

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, APRIL 5, 2012
8:30 A.M.**

Commissioners Present: Deb Schorr, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Jane Raybould
Brent Smoyer

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Cori Beattie, Deputy County Clerk
Ann Taylor, County Clerk's Office

Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and provided to the media on April 4, 2012.

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:30 a.m.

AGENDA ITEM

1 APPROVAL OF THE MINUTES OF THE THURSDAY, MARCH 29, 2012

MOTION: Heier moved and Raybould seconded approval of the minutes of the March 29, 2012 Staff Meeting. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

2 ADDITIONS TO THE AGENDA

None were stated.

3 LEGISLATIVE UPDATE - Gordon Kissel, Kissel/E&S Associates

Gordon Kissel, Kissel/E&S Associates, presented a legislative update and bills of interest report (Exhibits A & B), noting the Legislature passed several legislative bills that were introduced on behalf of Lancaster County: 1) LB 722 (Authorize fines or

costs to be deducted from an offender's bond as prescribed); LB 865 (Authorize the voluntary waiver of compensation by jurors); and LB 881 (Change medical services payment provisions relating to jails and correctional facilities).

4 PENDING LITIGATION - Mike Thew, Chief Deputy County Attorney; Tom Fox, Deputy County Attorney

MOTION: Smoyer moved and Heier seconded to enter Executive Session at 8:33 a.m. for the purpose of protecting the public interest with regards to pending litigation.

The Chair restated the motion for the record.

ROLL CALL: Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

MOTION: Heier moved and Smoyer seconded to exit Executive Session at 9:06 a.m. Hudkins, Smoyer, Heier, Raybould and Schorr voted aye. Motion carried 5-0.

5 REPORT ON THE COST OF ASSIGNED COUNSEL - Liz Neeley, PhD., Objective Advantage, LLC; Dennis Keefe, Public Defender; Randall Goyette, Chair, Lancaster County Indigent Defense Advisory Committee

Liz Neeley, PhD., Objective Advantage, LLC, noted the Board had charged the Lancaster County Indigent Defense Advisory Committee with undertaking an assessment of the costs of assigned counsel in Lancaster County and she assisted with the Committee with that assessment. She presented Lancaster County Indigent Defense Advisory Committee: Report on the Costs of Legal Representation (Exhibit C). The report addresses the costs of legal representation and influencing factors, strategies for improving the court appointment process, options for controlling the "front gates", options for alternate funding streams, legal service delivery options, and options for improving case management. Thirteen recommendations were offered (see Exhibit D). Nine of the recommendations, which are related to improving data and transparency, reducing the number of appointments, alternative funding streams, legal service delivery options and case processing/case management, were identified as priorities (see Exhibit E). In terms of implementation, Neeley recommended the Board charge the Lancaster County Indigent Defense Advisory Committee with implementation of those recommendations.

Randall Goyette, Chair, Lancaster County Indigent Defense Advisory Committee, asked the Board to provide funding for Neeley to continue her assistance to the Committee, noting it would be difficult for his volunteer committee to undertake some of the recommendations on their own.

The Chair noted the savings to the County by implementing the recommendations could be significant and asked Neeley to provide a proposal to the Board.

MOTION: Smoyer moved and Hudkins seconded to direct the recommendations to the Lancaster County Indigent Defense Advisory Committee. Hudkins, Smoyer, Heier, Raybould and Schorr voted aye. Motion carried 5-0.

ADMINISTRATIVE OFFICER REPORT

A. Proposed Juvenile Court Guardian Ad Litem Rules (Comment to Nebraska Supreme Court)

Kerry Eagan, Chief Administrative Officer, said Dennis Keefe, Public Defender, had indicated that the Lancaster County Indigent Defense Advisory Committee planned to write a letter citing their concerns regarding proposed guidelines issued by the Nebraska Supreme Court that govern guardians ad litem in Juvenile Court proceedings. He said the County Board also has concerns and suggested that a common letter be sent.

The Board concurred with the suggestion.

6 ELECTION POLLING PLACES - Dave Shively, Election Commissioner; Maura Kelly Tolzin, Chief Deputy Election Commissioner

Dave Shively, Election Commissioner, discussed precinct and polling place changes for the 2012 elections (see Exhibit F & G). The changes were related to 1) Changes in boundaries of legislative districts; 2) Balancing the number of people voting per precinct; 3) Geographical considerations; 4) Annexations; 5) Accessibility for the disabled; 6) Cost savings; and 7) The number of people voting early. He estimated that having fewer precincts and poll workers will save the County \$20,000 to \$25,000. Shively indicated plans to hold a press conference on April 6th to discuss the changes (see media release in Exhibit H) and to mail voters new voter information cards (see Exhibit I). He noted there is also a link to the Nebraska Secretary of State's Voter Information Center on their webpage.

7 UNCLASSIFIED EMPLOYEE AND CHIEF DEPUTY SALARIES - Doug McDaniel, Personnel Director; Nicole Gross, Compensation Technician; Tom Fox, Deputy County Attorney

Doug McDaniel, Personnel Director, presented the following documents (Exhibits J-M):

- [Appointed Officials Salary Survey 2011](#)
- [Appointed Salary Information 2012](#)
- [County Vacation Market](#)
- [Private Sector Benefits](#)

It was noted there is one year remaining on the Board's commitment to make market adjustments over a three-year period to the Bailiff II's salaries to equalize them with the Paralegal II's salaries.

Raybould asked whether the private sector benefits comparison (see Exhibit L) includes sick leave. McDaniel said no, adding two reflect paid-time-off (PTO) banks.

Schorr said the County Attorney, Public Defender and County Sheriff have requested 2% increases for their unrepresented/unclassified employees (Chief Deputies, Deputy Attorneys and Sheriff's Captains) (see agenda packet). She estimated that a 2% increase for the unclassified employees would total \$133,000 and pointed out that the Board has held them to minimum increases the last two years.

Heier said everyone should be aware that if the Board approves salary increases and can't meet the budget, there will likely be staff reductions.

Smoyer noted the County Attorney has projected that his department will come in \$100,000 under budget and would like to allocate a portion of that money for salary adjustments. He said he believes that should be within the purview of the elected official.

Schorr asked whether the Public Defender and County Sheriff have identified similar savings within their budgets.

Bill Jarrett, Chief Deputy Sheriff, appeared and said his department is 2% under budget for personnel costs and should be able to absorb the cost.

Dennis Keefe, Public Defender, indicated a willingness to hold a vacant position open to cover the cost in his budget.

Raybould pointed out that Terry Wagner, Lancaster County Sheriff, submitted a letter to the Board indicating he had not budgeted for the salary increases (see agenda packet) and asked Jarrett whether he projects the Sheriff's total budget coming in under budget. Jarrett clarified that his statement was only related to personnel costs.

Schorr said she has calculated the fiscal impact to be \$50,000 to \$60,000 with the commitments from the County Attorney, Public Defender and County Sheriff to fund their 2% increases from salary savings in their budgets. She said there will also be approximately \$10,000 in savings in the Community Mental Health Center (CMHC) budget, due to the retirement of the current director and the hiring of an interim director at a lesser salary, and said that is approximately the amount it would take to fund the recommended salary increases for the chief deputy elected officials.

Hudkins noted that the elected officials received 2% increases this year.

MOTION: Hudkins moved and Heier seconded to approve a 2% increase for unclassified employees based on the elected officials' assurances that they will fund the increases with savings in their budgets.

Schorr expressed concern regarding the fiscal impact of the proposed salary increases for the chief deputy elected officials. She also noted the Board is still involved in salary negotiations with the new Interim CMHC Director.

AMENDMENT: The maker of the motion and seconder agreed to amend their motion to ask Dennis Meyer, Budget and Fiscal Officer, to bring additional information back to the Board and to indicate that approval of the increases is pending upon that information.

Andy Stebbing, County Treasurer, appeared and advocated for an increase for the Deputy County Treasurer position. A comparison of the Treasurer and Deputy County Treasurer's salaries, budget and staff to their counterparts in Douglas and Sarpy Counties was provided (Exhibit N).

Raybould felt increases are unrealistic in view of the County's budget situation. She noted Mayor Beutler and his executive team took a reduction in pay to help their budget. The City also raised their mill levy and property taxes. Raybould said if the other elected officials would have joined her in returning their 2% salary increases to the County, it would have saved approximately \$34,000. She said she would rather see salary increases go to "the people down the line." Raybould pointed out that the Board has asked elected officials and directors to bring back 97% budgets and Stebbing has indicated that will mean laying off 10 people in his department. She said she wants to make sure "we keep people employed."

Stebbing said if salaries aren't increased it will be difficult to get qualified applicants and candidates for office.

Heier called for the question.

ROLL CALL: Hudkins, Smoyer, Heier and Schorr voted aye. Raybould voted nay. Motion carried 4-1.

The Chair asked that the item be rescheduled on the April 12th Staff Meeting agenda.

8 COMMUNITY MENTAL HEALTH CENTER (CMHC) BILLINGS - Dean Settle, Community Mental Health Center (CMHC) Director; Dennis Meyer, Budget and Fiscal Officer

Dean Settle, Community Mental Health Center (CMHC) Director, said an issue involving re-submission of Medicaid billings has been resolved. He said they are taking steps to address future billings. Settle also noted that CMHC is not able to bill at its optimum because of staff reductions.

Raybould suggested that consideration be given to hiring a temporary employee to assist Judi Tannahill, Administrative Services Officer, so billings are kept up-to-date. Settle said Tannahill has indicated she does not need assistance.

Dennis Meyer, Budget and Fiscal Officer, said they will continue to monitor the situation.

**9 COMMUNITY MENTAL HEALTH CENTER (CMHC)
COMMUNICATION PLAN AND INVITATION TO NEGOTIATE (ITN)
PROCESS** - Dean Settle, Community Mental Health Center (CMHC)
Director; C. J. Johnson, Region V Systems Administrator

The Board reviewed a draft letter to Community Mental Health Center (CMHC) employees, consumers and family members regarding the CMHC transition (Exhibit O).

It was suggested that the first sentence of the fourth paragraph be re-worded to state that Ron Sorensen is being hired as the CMHC Director to replace Dean Settle after he retires.

MOTION: Hudkins moved and Smoyer seconded to authorize the Chair to sign the letter, with that correction.

Raybould requested an update on negotiations with Sorenson. Schorr said they have discussed salary but have not determined the date he will start. She said further discussions will take place this afternoon.

ROLL CALL: Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

Board consensus was to share the letter electronically with the elected officials and department directors. It will also be posted on the County's website.

Dean Settle, Community Mental Health Center (CMHC) Director, noted the Health Management Associates (HMA) report provided a description of the Invitation to Negotiate (ITN) process (see Exhibit P). **NOTE:** HMA was a consultant engaged by the Community Health Endowment (CHE) to study the health care safety net, including the broad integration of physical and behavioral health services. He suggested the Committee that will review the ITN responses include representatives from the County, Region V, Mental Health Foundation, consumers, staff and stakeholders in the community.

C. J. Johnson, Region V Systems Administrator, said this process is similar to the one the Nebraska Department of Children and Family Services went through for privatization of child welfare and cautioned that any decision to RFP out certain services, such as the Crisis Center, could be "blocked" by the State.

Board consensus was to schedule further discussion on the April 12th Staff Meeting agenda.

10 NEW COUNTY COURT COURTROOM - County Court Judge Laurie Yardley; Becky Bruckner, Judicial Administrator for County Court; Don Killeen, County Property Manager

Schorr noted the County will be soon have a new County Court Judge and a decision needs to be made regarding location of the courtroom.

County Court Judge Laurie Yardley, urged the Board to retain Courtroom 10, which is located in the current Lancaster County Adult Detention Facility (LCADF), as long as possible. She said the County Court Judges will continue to use the courtroom so there will not be a need for a temporary courtroom.

In response to a question from Raybould, Don Killeen, County Property Manager, said video arraignments will not take place until Corrections moves to the new LCADF.

John Kay, Sinclair Hille & Associates Inc., appeared and said Courtroom 10 will not be a safe environment if plans for structural in-fill in the building moves forward. He said the best option may be to relocate Juvenile Probation to interim space and begin construction of a new courtroom and chambers in the space that department currently occupies. He estimated that design, bid and construction would take nine months.

Killeen said one option might be the building that is located across the street from the parking garage.

Raybould suggested that some of the space the County is providing to the Department of Health and Human Services in the Gold's Building may be another option. There was general consensus to investigate how much of the space is being utilized.

Heier said he still believes it would be more cost effective to construct a new building than to renovate the existing LCADF.

The Chair asked Kay to schedule an on-site "walk-through" of renovation plans with the Board.

ADMINISTRATIVE OFFICER REPORT

C. Report on Lease of Farmland Near Waverly, Nebraska

Killeen reported he has received two bids for farmland near Interstate 80 and North 13th Street the County has been leasing out. He said the current tenant, who was paying \$125 per acre, submitted a bid of \$176 per acre. Another farmer who is interested in leasing the property submitted a bid of \$186 per acre.

MOTION: Hudkins moved and Heier seconded to accept the bid of \$186 per acre and to ask Don Killeen, County Property Manager, to work with the County Attorney's Office in drafting a lease. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

11 COUNTY ROAD ACCESS APPEAL (8350 HALEY LYNN LANE) -
Justin Everett; Ken Schroeder, County Surveyor

Justin Everett, 8350 Haley Lynn Road, Denton, Nebraska, discussed his appeal of denial of his request to install an accessory driveway that would connect to the primary driveway for his property (see Exhibit O). The purpose was to form a circular, or "horseshoe", driveway for safety purposes. He said his family currently backs down a 200 foot driveway and two treelines and a bluff obstruct their view of oncoming traffic.

Ken Schroeder, County Surveyor, said approval would conflict with the note on the subdivision plat that was approved the Denton Planning Department that only one residential driveway is allowed. He explained that a circular, or "horseshoe" driveway would be considered two residential driveways. Schroeder said accessory driveways are allowed on a case-by-case basis and connections to the primary driveway are not permitted.

Hudkins said he does not understand why County Engineering opposes circular, driveways.

Schroeder explained they become an expense to the County if his department takes over maintenance of a subdivision, i.e, ditch cleaning and culvert maintenance and replacement. He said there is the potential for three driveways on a larger lot if the owner seeks an accessory driveway in addition to the circular driveway. It can also be confusing if there are emergency calls.

Raybould felt approval should be determined on a case-by-case basis.

MOTION: Heier moved and Smoyer seconded to allow the second driveway.

Schroeder requested a letter from the Board that will allow County Engineering to issue the permit. He also asked whether the Board intends to allow him to connect the driveways.

Heier and Hudkins indicated it is their intent is to allow "horseshoe driveways".

Eagan suggested that is a policy decision and should not be decided on an ad hoc basis.

ROLL CALL: Heier and Hudkins voted aye. Raybould, Smoyer and Schorr voted nay. Motion failed 2-3.

MOTION: Smoyer moved and Raybould seconded to allow the application for an accessory driveway and grant a waiver so the two driveways can connect. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

Smoyer exited the meeting at 11:34 a.m.

12 ACTION ITEMS

- A. Letter to Community Mental Health Center (CMHC) Consumers and Families

See Item 9.

- B. Mini-Grant Application to the Lincoln-Lancaster County Health Department (LLCHD) for Litter Removal Along County Roads

MOTION: Heier moved and Raybould seconded approval. Heier, Raybould, Hudkins and Schorr voted aye. Smoyer was absent from voting. Motion carried 4-0.

13 CONSENT ITEMS

There were no consent items.

14 ADMINISTRATIVE OFFICER REPORT

- A. Proposed Juvenile Court Guardian Ad Litem Rules (Comment to Nebraska Supreme Court)

Item moved forward on the agenda.

- B. County Representation on Planning Commission

Heier said he believes eight of the nine Planning Commission appointments should be split equally between the City and County and the ninth selected by the Planning Commission. He noted the resolution that created the Planning Commission and established that appointments shall be by the Mayor, confirmed by the City Council and be approved by the County Board of Commissioners was adopted in 1961 (see agenda packet).

Marvin Krout, Planning Director, appeared and said the City Charter also states the Mayor will make the appointments to the Planning Commission.

Eagan suggested the Board ask to increase the number of names it is able to submit to the Mayor for consideration, noting the practice has been for the Board to submit one name (a rural representative).

Schorr felt there should be a representative from the City's three-mile zoning jurisdiction.

The Chair and Vice Chair agreed to discuss the issue with the Mayor.

Krout was asked to provide the Board with a current list of the members and their terms and a summary of their obligations.

C. Report on Lease of Farmland Near Waverly, Nebraska

Item was moved forward on the agenda.

D. Spring Creek Prairie Visit (Facility Improvement Proposal)

Board consensus was to decline the invitation to visit the Spring Creek Prairie Audubon Center and indicate their funding request should follow the normal Visitor Promotion Committee (VPC) procedure.

15 PENDING

There were no pending items.

16 DISCUSSION OF BOARD MEMBER MEETINGS

A. Lincoln Metropolitan Planning Organization (MPO) Officials Committee
- Schorr, Hudkins

Schorr said they discussed changes to the 2012-2015 Transportation Improvement Program and were briefed on plans for a design competition related to the South 14th Street, Warlick Boulevard and Old Cheney Road intersection.

