

## State Bar reviewing judicial resources

By MARY PIERCE  
News Editor

A 2006 study of the judicial workload in Nebraska's district, county and juvenile courts found the state lacking at least nine judges.

The study prompted the organization of a task force through the Nebraska State Bar Association to determine if there were other ways to increase the efficiencies of judicial resources statewide.

"The reality was, there is not a lot of money out there for judges," NSBA President-elect Wayne Mark said.

On Sept. 12-13, NSBA task force members toured the western part of the state, including stops at Lexington, Ogallala, Alliance, Sidney and Scottsbluff, to talk with the media about recommendations they hope will be dis-

cussed by the Nebraska Legislature when it goes into session in January 2008. On their tour, NSBA members also met with bar association members to gather additional input on the recommendations.

Mark said the NSBA formed the Judicial Structure and Administration Task Force after the Nebraska Judicial Resources Commission requested it investigate alternative approaches to meet the state's judicial resources needs.

The needs were determined after the National Center for State Courts released its study findings in December 2006.

"The commission decided we should do a study to find other ways of increasing efficiencies without adding judges," Mark said.

Mark said the bar association was

uniquely positioned to conduct the study because it knew how and what changes would affect the system.

The task force was comprised of judges, attorneys, Supreme Court justices, state senators, and was staffed by members of the University of Nebraska-Lincoln Public Policy Center. Keith County Judge Edward Steenburg was a member of the task force.

NSBA Executive Director Jane Schoenike said, while the issue is involved and complicated, it is of importance to all Nebraska residents.

"They're the users of the court system," she said.

Schoenike said task force members were diligent in keeping in mind the core values of the court system – accessibility, efficiency, fairness and account-

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ability – while creating their recommendations.

The task force divided into four subcommittees, with each assigned an area of study. Issues studied included changing Nebraska's judicial boundaries; the expansion or restriction of jurisdiction between district and county courts, and the use of alternate dispute resolution to address caseload concerns; using a single-tier trial court system; and technological updates.

Mark said task force members determined that changing the judicial boundaries would not create a more efficient system. He said if the boundaries would change, people in the more rural areas of the state would probably have to travel greater distances to have access to a judge.

On the issue of the current jurisdiction of the courts, the task force recommended the courts be allowed the authority to divide their workload.

Amy Prenda, UN-L Public Policy Center project manager, said, "We want to encourage the courts to work together a little better."

Other recommendations on jurisdiction include: authorizing the district court to

review small claims appeals; authorize all hearings heard by the court without a jury to be heard via telephone or through video conferencing; and expand the authority of the courts to appoint a referee for any equity matter.

Steenburg said there is good cooperation between judges and courts in the area. Steenburg, who covers county court at Benkelman and Perkins County every other week, said judges and courts in the area work well together and do their best to provide citizens with swift access to the courts and court proceedings.

"If something needs to be done, a lot of things we can do over the phone," he said.

Regarding the single-tier court system, the task force determined it unnecessary.

"We spent a lot of time studying it. There really is no such animal," Mark said. "You still have to have that court that handles high-volume filings."

Although the task force did not have preliminary recommendations for technology, Mark said, one area that could be beneficial to develop would involve a video setup

for interpreters. The NSBA president-elect said there is a statewide shortage of interpreters, and technological advances may be crucial in solving the dilemma. One solution could be the use of an interpreter in another state and a video setup that would allow the interpreter to translate for the court.

Schoenike said, in general, courthouses need to be technologically updated, including the JUSTICE system, a public-use data bank system that tracks court filings.

Mark acknowledged that many of the recommendations would not only take legislative action, but funding.

"There are a lot of ineffi-

ciencies. They all come with a price tag," he said.

Lexington District Court Judge James Doyle, who also served on the task force, said keeping the courthouses updated is important.

"They really need to take care of the infrastructure, not only for economic development, but to provide services," he said.

Doyle said he appreciated the hard work from all members and that the group tried to be attentive to all portions of the state. Doyle said the concern was repeatedly expressed that they didn't want to have justice centers.

"Accessibility was a big priority for me, and how we can

make ourselves more accessible," he said.

Doyle said case filings have remained fairly static, declining in some rural areas, and appeared to coincide with the population. Doyle said those in charge of judicial systems need to look at how to be more flexible. If the caseload is light in one area and heavy in another, make it so a judge can shift coverage areas.

The information gathered from attorneys who didn't participate in the task force will be taken back and discussed when the task force meets again Oct. 1 to finalize its report. Mark said the report also would be given to the State Supreme Court.

The task force's final report, which will include its recommendations, will go before the NSBA House of Delegates this fall. During the next couple months, the NSBA Legislative Committee will work on drafting legislation to be introduced during the 2008 Legislative session. In early January 2008, NSBA members will work with senators to get NSBA legislation introduced.

While the task force came up with the recommendations, Mark said it also realized one important thing.

"The system, in itself, does a pretty good job delivering justice to its citizens," Mark said.