

## TO NEBRASKA'S COURT FAMILY AND LEGAL COMMUNITY:

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 of the past several weeks, 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 invite all members of Nebraska's court family and legal community to join us in these expanded public engagement sessions this fall.

## 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 overrepresentation of youth of color at all points of the juvenile justice system. This strategy does not stand alone. All work performed through the JDAI initiative 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.