B. Chamber Coffee - Schorr, Raybould

Schorr and Raybould reported discussion of the Board of Equalization (BOE) process, the new Lancaster County Adult Detention Facility (LCADF) and reuse of the current facility, County retirement match, Community Mental Health Center (CMHC) and legislation.

17 EMERGENCY ITEMS AND OTHER BUSINESS

There were no emergency items or other business.

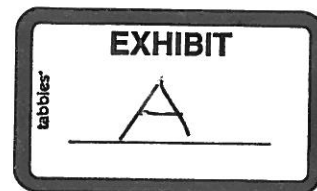
18 ADJOURNMENT

MOTION: Raybould moved and Heier seconded to adjourn the meeting at 11:50 a.m. Hudkins, Heier, Raybould and Schorr voted aye. Smoyer was absent from voting. Motion carried 4-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk





Lancaster County Board of Commissioners

Legislative Update

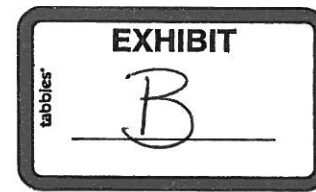
April 5, 2012

Today is the fifty-seventh day of the sixty day session.

Yesterday several bills of interest to Lancaster County were acted on. First LB 722 (Coash), LB 865 (McGill) and LB 881 (Coash) were all on final reading and were passed. LB 722 was our bill that would allow for the deducting of fines and other expenses from bonds. LB 865 is our bill that would allow a voluntary waiver of compensation by jurors. LB 881 changes medical services payments for jails and correctional facilities. This too, was one of our bills. The Governor now has five days to sign the bills.

Also yesterday Senator Lautenbaugh had his bill that would have allowed for Douglas County to keep some of the court fees for indigent defense. Opponents said the measure would cripple the Nebraska Commission on Public Advocacy, which represents defendants in felony cases for counties that don't have their own public defenders. The commission is supported by a \$3 fee. The bill would have costs the commission around \$350,000 a year. Senator Lautenbaugh will continue to submit a bill next year. He bracketed LB 908 after discussion.

The Governor did sign the budget bills.



LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB14	Wightman	Speaker	Change and eliminate fees received by registers of deeds and clerks	Government, Military and Veterans Affairs	1.19.11	Government, Military and Veterans Affairs AM1954 filed; Placed on General File with AM1954	X	
LB33	Louden		Change valuation of agricultural and horticultural land	Revenue	1.21.11		X	
LB48	Janssen		Adopt the Illegal Immigration Enforcement Act	Judiciary	3.2.11		X	
LB49	Krist		Provide certain requirements relating to filing of nonconsensual liens	Banking, Commerce and Insurance	1.31.11		X	
LB51	Krist		Require health clinics to have patient transfer agreements	Health and Human Services	1.26.11	General File with AM79; Conrad AM438-443, 445, 447, 449, 450, 452, 453, 457, 458, 460, 461, 462, 463, 464 filed; Cook MO14 Recommit to committee filed; Krist MO17 Indefinitely postpone filed; Conrad AM438-443, 445, 447, 449, 450, 452, 453, 457, 458, 460-464 withdrawn; Cook MO14 withdrawn; Laid over	X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB62	Heidemann		Change budget revision and salary approval provisions for counties	Government, Military and Veterans Affairs	1.20.11	General File with AM245; AM245 adopted; Select File with ER26; ER26 adopted; Lathrop AM496 filed & adopted; Final Reading with ST6; Dubas AM611 filed; Motion to rtn to Select File for specific amendment pending; Sullivan FA7 filed; Motion to rtn to Select File failed; Dubas AM611 withdrawn; Sullivan FA7 withdrawn; Final Reading 40-5-4; Governor Approved 3.10.11	X	Monitor
LB66	Cornett		Change provisions relating to DNA collection	Judiciary	1.19.11	General File with AM241; Cornett AM386 filed; Judiciary AM241 adopted ; Cornett AM386 adopted ; Advanced to Enrollment and Review Initial; Enrollment and Review ER143 filed; Placed on Select File with ER143; Enrollment and Review ER143 adopted; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading	X	Support
LB69	Louden		Change provisions relating to use of comparable sales for tax valuation	Revenue	1.21.11		X	
LB78	Pahls		Define a term in the Public Funds Deposit Security Act	Banking, Commerce and Insurance	1.24.11	General File; AM194 filed; AM194 adopted; Select File with ER22; ER22 adopted; Final Reading with Emergency Clause 45-0-4 3.4.11 Governor Approved 3.10.11	X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB81	Cornett		Prohibit the levying of certain taxes on nonresidents of a municipality	Revenue	1.20.11	General File with AM14; Select File with ER8; McCoy AM146 withdrawn; Cornett AM553 filed & adopted; Final Reading with ST9; Cornett AM620 filed; Returned to Select File for specific amendment; Cornett AM620 adopted; Placed on Final Reading second; Passed on Final Reading with Emergency Clause 37-4-8; Governor Approved 3.10.11	X	Monitor
LB84	Fischer	Fischer	Adopt the Build Nebraska Act and authorize bonds for the highway system	Revenue	2.10.11	General File with AM385; Final Reading with ST26; AM1273 withdrawn; Passed on Final Reading 33-10-6 5.11.11 Governor Approved 5.17.11	X	
LB87	Christensen		Change provisions relating to mowing weeds in ditches	Transportation and Telecommunications	3.8.11		X	
LB106	Schilz	Louden	Authorize a county sales tax for capital improvements for public safety services and transportation infrastructure	Revenue	1.27.11	General File with AM731; Louden AM870 filed; AM731 & AM870 adopted; Select File with ER100; ER100 adopted; Final Reading 43-3-3 5.18.11 Governor Approved 5.24.11	X	Support
LB111	Gloor		Change membership on mental health boards	Health and Human Services	1.19.11	General File with AM98; AM98 adopted; Select File; Final Reading 49-0-0 2.16.11 Governor Approved 2.22.11	X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB113	Dubas		Prohibit job discrimination based upon credit history	Business and Labor	1.31.11		X	Monitor
LB115	Council		Change limitation of action provisions under the Political Subdivisions Tort Claims Act	Judiciary	2.3.11		X	Oppose
LB117	Avery		Change publication requirements for constitutional amendments and initiative and referendum measures	Government, Military and Veterans Affairs	1.21.11		X	
LB128	Avery		Change DNA collection provisions	Judiciary	1.19.11	IPP'd 2.11.11	X	Support
LB129	Avery		Eliminate the statute of limitation for certain felonies	Judiciary	1.27.11		X	
LB133	Ashford		Require inclusion of sentencing costs in presentence reports	Judiciary	2.2.11		X	
LB135	Smith		Change the date for remitting certain funds under the Motor Vehicle Certificate of Title Act	Transportation and Telecommunications	1.18.11	General File; Langemeier AM56 filed; Select File; Smith AM61 filed; Langemeier AM56 withdrawn; AM61 adopted; Final Reading 45-0-4 5.12.11 Governor Approved 5.18.11	X	
LB136	Lautenbaugh		Change number of years between appearances before Board of Pardons	Judiciary	1.19.11		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB137	Lautenbaugh	Speaker	Change provisions relating to postconviction relief	Judiciary	2.2.11	General File with AM735; AM735 adopted; Select File with ER96; ER96 adopted; Final Reading 45-0-4 5.5.11 Governor Approved 5.11.11	X	
LB139	Lautenbaugh		Change surplus property sale provisions of the County Purchasing Act	Government, Military and Veterans Affairs	1.26.11	General File with AM292; Motion to suspend rules to IPP filed; IPP'd 5.26.11	X	Support
LB151	Lathrop	Business and Labor	Change location, hearing, and document provisions of the Nebraska Workers' Compensation Court	Business and Labor	1.24.11	General File with AM1243; AM1243 adopted; Select File with ER125; ER125 adopted; Lathrop AM1454 filed & adopted; Final Reading with ST40 with Emergency Clause 45-0-4 5.19.11 Governor Approved 5.24.11	X	
LB152	Lathrop	Cook	Change applicability of a medical fee schedule under the Nebraska Workers' Compensation Act	Business and Labor	2.14.11	General File with AM1449; AM1449 adopted; Select File with ER136; ER136 adopted; Lathrop AM1503 filed & adopted; Final Reading with ST44 46-0-3 5.24.11 Governor Approved 5.26.11	X	
LB153	Lathrop		Change reimbursement for medical services under the Nebraska Workers' Compensation Act	Business and Labor	2.14.11		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB157	Coash		Change guardianship and conservatorship provisions	Judiciary	1.20.11	General File; Coash AM106 filed; Flood AM107 filed & adopted; Flood AM112 filed; AM106 & AM112 adopted; Coash AM140 filed & adopted; Select File; Coash AM215 filed; Flood AM110 & AM111 withdrawn; Coash AM215 adopted; Final Reading 49-0-0 2.16.11; Governor Approved 2.22.11	X	
LB159	Urban Affairs Committee		Authorize bond powers for cities, villages, and counties for nonprofit enterprises	Urban Affairs	1.18.11	General File with AM244; AM244 adopted; Select File with ER36; Schumacher AM470 filed; ER36 adopted; AM470 adopted; Final Reading w/Emergency Clause 48-0-1 3.10.11 Governor Approved 3.16.11	X	
LB160	Campbell		Eliminate a duty of the county assessor relating to information on trusts that own agricultural land	Agriculture	2.1.11	General File; Select File; Final Reading 47-0-2 3.4.11 Governor Approved 3.10.11	X	
LB161	Karpisek		Change provisions relating to recounting votes	Government, Military and Veterans Affairs	1.21.11	General File with AM264; Karpisek AM383 filed; Lautenbaugh MO13 Bracket until June 8, 2011 filed & prevailed	X	
LB162	Campbell		Change provisions relating to abstracts of property assessment rolls	Revenue	2.17.11	General File; Select File; Final Reading 44-0-5 5.11.11 Governor Approved 5.17.11	X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB164	Louden		Provide notification requirements before moving buildings or other large objects on a county or township road	Transportation and Telecommunications	1.31.11	General File with AM286; AM286 adopted; Select File; Final Reading 47-0-2 3.10.11 Governor Approved 3.16.11	X	
LB179	Krist		Change pharmacy provisions	Health and Human Services	1.26.11	General File with AM124; AM124 adopted; Select File; Krist AM423 filed; AM423 adopted; Final Reading with ST7 47-0-2 3.4.11 Governor Approved 3.10.11	X	
LB182	Hansen		Change provisions relating to the issuance of one license plate	Transportation and Telecommunications	3.7.11		X	
LB183	Wightman		Change abandoned motorboat and trailer provisions	Transportation and Telecommunications	1.31.11		X	
LB184	Smith		Change interest rate provisions under the Nebraska Workers' Compensation Act	Business and Labor	3.7.11		X	
LB185	Fulton		Provide for one vehicle license plate	Transportation and Telecommunications	3.7.11		X	
LB186	Sullivan		Require nonpartisan ballots for county officers	Government, Military and Veterans Affairs	2.16.11		X	
LB189	Council		Adopt the Criminal Offender Employment Act	Business and Labor	1.24.11		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB191	Council		Change provisions relating to sentence reductions	Judiciary	2.2.11	General File; Select File with ER37; ER37 adopted; Final Reading w/Emergency Clause 45-0-4 3.10.11 Governor Approved 3.16.11	X	
LB202	Council		Authorize petitions for recall and resentencing for certain minors sentenced to life imprisonment	Judiciary	1.27.11	General File with AM399	X	
LB203	Council		Change sentencing requirements with respect to certain minors	Judiciary	1.27.11		X	
LB206	Wightman		Provide for disposition of abandoned camper units and cabin trailers	Transportation and Telecommunications	1.31.11		X	
LB210	Cornett		Change revenue and taxation provisions	Revenue	1.19.11	General File; Select File; Final Reading 48-0-1 3.10.11 Governor Approved 3.16.11	X	
LB214	Pankonin		Require nonpartisan election of county and city officials	Government, Military and Veterans Affairs	2.16.11		X	Monitor
LB226	Gloor	Speaker	Create the offense of assault with a bodily fluid against a public safety officer	Judiciary	2.4.11	General File with AM1068; Hadley AM1381 filed; AM1068 & AM1381 adopted; Select File with ER126; ER126 adopted; Final Reading 40-5-4 5.18.11 Governor Approved 5.24.11	X	Support

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB233	Krist		Decrease the number of members of the Legislature to forty-five	Redistricting	2.16.11		X	
LB234	Fischer		Change provisions relating to county office and service facilities of the Department of Health and Human Services	Government, Military and Veterans Affairs	2.3.11	General File; AM740 filed; AM740 adopted; Select File; Final Reading 42-0-7 5.11.11 Governor Approved 5.17.11	X	Support
LB238	Conrad		Eliminate workers' compensation three-judge review and change certain procedural provisions	Business and Labor	2.14.11		X	
LB239	Janssen	Schilz	Require presentation of government-issued photographic identification to vote in elections	Government, Military and Veterans Affairs	2.24.11	General File with AM727; Mello AM1641; Lathrop AM1633; Haar AM1631; Mello AM1645; Council AM1649; Council AM1667; Mello AM1627; Council AM1629; Mello AM1654; Avery AM1624; Council AM1639; Harr AM1637; Avery AM1625; Mello AM1684 filed; Council AM1667 pending; Government, Military and Veterans Affairs AM727 pending; Schumacher AM2297 filed; Schumacher FA62 filed; Harr AM2653 filed; Lathrop FA63 filed; Lathrop FA64 filed; Haar AM2652 filed; Mello FA65 filed; Mello FA66 filed; Schumacher AM2671 filed	X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB242	Hadley		Change provisions relating to assault, assault on an officer, and offenses by a confined person	Judiciary	2.4.11		X	
LB251	Council	Judiciary	Change court fees	Judiciary	1.26.11	General File with AM945; AM945 adopted; Failed to advance to Enrollment & Review Initial	X	
LB254	Campbell		Provide and change requirements for instruments recorded by the register of deeds	Government, Military and Veterans Affairs	2.3.11	General File with AM240; AM240 adopted; Select File; Final Reading 41-0-8 5.11.11 Governor Approved 5.17.11	X	
LB266	Sullivan		Change the Open Meetings Act relating to closed sessions	Government, Military and Veterans Affairs	1.26.11		X	
LB270	Executive Board		Eliminate duties and positions in the Public Counsel's office	Executive Board	3.3.11		X	Support
LB274	Gloor		Change provisions relating to the return of dispensed drugs and devices	Health and Human Services	1.26.11	General File; Select File with ER30; Gloor AM472 filed; ER30 adopted; AM472 adopted; Final Reading 47-0-2 3.4.11 Governor Approved 3.10.11	X	
LB277	Coash		Change the Nebraska Visitors Development Act to provide for the advice of a visitors committee to a county board	Government, Military and Veterans Affairs	3.9.11	General File; Select File; Final Reading 42-0-7 5.11.11 Governor Approved 5.17.11	X	Support

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB278	Coash		Authorize payment to county officers and employees by electronic funds transfer	Government, Military and Veterans Affairs	2.3.11	General File; Select File with ER34; ER34 adopted; Final Reading 48-0-1 3.10.11 Governor Approved 3.16.11	X	Support
LB289	Mello	Speaker	Authorize the operation on public highways of low-speed vehicles as prescribed	Transportation and Telecommunications	2.15.11	General File with AM416; AM416 adopted; Select File with ER91; ER91 adopted; Mello AM1239 filed & adopted; Fischer AM1376 filed; Final Reading with ST29; Rtn to Select File for specific amendment; AM1376 adopted; Final Reading Second 49-0-0 5.18.11 Governor Approved 5.24.11	X	
LB295	Lathrop		Provide a complaint procedure with the Public Service Commission regarding towing and storage fees	Transportation and Telecommunications	2.8.11		X	
LB301	Ashford		Change provisions for sealing records under the Nebraska Juvenile Code	Judiciary	2.24.11		X	
LB304	McGill		Provide for treatment of sexually transmitted diseases as prescribed	Health and Human Services	2.24.11	General File; pending; McGill AM1753 filed; McGill AM1753 adopted ; Failed to advance to Enrollment and Review Initial	X	
LB318	Cornett		Redefine qualified claimant for homestead exemption purposes	Revenue	2.9.11		X	Monitor

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB319	Cornett		Change reimbursement for homestead exemptions	Revenue	2.9.11		X	Monitor
LB320	Cornett		Change homestead exemption income limitations	Revenue	2.9.11		X	Monitor
LB321	Cornett		Change calculations relating to homestead exemptions	Revenue	2.9.11		X	Monitor
LB322	Cornett		Provide requirements for prescription drug insurance	Banking, Commerce and Insurance	2.14.11		X	Monitor
LB327	Campbell		Change motor vehicle fees and distribution of the proceeds	Transportation and Telecommunications	2.1.11		X	
LB330	Cook		Change requirements for dental hygienists in public health-related settings	Health and Human Services	3.4.11	Placed on General File with AM2479	X	
LB337	Fulton	Speaker	Change timeframes for audits by the Auditor of Public Accounts	Government, Military and Veterans Affairs	2.10.11	General File with AM275; AM275 adopted; Select File with ER66; ER66 adopted; Final Reading with Emergency Clause 46-0-3 4.20.11 Governor Approved 4.26.11	X	
LB339	Ashford		Change Nebraska Juvenile Code predisposition evaluation procedures	Judiciary	2.9.11		X	Monitor

