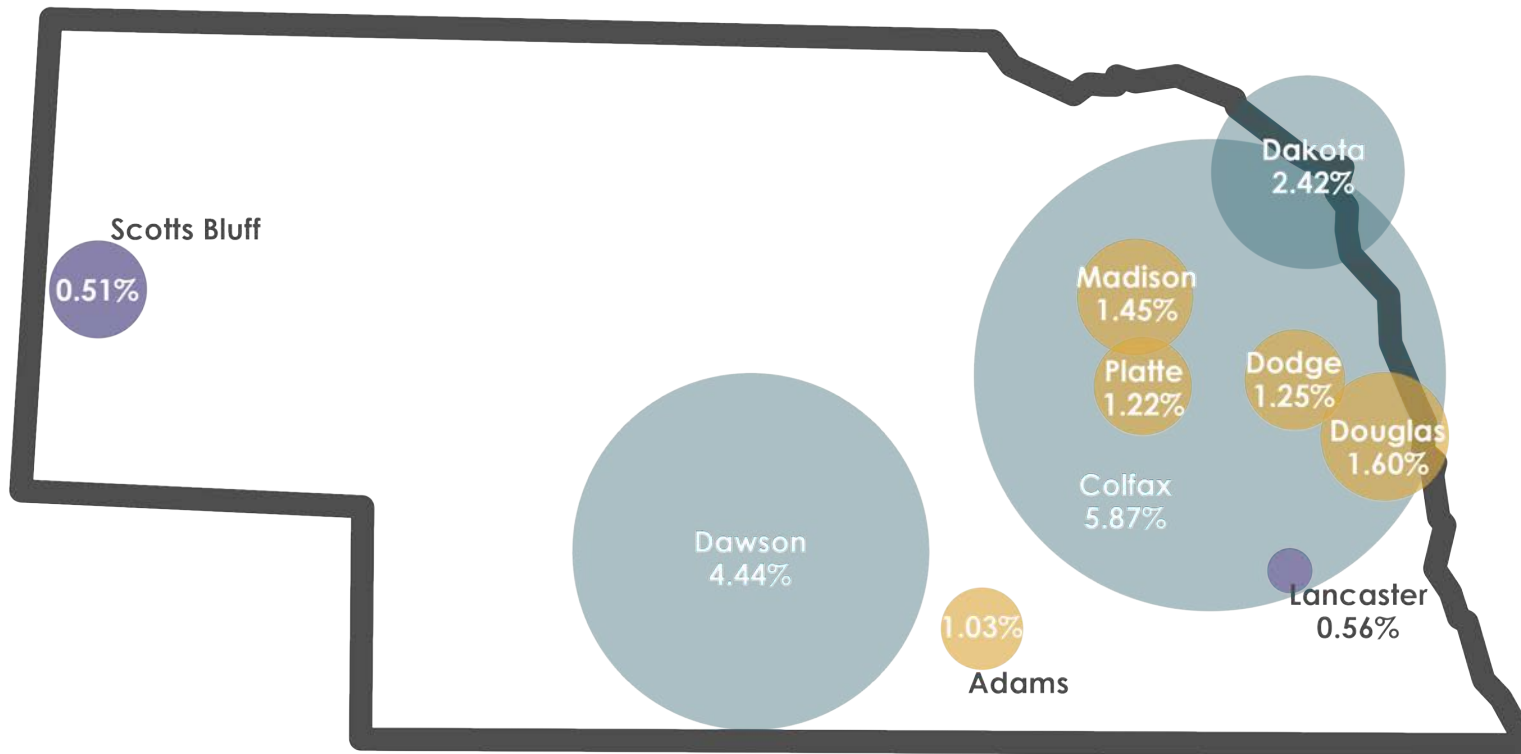
108 New Forms
381 Form Revisions

Accommodating statutory and Supreme Court Rule changes and increasing access to the courts for self-represented litigants.



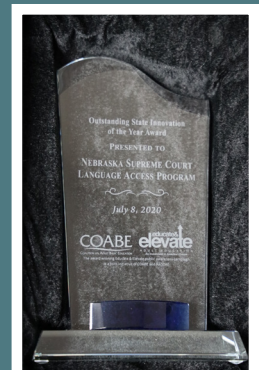
Court Services LANGUAGE ACCESS

The **Language Access Program** recruits, trains, and certifies court interpreters and coordinates the appointment of qualified interpreters across the state to facilitate the communication of limited English proficient (LEP) participants in the Nebraska Judicial Branch. It provides high quality, efficient, and cost-effective language access to LEP court and probation users across the state of Nebraska, regardless of the language spoken, or case type, and provides education and support to judges, court staff, and probation personnel. The mission of language access is guided by the Language Access Committee, and the service is directed by the Administrative Office of the Courts and Probation.



In FY2019, the Language Access Program provided interpreters in 65 Nebraska counties in which 96.9% of the State's population resides. Through March of FY2020, Colfax, Dawson, and Dakota Counties received the greatest percentage of interpreter services by population. In 22,132 appearances, qualified interpreters enabled court and probation users to tell their own stories in their own words in 46 different languages.

State Innovation of the Year Award recognizing Nebraska's first of its kind in the nation tuition-free interpreter recruitment and training program developed in collaboration with Northeast Community College. Twenty-two Nebraskans representing fourteen communities successfully completed the first step of this program.



The vision of the **Access to Justice Commission** is to coordinate the various activities and projects among the courts, the Bar, legal service organizations, legal education providers, the legal and public libraries, and the community.

The Commission currently has four standing committees and the Consortium of Tribal, State, & Federal Courts.



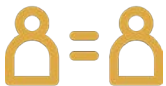
Self-Represented Litigation Committee

Navigating court processes and understanding the legal system can be difficult for the person without legal assistance. The committee focuses efforts to assure SRLs have equal access to the court system.



Language Access Committee

Assuring spoken and sign language interpreters are court qualified and fully prepared to enable communication in courtrooms and probation offices throughout the state.



Committee on Equity & Fairness

Evaluating issues of equity and fairness within the courts for every individual.



Consortium of Tribal, State, & Federal Courts

Providing an opportunity for tribal, state, and federal courts to work on specific problems together and to build trust across the court systems.



Civil Justice Reform Committee

Evaluating the civil legal process, including efficiencies, cost and convenience, to ensure all parties are able to achieve justice in civil cases.



Nebraska Consortium of Tribal, State, and Federal Courts

Public Engagement Tour Begins in the Eastern Portion of the State

With the conversation reaching over 200 members of Nebraska’s Native American communities, the Consortium of Tribal, State, and Federal Courts met with tribal representatives in Omaha, Santee, Macy, and Winnebago.

The Consortium, co-chaired by Winnebago and Ponca Tribe Chief Judge Patrick Runge and 12th Judicial District Judge Andrea Miller, began with the goal of creating a forum where individuals could share their thoughts and concerns about the court systems in Nebraska.

The early November meetings were facilitated by national experts on Tribal/State relations, Ret. Judge Bill Thorne and Jenny Walter and attended by Chief Justice Michael Heavican and Justice Stephanie Stacy. It was the first of two planned engagement tours and other activities to involve Native Americans in the conversation to help improve relations between tribal, state, and federal courts and the communities they serve. The dialogue tour in the western portion of the state needed to be postponed due to coronavirus.



“We’ve convened a team, a consortium of representatives from the Tribal, State, and Federal Courts who are intending to work together on an ongoing and more formalized basis to try to find ways where the different court systems can work together.”

“We are looking to find points where there can be synergy, where the systems could work together better to better serve the different communities we take care of.”

~ Patrick Runge, Winnebago and Ponca Tribal Court Chief Judge. From November 6, 2019, interview with KTIV

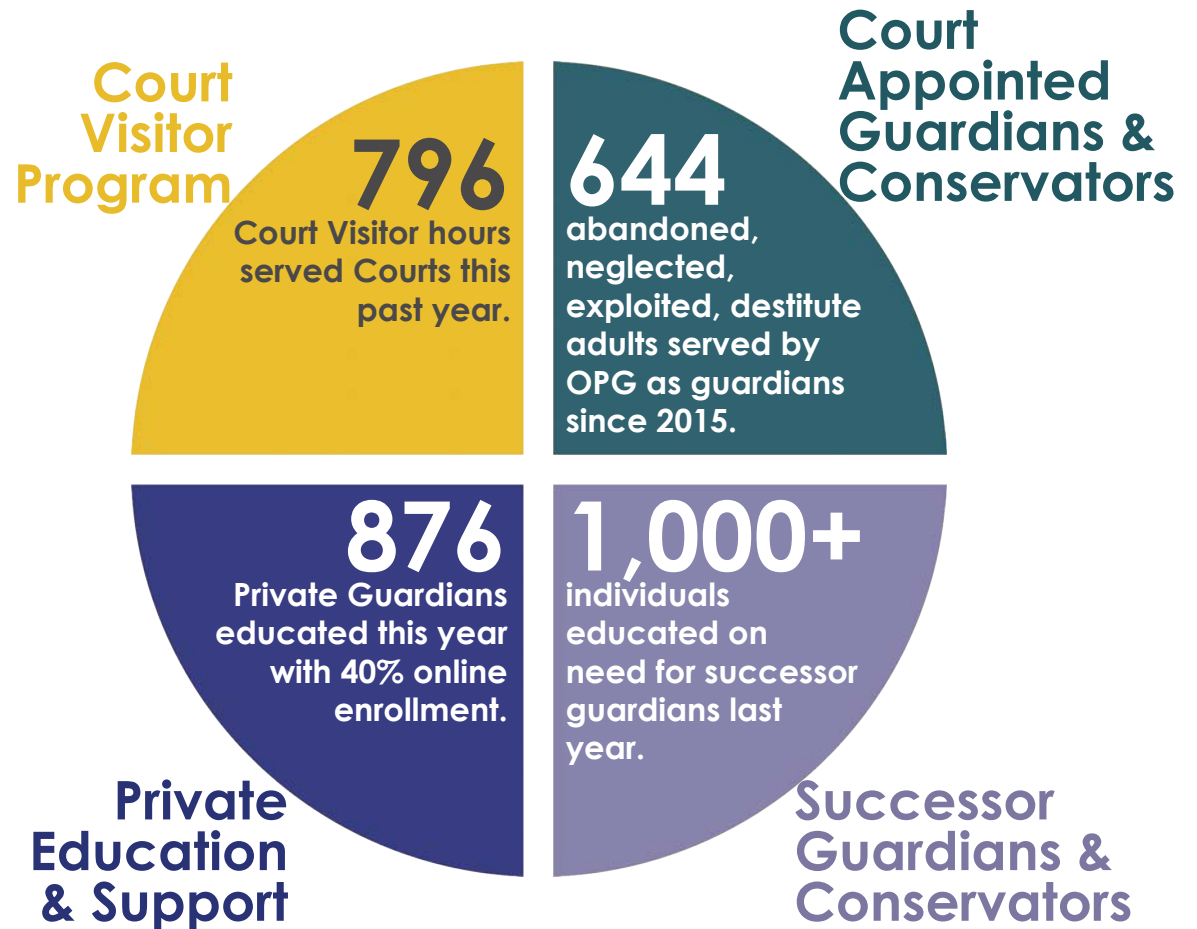
Office of Public Guardian

Michelle Chaffee, Director

The Office of Public Guardian (OPG) is designed to serve as the guardian or conservator for an individual when no other alternative is available.

