

Minority & Justice Implementation Committee

Press Release: Governor signs LB 105

The jury system is a fundamental element of the justice system. The assurance that a defendant will receive a trial by a representative group of his or her peers is essential to maintain confidence in the court system. Perceptual data gathered by the Minority and Justice Task Force in 2003, indicate that the majority of Nebraskans believe that it is important that juries reflect the racial and ethnic makeup of the community. However, many respondents, especially minority respondents, believe that juries in general are not representative of their communities. Data support this perception; although minorities in Nebraska are slightly more likely than whites to have been in a Nebraska court of law as a defendant or witness, whites are substantially more likely to have been called for and served on Nebraska juries.

In order to investigate the extent to which juries are representative of their community and whether the current system of jury compilation systematically excludes racial and ethnic minorities, data need to be collected at each stage of the jury selection process. Until recently researchers were inhibited from thoroughly examining this issue, in part because each county has their own juror qualification form, and only a handful of the state's 93 counties collect race and/or ethnicity data via their juror qualification forms. On behalf of the Minority and Justice Implementation Committee, Senator Chambers introduced LB 105 which was signed Wednesday by Governor Heineman. The bill accomplishes two things. First it authorizes the Nebraska Supreme Court authority to adopt a uniform juror qualification form. The Minority and Justice Implementation Committee has been working to develop a uniform jury qualification form. In addition to the information required by statute, their form is based on a sample of counties' current juror qualification forms, as well as conversations with judges, district court clerks, and jury commissioners. The proposed juror qualification form collects race and ethnicity data on a detachable portion for research purposes. Riko Bishop, co-chair of the Access to Justice Subcommittee elaborates, "We are extremely pleased by the passage of LB 105, and appreciate Senator Chambers' efforts in helping us get that done. This measure will require uniformity among the counties in its juror information collection efforts, which will in turn provide a means for monitoring race and ethnic data throughout the jury selection process. The District Court Clerks and Jury

Commissioners across the state have been very supportive of this effort, and the Committee will continue to value their participation in developing procedures to ensure uniform storage, access, and confidentiality with regard to the racial and ethnic information collected.”

LB 105 also authorizes the Nebraska Supreme Court or its agent access to juror qualification forms for the purposes of research. The bill assures that this information would only be used for research purposes, that all information will be treated as confidential, and that no identifying information about jurors will be released. In essence, LB 105 clears the path for a full examination of how the current system of jury compilation may or may not systematically exclude racial and ethnic minorities—an issue that many states are currently grappling with.

This is not the first time that the Minority and Justice Implementation Committee has played a role in making legislative changes to improve the jury selection process. When the Task Force learned that several counties had not updated their jury pool lists in 15-20 years, thereby excluding the increasing diversity of the counties, they pushed for the passage of LB 19 which was passed in 2003. LB 19 requires that jury pool lists be updated on an annual basis. The Implementation Committee has received anecdotal evidence that this legislative change has already made a significant impact on diversifying Nebraska’s juries and will soon be undertaking a small scale research effort to assess each county’s compliance with the law.

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