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB344	Ashford		Change provisions relating to municipal counties and merger of governmental services	Government, Military and Veterans Affairs	2.25.11	General File with AM1577, AM1672 filed; Government, Military and Veterans Affairs AM1577 adopted; Avery AM1672 adopted; Advanced to Enrollment and Review Initial; Enrollment and Review ER162 filed; Placed on Select File with ER162; McCoy AM2384 filed	X	
LB361	Cornett		Set the salary of members of the Tax Equalization and Review Commission	Revenue	2.3.11		X	
LB363	Cornett		Change provisions relating to the Tax Equalization and Review Commission and property taxes and provide a duty for the Secretary of State	Revenue	2.17.11		X	
LB365	Sullivan		Change access provisions for voter information and voter registration registers	Government, Military and Veterans Affairs	2.24.11		X	
LB368	Brasch		Change nomination provisions for partisan offices	Government, Military and Veterans Affairs	2.2.11	General File; Select File; Final Reading 48-0-1 3.10.11 Governor Approved 3.16.11; President/speaker signed; adopted	X	Support

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB370	Wightman		Eliminate provisions relating to issuance of tax deeds	Revenue	2.11.11	General File; Placed on Select File with ER145; Placed on Final Reading with ST55; Passed on Final Reading 48-0-1; President/Speaker signed; Presented to Governor on March 01, 2012; Approved by Governor on March 07, 2012	X	
LB371	Schumacher		Provide for an unfair insurance trade practice relating to public officials	Banking, Commerce and Insurance	2.15.11		X	
LB373	Speaker Flood		Make deficiency appropriations	Appropriations	2.7.11	General File with AM901; AM901 adopted; Select File with ER117; ER117 adopted; Final Reading with Emergency Clause 41-0-8 5.11.11 Governor Approved 5.17.11	X	
LB374	Speaker Flood		Appropriate funds for state government expenses	Appropriations	2.7.11	General File with AM902; Heidemann AM1307 & AM1313 filed; AM902 adopted; AM1307 withdrawn; Heidemann AM1360 filed & adopted; AM1313 adopted; Select File with ER124; Heidemann AM1397 filed; ER124 & AM1397 adopted; Final Reading with ST37 with Emergency Clause 43-0-6 5.11.11 Governor Approved 5.17.11	X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB375	Speaker Flood		Appropriate funds for salaries of members of the Legislature	Appropriations	2.7.11	General File; Select File; Final Reading with Emergency Clause 43-0-6 5.11.11 Governor Approved 5.17.11	X	
LB376	Speaker Flood		Appropriate funds for salaries of constitutional officers	Appropriations	2.7.11	General File with AM1300; AM1300 adopted; Select File with ER105; Heidemann AM1384 filed; ER105 & AM1384 adopted; Final Reading with Emergency Clause 43-0-6 5.11.11 Governor Approved 5.17.11	X	
LB377	Speaker Flood		Appropriate funds for capital construction	Appropriations	2.7.11	General File with AM903; AM903 adopted; Select File with ER122; ER122 adopted; Final Reading with Emergency Clause 42-1-6 5.11.11 Governor Approved 5.17.11	X	
LB378	Speaker Flood		Provide for fund transfers and change provisions relating to various funds	Appropriations	2.7.11	General File with AM904; AM904 adopted; Select File with ER116; ER116 adopted; Final Reading with Emergency Clause 43-0-6 5.11.11 Governor Approved 5.17.11	X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB379	Speaker Flood		Transfer funds from the Cash Reserve Fund	Appropriations	2.7.11	General File with AM1250; Heidemann AM1301 filed; AM1250 adopted; AM1301 withdrawn; Heidemann AM1347 filed & adopted; Select File with ER109; ER109 adopted; Final Reading with Emergency Clause 43-0-6 5.11.11 Governor Approved 5.17.11	X	
LB380	Speaker Flood		Change provisions relating to depreciation charges relating to state buildings	Appropriations	2.7.11	General File with AM834; AM834 adopted; Select File with ER108; ER108 adopted; Final Reading with Emergency Clause 44-0-5 5.11.11 Governor Approved 5.17.11	X	
LB383	Cornett	Revenue	Eliminate state aid for municipalities, counties, and natural resources districts	Revenue	1.26.11	General File; Loudon AM288 filed; Council AM252 filed; AM288 & AM252 lost; Select File; Council AM331 filed; Council AM334 filed; Council AM334 lost; Mello AM490 filed & lost; Council AM331 lost; Final Reading with Emergency Clause 36-9-4 3.4.11 Governor Approved 3.10.11	X	Oppose

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB384	Cornett	Revenue	Eliminate a commissioner of the Tax Equalization and Review Commission and authorize single commissioner hearings	Revenue	2.3.11	General File with AM944; AM944 adopted; Cornett AM1127 filed & adopted; Select File with ER86; Louden AM1132 filed; Cornett AM1204 filed; ER86 adopted; AM1132 lost; AM1204 adopted; Final Reading with ST33; Passed on Final Reading with Emergency Clause 36-11-2 5.5.11 Governor Approved 5.11.11	X	
LB388	Wightman	Wightman	Adopt the Site and Building Development Act and change provisions relating to the Affordable Housing Trust Fund	Banking, Commerce and Insurance	2.7.11	General File; Wightman AM649 filed; AM649 adopted; Select File with ER59; Flood AM1136 filed; ER59 & AM1136 adopted; Final Reading with ST23 46-0-3 4.20.11 Governor Approved 4.26.11	X	
LB390	Ashford	Speaker	Change provisions relating to jails and corrections and create the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice	Judiciary	1.27.11	General File with AM1537; AM1537 adopted; Ashford AM1542 filed & adopted; Ashford AM1541 filed; Select File with ER142; ER142 adopted; AM1541 withdrawn; Ashford AM1572 filed & adopted; Final Reading with ST48 with Emergency Clause 47-0-2 5.26.11 Governor Approved 5.26.11	X	Oppose

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB391	Schilz		Create the Nebraska Invasive Species Council	Natural Resources	2.17.11	General File with AM683; Placed on Select File with ER159; ; Placed on Final Reading with ST52; Schilz AM2402 adopted; Advanced to Enrollment and Review for Reengrossment; Placed on Final Reading Second; Passed on Final Reading with Emergency Clause 43-0-6; President/Speaker signed; Presented to Governor on March 30, 2012	X	
LB392	Schilz		Provide powers and duties relating to aquatic invasive species	Natural Resources	2.17.11		X	
LB396	Pahls		Change bond provisions relating to the deposit and investment of certain county funds	Banking, Commerce and Insurance	1.31.11	General File; Select File; Final Reading 46-0-3 3.4.11 Governor Approved 3.10.11	X	
LB398	Lathrop		Change provisions relating to notaries public	Judiciary	1.28.11	Judiciary AM1789 filed; Placed on General File with AM1789; Judiciary AM1789 adopted; Advanced to Enrollment and Review Initial; Placed on Select File with ER236; Enrollment and Review ER236 adopted; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading	X	
LB405	Cornett		Authorize hearings by a single commissioner of the Tax Equalization and Review Commission	Revenue	2.17.11		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB409	Utter		Provide for the retention of insurance proceeds by a country or municipality to repair or demolish damaged property	Banking, Commerce and Insurance	2.14.11	General File with AM577	X	
LB415	Wallman		Change provisions relating to contraband in a detention facility or providing an inmate with contraband	Judiciary	2.10.11	General File with AM525; Advanced to Enrollment and Review Initial; Judiciary AM525 adopted; Placed on Select File; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading; Passed on Final Reading 46-0-3; President/Speaker signed; Presented to Governor on February 07, 2012; Returned by Governor without approval on February 13, 2012	X	
LB430	Cornett		Change property tax levy limitations	Revenue	2.2.11	General File; Motion to suspend rules to IPP filed; IPP'd 5.26.11	X	
LB437	Urban Affairs Committee		Change state building code provisions	Urban Affairs	2.8.11		X	
LB441	Heidemann		Change levy provisions for rural and suburban fire protection districts	Revenue	3.3.11		X	
LB444	Avery		Provide methods for notice under the Open Meetings Act	Government, Military and Veterans Affairs	1.26.11		X	
LB447	Fulton		Change provisions relating to vehicular pursuit	Judiciary	2.25.11		X	Support

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB449	Nelson	Speaker	Change the Election Act	Government, Military and Veterans Affairs	2.16.11	General File with AM867; AM867 adopted; Select File with ER93; ER93 adopted; Nelson AM1302 filed & adopted; Final Reading with ST30 47-0-2 Governor 5.5.11 Approved 5.11.11	X	
LB451	Ashford		Change court fees, procedures, offices, and judgeships	Judiciary	2.11.11		X	Monitor
LB452	Ashford		Provide for lottery winnings and tax refund intercept for debts owed to courts	Judiciary	1.28.11		X	Monitor
LB457	Campbell		Provide for notice of preliminary valuations and in-person meeting relating to property taxes and change certain dates	Revenue	2.17.11		X	Monitor
LB459	Schilz		Limit the adoption of any law by a political subdivision regarding the ownership of domestic animals	Agriculture	3.1.11	General File with AM720; Placed on Select File with ER149; Placed on Final Reading; Passed on Final Reading 47-0-2; President/Speaker signed; Presented to the Governor on March 1, 2012; Approved by Governor on March 07, 2012	X	
LB460	Ashford		Change the Sex Offender Registration Act	Judiciary	3.16.11; 4.5.11 on AM873; 4.5.11 on AM969	Ashford AM873 & AM969 filed	X	Monitor

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB474	Nebraska Retirement Systems Committee		Require certain retirement reports be submitted to the Auditor of Public Accounts	Nebraska Retirement Systems	1.27.11	General File with AM123; AM123 adopted; Select File with ER23; ER23 adopted; Final Reading; Nordquist AM417 filed; Returned to Select File for specific amendment; AM417 adopted; Final Reading 48-0-1 3.10.11 Governor Approved 3.16.11	X	
LB475	Lautenbaugh		Change garnishment provisions to include independent contractors providing services to government entities	Judiciary	2.11.11		X	
LB479	Lathrop	Lathrop	Authorize a minor to give consent to evidence collection and examination and treatment in cases of sexual assault	Judiciary	2.10.11	General File with AM335; Lathrop AM890 filed; AM335 & AM890 adopted; Select File; Final Reading with ST25 46-0-3 4.20.11 Governor Approved 4.26.11	X	
LB480	Krist		Provide for agreements relating to public building commissions	Government, Military and Veterans Affairs	2.9.11	General File; Select File; Final Reading 48-0-1 5.12.11 Governor Approved 5.18.11	X	Monitor
LB482	Utter	Utter	Change provisions governing industrial disputes involving municipal corporations under the Industrial Relations Act	Business and Labor	2.7.11		X	
LB491	Mello		Change state budget preparation provisions	Appropriations	3.3.11		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB496	Avery		Create the Centennial Mall Project Fund	Appropriations	2.14.11	IPP'd 4.7.11	X	
LB499	Price	Government, Military and Veterans Affairs	Change provisions relating to filing for office, registering to vote, and voting under the Election Act	Government, Military and Veterans Affairs	2.2.11	General File with AM404; AM404 adopted; Select File with ER74; ER74 adopted; Final Reading 45-0-4 4.20.11 Governor Approved 4.26.11	X	
LB504	Campbell		Change motor fuel tax rates	Revenue	2.10.11		X	
LB506	Wallman		Change definitions of wages for the Nebraska Workers' Compensation Act	Business and Labor	2.14.11		X	
LB507	Harms		Change Welfare Reform Act requirements relating to education for recipients of assistance	Health and Human Services	2.3.11	General File with AM670; Placed on Select File with ER161; Placed on Final Reading with ST53; Passed on Final Reading 48-0-1; President/Speaker signed; Presented to the Governor on March 1, 2012; Approved by Governor on March 07, 2012	X	
LB508	Bloomfield		Authorize certain residency restrictions near parks for sexual predators	Judiciary	3.16.11		X	
LB513	Christensen		Adopt the Escort Services Accountability and Permit Act	Judiciary	2.25.11		X	
LB518	Christensen		Change certain penalty and violation provisions of the Concealed Handgun Permit Act	Judiciary	2.23.11		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB519	Pirsch		Change the priority of liens for special assessments	Revenue	2.17.11		X	
LB529	Carlson		Change provisions relating to conservation and preservation easements and the Nebraska Environment Trust	Natural Resources	2.3.11		X	Monitor
LB530	Council		Adopt the Employee Credit Privacy Act	Business and Labor	1.31.11		X	Monitor
LB536	Wightman		Adopt the Nebraska Uniform Real Property Transfer on Death Act	Judiciary	2.17.11	Placed on General File with AM1668; Placed on Select File with ER171; Placed on Final Reading with ST57; Seiler AM2232 filed; Returned to Select File for specific amendment; Seiler AM2232 adopted; Advanced to Enrollment and Review for Reengrossment; Placed on Final Reading Second; Passed on Final Reading 40-0-9; President/Speaker signed; Presented to Governor on March 30, 2012	X	
LB538	Karpisek		Change provisions relating to the disposition of seized firearms	Judiciary	2.16.11	Judiciary AM2329 filed; Placed on General File with AM2329	X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB541	Health and Human Services Committee	Speaker	Provide for third-party contracts to promote medicaid integrity and cost containment	Health and Human Services	2.9.11	General File; Select File; Campbell AM988 filed; AM988 adopted; Final Reading; Conrad AM1483 filed; Campbell AM1914 filed; Campbell AM2179 filed; Conrad AM1483 withdrawn; Campbell AM1914 withdrawn; Campbell AM2179 adopted; Returned to Select File for specific amendment; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading Second	X	
LB545	Pahls		Establish a copay for medical services provided at a correctional facility	Judiciary	3.16.11		X	
LB546	Gloor	Gloor	Change provisions relating to adoption of the International Residential Code	Urban Affairs	2.8.11	General File with AM348; AM348 adopted; McGill AM599 filed & adopted; Select File with ER44; Krist AM748 filed; ER44 adopted; AM748 lost; Final Reading 31-9-9 4.8.11 Governor Approved 4.14.11	X	
LB564	Fulton	Fulton	Change and eliminate provisions of the Industrial Relations Act and the State Employees Collective Bargaining Act	Business and Labor	2.7.11		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB565	Ashford		Require secure storage of firearms and notice of such requirement by retailers upon sale and create the offense of improper storage of a firearm	Judiciary	3.17.11		X	
LB569	Coash		Require employers to e-verify the immigration status of new employees	Judiciary	3.2.11		X	
LB571	Price		Change provisions relating to homeowners' association and condominium association liens	Banking, Commerce and Insurance	2.22.11		X	
LB573	Price		Authorize use of rotating or flashing amber lights on any motor vehicle operated by or for a storm spotter	Transportation and Telecommunications	2.15.11	General File with AM344; AM344 adopted; Select File with ER114; ER114 adopted; Final Reading 48-0-1 5.12.11 Governor Approved 5.18.11	X	
LB574	Price		Adopt the Electronic Prescription Transmission Act	Health and Human Services	2.4.11		X	
LB584	Fulton		Exempt deployed military personnel from motor vehicle registration fees	Transportation and Telecommunications	2.1.11		X	
LB597	Pahls		Require consolidation of county offices	Government, Military and Veterans Affairs	2.25.11		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB605	Conrad		Provide for voter registration on election day and require identification to vote	Government, Military and Veterans Affairs	2.24.11		X	
LB609	Pirsch		Adopt the Correctional Facility Reimbursement Act	Judiciary	3.16.11		X	
LB613	Pirsch		Change certain lien provisions relating to homeowner's associations and condominiums	Banking, Commerce and Insurance	2.22.11	Banking, Commerce and Insurance AM1749 filed; Placed on General File with AM1749	X	
LB614	Pirsch		Change provisions relating to homeowners' association and condominium association liens	Banking, Commerce and Insurance	2.22.11		X	
LB623	Lautenbaugh		Change effect of Industrial Relation Act petitions and provide provisions for counties encompassing a city of the metropolitan class	Business and Labor	2.7.11		X	
LB628	Cook	Speaker	Authorize certain political subdivisions to donate certain motor vehicles to charitable organizations	Government, Military and Veterans Affairs	2.11.11	General File; Select File with ER67; Rtn'd to Select File for specific amendment; AM1400 adopted; Final Reading Second 43-1-5 5.18.11 Governor Approved 5.24.11	X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB631	Cook		Provide for a permanent early voting request list	Government, Military and Veterans Affairs	2.24.11		X	
LB638	Karpisek		Provide restrictions relating to sale of county records for commercial purposes	Government, Military and Veterans Affairs		Karpisek MO10 Withdraw bill filed; MO10 prevailed; Bill withdrawn	X	
LB643	Lautenbaugh		Provide additional public records that may be withheld	Government, Military and Veterans Affairs	3.10.11		X	
LB658	Karpisek		Change the fee for obtaining a handgun certificate	Judiciary	2.23.11		X	
LB664	Nelson	Nelson	Repeal the Industrial Relations Act and the State Employees Collective Bargaining Act and prohibit public collective bargaining and work stoppage	Business and Labor	2.7.11		X	
LB669	Flood	Speaker	Change provisions relating to sealing of juvenile court records	Judiciary	2.24.11	General File with AM1342; AM1342 adopted; Select File with ER131; Coash AM1448 filed; Ashford AM1471 filed; Fulton AM1452 filed; ER131 adopted; AM1448, 1471 & 1452 adopted; Final Reading with ST42 with Emergency Clause 47-0-2 5.23.11 Governor Approved	X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB670	Flood	Flood	Authorize court-ordered conditions for dispositions under the Nebraska Juvenile Code	Judiciary	2.24.11	General File with AM1447; AM1447 adopted; Select File with ER137; Schilz AM2496 filed; Council MO89 Permit consideration of AM2496 filed; Enrollment and Review ER137 adopted; Schilz AM2496 adopted; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading with ST87	X	Monitor
LB672	Flood		Provide an exemption from the documentary stamp tax	Revenue	2.3.11		X	
LB674	Haar		Prohibit or restrict certain electronic monitoring of employees by employers	Business and Labor	3.7.11		X	Monitor
LB676	Lathrop		Change provisions relating to emergency protective custody under the Nebraska Mental Health Commitment Act	Judiciary	2.17.11		X	Monitor
LB681	Karpisek		Provide for distribution of a portion of keno tax proceeds for thoroughbred horseracing purses	General Affairs	2.7.11		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB684	Schilz	Speaker	Change provisions relating to an advisory committee for travel and tourism	Banking, Commerce and Insurance	2.8.11	Schilz AM30 filed; General File with AM375; Schilz AM1190 filed; AM1190 withdrawn; AM375 adopted; AM30 withdrawn; Select File with ER104; Schilz AM1421 filed; ER104 adopted; AM1421 withdrawn; Final Reading 48-0-1 5.18.11 Governor Approved 5.24.11	X	
LB685	Schilz		Change provisions of the Nebraska Visitors Development Act relating to the use of funds and the members of committees	Government, Military and Veterans Affairs	3.9.11	Schilz AM31 filed	X	Oppose
LB688	Smith		Require certain law enforcement officers and firefighters to work until age fifty-five to receive full benefits and prohibit elective officers from receiving retirement benefits	Nebraska Retirement Systems	2.15.11		X	Monitor