In addition to providing the means of last resort as guardians or conservators for those situations where no family member or suitable individual is available, the OPG provides education, training, and support for volunteer and family guardians and conservators, and recruits individuals to serve as guardians and conservators for Nebraska's vulnerable individuals.

The work of the OPG is guided by the Advisory Council on Public Guardianship. Work began on January 1, 2015, to develop the processes, guidelines, plans, and personnel policies to implement the Public Guardianship Act.



Attorney Services

Carole McMahan-Boies, J.D., Administrator

Under authority of the Nebraska Supreme Court the **Attorney Services Division** oversees attorney admissions in the State of Nebraska.

The Division also oversees the attorney license renewal process providing information to the public regarding attorney license status and malpractice insurance information.

The Attorney Services Division monitors attorney compliance with annual mandatory continuing legal education requirements, assisting attorneys in fulfilling education requirements.



The Attorney Services Division oversees attorney admissions by administering the bar exam and working with the State Bar Commission to approve potential bar members for character and fitness to practice law. Attorneys may be admitted to the bar by motioning in after obtaining a license to practice in another state or through the bar exam process.

7,002
Active attorneys

3,095
Inactive attorneys



Attorney Services provides education and practice forms to all attorneys, statewide.

Court Improvement Project

Deb VanDyke-Ries, Director

The Nebraska Court Improvement Project works to positively impact and improve outcomes for children, youth, and families involved with juvenile court, through multi-disciplinary, judge-led Through the Eyes of the Child teams in every Nebraska county. CIP provides or facilitates education for child welfare and youth justice professionals, distributes data on court-involved youth and families, and collaborates with partner agencies, court professionals, and other stakeholders to improve court processes.



500+ Attendees



5,000+ Hours of Education Provided



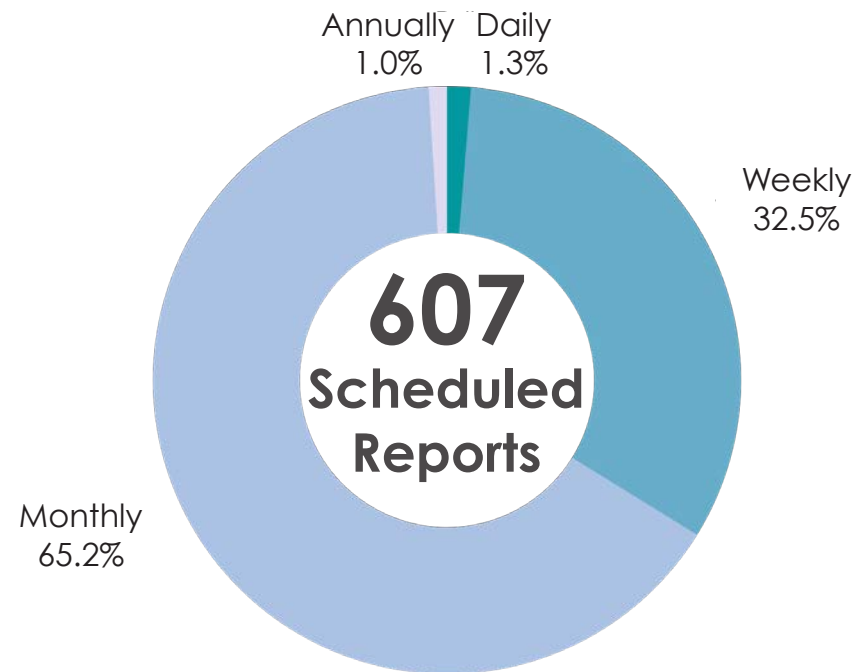


DATA & PERFORMANCE MANAGEMENT

The **Office of Data & Performance Management** supports district and administrative staff with meaningful metrics to help drive day-to-day business decisions. Reports are set up for automatic distribution to staff on a daily, weekly, monthly, or quarterly basis. Ad-hoc reporting is supported by statewide district data analyst and the administrative data team. The Administrative Office of the Courts & Probation also provides data and contribute to branch-wide publications, as well as those of several external partners.



Over 2,000 reports are generated. Of those, 607 reports are set up for automatic distribution to staff on a daily, weekly, monthly, or quarterly basis.



Recognizing the vital nature that one-source of truth plays in the data and performance management ideology, intentional work has been cultivated to align data metrics and performance management goals. This allows for more seamless support for each district and individual data need.



PROBATION IN A PANDEMIC

Despite a quickly-shifting landscape due to uncertainties around COVID-19, Nebraska Probation rallied to meet the needs of the moment and continued to build safer communities through the supervision they provide youth and adults on probation.

Officers and staff employed innovative adaptations to ensure continuous access to supervision and services, meeting the obligation to clients, communities, and court directives.

*Top: Officers socially distance on a youth visit.
Left: Food left for a client who could not get out.
Middle: Testing continues with no interruptions.
Right: Staff rallied to provide PPE to all who needed it.*





PROBLEM-SOLVING COURTS

Nebraska problem-solving courts are an institution of the Nebraska Supreme Court utilizing innovative court programming designed to create behavior change allowing individuals and their families to thrive. Problem-solving courts reduce recidivism and increase community safety through a comprehensive and coordinated court response utilizing early assessment and intervention, individualized treatment, intensive community supervision, and consistent judicial oversight.

All Nebraska problem-solving courts are governed by the Nebraska Supreme Court Committee on Problem-Solving Courts and adhere to established standards.

Nebraska Problem-Solving Court Models:

- Adult Drug and DUI Courts
- Family Dependency/Treatment Court
- Juvenile Drug Court
- Mental Health Court
- Reentry Court
- Veterans Treatment Court
- Young Adult Court

32 Problem-Solving Courts

12 Judicial Districts statewide

46 Judges presiding

1,222 Participants



Programs & Field Services

Robert Denton, Deputy Administrator

Programs & Field Services encompass:

- Alternatives to Incarceration
- Community-Based Supervision
- Rehabilitative & Supportive Services
- Problem-Solving Courts

Alternatives to Incarceration provides enhanced sentencing options for high risk populations.

Community-Based Supervision includes resources and supports for adults at all risk levels for recidivism.

Rehabilitative Services provides access and collaboration for individuals with behavioral health needs.

Supportive Services utilizes tracking and monitoring tools and strategies to support community supervision.



16,283 successful releases

Of adult probationers from community supervision after completion of court-ordered conditions.



67,333 visits by adult clients

To 17 Reporting Center locations statewide for behavior-based programming targeting risk reduction.



1,156 individuals received short-term transitional living & reentry housing support services

Individuals were provided financial assistance and enhanced case management.



7,000 clients and families receiving financial assistance

Both youth and adults - allowing access to behavioral health and supportive services needed to reduce the risk of recidivism.

Juvenile Services

Jeanne K. Brandner, Deputy Administrator

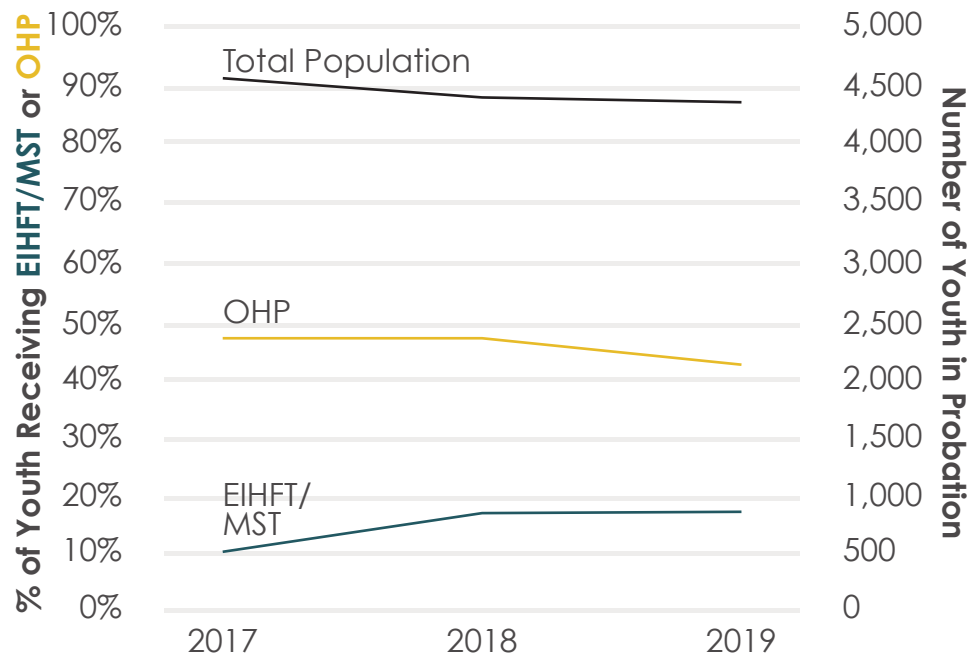
The **Juvenile Services Division** is responsible for statewide administration of juvenile intake, investigations, supervision, and services for youth and families impacting community safety, habilitation, and behavior change. An individualized, adolescent development approach is a priority for juvenile justice youth, which is supported by research and shown to reduce criminogenic risk.

The goal of the Juvenile Justice Reform Initiative in Nebraska is to prevent juveniles from returning to the juvenile justice system or entering the criminal justice system.



