

NEBRASKA SUPREME COURT

STEPHANIE F. STACY
JUDGE



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December 19, 2023

Senator John Arch
Speaker of the Nebraska State Legislature
P.O. Box 94604
State Capitol Bldg., Rm. 2103
Lincoln, NE 68509

The Honorable Jim Pillen
Governor of the State of Nebraska
1445 K Street
Lincoln, NE 68509

The Honorable Michael Heavican
Chief Justice of the Nebraska Supreme Court
State Capitol Bldg., Rm. 2214
Lincoln, NE 68509

Re: Judicial Resources Commission Annual Hearing

Dear Speaker Arch, Governor Ricketts, and Chief Justice Heavican:

On December 14, 2023 the Judicial Resources Commission held its Annual Hearing pursuant to Neb. Rev. Stat. § 24-1205 (Reissue 2016). Advance notice of the time, place, and agenda was published on November 30, 2023. The Annual Hearing was conducted in Room 1507 of the State Capitol Building and included the option of virtual conferencing via Zoom for members of the Commission and the public. This letter will serve as the Commission's written report on the 2023 Annual Hearing.

2023 Annual Hearing

The Commission was briefed on the FY2023 Annual Caseload Reports and Weighted Caseload Reports compiled by the Administrative Office of the Courts, and examined historical caseload trends in Nebraska's district, county, and separate juvenile courts. The Commission also reviewed and discussed other factors impacting judicial resources, including: (1) the significant increase in self-

represented litigants, (2) the number of Nebraska counties with no practicing attorneys, (3) the increasing need for language interpretation in court proceedings and probation services, (4) the impact of local and statewide population changes, (5) the increase in problem solving courts, (6) statewide updates to courtroom technology, and (7) the judicial retirement forecast for the next five years.

The Commission received and considered written and oral testimony on judicial resources, after which it took up the matters set out in § 24-1205. Pursuant to § 24-1205(1), the Commission took up whether a new judgeship, or a reduction in judgeships, was appropriate in any judicial district. No specific requests were received in this regard, and no motion was made to recommend adding or reducing a judgeship in any judicial district at this time. However, the Commission voted unanimously to again call the Legislature's attention to the potential impact of population growth on the current statutory framework governing the number of separate juvenile court judges in counties that have established such a court.

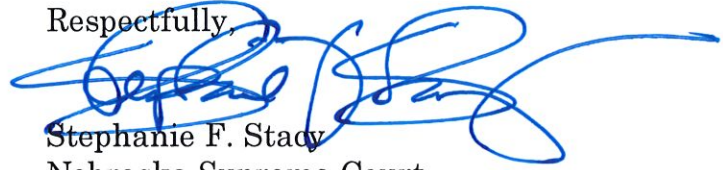
More specifically, Neb. Rev. Stat. § 43-2119(1) (Reissue 2016) states there shall be:

- (a) Two judges in counties having seventy-five thousand inhabitants but less than two hundred thousand inhabitants;
- (b) Four judges in counties having at least two hundred thousand inhabitants but less than four hundred thousand inhabitants; and
- (c) Six judges in counties having four hundred thousand inhabitants or more.

Currently, Sarpy County has two separate juvenile court judges, Lancaster County has four such judges, and Douglas County has six. Because the populations in Sarpy County and Lancaster County are approaching statutory thresholds that would appear to require adding two more separate juvenile court judges in each county, the Commission determined it is appropriate to inform the Legislature that neither the FY2023 Weighted Caseload Reports, nor the historical caseload data, suggest a need for additional judges in any of Nebraska's existing separate juvenile courts. This issue was addressed in the Commission's written report in 2022, and the Commission voted unanimously to raise the issue again so possible statutory solutions can be considered by the Legislature before the statutory population thresholds are met in either Sarpy or Lancaster counties.

Pursuant to § 24-1205(2), the Commission took up whether to recommend changes to any judicial district boundary or to the number of judicial districts. No specific redistricting proposals were received, and no motion was made to recommend any specific changes to the number or configuration of judicial districts at this time. The Commission had no further recommendations for the more balanced use of existing judicial resources.

Respectfully,



Stephanie F. Stacy
Nebraska Supreme Court
Chair, Judicial Resources Commission

SFS/dm

pc Chief Justice Michael G. Heavican
Corey R. Steel, State Court Administrator
Wendy Wussow, Clerk, Nebraska Supreme Court
Members of the Judicial Resources Commission