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB709	Executive Board: Wightman, Chairperson		Revisor bill to repeal obsolete statutes relating to temporary zoning regulations that expired July 1, 2001	General File		Advanced to Enrollment and Review Initial; Placed on Select File; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading; Passed on Final Reading 45-0-4; President/Speaker signed; Presented to Governor on February 07, 2012; Approved by Governor on February 13, 2012	x	
LB714	McCoy		Update references and change provisions in the Real Property Appraiser Act	Banking, Commerce and Insurance	1.17.2012	Placed on General File; Advanced to Enrollment and Review Initial; Placed on Select File; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading; Dispensing of reading at large approved; Passed on Final Reading with Emergency Clause 49-0-0; President/Speaker signed; Presented to Governor on March 01, 2012; Approved by Governor on March 07, 2012	x	
LB718	Fischer		Change provisions relating to certificates of title, the distribution of titling fees, and registration fees for fleet vehicles	Transportation and Telecommunications	1.24.2012		x	
LB721	Larson		Redefine the term police animal	Judiciary	1.19.2012	Placed on General File; Advanced to Enrollment and Review Initial; Placed on Select File; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading	x	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB722	Coash		Authorize fines or costs to be deducted from a defendant's cash bond	Judiciary	2.24.2012	Judiciary AM2327 adopted; Placed on General File with AM2327; Advanced to Enrollment and Review Initial; Placed on Select File with ER253; Advanced to Enrollment and Review for Engrossment; Enrollment and Review ER253 adopted; Placed on Final Reading	x	
LB729	Mello		Provide powers to an authority and change bond provisions under the Community Development Law	Urban Affairs	1.17.2012	Placed on General File; Advanced to Enrollment and Review Initial; Placed on Select File; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading	x	
LB732	Mello		Provide procedures for the use of eminent domain by cities and villages for trails	Natural Resources	2.8.2012		x	
LB736	Schumacher		Require provision of secret-ballot envelopes for elections	Government, Military, and Veterans Affairs	1.25.2012		x	oppose
LB740	Schilz		Change provisions relating to farmers hauling hay and livestock forage vehicles	Transportation and Telecommunications	1.23.2012	Placed on General File with AM2212; Advanced to Enrollment and Review Initial; Placed on Select File with ER246; Enrollment and Review ER246 adopted; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading	x	
LB744	Schilz		Change provisions relating to court fees	Judiciary		Schilz MO67 Withdraw bill filed; bill withdrawn; Schilz MO67 prevailed	x	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB750	Cornett	Lambert	Change provisions relating to comparable sales used for tax assessment	Revenue	1.20.2012	Revenue AM2183 filed; Placed on General File with AM2183; Revenue AM2183 adopted; Cornett AM2573 adopted; Enrollment and Review ER223 filed; Placed on Select File with ER223; Cornett AM2628 filed; Enrollment and Review ER223 adopted; Cornett AM2628 adopted; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading with ST88	x	
LB762	Louden		Change provisions relating to comparable sales for tax assessment	Revenue	1.20.2012		x	
LB765	Krist		Change bidding requirements relating to contracts with providers of certain health and social services as prescribed	Government, Military, and Veterans Affairs	2.13.2012		x	
LB769	Fischer		Change provisions relating to application for and issuance of operators' licenses and state identification cards	Transportation and Telecommunications	1.17.2012		x	support
LB772	Smith		Change provisions relating to the payment of salaries for county board members	Government, Military, and Veterans Affairs	2.2.2012	Placed on General File; Advanced to Enrollment and Review Initial; Placed on Select File; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading	x	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB785	Christensen		Authorize possession of firearms as prescribed	Judiciary	2.22.2012		x	
LB787	McGill		Authorize inspection and regulation of staff secure facilities by the Jail Standards Board	Judiciary	1.26.2012	Judiciary AM2266 filed; Placed on General File with AM2266	x	
LB790	Coash		Transfers a county court judgeship to another district	Judiciary	1.18.2012	Placed on General File; Advanced to Enrollment and Review Initial; Placed on Select File; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading; Passed on Final Reading with Emergency Clause 38-8-3; President/Speaker signed; Presented to Governor on March 08, 2012; Approved by Governor on March 14, 2012	x	
LB793	Lautenbaugh	Speaker	Limit frivolous civil actions filed by prisoners	Judiciary	1.20.2012	Judiciary AM2056 filed; Placed on General File with AM2056; Judiciary AM2056 adopted; Advanced to Enrollment and Review Initial; Placed on Select File	x	
LB795	Avery		Change provisions relating to applying for membership in veterans homes	Government, Military, and Veterans Affairs	2.15.2012	Placed on General File; Advanced to Enrollment and Review Initial; Placed on Select File; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading	x	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB798	Urban Affairs Committee		Provide that certain assessments are levied and collected as special assessments	Revenue	2.22.2012		x	
LB801	Fischer		Eliminate obsolete references to designated county officials	Transportation and Telecommunications	1.17.2012	Placed on General File; Advanced to Enrollment and Review Initial; Placed on Select File; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading with ST66; Dispensing of reading at large approved; Passed on Final Reading 47-0-2; President/Speaker signed; Presented to Governor on March 08, 2012; Approved by Governor on March 14, 2012	x	
LB802	Lautenbaugh		Authorize carrying of concealed handguns by certain authorities within the scope of their employment	Judiciary	1.25.2012		x	
LB818	Harr		Exempt certain deeds from the documentary stamp tax	Revenue	1.19.2012	Revenue AM1846 filed; Placed on General File with AM1846	x	
LB822	Adams		Change notice provisions relating to changes in real property valuations	Revenue	1.19.2012	Revenue AM2313 adopted; Placed on General File with AM2313; Advanced to Enrollment and Review Initial; Placed on Select File; Advanced to Enrollment and Review for Reengrossment; Placed on Final Reading	x	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB823	Adams		Change duties of county treasurers	Government, Military, and Veterans Affairs	2.2.2012	Placed on General File; Advanced to Enrollment and Review Initial; Placed on Select File with ER235; Enrollment and Review ER235 adopted; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading	x	
LB827	Dubas		Require mediation for budget disputes between a county board and a county officer	Government, Military, and Veterans Affairs	2.8.2012		x	
LB832	Howard		Require a report on qualifications by proposed appointee as chief executive officer of the Department of Health and Human Services	Health and Human Services	1.18.2012		x	
LB833	Krist		Change provisions relating to surcharges for 911 services	Transportation and Telecommunications	2.13.2012	Placed on General File	x	
LB836	Pahls		Change provisions relating to deposit and investment of public funds in certificates of deposit and time deposits	Banking, Commerce and Insurance	1.17.2012	Placed on General File with AM1700 ; Placed on Select File; Placed on Final Reading; Passed on Final Reading with Emergency Clause 49-0-0; President/Speaker signed; Presented to Governor on March 01, 2012; Approved by Governor on March 07, 2012	x	
LB839	Council		Require reporting of sexual misconduct by a school employee	Judiciary	1.25.2012		x	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB840	Council		Provide powers and duties relating to inmate mail	Judiciary	1.27.2012		x	
LB846	Sullivan		Require employers to maintain employee emergency contact information	Business and Labor	1.23.2012		x	
LB847	Sullivan		Change the Enhanced Wireless 911 Services Act	Transportation and Telecommunications	2.13.2012		x	
LB851	Fischer		Change provisions relating to tax receipts	Revenue	1.19.2012	Placed on General File; Advanced to Enrollment and Review Initial; Placed on Select File; Advanced to Enrollment and Review Initial; Placed on Final Reading	x	
LB859	Avery		Provide funding for renovation of Centennial Mall	Appropriations	1.23.2012		x	
LB861	Cornett		Change hours of sale provisions under the Nebraska Liquor Control Act	General Affairs	1.23.2012	Placed on General File; Placed on Select File; Placed on Final Reading; Passed on Final Reading 44-0-5; President/Speaker signed; Presented to Governor on March 27, 2012; Approved by Governor on April 02, 2012	x	
LB865	McGill		Authorize the voluntary waiver of compensation by jurors	Judiciary	1.18.2012	Judiciary AM2305 adopted; Placed on General File with AM2305; Advanced to Enrollment and Review Initial; Placed on Select File; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading	x	
LB866	Haar		Adopt the Nebraska Fair Employment Opportunity Act	Business and Labor	1.23.2012		x	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB867	Karpisek	Nebraska Retirement Systems	Change employer contribution provisions under certain county retirement plans	nebraska Retirement Systems Committee	2.06.2012	Placed on General File; Advanced to Enrollment and Review Initial; Placed on Select File with ER218; Enrollment and Review ER218 filed; Enrollment and Review ER218 adopted; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading; Passed on Final Reading with Emergency Clause 46-0-3; President/Speaker signed; Presented to Governor on April 02, 2012	x	
LB871	Gloor		Provide for policies relating to fees and copays relating to the Behavioral Health Services Act	Health and Human Services	1.20.2012	Placed on General File; Advanced to Enrollment and Review Initial; Enrollment and Review ER183 filed; Placed on Select File with ER183; Enrollment and Review ER183 adopted; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading; Passed on Final Reading 47-0-2; President/Speaker signed; Presented to Governor on March 08, 2012; Approved by Governor on March 14, 2012	x	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB878	Wallman		Change election calendar, vacancy, ballot, and counting machine provisions	Government, Military, and Veterans Affairs	1.25.2012	Placed on General File; Advanced to Enrollment and Review Initial; Placed on Select File; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading; Dispensing of reading at large approved; Passed on Final Reading 47-0-2; President/Speaker signed; Presented to Governor on March 08, 2012; Approved by Governor on March 14, 2012	x	
LB879	Pahls		Change a security requirement for depositories of public funds	Banking, Commerce and Insurance	1.23.2012	Placed on General File; Advanced to Enrollment and Review Initial; Placed on Select File; Advanced to Enrollment and Review for Engrossment; Placed on Final reading; Dispensing of reading at large approved; Passed on Final Reading 49-0-0; President/Speaker signed; Presented to Governor on March 01, 2012; Approved by Governor on March 07, 2012	x	
LB881	Coash		Change medical services payment provisions relating to jails and correctional facilities	Judiciary	1.27.2012	Placed on General File; Advanced to Enrollment and Review Initial; Placed on Select File; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading	x	support

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB897	Pahls		Change provisions relating to the completion of tax lists	Revenue	2.15.2012	Placed on General File; Advanced to Enrollment and Review Initial; Placed on Select File; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading	x	
LB902	Harr	Harr	Redefine a term relating to property tax exemptions and change provisions relating to a sales tax exemption for purchases by the state or a governmental unit	Revenue	2.9.2012	Placed on General File with AM228; Placed on Select File with ER213; Enrollment and Review ER213 filed; Enrollment and Review ER213 adopted; Placed on Final Reading with ST70; Harr AM2563 adopted; Schumacher AM2638 adopted; Advanced to Enrollment and Review for Reengrossment; Placed on Final Reading Second; Passed on Final Reading with Emergency Clause 44-0-5; President/Speaker signed; Presented to Governor on March 30, 2012	x	
LB910	Lautenbaugh		Define "certified traffic personnel" and authorize their use at special events	Transportation and Telecommunications	1.24.2012		x	
LB912	McCoy		Provide requirements for local laws regulating discrimination	Judiciary	2.22.2012		x	
LB914	McGill		Change provisions relating to reductions in sex offender registration periods	Judiciary	2.22.2012		x	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB917	Cornett		Change truancy provisions for absences relating to military employment activities	Judiciary	2.13.2012		x	
LB918	Cornett		Change provisions of the Community Development Law	Urban Affairs	1.24.2012		x	
LB919	Schilz		Change court fees, sheriff's fees, and handgun certificate fees	Judiciary	2.8.2012		x	
LB922	Mello		Change provisions relating to vehicle load contents and spillage	Transportation and Telecommunications			x	
LB930	Brasch		Allow operation of golf car vehicles on highways as prescribed	Transportation and Telecommunications	1.30.2012	Transportation and Telecommunications AM2272 filed; Placed on General File with AM2272	x	
LB931	Karpisek		Change provisions relating to flood protection and water quality enhancement bonds	Natural Resources	1.20.2012		x	
LB932	Krist		Provide voting rights for residents of sanitary and improvement districts	Urban Affairs	1.24.2012	Indefinitely postponed	x	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB933	Ashford	Langemeier	Change provisions relating to truancy	Judiciary	2.13.2012	Placed on General File with AM2001; Langemeier AM2245 filed; Langemeier AM2245 adopted; Advanced to Enrollment and Review Initial; Enrollment and Review ER201 filed; Placed on Select File with ER201; Enrollment and Review ER201 adopted; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading; Passed on Final Reading 44-0-5; President/Speaker signed; Presented to Governor on April 02, 2012	x	
LB934	Karpisek		Provide for appointment of all election commissioners by the county board	Government, Military, and Veterans Affairs	2.1.2012		x	
LB937	Smith		Regulate dealers in the business of buying and reselling precious items	Judiciary	2.16.2012		x	
LB956	Ashford		Authorize an increase in city sales tax rates	Revenue	2.16.2012		x	
LB967	Schumacher		Change an interest rate relating to delinquent taxes and special assessments	Revenue	2.15.2012	Schumacher AM1998 filed	x	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB970	Cornett	McCoy	Terminate the inheritance tax and change income tax rates and calculation	Revenue	1.26.2012	Revenue AM2391 filed; Placed on General File with AM2391; Cornett FA50 filed; Cornett FA57 filed; Cornett AM2572 adopted; Revenue AM2391 adopted; Advanced to Enrollment and Review Initial; Placed on Select File with ER224; Schumacher AM2620 filed; Enrollment and Review ER224 adopted; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading	x	oppose
LB972	Ashford	Judiciary	Transfer the youth rehabilitation and treatment centers from the Office of Juvenile Services to the Department of Correctional Services	Judiciary	1.26.2012	Placed on General File with AM2598; Judiciary AM2598 adopted; Advanced to Enrollment and Review Initial; Placed on Select File with ER261; Enrollment and Review ER261 adopted; Placed on Final Reading	x	
LB973	Coash		Provide for the use of retirement benefits to pay civil damages	nebraska Retirement Systems Committee	1.31.2012		x	
LB975	Smith		Adopt the Fair Bidding Act	Government, Military, and Veterans Affairs	2.22.2012	Smith AM1937 filed	x	
LB977	Mello		Adopt the Property Tax Relief Act	Revenue	2.8.2012		x	
LB981	Ashford		Appropriate funds for renovation of certain living units at the Youth Rehabilitation and Treatment Center-Kearney	Appropriations	2.6.2012		x	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB985	Krist		Provide for a juvenile justice pilot program	Judiciary	1.26.2012	Placed on General File; Advanced to Enrollment and Review Initial; Placed on Select File; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading; Passed on Final Reading with Emergency Clause 38-0-11; President/Speaker signed; Presented to Governor on March 30, 2012	x	
LB988	Howard		Provide a rate of payment for certain medical services in emergency protective custody situations	Health and Human Services	1.27.2012		x	monitor
LB999	Price		Authorize the display of an honor and remember flag at public buildings	Government, Military, and Veterans Affairs	2.15.2012	Placed on General File; Advanced to Enrollment and Review Initial; Placed on Select File	x	
LB1000	McGill		Change certain marriage related fees	Judiciary	2.1.2012		x	
LB1009	Ashford		Provide that probation records are not subject to disclosure	Judiciary	2.2.2012		x	
LB1011	Dubas		Adopt the Property Tax Relief Act	Revenue	2.23.2012		x	
LB1012	Lautenbaugh		Change medical treatment and temporary disability provisions under the Nebraska Workers' Compensation Act	Business and Labor	1.30.2012		x	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB1014	Conrad		Authorize the Auditor of Public Accounts to conduct a performance audit of the Department of Roads	Government, Military, and Veterans Affairs	2.9.2012		x	
LB1035	Sullivan		Provide for automatic nomination of airport authority board members as prescribed	Government, Military, and Veterans Affairs	2.1.2012	Government, Military and Veterans Affairs AM1900 filed; Placed on General File with AM1900; Government, Military and Veterans Affairs AM1900 adopted; Advanced to Enrollment and Review Initial; Placed on Select File with ER237; Enrollment and Review ER237 adopted; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading	x	
LB1040	Schilz		Change provisions relating to snow removal on state highways and encroachments and regulation of state rights-of-way	Transportation and Telecommunications	2.6.2012		x	
LB1046	Harr		Change provisions relating to law enforcement certification and continuing education	Judiciary	2.16.2012	Placed on General File	x	
LB1052	Christensen		Change provisions relating to maintenance of drainage facilities on county roads	Transportation and Telecommunications	2.6.2012		x	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB1061	Heidemann	Hedemann	Change provisions relating to valuation of agricultural land	Revenue	2.8.2012		x	
LB1067	Karpisek	Karpisek	Change restrictions on keno	General Affairs	1.30.2012	General Affairs AM1961 filed; Placed on General File with AM1961; Karpisek AM2260 filed; Karpisek AM2260 withdrawn; General Affairs AM1961 adopted; Christensen AM2270 filed; Christensen AM2270 lost; Failed to advance to Enrollment and Review Initial	x	
LB1069	Wightman		Change provisions relating to tax sales to collect delinquent property taxes	Revenue	2.15.2012		x	
LB1070	Wightman		Change eligibility provisions for petitioning on the general election ballot	Government, Military, and Veterans Affairs	2.1.2012	Placed on General File	x	
LB1075	Cornett		Provide for assessment of rent-restricted housing projects by the Property Tax Administrator	Revenue	2.23.2012		x	
LB1076	Karpisek		Change requirements for copies of public records and speaking at public meetings	Government, Military, and Veterans Affairs	2.22.2012		x	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB1091	Fischer	Speaker	Adopt the Prepaid Wireless Surcharge Act and eliminate certain charges on prepaid wireless service	Transportation and Telecommunications	2.13.2012	Placed on General File; Advanced to Enrollment and Review Initial; Placed on Select File with ER270; Enrollment and Review ER270 adopted; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading with ST100	x	
LB1093	Hadley		Change provisions relating to foreclosure proceedings for delinquent real estate taxes	Revenue	2.15.2012		x	
LB1094	Harms		Provide for an election in certain counties to require elections by mail	Government, Military, and Veterans Affairs	2.8.2012		x	
LB1095	Larson		Provide for Beef State license plates	Transportation and Telecommunications	2.7.2012		x	
LB1096	Ashford		Prohibit entry into a motor vehicle without permission of the owner or for the purpose of committing a crime	Judiciary	2.24.2012		x	
LB1098	Council		Repeal the Build Nebraska Act and change distribution of sales and use tax revenue	Revenue	2.16.2012		x	