The Juvenile Services Division launched the Juvenile Justice Home-Based Initiative in 2017 which implemented Multisystemic Therapy (MST) and Boys Town's Ecological In-Home Family Treatment (EIHFT) model. This initiative is supported by local foundations; Sherwood and the Scott Family which resulted in expanded service access across the state of Nebraska. Recently, the Home-Based Initiative started a multi-year evaluation which is already showing impactful results. The initial report is titled "Juvenile Justice Home-Based Initiative Baseline Report" completed by Smith and Lehmann Consulting in FY20. Below is a graph from the report which represents an increase in utilization of home-based services in Nebraska and a reduction in out-of-home placements.

% of Youth Receiving EIHFT/MST is Increasing



Information Technology

Jennifer Rasmussen, Deputy Administrator

The **Information Technology Division** is responsible for technological support throughout the Judicial Branch. Additionally, application development, including court (JUSTICE/SCCALES) and probation (NPACS) case management system application development falls under the purview of the Division.

Technology teams also work to continually provide better online services, such as those below, to help the Judicial Branch run more efficiently in delivering information and services to the public and the legal community.

- eFiling
- ePayment
- Service providers registration
- Voucher submission
- Online training
- Court case information searches



7.5 million court case views online

Case information is made available through the Internet for all county, district, separate juvenile, and appellate courts.



\$23,550,000 in online payments

Electronic payments are accepted statewide for court fines, filing costs, and probation fees.



220 Judicial Branch offices supported

Court, probation, and administrative staff across Nebraska depend on the Supreme Court IT Division for assistance with software, hardware, or general technology questions.



20,000 programming hours

The Judicial Branch case management systems are all custom built, and continually updated to meet with new rule and statutory requirements, as well as automating new processes for courts and probation.

 **Operations** *see pg. 36*
INTERSTATE COMPACT

The **Office of Interstate Compact** is responsible for assisting with the facilitation of the transfer of supervision for both adult and juvenile probationers to the state where he/she resides and also facilitating the safe return of any juvenile who runs/absconds to another state. Furthermore, the compact office monitors statewide compliance with adult and juvenile compact rules and provides training and resources to field staff, district management, and other justice partners. Additionally, the compact office is charged with the review of all interdistrict transfer and shared supervision cases to ensure adherence to protocol and to assist with the seamless transition of supervision within the State of Nebraska.

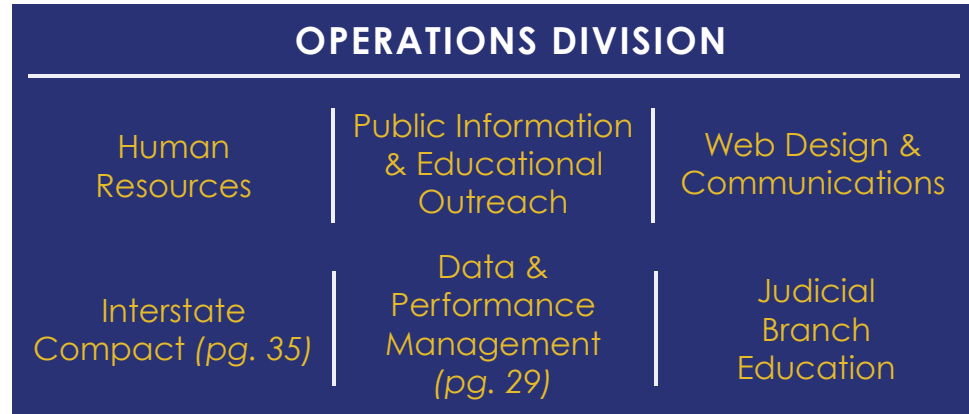


The Compact Office provides updated Compact Rules training to Nebraska Probation and Parole staff on a yearly basis, as well as in-person and virtual training to new probation staff.

Operations

Gene Cotter, Deputy Administrator

The **Operations Division** performs a wide variety of functions in its support of courts and probation throughout the state. Prioritized functions include all elements of human resources, mandated as well as career-development training and judicial education, internal and external communications, interstate transfers of probationers, and data collection, analysis, and reporting.





Operations

HUMAN RESOURCES

The **Office of Human Resources** provides services to Judicial Branch staff and applicants including all state courts and probation offices funded through the Judicial Branch Budget. The office is responsible for payroll, recruitment, position classification, compensation, employee relations, and benefit and payroll records. Staff is available to help employees understand the Nebraska Supreme Court Personnel Policies and Procedures including the processes of hiring, performance management, and disciplinary actions. Staff also provides guidance in an effort to resolve employee conflicts and to effectively address allegations of misconduct.

Preceding the pandemic, the Office of Human Resources experienced a relatively predictable cycle of employee onboarding, exits, benefits changes, and performance management. With the onset of the pandemic, hiring slowed due to delayed position posting and challenges encountered in attracting and onboarding new staff. Compared to FY19, Human Resources processed 33% fewer incoming employees. While there were fewer job postings and hires, business increased in the area of management training and consultations related to new forms of leave available under the Families First Coronavirus Response Act as well as tracking leave usage.

 **417 Job Postings**
1,579 Staff on Payroll (avg)

212
New Employees Processed



192
Employee Exits Processed

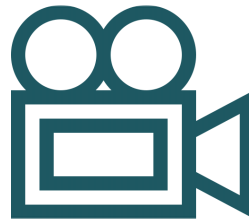


The **Office of Public Information and Educational Outreach** manages media inquiries, public information requests, and opportunities for the Supreme Court and Court of Appeals to engage with students. The Office engages with both national and state media to facilitate expanded media coverage using cameras in courts and provide educational material to both media outlets and judges. Additionally, the Office directs employee communications, creates and distributes press releases, and coordinates messaging on a variety of topics.



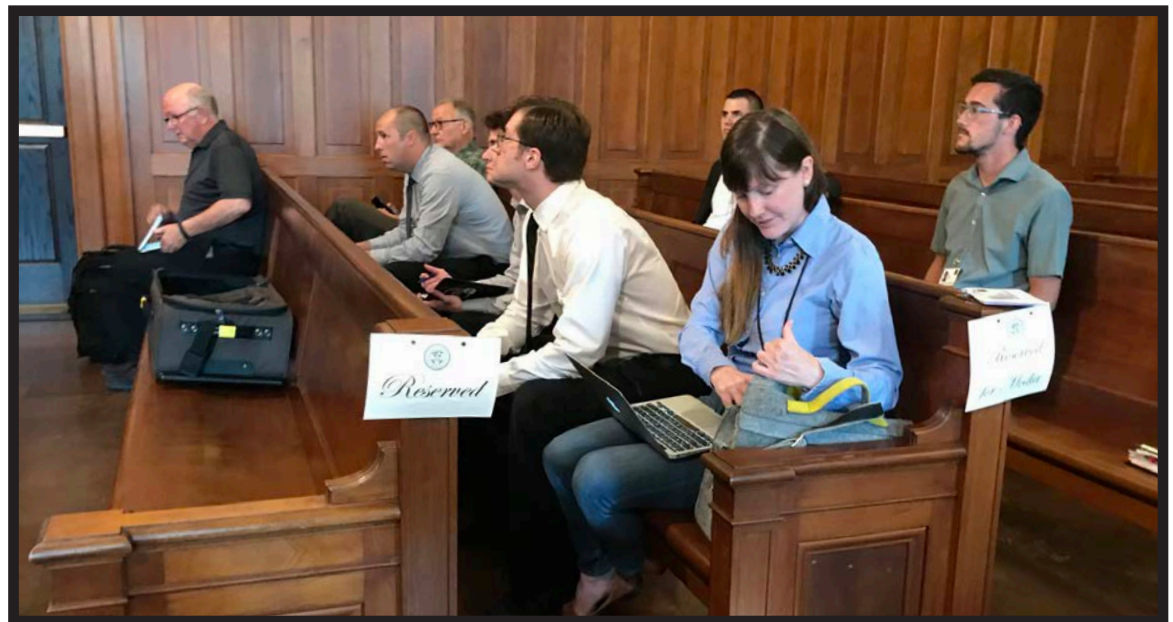
Media Credentials Issued

In order to educate and inform the public, the Judicial Branch concentrates on assisting the news media in their coverage of courts. Fast, accurate information creates confidence in the court system and maintains the trust of Nebraska's citizens. Training tomorrow's leaders is done through the education and support of Nebraska teachers. The court system assists through providing resources on the Judicial Branch website, person-to-person mentoring, and online programming.



50-year Old Guidelines Revised

Revised Court Coverage Guidelines for Judges, Attorneys, and Journalists were unveiled on June 2, 2020, on the 50th anniversary of the adoption of the original Nebraska Bar-Press Guidelines. The voluntary guidelines balance the right to a fair trial in Nebraska with the public's right to know about events in criminal trials.



“The revised guidelines continue the strong, cooperative tradition that judges, attorneys and media representatives in Nebraska have enjoyed for decades.” - Nebraska Supreme Court Justice Jeffrey Funke.

The **Office of Web Design & Communications** manages the primary digital communications channels for the Judicial Branch, including the website and social media accounts. In addition, the Office implements the creation of audio and visual productions, as well as graphic design and branding practices. In coordination with the Office of Public Information & Educational Outreach, the Office is responsible for strategic marketing activities of the Branch.



4,255,782

Website Views in FY20

Over 13% growth from the prior fiscal year. Of these visitors, over 78% were new visitors to the Judicial Branch website.



180

News Articles Published

Program directors throughout the Judicial Branch coordinate with the Communications team in order to publish articles and news pieces on the Branch website.



The Nebraska Communications team achieved national recognition for the production of a thoughtful and creative video in recognition of Law Day on May 1, 2020.

On the day that is set aside nationally to celebrate the rule of law in American society, Judicial Branch administration sent a video appreciation to every member of the Branch saying, "For Law Day and for your work every day, thank you."



The Judicial Branch is committed to providing law-related education to both students and adults to ensure that Nebraskans understand the workings of our democratic institutions and maintain confidence in our court system.

Statewide projects in partnership with law-related entities are implemented each year, as are individual programs on the local level. Nebraska judges and Judicial Branch professionals regularly speak to student groups both at the State Capitol and in their communities. Nebraska's appellate courts provide outreach with programming focused on high schools, colleges, and law schools.

VISITING STUDENTS IN SCHOOLS

Top: The Supreme Court hears arguments at Creighton Law School as part of their outreach program.

Right: Douglas County District Court Judge Marlon Polk provides Northwest High School students with an introduction to the court process.