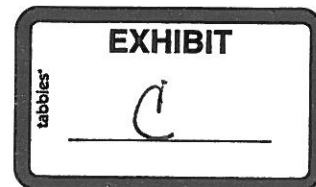
LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB1099	Council		Change expense provisions under the Nebraska Juvenile Code	Judiciary	2.23.2012		x	
LB1101	Wightman		Change provisions relating to election of county assessors	Government, Military, and Veterans Affairs	2.8.2012	Placed on General File; Advanced to Enrollment and Review Initial; Placed on Select File with ER240; Enrollment and Review ER240 adopted; Placed on Final Reading	x	
LB1102	Wightman	Wightman	Change inheritance tax rates and exemption amounts	Revenue	2.8.2012		x	
LB1107	Pirsch		Change provisions relating to the movement of vehicles and other property after an accident and provide immunity	Judiciary	2.8.2012		x	
LB1112	Flood		Change provisions relating to state highway system plans	Transportation and Telecommunications	2.6.2012		x	
LB1121	Lambert		Change signature requirements for recall petitions for sanitary and improvement districts	Urban Affairs	2.7.2012	Urban Affairs AM1872 adopted; Placed on General File with AM1872; Advanced to Enrollment and Review Initial; Placed on Select File; Advanced to Enrollment and Review for Engrossment; Placed on Final Reading	x	
LB1132	McGill	Speaker	Change the Community Development Law	Urban Affairs	2.14.2012		x	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB1134	Avery		Change agency procedures for eminent domain	Judiciary	2.15.2012		x	
LB1150	McGill		Adopt the Young Adult Voluntary Foster Care Services Act	Health and Human Services	2.2.2012		x	monitor
LB1151	lathrop	Business and Labor	Eliminate a sunset provision under the Nebraska Workers' Compensation Act relating to certain first responder injuries	Business and Labor	1.30.2012		x	
LB1166	Ashford		Eliminate certain elective county offices when approved by the voters and provide for appointments	Government, Military, and Veterans Affairs		Ashford MO75 prevailed; Howard AM1731 filed; Bill withdrawn	x	
LB1167	Lautenbaugh		Require certain provisions in highway and bridge construction and maintenance contracts	Transportation and Telecommunications	2.14.2012	Indefinitely postponed	x	
LR2CA	Harms		Constitutional amendment to authorize county manager form of county government	Government, Military and Veterans Affairs	2.25.11		X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LR3CA	Fischer		Constitutional amendment to authorize pledge of state sales and use taxes for highway bonds	Transportation and Telecommunications	2.1.11		X	
LR9CA	Schilz		Constitutional amendment to change agricultural and horticultural land valuation	Revenue	3.3.11		X	
LR29CA	Nelson		Constitutional amendment to prohibit government from engaging in collective bargaining	Business and Labor	2.7.11	Indefinitely postponed	X	

January

2012



Lancaster County Indigent Defense Advisory Committee: Report on the Costs of Legal Representation

Objective Advantage, LLC

ACKNOWLEDGMENTS

Thank you for to the Lancaster County Indigent Defense Advisory Committee for their contributions of time and expertise: Sean Brennan, Randy Goyette (Chair), Dennis Keefe, Jeanlle Lust, Andy Strotman, and Brad Roth. Thank you also to the following individuals who agreed to assist the Advisory Committee with this assessment: Web Bancroft, Becky Bruckner, Rod Confer, Kerry Eagan, Theresa Emmert, Troy Hawk, Alicia Henderson, Joe Kelly, Hon. Laurie Yardley and Hon. Roger Heideman. Thank you to the dozens of individuals (assigned counsel, public defenders, county attorneys, city attorneys and Judges) who participated in the focus group discussions. Finally, thank you to the several individuals who assisted with various data collection components of the assessment: Misam Ali, Angela Franssen, Mitch Herian, Lori Gokie, Kristi Gottberg, Dennis Meyer, Donna Reifscheider, Simon Rezac, Jed Rojweski, Madeline Ripa, Monica Ross, Janet Sanchez, Steve Schultz, and Gretchen Wiebe.

Table of Contents

I. INTRODUCTION.....	4
II. COSTS OF LEGAL REPRESENTATION.....	5
INCREASING COSTS.....	5
FACTORS INFLUENCING COSTS.....	5
BREAKDOWN OF FY 2011 COSTS.....	5
III. IMPROVING THE COURT APPOINTMENT PROCESS	7
PROCESS FOR APPOINTING COUNSEL	7
FEES AND COMPENSATION	9
RECOMMENDATIONS	11
IV. OPTIONS FOR CONTROLLING THE FRONT GATES.....	13
IMPROVED INDIGENCE AND ELIGIBILITY DETERMINATIONS	13
DIVERTING CASES.....	17
RECOMMENDATIONS.....	18
V. OPTIONS FOR ALTERNATE FUNDING STREAMS.....	20
RECOUPMENT AND APPLICATION FEES	20
THE STATE’S CONTRIBUTION TO INDIGENT DEFENSE	22
FILING FEES	24
RECOMMENDATIONS.....	25
VI. LEGAL SERVICE DELIVERY OPTIONS.....	26
EXPAND THE LANCASTER COUNTY PUBLIC DEFENDER OFFICE	26
ESTABLISH A FELONY CONFLICT OFFICE.....	27
CONTRACTS FOR CIVIL CASES.....	28
ESTABLISH AN OFFICE OF GUARDIAN AD LITEM.....	29
EXPAND THE CONTRACT WITH LEGAL AID OF NEBRASKA.....	30
ESTABLISH A CONTRACT SYSTEM FOR 3(A) PARENT REPRESENTATION	31
RECOMMENDATIONS	31
VII. OPTIONS FOR IMPROVING/CASE MANAGEMENT	32
DISTRICT COURT.....	32
DISTRICT AND COUNTY COURT	33
JUVENILE COURT	34
RECOMMENDATIONS.....	37
VIII. SUMMARY OF RECOMMENDATIONS.....	40
PROCESS OF APPOINTING COUNSEL.....	40
CONTROLLONG THE FRONT GATES	41
ALTERNATIVE FUNDING STREAMS	43

LEGAL SERVICE DELIVERY OPTIONS.....	43
CASE PROCESSING/CASE MANAGEMENT	43
IMPLEMENTATION/EVALUATION.....	45
APPENDICES	46

I. INTRODUCTION

Lancaster County understands how fundamentally important quality legal services are to the administration of justice, and is committed to providing the quality legal services mandated by our constitution and statutes. The County would also like to provide these services in the most cost effective way. In 2011, the Lancaster County Indigent Defense Advisory Committee was charged with undertaking an assessment of the cost of legal services in Lancaster County.

Recognizing that there are a variety of factors that influence the costs of indigent defense, the Advisory Committee's took a five-part approach to the assessment:

- Identify strategies to improve the court appointment process and the quality of representation.
- Identify strategies to reduce the number of court appointments.
- Identify strategies to expand financial support for indigent defense from other sources.
- Identify cost effective alternate service delivery models.
- Identify and reduce unnecessary inefficiencies in case processing/case management practices.

To identify both the factors that contribute to the rising costs of indigent defense and ways in which the justice system can control costs, focus group discussions were conducted with a variety of justice system stakeholders including: those currently (and formerly) receiving court appointments in Lancaster County; public defenders; city prosecutors; county attorneys; Juvenile Court Judges; County Court Judges; and District Court Judges. The Advisory Committee then reviewed the factors and strategies identified through focus group discussions. When applicable and available, the Advisory Committee compiled and reviewed relevant data and national research regarding proposed cost reduction strategies.

II. COSTS OF LEGAL REPRESENTATION

Increasing Costs

Lancaster County's costs for legal representation are rising. The table below presents Lancaster County expenditures on legal representation from FY 2007 through FY 2011. Total expenditures over the past five years have increased by 19.3%. The 37.2% reduction in the costs of contracts is explained by the fact that in FY 2010, the Lancaster County Juvenile Court ended the majority of their contracts for legal representation for juveniles. While the reduction in juvenile court contracts was expected to cause an increase in the amount spent on legal representation by the Lancaster County Juvenile Court, these costs have surpassed expectations, increasing by 178.5% over the past five years. During the same time period, costs for legal representation in the Lancaster County Court have increased by 10.9% and costs for the Lancaster District Court have increased by 42.5%, while the Lancaster County Public Defender's costs have increased by 13.9%.

Table 1: Lancaster County FY 2007-2011 Costs for Legal Representation

	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2007-11 Difference	FY 2007-11 % Change
Contracts	\$1,047,773	\$1,147,698	\$1,242,843	\$975,783	\$657,786	-\$389,987	-37.2%
Juvenile Court	\$440,392	\$367,460	\$338,003	\$682,008	\$1,226,377	\$785,985	178.5%
County Court	\$198,515	\$183,718	\$228,349	\$273,082	\$220,150	\$21,635	10.9%
District Court	\$276,290	\$276,090	\$306,104	\$304,889	\$393,609	\$117,319	42.5%
Public Defender	\$2,902,906	\$3,062,029	\$3,172,603	\$3,252,756	\$3,308,457	\$405,551	13.9%
Total	\$4,865,876	\$5,036,995	\$5,287,902	\$5,488,518	\$5,806,379	\$940,503	19.3%

Factors Influencing Costs

As discussed throughout the report, a variety of factors influence the cost of indigent defense: the number and type of filings (see Appendix A), the number of cases diverted, caseload standards for the Lancaster County Public Defender Office, new crimes created and increased penalties established by the Legislature, the number of people determined indigent, the number of people who waive their right to counsel, the efficiency of court processes, diminishing community mental health resources, relocation of detention facilities, etc. Of most recent concern, is the significant impact that privatization of the child welfare system has had on the amount of time necessary for attorneys representing youth in 3 (a) cases.

Breakdown of FY 2011 Costs

In an effort to better inform this assessment, the Advisory Committee used available data to calculate an approximate cost per case. The table below provides a detailed breakdown of FY

2011 expenditures by level of court and type of case. As a caveat, these tables reflect the costs for cases *invoiced* in 2011 (many cases span over a one year time period). In addition to attorney time, the cost per case also includes costs billed by attorneys (mileage, postage, court reporters, collect calls, interpreters, depositions, etc.). Lancaster District Court paid \$393,609 in expenses for legal representation in FY 2011. \$342,775.32 was spent on 279 criminal cases,¹ representing an average cost per case of \$1,228.59. \$50,833.68 was spent on 70 civil cases representing an average cost per case of \$726.20.

Lancaster County Court paid \$220,150 in expenses for legal representation in FY 2011. \$62,704.51 was spent on 271 felony cases, representing an average cost per case of \$231.38. \$60,054.58 was spent on 197 county misdemeanors, representing an average cost per case of \$304.85. \$55,922.39 was spent on 267 city misdemeanors, representing an average cost per case of \$209.45. \$35,932.22 was spent on cases where a guardian ad litem (GAL) was appointed (102), representing an average cost per case of \$352.28.

Lancaster County Juvenile Court paid \$1,226,377 in expenses for legal representation in FY 2011. \$1,135,883.67 was spent on 953 3(a) cases, representing an average cost per case of \$1,191.90. \$23,679.90 was spent on 3(b) cases, representing an average cost of \$260.22 per case. \$66,768.12 was spent on law violation cases, representing an average cost of \$250.07 per case.

Table 2: FY 2011 Average Costs Per Case

Court	Case Type	Number of Cases	Costs	Average Cost Per Case
District				
	Criminal	279	\$342,775.32	\$1,228.59
	Civil	70	\$50,833.68	\$726.20
	Total	349	\$393,609	\$1,127.82
County				
	Felony	271	\$62,704.51	\$231.38
	County Misdemeanor	197	\$60,054.58	\$304.85
	City Misdemeanor	267	\$55,922.39	\$209.45
	GAL Cases	102	\$35,932.22	\$352.28
	Other	-	\$5,536.67	--
	Total	837	\$220,150	\$263.02
Juvenile				
	3(a)	953	\$1,135,883.67	\$1,191.90 ²
	3(b)	91	\$23,679.90	\$260.22
	Law Violations	267	\$66,768.12	\$250.07
	Total	1,211	\$1,226,377.00	\$1,012.70

¹ Criminal cases include felonies, revocations of probation and post-conviction representation.

² There is an average of 1.5 attorneys per 3(a) case. The average cost per case, per attorneys is \$794.60.

III. IMPROVING THE COURT APPOINTMENT PROCESS

PROCESS FOR APPOINTING COUNSEL

Options discussed in this section attempt to identify ways to improve the court appointment process and quality of legal representation provided in Lancaster County.

Systematic Appointment Process: The majority of court appointed attorneys who participated in focus group discussions described the court appointment process as not transparent or “a complete mystery.” It is not clear how attorneys get on the list (or whether there is a list) or under what circumstances attorneys are removed from the list. At the same time, some appointed attorneys described the system as open to favoritism (the perception that certain attorneys are only appointed by certain judges, or that some attorneys receive a substantial number of appointments while others receive only occasional appointments). Although attorneys indicated that the current system is neither transparent nor systematic, attorneys continually affirmed that judges need discretion in order to appoint attorneys appropriately suited for certain cases.

Data regarding court appointments does suggest room for improvement. For example, seventy-nine attorneys were appointed by the Lancaster County Court in 2011, however, there was a large difference in the number of attorneys appointed by each Judge (see Table below), indicating that Judges may not be operating from the same list of attorneys.

Table 3: FY 2011 Lancaster County Court Appointments

Judge	Number of Appointments	Number of Attorneys Receiving Appointments
Doyle	192	55
Foster	124	46
Lovell	82	39
Pokorny	155	30
Strong	14	9
Yardley	160	53
Rouse	8	8
Total	735	79

When comparing who received County Court appointments with the “list” of attorneys eligible for court appointment (provided by the Lancaster County Clerk Magistrate), there were nineteen attorneys on the list who did not receive a County Court appointment in 2011, and nine attorneys who were not on the list, but received County Court appointments in 2011. This finding may suggest the need for a more systematic method in the implementation of the court appointment process.

Table 4: To what extent do appointments coincide with the “list” for County Court?

Number of Attorneys on the List Who Were Never Appointed	19
Number Appointed Who Were Not on the List	9

Indeed, the need for a more transparent court appointment process has been documented as a statewide issue.³ In November of 2011, the Nebraska Supreme Court and Nebraska State Bar Association established a Joint Ad-Hoc Committee on Court Appointments to develop statewide rules establishing an objective, transparent and systematic process of court appointments, to ensure effective counsel for those unable to afford an attorney. This Ad-Hoc Committee will conclude its work in 2012, at which time, Lancaster County’s Indigent Defense Advisory Committee should review any proposed rules and provide relevant feedback.

Collaboration on Felony Appointments: The majority of felony court appointments are made by the Lancaster County Court Judges but then many of these cases are bound over to the District Court. According to focus group interviews, there are some instances in which an attorney appointed by the County Court is removed by the District Court due to concerns about an attorney’s ability to provide effective representation. Or more commonly, the District Court bench will communicate with the County Court bench, discouraging future appointments of particular attorneys for certain felony matters. Stakeholders agreed with the recommendation that the District Court Judges should work with the County Court Judges on the development of a list of attorneys approved for appointment in felony cases.

Independence of Judiciary from the Court Appointed Process: Some court appointed attorneys suggested that the Judiciary should be removed from the court appointment process for varying reasons: 1) a perception among attorneys that if they appeal their bill, they will no longer get court appointments; 2) a perception among attorneys that if they work too hard (and submit too large of a bill) they will not continue to get court appointments; and 3) a perception among attorneys that some attorneys continually make certain placement recommendations (in an effort to please a judge), in order to continue receiving court appointments.

This recommendation is consistent with the first principle of the American Bar Association’s *Ten Principles of a Public Defense Delivery System*: “The public defense function, including the selection, funding, and payment of defense counsel is independent. The public defense function should be independent from political influence and subject to judicial supervision only in the same manner and to the same extent as retained counsel. To safeguard independence and to promote efficiency and quality of services, a nonpartisan board should oversee defender, assigned counsel, or contract systems. Removing oversight from the

³ *Report to the Nebraska Supreme Court on Indigent Defense Systems and Fee Structures*. (2006). Nebraska Minority Justice Committee.

judiciary ensures judicial independence from undue political pressures and is an important means of furthering the independence of public defense.”⁴

Nebraska’s statutory framework, however, clearly places the selection and payment of defense counsel as the responsibility of the Judiciary, thereby limiting Nebraska’s ability to fully comply with this principle (although some duties are occasionally delegated).

FEES AND COMPENSATION

Hourly Rates for Appointed Counsel: The District Court rate of \$75 per hour has been in place since 2005. The County Court rate of \$50 per hour has been in place since 1989. The Juvenile Court rate of \$65 per hour has been in place since 1998. There is strong consensus among appointed counsel, public defenders, prosecutors and judges that the current rates paid in Juvenile, County and District court are not adequate (e.g. attorneys appointed in County Court make as much as court interpreters per hour). Furthermore, practitioners noted that by making attorneys pay some costs out-of-pocket, the hourly rate is even lower than stated. Several practitioners argued that if the rates were improved, the pool of attorneys willing to take court appointments would improve.⁵ When asked, Judges, indicate that while low, the current rates have yielded a pool of competent attorneys willing to accept appointments. Given the current economic climate, it is not recommended that the hourly rate be increased at this time. However, if additional funding became available (e.g., if the state contribution towards indigent defense were increased), rates should be increased to a reasonable level.

In-Court vs. Out-of-Court Hourly Rates: Some jurisdictions utilize different rates for in-court vs. out-of-court attorney time (for example, \$70 for in-court time and \$50 for out-of-court time). There was some support for this concept among the Juvenile Court Judges, who perceive there to be an increased amount of out-of-court time for attorneys caused by privatization of the child welfare system. It was suggested that raising the hourly rate for in-court work and decreasing the hourly rate for out-of-court work could create substantial savings.

The National Legal Aid and Defender Association’s *Standards for the Administration of Assigned Counsel Systems* specifically states that, “Attorneys should be compensated at an hourly rate, with no distinction between rates for services performed in and outside of court.”⁶ Stakeholders suggested that the adoption of different rates for in-court vs. out-of-court work might motivate some attorneys to spend more time in court on matters that could be handled outside of the courtroom or to spend less time on out-of-court matters, thereby

⁴ American Bar Association. (2002) *Ten Principles of a Public Defense Delivery System*.

⁵ The assertion that hourly rates impact the pool of competent attorneys accepting appointments and the quality of work provided is supported by research by the Bureau of Justice Assistance (2000).

⁶ National Legal Aid and Defender Association. *Standards for the Administration of Assigned Counsel Systems: Standard 4.7.4 Method of Compensation*.

effecting the quality of representation. Given the consensus among stakeholders that the hourly rates currently paid in Lancaster County are not adequate, the Advisory Committee does not recommend adoption of an in-court vs. out-of-court rate.

Billing Guidelines: Currently, there are no clear guidelines (nor continuity from the County to District Courts) regarding the activities for which the courts will reimburse appointed counsel (travel time, wait time, etc.) and which ancillary services or costs (mileage, postage, court reporters, collect calls, interpreters, depositions, etc.) are reimbursable or require prior approval. Judges recognized that these “costs” billed by attorneys to the county are a small percentage of total costs (and are therefore not a target as a cost savings measure);⁷ however, Judges believe that providing guidelines (agreed upon by the County and District Judges) would be more fair to attorneys and may save judicial time in reviewing bills.⁸

Reviewing of Bills: Very few of the attorneys participating in focus group discussions had had their bills reduced by a judge. However, the perception exists that there are likely a few attorneys manufacturing bills/“milking the system.” Judges reported that bill reductions are typically in reaction to bills from new attorneys who are billing the court for their “learning curve,” or for obvious instances where attorneys spent more time than necessary. Juvenile court practitioners reported feeling that their bills are now more heavily scrutinized in juvenile court (e.g., the perception that three different staff members are reviewing each bill) and questioned whether these efforts were cost efficient. Juvenile court judges indicated that the different levels of bill review have been effective in identifying miscalculations and questionable charges.

Billing Software: Case management systems are being used by other jurisdictions to manage court appointments. The software allows attorneys to submit invoices electronically and allows the County to pay them electronically. The system would also provide greater uniformity to billing practices; reduce staff time spent on reviewing bills (the system would remove the potential for calculation errors, and could flag any duplicate billings or instances where fees appear high for particular types of cases); and improve court administrators’ ability to identify trends, project costs, and estimate the impact of policy changes. Currently, it is even difficult to identify the number and types of cases the County is being invoiced for each fiscal year for court appointed legal representation.

Justice Works, the company that built the Lancaster County Attorney and Lancaster County Public Defender’s Case Management Systems, provides this service. Justice Works could

⁷ For example, an analysis of FY 2011 District Court expenditures indicates that these “other/ancillary costs” comprise only 4% of total expenditures.

⁸ Billing guidelines were recently adopted for Lancaster County Juvenile Court. Practitioners expressed dissatisfaction with the way their new billing guidelines were communicated. Should the County and District Courts adopt guidelines, thought should be given to including appointed counsel in the development of the guidelines and/or how the guidelines will be communicated to the pool of attorneys accepting court appointments.

work with each level of court to build a system specific to Lancaster County's needs, assist with conversion of currently open cases, provide training, and provide an unrestricted number of installations with its license.

A preliminary estimate from Justice Works indicated that it would cost \$4,000 to build the system for Lancaster County. In year one, there would be a \$3 cost per case for converting active cases to the case management system. There would also be a \$3 cost per case for each new case filed (estimated at between 2,000 and 2,500 new cases per year, representing an ongoing cost to the County of between and \$6,000 and \$7,500 per year).⁹

Recommendations

1. Once available, the Lancaster County Indigent Defense Advisory Committee should review the Nebraska Supreme Court and Nebraska State Bar Association Joint Ad Hoc Committee's proposed rules for establishing an objective transparent and systematic appointment process.

Following that review, each court should establish a list of attorneys to be considered for appointment and a process by which names will be added or removed from the list. Once the lists are established, assignments should be made in an orderly way to avoid patronage or its appearance, and to assure the fair distribution of appointments among all attorneys deemed qualified and willing to accept appointments. Where the nature of the charges or other circumstances warrant, judges should appoint an attorney based on his or her special qualifications to serve in the case. That is, discretion should be used when it will protect the defendant's constitutional right to the effective assistance of counsel and when it is in the interest of the efficient administration of assignments.

In the interim, District Court Judges should provide feedback to the County Court Judges on establishing a list of attorneys approved for appointment in felony cases.

2. In an effort to improve transparency (rather than as a cost savings measure), the County and District Court Judges should develop billing guidelines (for continuity across their levels of court) regarding what activities (wait time, travel time, etc.) and what ancillary services or other costs (depositions, experts, etc.) the courts will reimburse for, or require prior approval for reimbursement. Billing guidance may also be used to encourage/provide guidance on the use of paralegals.

⁹ Douglas County is also considering case management/billing software. If Lancaster and Douglas County collectively approached Justice Works, the counties may be eligible for a price break on the cost per case that occurs when a jurisdiction reaches a certain amount of cases.

3. The current rates for court appointed counsel paid in Lancaster County Juvenile, County and District Court are not adequate. Given the current economic climate, it is not recommended that the hourly rate be increased at this time. However, if additional funding became available (e.g., if the state contribution towards indigent defense were increased), priority should be given to increase the rates to a reasonable level, as recommended by the Lancaster County Indigent Defense Advisory Committee.
4. It is not recommended that the County adopt an in-court vs. out-of-court rate for assigned counsel.
5. Lancaster County should acquire billing software for its appointed counsel system in order to allow for: electronic invoicing and payment, greater uniformity in billing practices; a reduction in staff time spent on reviewing bills; a reduction in the time that attorneys wait from submission to payment; and improvement of the courts' ability to identify trends, project costs, and estimate the impact of policy changes.¹⁰

¹⁰ Billing software can be built to comply with any billing guidelines that might be adopted (see Recommendation 2).

IV. OPTIONS FOR CONTROLLING THE FRONT GATES

Options discussed in this section attempt to identify ways to reduce the need for legal representation/court appointed counsel by improving indigence and eligibility determinations, clarifying the right to counsel for custodians, and diverting cases.

IMPROVED INDIGENCE AND ELIGIBILITY DETERMINATIONS

Determining Indigence: Stakeholders indicated that the “front gates” could be controlled by improved indigence determinations. Prosecutors and defense counsel indicated that the majority of judges do a good job of only appointing counsel in cases where there is a potential for jail time, but felt that there is no clear mechanism in place to make an informed decision about indigence, leading to the perception that a percentage of defendants who receive counsel would not “qualify” if standards were in place.

Many stakeholders recalled Lancaster County’s Indigency Screener Project (circa 2002), noting that there is a cost/benefit component to enhancing efforts to make informed indigence determinations (both the administrative costs of a formal system, and the increased time in court if judges were to apply additional effort to determining indigence).¹¹ While institutionalizing a formal screener position is not recommended, it is recommended that a form to assist with indigence determinations be piloted, relying on several simple questions that would automatically qualify someone as indigent (e.g., if they are receiving state aid, are at 125% of the federal poverty guidelines, etc.) or flag someone for further questioning by the Judge (see Appendix B).

Concerns have been voiced about how much additional court time it would take to implement even a brief indigence determination form. In discussions with the County Court Judges, dissemination and collection of the form could potentially be handled by the bailiff, but should be piloted in one courtroom first to assess the impact and identify any barriers to successful implementation. Questions have also been posed about implementation of the indigence determination form for in-custody defendants, and the need to coordinate implementation with jail staff.

In addition to better informing indigence determinations, the adoption of an indigence determination form may improve the County’s efforts to recoup fees in instances where it is later determined that a defendant has the means to pay for their representation (see Chapter V). Adoption of a uniform indigence determination form may also enhance trust and confidence in the courts by adding uniformity (judges asking the same questions of defendants) and transparency to this subjective process. Currently, County Court Judges are

¹¹ Neeley and Tomkins (2007). “Evaluating Court Processes for Determining Indigency.” *Court Review: The Journal of the American Judges Association*, 43.

appointing counsel at very different rates, from 11.2% to 26.1% (see Table below).

Table 5: County Court Appointments by Judge

Judge	Felony	County Misdemeanor	City Misdemeanor	Total Number of Appointments	Percentage of Total Appointments
Doyle	76	19	97	192	26.1%
Foster	67	15	42	124	16.9%
Lovell	44	9	29	82	11.2%
Pokorny	13	130	12	155	21.1%
Strong	1	0	13	14	1.9%
Yardley	68	23	69	160	21.8%
Rouse	2	1	5	8	1.1%
Total	271	197	267	735	
Percentage	36.9%	26.8%	36.3%		100%

It is difficult to estimate the impact that improved indigence determinations will have on the number of court appointments (because we do not currently know at what rate defendants in Lancaster County who request court appointed counsel receive it). Prior national research estimates that 90% of people who apply for indigence status are found to be indigent.¹² Based on FY 2011 statistics, if 10% of those receiving court appointed attorneys were instead found ineligible, it would represent approximately \$48,000 in savings across the county and district court).¹³

Requesting Jail Time: County Court Judges indicated that their ability to make determinations regarding court appointed counsel would be improved if city prosecutors knew at the time of arraignment whether or not they would be asking for jail time. When this option was discussed with the City Prosecutor’s Office it was explained that the decision of whether or not to request jail time is not always made by the time of arraignment because often the charging attorney is different than the attorney who ultimately prosecutes the case. However, the City Prosecutor’s office indicated that by having the criminal history available at the time of review and by adopting a form to indicate the likelihood of jail time (e.g., three options: jail time likely, jail time a possibility, and no jail time) their office could prompt prosecutors to have these decisions ready at the time of arraignment. Judges would not appoint counsel if jail time is not likely (understanding that if circumstances change, counsel could be provided at a later date).

Jail Sentences/Waiverable Offenses: When an offense carries the possibility of jail time, the right to a court appointed attorney is triggered. Some jurisdictions have reviewed low-level

¹² National Center for State Courts, 2007 and Washington Office of Public Defense (2007).

¹³ The Lancaster County Juvenile Court utilizes a form to assess indigence in 3(a) parent representation and for representation in law violations and 3(b) cases.

misdemeanor crimes and city infractions to reconsider whether jail time is still an appropriate penalty.¹⁴ Other jurisdictions have examined these low level offenses and opted to make them waivable. Specific crimes identified during these discussions included: leaving the scene of an accident, maintaining a disorderly house, minor in possession, open container in public, trespassing, unsightly furniture on porch, dog at large, and loud party.

Among defense counsel there is support for examining whether certain offenses should be reviewed to determine if they could be made waivable or whether they should be punishable by jail time. Defense counsel indicated that two important considerations should inform this process: 1) whether these offenses are enhance-able or non-enhance-able; and 2) whether or not these offenses have collateral consequences about which defendants need to be advised. The City Prosecutor's Office indicated that with many of these low level offenses, jail time is very unlikely and so counsel should perhaps not be appointed in the first place.

These discussions prompted the question of whether the municipal code could be re-written so that jail time would not be a possible sanction. Under this scenario, if a charge was filed by the city prosecutor there would not be a possibility for jail time, and counsel would not be appointed. If the charge was filed by the county attorney and jail time was a possibility, counsel would be appointed if the defendant was determined indigent. The legality of this concept, however, is not clear.

Right to Counsel for Non-Custodial Parents and Parents Against Whom There are No Allegations Made: Nebraska statutes are unclear about whether there is a right to counsel for non-custodial parents in abuse and neglect cases or parents against whom no allegations are made in the petition. More specifically, Neb. Rev. Stat §43-279.01 states that "(1) When the petition alleges the juvenile to be within the provisions of subdivision (3)(a) of section 43-247 or when termination of parental rights is sought pursuant to subdivision (6) or (7) of section 43-247 and the parent or custodian appears with or without counsel, the court shall inform the parties of the: (a) Nature of the proceedings and the possible consequences or dispositions pursuant to sections 43-284, 43-285, and 43-288 to 43-295; (b) Right to engage counsel of their choice at their own expense or to have counsel appointed if unable to afford to hire a lawyer;" And Neb. Rev. Stat §43-245 indicates that: (14) Parent means one or both parents or a stepparent when such stepparent is married to the custodial parent as of the filing of the petition; (15) Parties means the juvenile as described in section 43-247 and his or her parent, guardian, or custodian." Stakeholders questioned whether a statutory change should be explored to clarify whether (or under what circumstances) non-custodial parents have a right to a court appointed attorney or if someone is not the "father" but the mother's boyfriend and there are allegations made against that person as a custodian of the child or children. For example, should counsel be appointed for an alleged parent when paternity has

¹⁴ National Association of Criminal Defense Lawyers. (2009). *Minor Crimes, Massive Waste: The Terrible Toll of America's Broken Misdemeanor Courts*.

not been established? Should counsel be appointed when there are no allegations against the parent (non-custodial or otherwise)? It is estimated that this type of appointment occurs in approximately 250+ cases per year. If statutory clarification reduced the need for these types of appointments in even half of those cases, it is estimated that this legislative change could save the County approximately \$148,875 (125 fewer appointments * \$1,191 average expense in parent representation over the life of the case in 3(a) cases = \$148,875).