Argument sessions of the Court are held within the educational facility, preceded by a guest speaker who outlines the court system, and followed by an open question session with students. Youth-education programs are held at the school's convenience and tied to Constitution Day (September 17) and Law Day (May 1), which are nationally recognized events.

Trial courts and judges participate in Nebraska's Law Day Job Shadowing program for 5th graders, where students visit courtrooms for various law-related lessons. Courts also participate in the High School Mock Trial program and County Government Day.



Operations

JUDICIAL BRANCH EDUCATION

Judicial Branch Education (JBE) provides essential continuing education with the goal of maintaining and increasing professional competence, ensuring the delivery of quality services to the people of Nebraska. Supreme Court rules and the JBE Advisory Committee outline minimum education requirements for all judges and Judicial Branch Staff.

JBE works within the Administrative Office of Courts and Probation to coordinate new and ongoing education delivered through in-person and distance learning events. The Office also assists outside stakeholders in meeting mandatory requirements to fulfill their roles as part of Nebraska's judicial system.



31,387

Courses completed
by JBE users in FY20.



An INCREASE of:

22%

over FY19



59

New probation
officers

October 16, 2019

New officers were sworn-in by Supreme Court Chief Justice Michael G. Heavican in the fall of 2019. The ceremony took place in the Capitol Rotunda in front of family, friends, and colleagues, as well as Court Administrator Corey Steel, Probation Administrator Deborah Minardi, the Supreme Court Justices, and other distinguished guests. The annual swearing-in is the accumulation of a year's worth of in-person, online, and in-district training by new Nebraska Probation Officers.

NEBRASKA COURT STRUCTURE

NEBRASKA SUPREME COURT - Chief Justice & 6 Justices

Highest Appellate Court:

- Discretionary appeals from the Court of Appeals
- Mandatory appeals in
 - capital cases
 - cases concerning constitutionality of statutes
- May hear cases removed from or that have bypassed the Court of Appeals by a petition of further review
- Original Jurisdiction: Specified Cases

COURT OF APPEALS - 6 Judges (Panels of 3 judges hear appeals throughout state)

Intermediate Appellate Court:

- Trial court appeals except those heard by Supreme Court pursuant to:
 - mandatory jurisdiction
 - direct appeal status
 - removal procedures
 - bypass procedure

SEPARATE JUVENILE COURTS -

12 Judges

- Serving 3 counties (Douglas, Sarpy, & Lancaster)
- Jurisdiction:
 - County Court
 - Juvenile & domestic jurisdiction

DISTRICT COURTS -

56 Judges

- Serving 12 districts
- Trial court of general jurisdiction:
 - Felony cases
 - Domestic relations cases
 - Civil cases over \$57,000
- When serving as an appellate court:
 - Some county court appeals
 - Administrative agency appeals

WORKERS' COMPENSATION COURT - 7 Judges

- Hear cases throughout the state
- Jurisdiction:
 - Injuries or diseases caused by work

ADMINISTRATIVE TRIBUNAL

Each board, commission, department, officer, division, or other administrative office or unit of the state government authorized by law to make rules and regulations.

(not a part of the state court structure)

COUNTY COURTS -

58 Judges

- Serving 12 districts
- Jurisdiction:
 - Misdemeanor cases, including traffic, and municipal ordinance violations
 - Preliminary hearing in felony cases
 - Civil cases involving less than \$57,000
 - Small Claims involving less than \$3,900
 - Probate, guardianship, conservatorship, adoption, and eminent domain
- Function as juvenile courts except in Douglas, Sarpy, and Lancaster Counties

STATISTICS

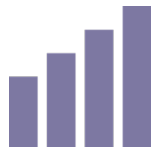
FY20



44 APPELLATE
COURTS

46 TRIAL
COURTS

52 PROBATION
CASES



Nebraska Court Case Filings

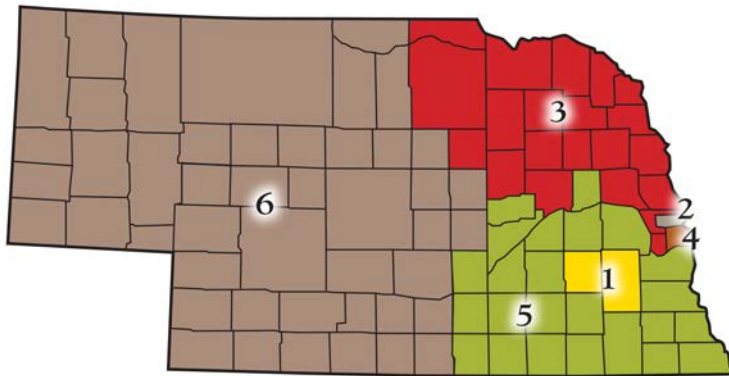
APPELLATE COURTS CASELOAD INFORMATION

The Constitution of the State of Nebraska distributes the judicial power of the state among the Supreme Court, Court of Appeals, district courts, and county courts. All state courts operate under the administrative direction of the Supreme Court.

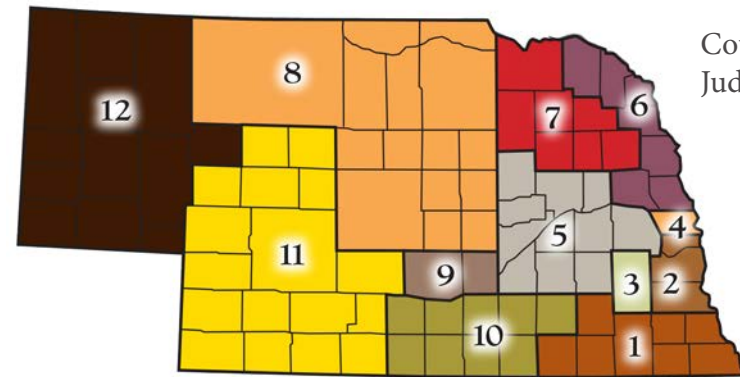
There were a total of **1,059** cases docketed in the Nebraska appellate courts in FY20.

There were a total of **313,250** cases opened in the Nebraska trial courts in FY20.

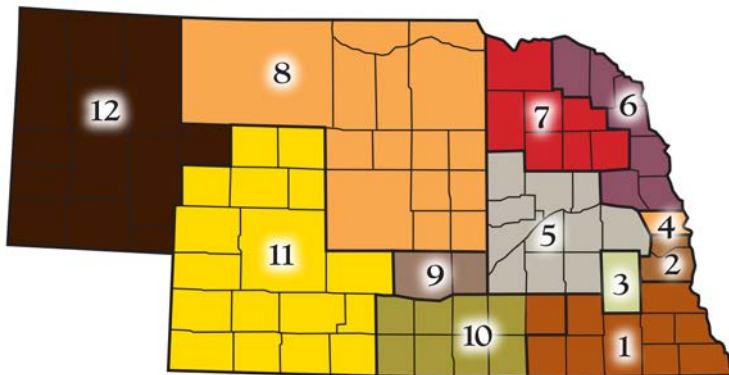
Supreme Court & Court of Appeals Judicial Districts



County Court Judicial Districts



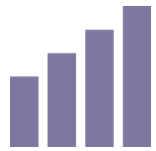
District Court & Probation Judicial Districts



Separate Juvenile Courts



Note: Sarpy, Douglas, and Lancaster



All arguments before the Nebraska Supreme Court are streamed live and preserved on the Oral Argument Archive of the Nebraska Judicial Branch website. Available arguments include the court sessions held at the University of Nebraska College of Law and Creighton University School of Law.

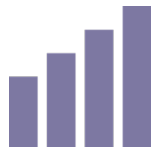
Court of Appeals arguments heard at the State Capitol in Lincoln are streamed live and archived. When the court hears arguments in communities across the state, the audio recording is archived on the website.

Caseload Nebraska Supreme Court

	FY19	FY20
New Cases Docketed	56	52
• Petitions to Bypass Filed	42	53
• Petitions to Bypass Granted	30	30
• Petitions to Bypass Denied	20	20
Cases Transferred from Court of Appeals	184	171
• Petitions for Further Review Filed	238	258
• Petitions for Further Review Granted	15	13
• Petitions for Further Review Denied	218	246
Cases Disposed by Opinion	222	206
Cases Disposed Without Opinion	55	52
Total Cases Disposed	277	258

Caseload Nebraska Court of Appeals

	FY19	FY20
New Cases Docketed	1,133	1,007
• Transferred to Supreme Court	184	171
• Petitions to Bypass Granted	24	36
Cases Disposed by Opinion	434	486
Total Cases Disposed	978	968

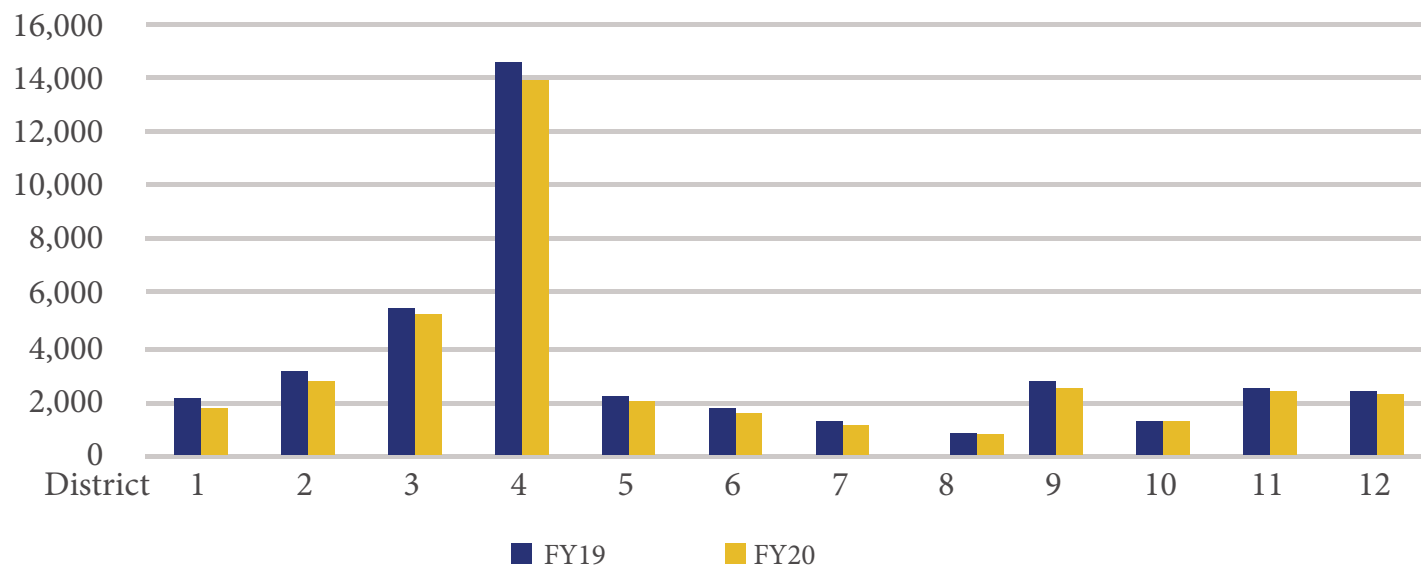


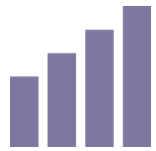
Nebraska Court Case Filings

DISTRICT COURT CASES OPENED BY DISTRICT FY20

Nebraska experienced an overall 5.5% decrease in district court adult cases from FY19 to FY20. The greatest percentage decrease was seen in District 1, with a decrease of 11.5%, or 239 cases. The greatest numeric decrease was in District 4 with a drop of 652 cases (4.5%). District 10 experienced a slight increase in cases opened of 3.3% or an increase of 41 cases.

District	FY19	FY20	Difference	% Change
District 1	2,076	1,837	-239	-11.5%
District 2	3,388	3,025	-363	-10.7%
District 3	5,489	5,170	-319	-5.8%
District 4	14,566	13,914	-652	-4.5%
District 5	2,278	2,104	-174	-7.6%
District 6	1,830	1,706	-124	-6.8%
District 7	1,381	1,288	-93	-6.7%
District 8	808	799	-9	-1.1%
District 9	2,701	2,520	-181	-6.7%
District 10	1,244	1,285	41	3.3%
District 11	2,597	2,541	-56	-2.2%
District 12	2,431	2,345	-86	-3.5%
Statewide Cases Opened	40,789	38,534	-2,255	-5.5%



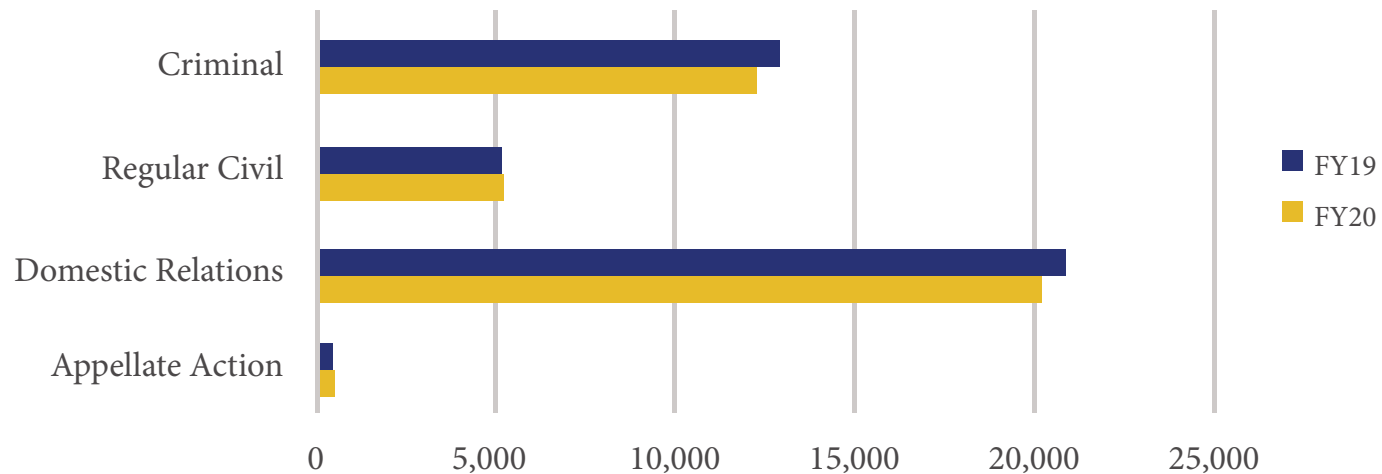


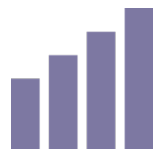
Nebraska Court Case Filings

DISTRICT COURT CASES OPENED BY CASE TYPE FY20

The majority of the decrease in adult district court cases was seen in domestic relations with a decrease of 1,529 cases (7.1%). Criminal cases also saw a decrease of 778 cases or 6.0%. Increases over the year were seen in regular civil cases (10 cases, 0.2%), and appellate action (42 cases, 10.5%).

Case Type	FY19	FY20	Difference	% Change
Criminal	13,018	12,240	-778	-6.0%
Regular Civil	5,693	5,703	10	0.2%
Domestic Relations	21,677	20,148	-1,529	-7.1%
Appellate Action	401	443	42	10.5%
Total Cases Opened	40,789	38,534	-2,255	-5.5%



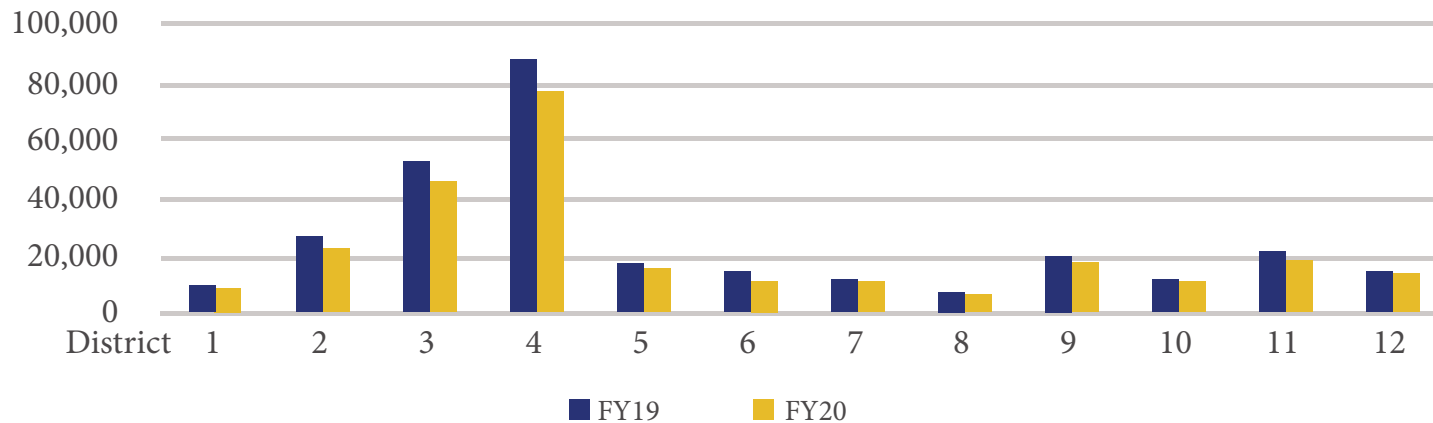


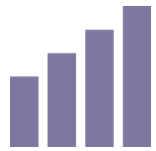
Nebraska Court Case Filings

COUNTY COURT CASES OPENED BY DISTRICT FY20

County court had 266,083 adult cases opened in 2020. This was a decrease of 33,757 cases, or 11.3% from 2019. District 6 experienced the greatest percent decrease of 20.3%, or 3,127 cases. The greatest decrease in cases opened over the year was seen in District 4 with a decrease of 9,363 cases (10.8%).

District	FY19	FY20	Difference	% Change
District 1	12,424	10,711	-1,713	-13.8%
District 2	26,148	22,704	-3,444	-13.2%
District 3	52,875	45,215	-7,660	-14.5%
District 4	86,945	77,582	-9,363	-10.8%
District 5	18,006	16,049	-1,957	-10.9%
District 6	15,433	12,306	-3,127	-20.3%
District 7	11,378	10,753	-625	-5.5%
District 8	7,662	6,843	-819	-10.7%
District 9	20,022	19,040	-982	-4.9%
District 10	12,381	11,443	-938	-7.6%
District 11	21,606	19,377	-2,229	-10.3%
District 12	14,960	14,060	-900	-6.0%
Statewide Cases Opened	299,840	266,083	-33,757	-11.3%



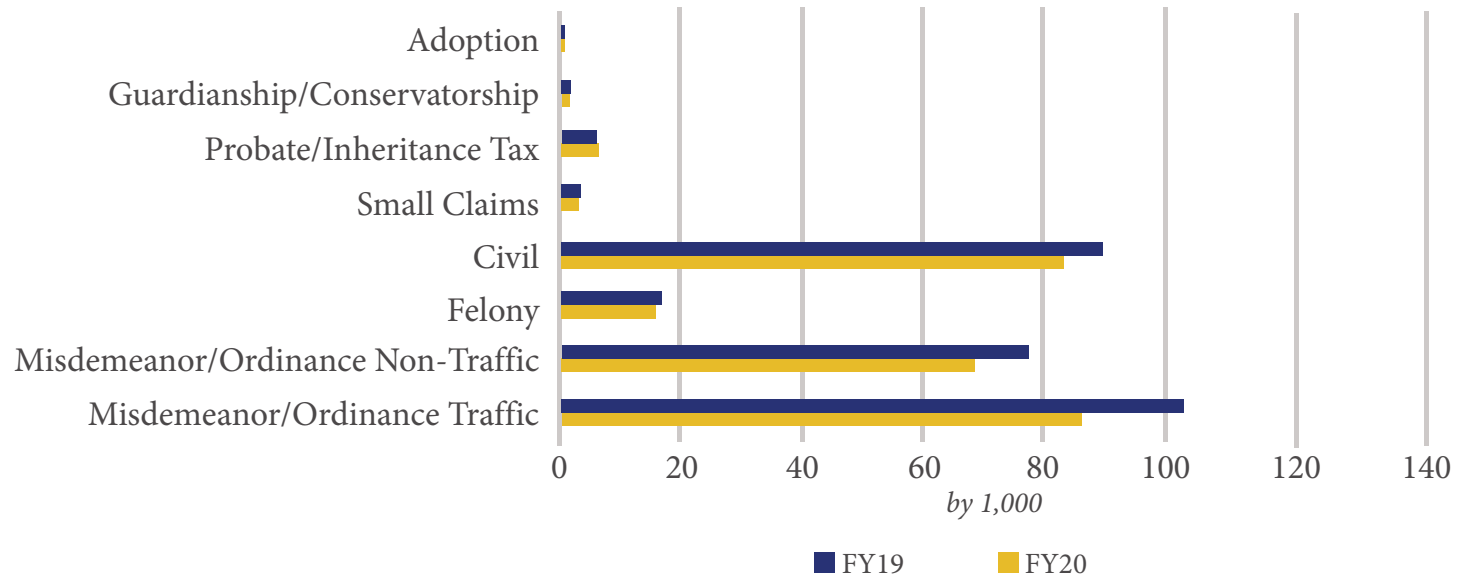


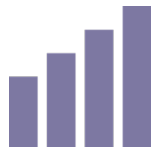
Nebraska Court Case Filings

COUNTY COURT CASES OPENED BY CASE TYPE FY20

All case types experienced a decrease in cases opened in adult county court, with the exception of guardianship/conservatorship cases, with an increase of 40 cases (1.9%). Misdemeanor/ordinance traffic cases saw the greatest decrease over the year of 16,659 cases, (16.3%).