3b/Ungovernable Cases: In addition to cases assigned to the Lancaster County Public Defender and private contractors, Lancaster County spent \$23,679.90 on appointed counsel for 3(b) cases (\$16,631.15 in attorney representation and \$7,048.75 in GAL representation). While the statute is clear that counsel should be provided in these cases (Neb. Rev. Stat. §43-279), several stakeholders questioned whether a statutory change should be explored to exclude these cases from being eligible for court-appointed counsel.

Table 6: Number of 3(b) filings from 2001-2011

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Percentage Increase
107	94	153	177	180	147	206	309	226	304	469	338%

Many stakeholders voiced opposition to this proposal because although considered less serious than a law violation, status offenders can receive placements outside the home and in staff secure settings (in fact by removing the right to counsel in these cases, the County could potentially see increased costs for out-of-home and staff secure placements). Moreover, "ungovernable" cases are typically filed by request of the parent, presenting at the outset, a situation where the parent and juvenile are at conflict, making it fundamentally unfair to deprive a juvenile of an advocate in those type cases. It is therefore, not recommended that the County explore this type of statutory change.

The number of truancy filings has increased drastically in recent years due to a law change requiring schools to refer youth with 20 absences to the County Attorney.¹⁵ Some stakeholders suggested that rather than denying counsel in these cases, more could be done to screen out (e.g., in instances where youth reach 20 absences due to documented health reasons) or divert cases,¹⁶ so that attention could be focused on cases where absenteeism truly requires court involvement.

¹⁵ LB 800 (2010).

¹⁶ The Lancaster County Attorney's Office indicated that they are currently exploring diversion options for truancy cases.

DIVERTING CASES

Increasing Pretrial Diversion: Over the past four years, admissions to adult pretrial diversion have decreased by 14.4% and have decreased by 20.8% for juvenile diversion. When asked about the decreased use of diversion, the Lancaster County Attorney's Office indicated that the diversion assessment process that was recently established at the juvenile court level has decreased juvenile diversion by screening out youth with risk scores so low, that diversion was not necessary.

Table 7 Admissions to Pretrial Diversion

	2008	2009	2010	2011	Percent Change
Adult	2,034	1,941	1,652	1,742	-14.4%
Juvenile	891	762	680	705	-20.8%

Stakeholders uniformly agree that Lancaster County offers strong diversion programming. Cases that are offered pre-trial diversion do not require legal representation (either a public defender or appointed counsel). Stakeholders urged the Lancaster County Attorney's Office to expand diversion opportunities by considering the following:

- The minimum financial limit of \$10,000 in restitution was set years ago and should be adjusted for inflation.¹⁷
- The current approach to diversion is "one bite at the apple". Several stakeholders urged consideration of any/all of the following:
 - allowing diversion once at the misdemeanor level and once at the felony level (as was the former policy of the Lancaster County Attorney's Office);¹⁸
 - allowing diversion a second time if sufficient time had passed and if the category of offense is different.
- Most non-violent offenses should be considered for diversion.
- Mental health and truancy diversion options should be developed.¹⁹

If 100 more cases were diverted per year at the juvenile and adult levels, this would represent approximately \$56,000 in savings for the county. Approximately \$26,000 in attorney fees at the juvenile court level (the typical juvenile law violation case takes 4 hours of attorney time * \$65 per hour * 100 cases = \$26,000) and approximately \$30,000 in attorney fees at the county court level (the typical county filed misdemeanor requires 6 hours of attorney time * \$50 per hour * 100 cases = \$30,000).

DUI Diversion: Several stakeholders indicated that a DUI diversion program would save the County considerable resources (not only in reduced costs for legal representation but diversion would result in fewer jury trials, leading to additional cost savings and system

¹⁷ The Lancaster County Attorney's Office indicated that the current rate is reasonable, citing the fact that Douglas County's financial limit for diversion is only \$6,000.

¹⁸ It is estimated that 80% of juvenile diversion programs allow youth to participate in diversion more than once.

¹⁹ Representatives from the Lancaster County Attorney's Office indicated that they are currently exploring the possibility of truancy diversion.

efficiencies). Unfortunately, this type of diversion program is now prohibited by law.²⁰ Many stakeholders described the success of Sarpy County's DUI diversion program (which was grandfathered in and was therefore not dissolved by the statutory change), heralding its effectiveness and ability to achieve cost-savings for the County.

Supporting Community Mental Health Resources: The majority of justice system stakeholders agree that a decrease in community mental health services will directly lead to an increase in juvenile and criminal justice system filings.²¹ It is therefore recommended that Lancaster County support mental health resources in the community as a way to decrease (or prevent an increase) in justice system filings.

Recommendations

1. A form to assist with indigence determinations should be piloted, relying on several simple questions that would automatically qualify someone as indigent (e.g., if they are receiving state aid, or are at 125% of the federal poverty guidelines, etc.) or flag someone for further questioning by the Judge. In County Court, the form would be disseminated by the bailiff (or County Corrections for in-custody defendants participating in video arraignments) and filled out, signed and sworn to by the defendant. In addition to better informing indigence determinations, the adoption of an indigence determination form may enhance trust and confidence in the courts by adding uniformity (judges asking the same questions of defendants) and transparency to this subjective process and may improve the County's efforts to recoup fees when appropriate. Implementation of the form should be piloted in one courtroom initially, to assess the impact and identify any barriers to successful implementation (thought will also need to be given regarding in-custody defendants).
2. The City Prosecutor's Office should adopt a process by which criminal history is available at the time of initial review and charging and adopt a form to prompt prosecutors to indicate the likelihood of jail time (jail time likely, jail time a possibility, and no jail time) so that the decision about whether to request jail time is ready at the time of arraignment. Judges would not appoint on cases where jail time is not likely (with the understanding that if circumstances change, appointment of counsel could be reassessed).
3. The County should explore a statutory change to clarify whether (or under what

²⁰ Neb. Rev. Stat §29-3604.

²¹ Research has established a link between mental health resources and the criminal/juvenile justice system involvement. See Grisso, Thomas (June, 2007). "Progress and Perils in the Juvenile Justice and Mental Health Movement." *American Academy of Psychiatric Law* 35:2:158-167. Indiana State Bar Association Civil Rights of Children Committee (2004). *Official Report and Recommendations Children, Mental Health and the Law Summit*. Kutcher, Stanley and Ainslie McDougall. (2009). "Problems with access to adolescent mental health care can lead to dealings with the criminal justice system." *Pediatric Child Health*, 14(1): 15-18.

circumstances) non-custodial parents, parents against whom there are no allegations filed, or even custodians of children who have no legal relationship to the children should have a right to a court appointed attorney.²²

4. The County should ask the Nebraska Legislature and the Lincoln City Council to study the penalties for low-level misdemeanor crimes and city ordinance violations to determine whether jail time is a necessary penalty to protect public safety, or if the offense could effectively be addressed as a waivable offense or by a fine.
5. The Lancaster County Attorney's Office is encouraged to expand diversion opportunities by considering the following:
 - The minimum financial limit of \$10,000 in restitution was set years ago and should be adjusted for inflation.
 - The current approach to diversion is "one bite at the apple". Based on stakeholder feedback it is recommended that the County Attorney's Office consider the following:
 - Allow diversion once at the misdemeanor level and once at the felony level (as was the former policy of the Lancaster County Attorney's Office);
 - Allow diversion a second time if sufficient time had passed and if the category of offense is different.
 - Expand eligibility so that most non-violent offenses are considered.
 - Mental health diversion and truancy diversion should be established.
6. The Lancaster County Board should examine the utility/feasibility of asking the Nebraska Legislature to revise Neb. Rev. Stat. § 29-3604 to allow counties (other than Sarpy) to offer DUI diversion as a way to both enhance public safety and provide substantial cost savings for the County.
7. Lancaster County should support community mental health resources as a way to reduce justice system filings.

²² It is estimated that these type of appointments occur in approximately 250+ cases per year.

V. OPTIONS FOR ALTERNATE FUNDING STREAMS

Recoupment and Application Fees

Since the 1990s, many states have tried to trim their criminal defense budgets by shifting the costs of such services back to the consumers: indigent criminal defendants. Today, cost recovery mechanisms take two primary forms: (1) recoupment, a court order imposed at the conclusion of a case for the defendant to pay an amount reflecting the actual cost of attorney's fees, and (2) contribution (sometimes referred to as "application fees," "co-pays," "user fees," or "administrative" or "registration" fees), a fixed sum imposed at the time of appointment.²³

Recoupment

"Recoupment" means that the defendant, respondent, or some responsible person is ordered at the termination of the court proceedings to repay the County for the representation that was provided. In Lancaster County this happens only occasionally, when it has been determined that a defendant, who was appointed counsel, actually has the means to pay for their representation.

While all of the Lancaster County stakeholders could recall instances of a defendant receiving court appointed counsel when it was likely that they would be able to pay, recoupment occurs only occasionally because: 1) no system stakeholder is actively looking for these cases; and 2) there is no clear mechanism in place for initiating the process when it does come to light -- neither judges, prosecutors, public defenders nor appointed counsel feel that it is appropriate for them to initiate this process (for example, it would be unethical for prosecutors to deny a defendant of their right to counsel, it would be inappropriate for public defenders/appointed counsel to either inform the court or initiate a recoupment process given their attorney/client relationship, etc.).

Recoupment, by definition, should not be sought until the conclusion of the case and should not exceed the amount spent by the County to provide representation. Information indicating that a defendant may have the means to pay typically comes to light from the pre-sentence investigations conducted by probation. When information regarding the ability to pay comes to light, a process to initiate recoupment should be in place. It has been suggested that at the conclusion of the case, civil attorneys from the Lancaster County Attorney's Office could seek recoupment from the judge. Or that judges themselves could order recoupment.

The Committee is not suggesting that administrative time be devoted to "seeking out" defendants with the ability to pay, as the savings created by recouped costs must be weighed

²³ Wright, Ronald F. and Logan, Wayne A., "The Political Economy of Up-Front Fees for Indigent Criminal Defense." *William & Mary Law Review*, Vol. 47, 2006; FSU College of Law, Public Law Research Paper No. 237; Wake Forest Univ. Legal Studies Paper No. 05-19; William Mitchell Legal Studies Research Paper No. 27. Available at SSRN: <http://ssrn.com/abstract=805426>

against the increase in administrative time. However, a mechanism should be in place to recoup costs when appropriate. As is discussed in previous chapters, the need to recoup the costs of legal representation will likely be diminished by improving the indigency determination process on the front end. Additionally, the adoption of an eligibility form whereby defendants swear to their financial status will provide grounds for recovering costs, when documentation of adequate resources comes to light.

• **Application Fees**

Currently, laws in many U.S. jurisdictions authorize or compel judges to impose a fee on indigent criminal defendants who seek appointed counsel. The laws condition appointment of counsel on payment of a fee, in amounts ranging from approximately \$10 to \$500. Depending on statutory specifics, the fee is collected by the court, or the public defender or other entity that screens defendants for counsel eligibility. Consistent with accepted constitutional limits, none of the application fee provisions permit counsel to be denied if a defendant fails to pay the required fee, and the great majority of states allow trial judges to waive fees when a defendant is unable to pay.²⁴

States are also free, however, to condition appointment of counsel on future payment of the application fee and to inform defendants how collection of that fee will happen. In Delaware, for instance, a defendant who is unable to pay the prescribed \$50 fee must report to the Commissioner of Corrections for directions on how to discharge the amount by means of work.²⁵ In Minnesota, the fee is subject to the Revenue Recapture Act, allowing the state to garnish wages, seize property, file adverse credit bureau reports, and impound vehicles.²⁶ Other coercive collection techniques include both the threatened revocation of probation and the possibility of sentence enhancement in the event of nonpayment.²⁷

The adoption of application fees is often controversial. In focus group discussions, Lancaster County justice system stakeholders were divided on the issue, identifying the reasons most cited by the literature nationally.²⁸ Opponents of the application fee argued that:

- The application fee would have a chilling effect on the right to counsel—that the imposition of a fee will discourage some from seeking court appointed counsel, thereby increasing the number of defendants/juveniles proceeding without counsel (which arguably makes the judicial system less efficient and is not in the interest of the fair administration of justice).
- The total revenue that could be recovered under such a program would be negligible, particularly if additional administrative costs are necessary to assess indigence and

²⁴ *Supra*, note 23.

²⁵ DEL. CODE ANN. tit. 29, § 4607.

²⁶ MINN. STAT. § 270.A.03.

²⁷ Southern Center for Human Rights, *“If You Cannot Afford a Lawyer...”: A Report on Georgia’s Failed Indigent Defense System*, 41-42 (2003).

²⁸ *Supra*, note 23.

- collect revenue.
- The perception that defendants are already being “nickel and dimed” with other court costs, probation fees, etc. Stakeholders would prefer that the defendant could pay the required fees or restitution.
 - The perception that if fees were in place, that they would constantly be waived, thereby not generating the revenues that would be expected.
 - Establishing an application fee would require a statutory change, and therefore the debate on application fees would become a statewide rather than countywide issue.

Proponents of the application fee argued that:

- As long as there is a waiver provision for those who clearly cannot afford the fee, there will be no chilling effect on the right to counsel.
- Although the majority of clients could not afford an attorney, a substantial percentage could likely partially contribute to their representation.
- The application fee may generate substantial sums and should be explored.
- Clients may be more invested in the process if they are contributing to the cost of their representation (and allay the unfounded fear that he or she is not being provided with a “real lawyer”).

Research by the Spangenberg Group (2002) on the effectiveness of application fees as a revenue source for indigent defense has produced mixed results. Of the 28 jurisdictions reviewed, those programs which had data on fee collection rates reported collection rates from only 6 to 20%, suggesting, that “application fees should not be implemented with the expectation that the revenue they produce will be a panacea for indigent defense underfunding problems.”²⁹

The State’s Contribution to Indigent Defense

Nebraska assesses an “indigent defense fee” as part of the court-filing fee through Neb. Rev. Statue §33-156, which requires that \$3 on each case filed be remitted to the State Treasurer and credited to the Nebraska Commission on Public Advocacy Operations Cash Fund. The Nebraska Commission on Public Advocacy was created in 1995, pursuant to LB 646, to provide property tax relief to counties by having the state pay the majority of the legal costs for indigent defendants, including juveniles, who are charged with first-degree murder, violent felonies and drug offenses, at trial, on direct appeal, and in post-conviction actions.³⁰ The Commission is court appointed in counties that have no public defender, that have a conflict in their public defender office, or in counties needing assistance in representation. Counties pay nothing for legal services and related expenses when the Commission is appointed which, in turn, results in property tax relief to such counties. It is estimated that in 2010, the Commission on Public Advocacy saved over \$7,500,000 in local property tax dollars

²⁹ The Spangenberg Group (2002). *Public Defender Application Fees: 2011 Update*. Prepared on behalf of the American Bar Association at page 31.

³⁰ *The 2010/2011 Annual Report of the Nebraska Commission on Public Advocacy*.

on murder cases alone and approximately \$1,100,00 in fees and expenses for representation in serious violent and/or drug related felonies.³¹ The Commission on Public Advocacy is certainly a valuable asset for counties (including Lancaster) and should continue to be supported.

Funding for the Nebraska Commission on Public Advocacy is currently the only state contribution towards indigent defense (estimated at 5% of all funds spent on indigent defense statewide). Compared to other states, the state of Nebraska contributes very little to indigent defense. Nationally, there are 25 states whose indigent defense systems are 100% funded by the state, 5 states receive more than 50% of their funding from the state, 2 states are 100% county funded, and 18 states are more than 50% county funded (including Nebraska).³²

Table 8: 2008 State and County Expenditures on Indigent Defense

100% State Funded	More than 50% State Funded	100% County Funded	More than 50% County Funded
25 States	5 States	2 States	18 States

In fact, there are only 4 states where the state contribution to indigent defense is less than Nebraska's: Utah (0%) and Pennsylvania (0%) which are 100% county-funded systems, and Arizona (1%), and Nevada (0.7%).³³

Table 9: Rank of the 18 States Where the State Contribution to Indigent Defense is Less than 50%

State	Percent State Funding	Rank of State Contribution in states that are primarily County Funded
Arizona	1%	17
California	10.3%	11
Georgia	37.2%	2
Idaho	11.4%	10
Illinois	19.7%	7
Indiana	23.6%	6
Kentucky	5.2%	15
Louisiana	33.7%	3
Michigan	7.6%	14
Minnesota	9.5%	12
Mississippi	28.8%	5
Nebraska	5.0%	16
Nevada	.7%	18
New York	37.3%	1
Ohio	32.5%	4
South Dakota	9.1%	13
Texas	12.3%	9
Washington	19.7%	8

³¹ Id.

³² The Spangenberg Group (2002). *Public Defender Application Fees: 2011 Update*. Prepared on behalf of the American Bar Association.