Case Type	FY19	FY20	Difference	% Change
Adoption	980	840	-140	-14.3%
Guardianship/Conservatorship	2,109	2,149	40	1.9%
Probate/Inheritance Tax	6,154	6,115	-39	-0.6%
Small Claims	3,500	2,997	-503	-14.4%
Civil	90,917	83,656	-7,261	-8.0%
Felony	17,680	16,735	-945	-5.3%
Misdemeanor/Ordinance Non-Traffic	75,990	67,740	-8,250	-10.9%
Misdemeanor/Ordinance Traffic	102,510	85,851	-16,659	-16.3%
Total Case Filings	299,840	266,083	-33,757	-11.3%



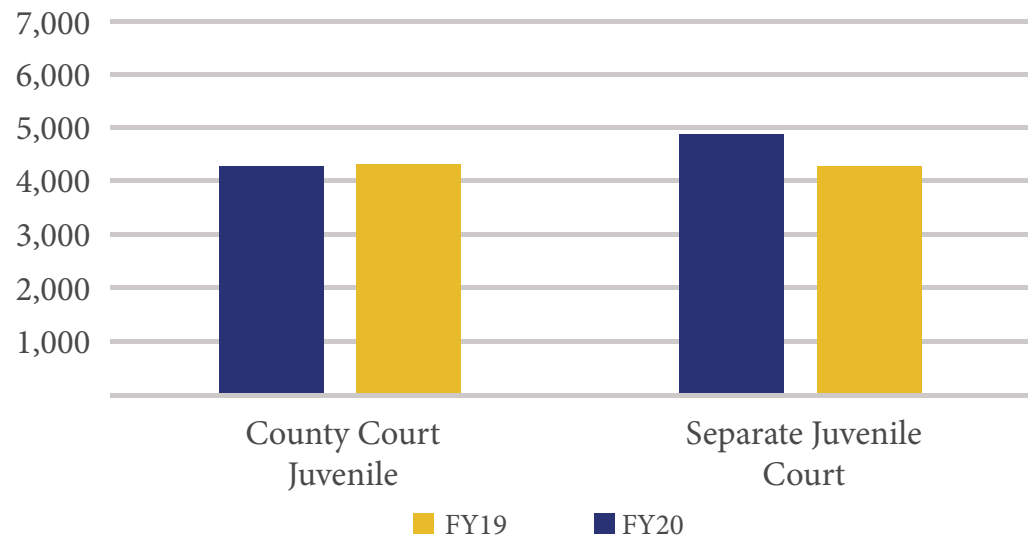


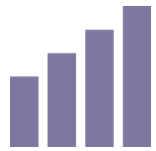
Nebraska Court Case Filings

JUVENILE CASES OPENED BY DISTRICT FY20

Overall, the number of juvenile cases opened in 2020 decreased by 7.8% or 727 cases to 8,633 cases opened in the year. County court saw an increase of 11 cases while separate juvenile courts experienced a decrease of 738 cases or 15.1%. In 2020 the majority of the juvenile cases opened (52%) were in county courts, while 48% were in separate juvenile court.

Court	FY19	FY20	Difference	% Change
County Court Juvenile	4,458	4,469	11	0.2%
Separate Juvenile Court	4,902	4,164	-738	-15.1%
Total Juvenile Cases	9,360	8,633	-727	-7.8%



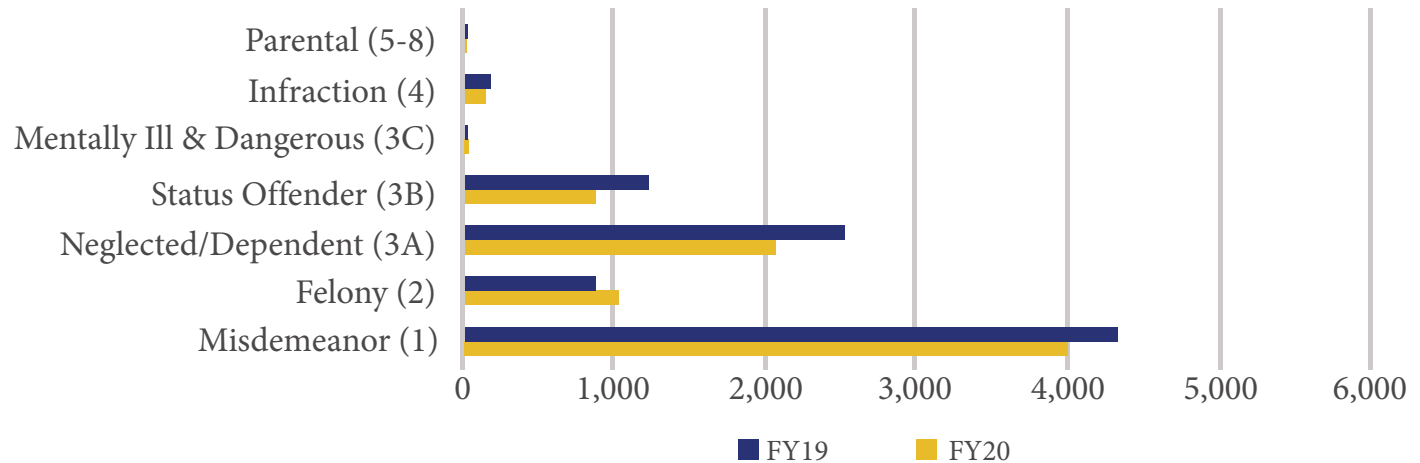


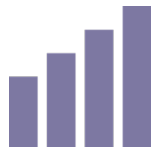
Nebraska Court Case Filings

JUVENILE CASES OPENED BY CASE TYPE FY20

Among juvenile cases by case type, felony (2) showed an increase of 142 cases opened (16.1%), while misdemeanor (1) decreased by 383 cases (8.7%) and status offenders (3B) decreased by 373 (29.1%) in FY20.

Juvenile Case Type	FY19	FY20	Difference	% Change
Parental (5 - 8)	24	16	-8	-33.3%
Infraction (4)	172	132	-40	-23.3%
Mentally Ill & Dangerous (3C)	17	30	13	76.5%
Status Offender (3B)	1,283	910	-373	-29.1%
Neglected/Dependent (3A)	2,604	2526	-78	-3.0%
Felony (2)	881	1023	142	16.1%
Misdemeanor (1)	4,379	3996	-383	-8.7%
Total Juvenile Cases	9,360	8,633	-727	-7.8%

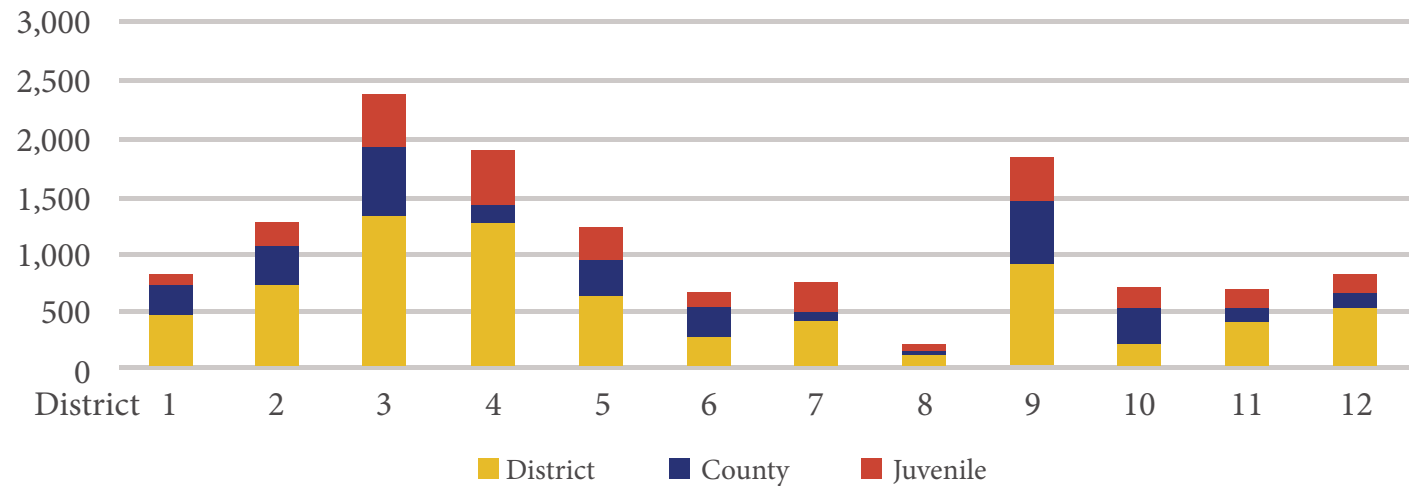




Nebraska Probation Case Statistics

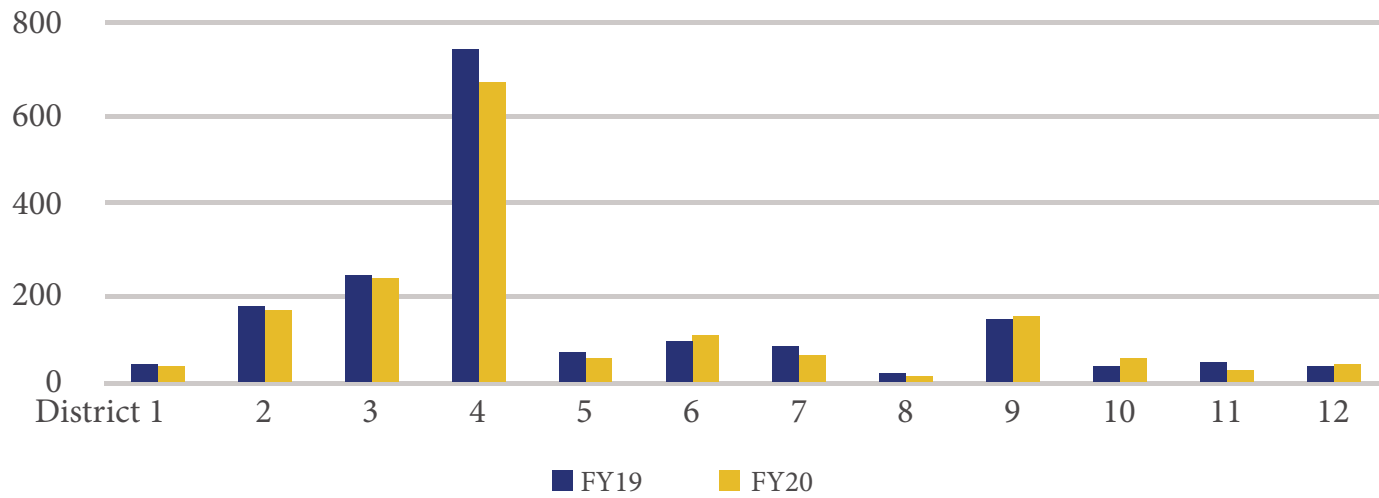
PRESENTENCE INVESTIGATIONS BY COURT TYPE FY20

District #	District	County	Juvenile	Total
District 1	459	260	98	817
District 2	729	353	154	1,236
District 3	1,315	618	420	2,353
District 4	1,258	170	474	1,902
District 5	627	314	290	1,231
District 6	277	246	131	654
District 7	417	99	233	749
District 8	111	56	37	204
District 9	921	523	374	1,818
District 10	209	319	168	696
District 11	401	134	143	678
District 12	539	133	150	822
Total	7,263	3,225	2,672	13,160

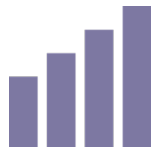


Nebraska Probation Case Statistics

JUVENILE INTAKES FY20



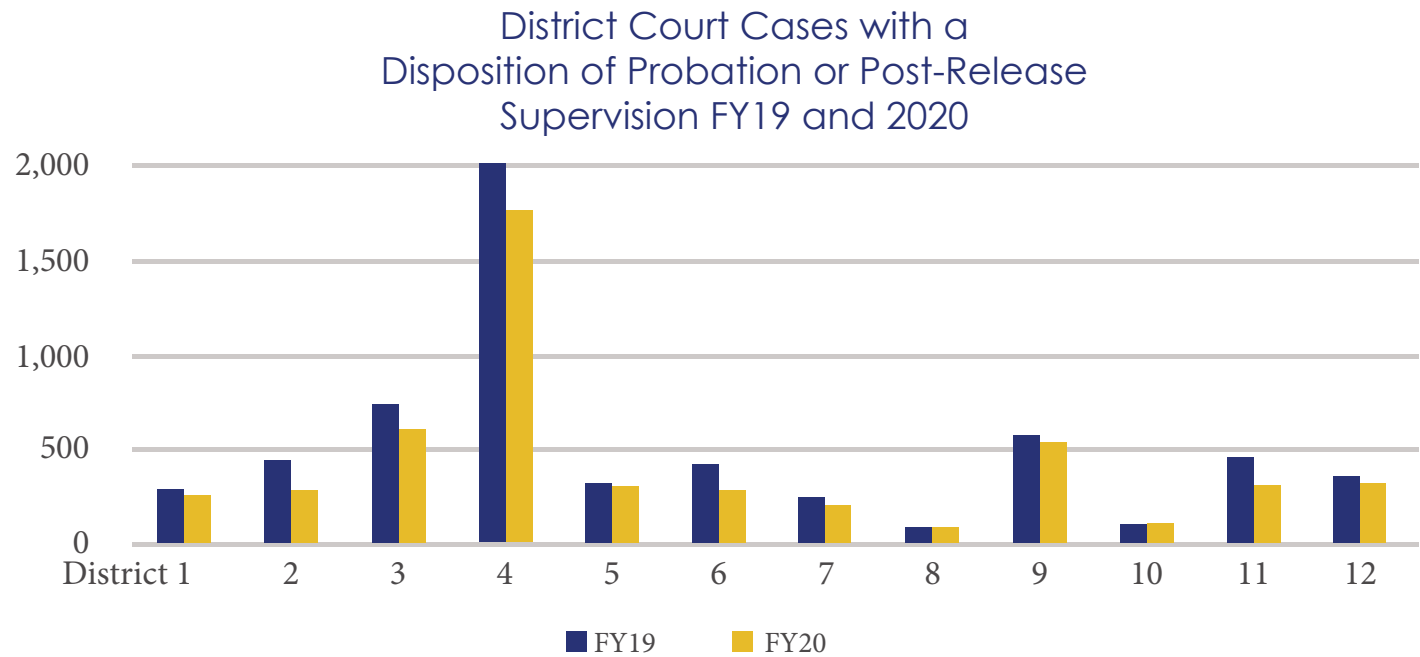
Nebraska State Probation had 1,682 intakes performed by probation officers during FY20. This is a 4.9% decrease from FY19.

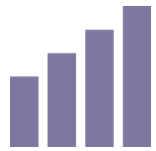


Nebraska Probation Case Statistics

DISPOSITION OF PROBATION FY20

The number of district court cases (5,056 cases) with a disposition of probation or post-release supervision decreased by 16.5%.

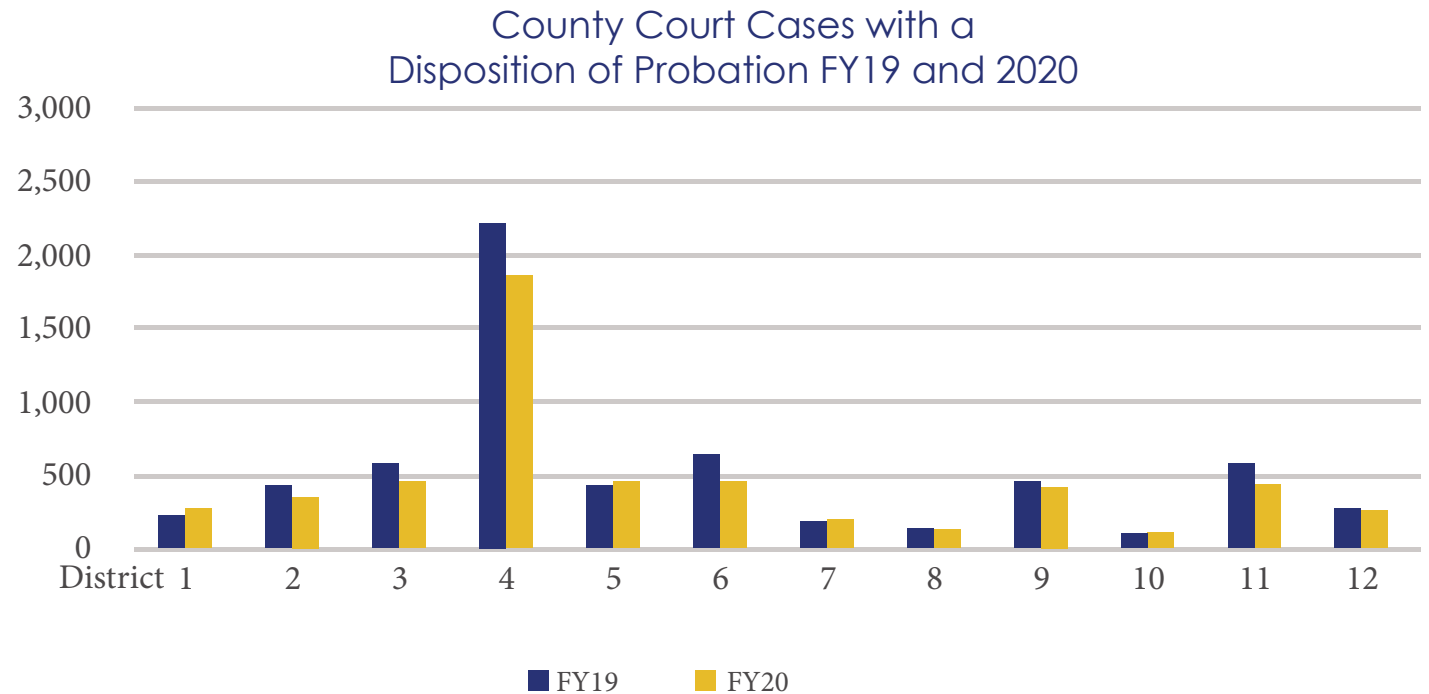




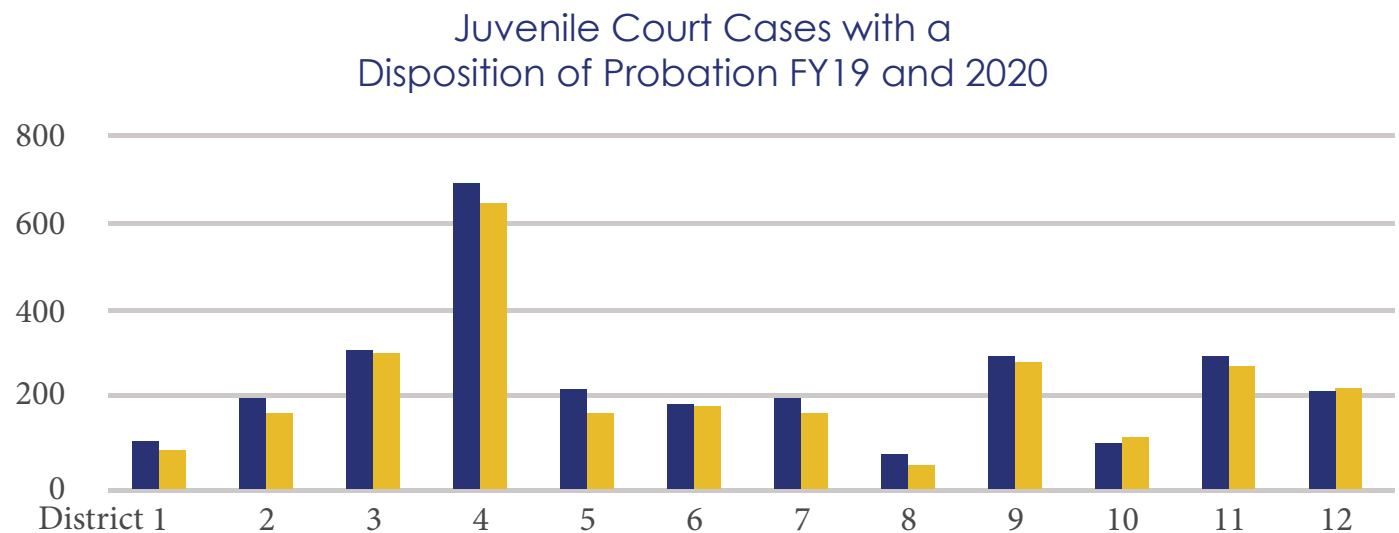
Nebraska Probation Case Statistics

DISPOSITION OF PROBATION FY20

There was a 14.1% decrease in the number of cases (5,470 cases) with a disposition of probation from county courts between FY19 and FY20.



There was a 8.5% decrease in the number of cases (2,599 cases) with a disposition of probation from juvenile courts from FY19 to FY20.



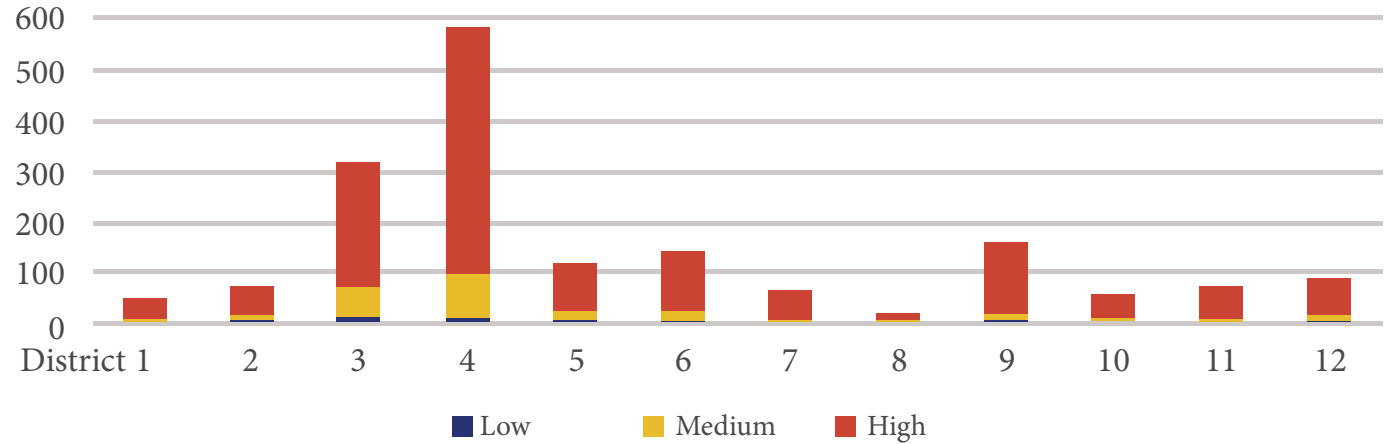


Nebraska Probation Case Statistics

RISK TO REOFFEND FY20

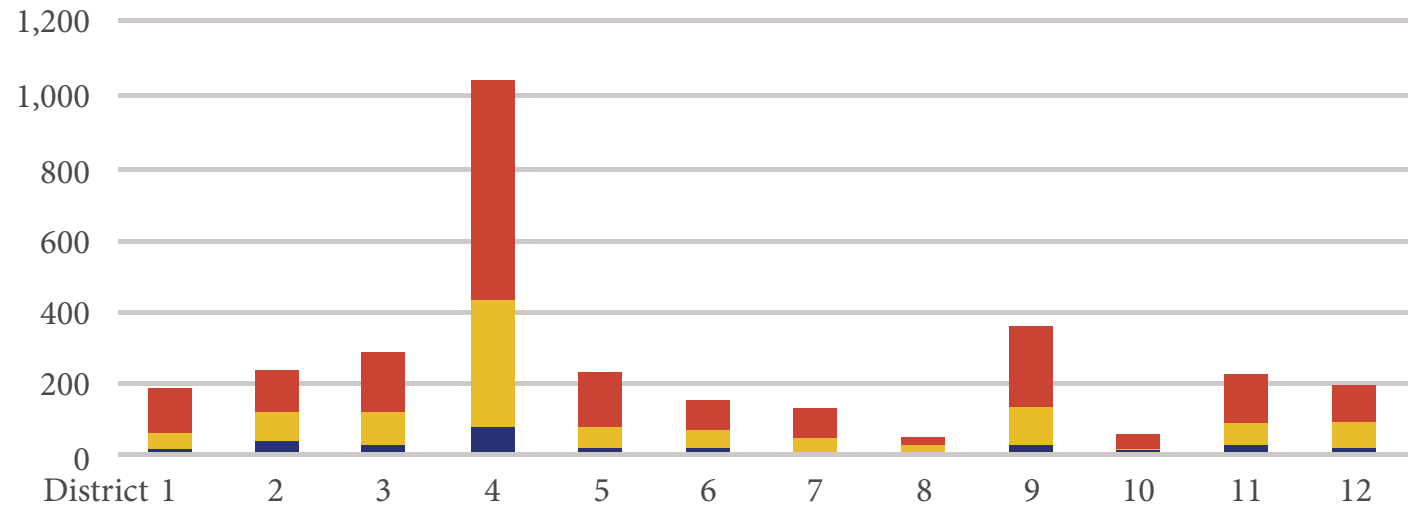
81% of post-release supervision cases are initially assessed at a high or very high risk to reoffend in FY20, without proper interventions.

Post-Release Supervision Cases and Risk to Reoffend FY20



58% of district court probation cases are initially assessed at a high or very high risk to reoffend in FY20, without proper interventions.

District Court Cases and Risk to Reoffend FY20



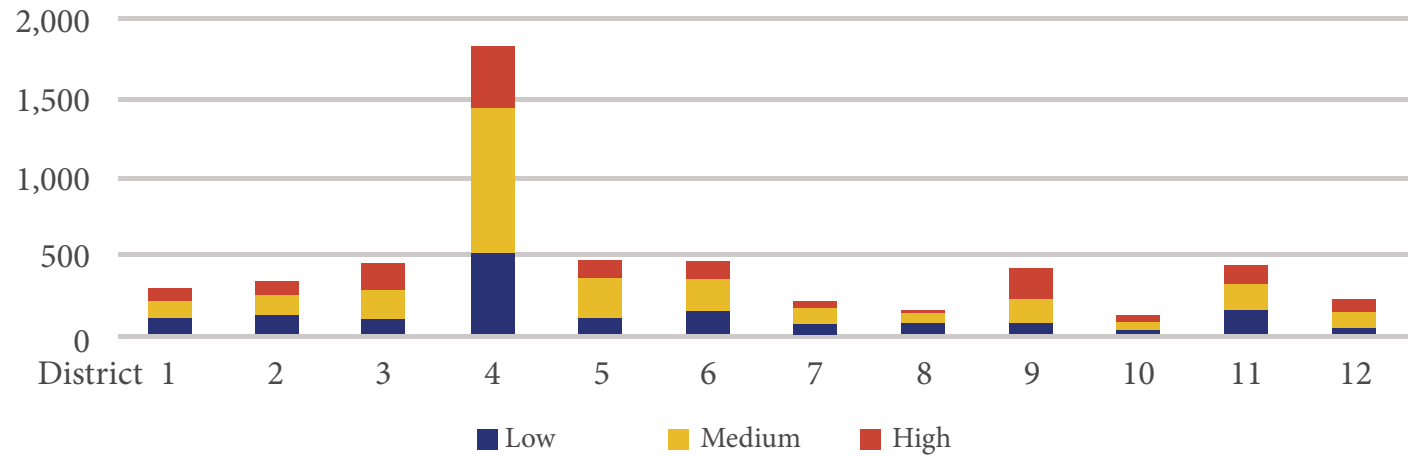


Nebraska Probation Case Statistics

RISK TO REOFFEND FY20

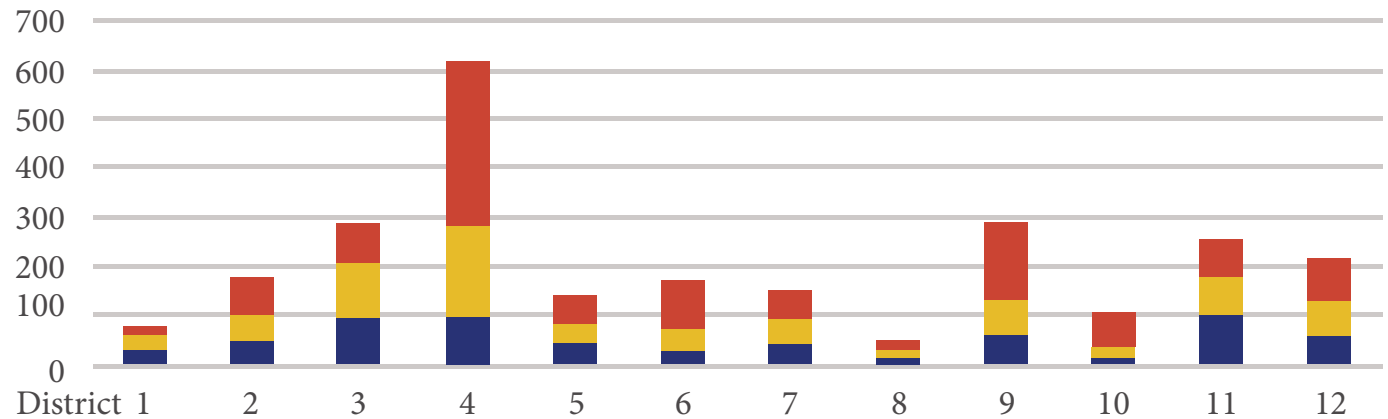
26% of county court probation cases are initially assessed at a high or very high risk to reoffend in FY20.

County Court Cases and Risk to Reoffend FY20



44% of juvenile court probation cases are initially assessed at a high or very high risk to reoffend in FY20.

Juvenile Court Cases and Risk to Reoffend FY20









STATE OF
NEBRASKA
JUDICIAL BRANCH

supremecourt.nebraska.gov