³³ Id.

For future consideration, counties should protect and seek to expand the state contribution to indigent defense, either by expanding the work of the Commission on Public Advocacy, or by taking on other funding obligations (for example there have been prior legislative bills granting the state of Nebraska oversight and financial responsibility of providing GAL representation for the child welfare system),³⁴ or by exploring an addition to the existing “indigent defense fee” to be reimbursed to counties in support of indigent defense (discussed below).

Filing Fees

A statutory revision that would add to the “Indigent Defense Fee” currently collected as part of the court filing fee,³⁵ to be reimbursed to counties as a state contribution to the cost of indigent defense, would generate substantial revenue for indigent defense per year in Lancaster County (see estimates in the Table below).³⁶ In fact, a provision for reimbursing counties for indigent defense expenditures for felony representation already exists in Neb. Rev. Stat. §29-3933.

Table 10: Lancaster County Estimated Revenue from an Addition to the Court Filing

Court	2010 Filings	\$1	\$2	\$3	\$4	\$5
District	6,763	\$6,763	\$13,526	\$20,289	\$27,052	\$33,815
County	65,793	\$65,793	\$131,586	\$197,379	\$263,172	\$328,965
Juvenile	1,610	\$1,610	\$3,220	\$4,830	\$6,440	\$8,050
Total	74,166	\$74,166	\$148,332	\$222,498	\$296,664	\$370,830

Of these 74,166 total filings it is estimated that in 14,506 of these cases the fees were waived (19.5%). When waived for the defendant, the non-waiverable fees then become a county or city expense. County waived fees occurred in approximately 10,307 cases (13.9%) (1,610 juvenile cases, 5,295 county court cases, and 3,402 district court cases). City waived fees occurred in approximately 4,199 cases (5.6%). The table below estimates the revenue for Lancaster County based on a filing fee increase, after taking into account what the county would pay for covering these non-waiverable fees.

³⁴ LB 1099 (2012) makes the financial responsibility of juvenile representation the responsibility of the state rather than the county.

³⁵ Neb. Rev. Stat. §33-156.

³⁶ The estimates in the table are low-ball estimates. The indigent defense fee is also assessed on cases filed with the Supreme Court and Court of Appeals and many civil cases, which are not included in the table. For a complete list see: <http://court.nol.org/community/fees.shtml>. Filings provided by the Administrative Office of the Courts Annual Caseload Reports available: <http://www.supremecourt.ne.gov/community/adminreports/2010caseloadreportAllCourts/10-caseload.shtml>

**Table 11: Lancaster County Estimated Revenue from an Addition to the Court Filing:
Accounting for the Impact of Non-Waiverable Fees**

Court	2010 Filings	\$1	\$2	\$3	\$4	\$5
Potential Revenue	74,166	\$74,166	\$148,332	\$222,498	\$296,664	\$370,830
County Waived Fees	10,307	\$10,307	\$20,614	\$30,921	\$41,228	\$51,535
City Waived Fees	4,199	\$4,199	\$8,398	\$12,597	\$16,796	\$20,995
Net	--	\$59,660	\$119,320	\$178,980	\$238,640	\$298,300

Recommendations

1. Establish a clear process for recoupment when it is determined that a defendant has the means to pay for their legal representation.
2. Counties should protect and, when opportunities present themselves, support the expansion of the state contribution toward indigent defense (including the services of the Commission on Public Advocacy).
3. It is not recommended that the County adopt an application fee for indigent defense services.
4. Counties should explore an addition to the existing “indigent defense fee” (currently collected as part of the court-filing fee), to be reimbursed to counties as a state contribution to the cost of indigent defense (See Neb. Rev. Stat. §33-156 and § 29-3933.). An addition to the filing fee is a more attractive option than an application fee because it is assessed on every case filed, negating the need for an administrative process to determine ability to pay, and a collection process in order to collect.

VI. LEGAL SERVICE DELIVERY OPTIONS

The Indigent Defense Advisory Committee explored the following service delivery options at the adult level:

- Expanding the Lancaster County Public Defender Office
- Establishing a Felony Conflict Office
- Contracts for Civil Cases

The Committee explored the following service delivery options at the juvenile level:

- Expanding the current contract with Legal Aid of Nebraska
- Establishing an Office of Guardian ad Litem
- Exploring a contract system for 3(a) parent representation

Expand the Lancaster County Public Defender Office

One alternative legal service delivery option would be to expand the Lancaster County Public Defender's Office. That, however, is not advisable in this situation. By way of background, the majority of court appointments in the District and County Courts occur because the Lancaster County Public Defender's Office has a conflict and cannot ethically provide representation to the defendant. The Lancaster County Public Defender Office also "conflicts" out of cases when attorneys have reached the caseload maximums adopted in 2008.³⁷ The table below presents the number of conflicts and caseload standard overages that the office has had from FY 2007-2011. The number of caseload overages is minimal and does not warrant additional resources. Moreover, adding attorneys to the Lancaster County Public Defender Office will not reduce the number of ethical conflicts declared by the office and therefore adding attorneys to the Office would not reduce court appointments.

³⁷ Neeley, Elizabeth. (2008). *Lancaster County Public Defender Workload Assessment*. Available online at: [http://ppc.nebraska.edu/userfiles/file/Documents/projects/Public Defender/Public Defender Workload Assessment.pdf](http://ppc.nebraska.edu/userfiles/file/Documents/projects/Public%20Defender/Public%20Defender%20Workload%20Assessment.pdf)

**Table 11: Lancaster County Public Defender's Office
Conflicts and Caseload Standard Overages FY07-FY11**

	FY07	FY 08	FY09	FY 10	FY 11
Felony Conflict	318	326	363	386	399
Felony Overage	0	1	30	2	63
Total Felony	318	327	393	388	462
Misdemeanor Conflict	511	557	501	522	592
Misdemeanor Overage	0	0	273	161	15
Total Misdemeanor	511	557	774	683	607
Juvenile Conflict	193	213	187	166	155
Juvenile Overage ³⁸	0	19	42	35	16
Total Juvenile	193	232	226	201	171
All Other	30	39	46	38	33
Total	1,052	1,155	1,448	1,310	1,273

Establish a Felony Conflict Office

A second alternative legal service delivery model would be to establish a conflict defender office for felony representation. To determine the cost efficiency of such an office, a number of estimates were produced. (Estimates for misdemeanor level attorneys were not calculated because the caseload does not merit a full-time attorney).

Estimates for a felony conflict office were developed for an office with 1 Director Attorney and 1 Staff Attorney (both at the Attorney II classification which requires 5 years of experience) and one paralegal and one client support worker. Salary ranges for staff were based upon the Lancaster County Public Defender salary schedule. For the attorney positions, a 1.5% salary increase was assumed for each year. For support staff positions, we used the Lancaster County salary step increase. Fringe and benefits were figured at the maximum using a 32% figure. The budget assumed that office space could be rented from the City/County Public Building Commission at \$10.50 per sq. ft. One-time furniture and equipment purchases to open the office and to add staff were not included in the budget. The Lancaster County Public Defender's caseload standards were applied. The caseload limit for an office this size would be set at 275 new cases per year (the following year it would be anticipated that along with 275 new cases the office would handle approximately 206 pending cases). Year one expenses are calculated at \$356,567. (The full calculations for this Conflict Office are presented in Appendix C).

³⁸ As discussed in the following chapter, the number of juvenile cases in which the Lancaster County Public Defender Office declares a conflict due to case overload, is not entirely accurate due to the need for an improved communication mechanism between the Juvenile Court and the Lancaster County Public Defender Office.

Is establishing a felony conflict office a cost effective alternative? Based on the distribution of felony cases for FY 2011, we would expect that of 275 felony appointments, 130 would be handled by the County Court and 145 will be handled at the District Court level. On average, felonies at the County Court level cost, on average, \$232 per case. At the district court level, felonies on average cost \$1,229 per case. The cost for assigning these felonies to privately assigned counsel would be approximately \$208,365 compared to \$356,567 for a felony conflict office (in year 1).

Table 12: Difference between Privately Assigned Felonies and a Felony Conflict Office in Year 1

	Privately Assigned Counsel	Conflict Office in Year 1
275 Cases		
County Court (130 *\$232)	\$30,160	--
District Court (145* \$1,229)	\$178,205	--
Total	\$208,365	\$356,567

A conflict office would become more cost effective in year two, because in addition to the 275 new cases per year, it could also handle around 206 pending cases.

Table 13: Difference between Privately Assigned Felonies and a Felony Conflict Office in Year 2

	Privately Assigned Counsel	Conflict Office in Year 2
481 Cases		
County Court (236 *\$232)	\$54,752	--
District Court (245* \$1,229)	\$301,105	--
Total	\$355,857	\$356,567

While the costs are comparable to the appointed counsel system, the costs of a felony conflict office would likely grow over time with salary increases. Establishing a felony conflict office should remain an option for future consideration (especially if further review would adjust the budget assumptions presented in Appendix C). The adoption of billing software (see Chapter III) would assist in making more accurate budget predictions, and it is therefore recommended that a decision to establish a conflict office be delayed until billing software can help inform budget estimates.

Contracts for Civil Cases

The District Court currently has a contract with the firm, Demars Gordon Olson and Zalewski, for child support cases in District Court (spending approximately \$145.35 per case). While the child support contract is not an “apples to apples” comparison to other civil cases in District Court (which on average cost \$675.34 per case), other contracts for civil representation could be explored, although they would not likely represent a substantial cost savings for the County, given that only \$47,274.06 total was spent on civil representation in the District Court. More specifically, the District Court spent \$23,754.50 in attorney costs and \$12,892 in GAL costs. Separated by case type, \$17,020.75 was spent on paternity cases, \$9,208.25 was spent on divorce cases, and \$10,417.50 was spent on other case types. If

expansion of the Demars Gordon contract or an additional contract for civil cases were developed, those contracts would need to be set at a more cost effective rate than the current costs per case (provided below).

Table 14: District Court Cost Per Case by Attorney of GAL

	Attorney Cases	GAL Cases
Civil Cases	48	22
Costs in Attorney/GAL Fees	\$23,754.50	\$12,892
Cost Per Case	\$494.86	\$586

Table 15: District Court Costs Per Case by Type of Civil Case

	Paternity	Divorce	Other
Civil Cases	31	28	11
Costs in Attorney/GAL Fees	\$17,020.75	\$9,208.25	\$10,417.50
Cost Per Case	\$549.05	\$328.87	\$947.05

Establish an Office of Guardian Ad Litem

In 2008, the National Association of Counsel for Children (NACC) conducted an assessment of the quality of legal representation provided by Nebraska’s child welfare system.³⁹ Their report indicated that because of its ability to provide economies of scale; ensure appropriate training and supervision; develop units of expertise in sub-specialties; offer interdisciplinary services; and provide programmatic accountability to the court, other stakeholders, and the public, establishing a Child Welfare Law Office (CWLO) is generally considered a superior legal service delivery model to an assigned counsel system.

According to the NACC, two extraordinarily successful examples of CWLOs are the Legal Aid Society’s Juvenile Rights Practice (in New York City) and the Children’s Law Center of Los Angeles. Each agency is a 501(c)(3) non-profit organization and has a contract with the court system to be the primary source of court appointed attorneys for children in dependency matters. Unless there is a conflict of interest, the court will appoint the CWLO for every child; the CWLO in turn has its own system of individual case assignment to its staff attorneys. Staff attorneys are provided a salary and other standard employment benefits. They participate in organized, regularized training programs before being assigned their first cases and ongoing, advanced trainings are offered (and sometimes required) as a matter of course. Formal supervision is provided to new attorneys, and ad hoc supervision is available to all attorneys regardless of experience level. A sample budget to establish an Office of Guardian ad Litem was developed for Lancaster County with feedback from the National Association for the Counsel of Children (see Appendix D).

³⁹ Pitchal, Erik, Madelyn D. Freundlich and Corene Kendrick. (2009). *Evaluation of the Guardian ad Litem System in Nebraska*. National Association for the Counsel of Children.

Caseload limits were set at 100 new cases per attorney the first year, and 50 new cases with 100 pending cases thereafter.⁴⁰ The budget is based on an office that would start with one Director and a Staff Attorney and adding one Staff Attorney every year over the next four years. Salary ranges for staff were based upon a modified version of the salary system for Legal Aid of Nebraska.

Table 16: Five Year Cost and Caseload for an Office of Guardian Ad Litem

	Year 1	Year 2	Year 3	Year 4	Year 5
Cost	\$255,374	\$366,165	\$466,804	\$540,766	\$656,797
Number of Attorneys	2	3	4	5	6
Number of New Cases	300	200	250	300	350
Number of Pending Cases		200	300	400	500
Number of Total Cases	300	400	550	700	850
Cost Per Case	\$851.25	\$915.41	\$848.735	\$772.523	\$772.70

According to currently available data, the cost per 3(a) case per year, per attorney is \$794.60. By year four, it appears that establishing an Office of Guardian ad Litem may be a cost effective alternative. Establishing an Office of the Guardian Ad Litem should remain an option for future consideration (especially if further review would adjust the budget assumptions presented in Appendix D). The adoption of billing software (see Chapter III) would assist in making more accurate budget predictions, and it is therefore recommended that a decision to establish an Office of Guardian Ad Litem be delayed until billing software can help inform budget estimates.

o **Expand the Contract with Legal Aid of Nebraska**

Although technically not a CLWO, Legal Aid is a non-profit currently providing juvenile legal representation by contract in Lancaster County Juvenile Court. On average, Lancaster County files 382 new 3(a) appointments per year. Legal Aid of Nebraska currently accepts 133 3(a) appointments per year and is willing to expand to accept 266 new appointments per year.

To be cost effective, an expansion of the Contract with Legal Aid would need to be done at a rate at least comparable to the costs of the assigned counsel system or lower. Juvenile Court Judges are pleased with the quality of representation provided by Legal Aid of Nebraska in child welfare cases, and feel that high quality representation provided under a non-profit model, has other intangible benefits to the system (such as reaching resolution quicker in the case).

⁴⁰ In February of 2012, the Nebraska Supreme Court put out for comment, a proposed rule which would limit the number of juveniles who can be represented by a guardian ad litem in all juvenile court proceedings at any one time to 60. The comment period is open until June 1, 2012. If this caseload standard was adopted, it would have a great impact on the cost/benefit analysis of an Office of Guardian ad Litem.

① Establish a Contract System for 3(a) Parent Representation

For-profit contracts for 3(a) representation were ended in Lancaster County Juvenile Court in 2010. In 2009, the National Association for the Counsel of Children (NACC) conducted an analysis of the legal representation provided in Nebraska's child welfare system. The report strongly criticized the contract system noting that the inherent flaw with these types of contracts is that the every time an attorney does more than the minimum required for their client, it affects their bottom line. In short, there is a financial disincentive to zealously represent the client, and children in the welfare system are the least likely to be able to complain about the quality of representation that they are receiving. As articulated in the NACC report "[Under the contract system], it was becoming an easy place for them [the contract firms] to make money and shortchange clients because it was not like the children are calling them or complaining to them like their adult clients would."⁴¹

Focus group discussions with stakeholders indicated that while contracts for legal representation would not be appropriate for children in the child welfare system, contracts may be acceptable for parent representation in 3(a) cases. To this end, the Advisory Committee attempted to develop a proposal for a contract system for parent representation in 3(a) cases that would address all the concerns identified with the prior contract system: caseloads, courtroom coverage, oversight and quality assurance, the need to continually develop expertise among the private bar in 3(a) cases, an improved contractor selection process, etc. (see Appendix E).

While the proposal was expected to save approximately \$50,000 in expenses in Year 1, it was ultimately not supported due to the fact that the contracts would: inhibit flexibility and discretion in appointments, institutionalize the practice of "judge shopping" by assigning contractors to certain courtrooms, unfairly limit the number of other appointments contractors could receive, present difficulties in providing vertical representation when contractors reached their caseload limit and supplemental petitions were filed, etc.

Recommendations

1. Explore expansion of the current contract with Legal Aid of Nebraska for 3(a) GAL representation from 133 appointments per year to 266 new appointments per year.
2. Use information obtained from acquiring billing software to collect more accurate data regarding the costs of legal representation. Information should be used to explore establishment of a Felony Conflict Office and an Office of Guardian ad Litem.

⁴¹ Pitchal, Erik, Madelyn D. Freundlich and Corene Kendrick. (2009). *Evaluation of the Guardian ad Litem System in Nebraska*. National Association for the Counsel of Children., page 57.

VII. OPTIONS FOR IMPROVING/CASE MANAGEMENT

This section attempts to identify inefficiencies in the system and outline how these system points could be improved to reduce unnecessary delays and appearances by appointed counsel.

District Court

- Waiving Presentence Investigations: In some instances, defense counsel feel that presentence investigations are not necessary and it would be appropriate to request that their client's presentence investigation (PSI) be waived. District court judges agreed that waiving presentence investigations could create savings by eliminating time for: appointed attorneys to read the presentence investigation, discuss it with their client, and make an additional appearance. However, judges felt strongly that the information contained in the presentence investigations is necessary when making sentencing decisions, particularly for felony cases. Participating judges indicated that they would consider waiving the PSI on misdemeanors and class IV felonies but only if appointed counsel would notify the Judge in advance that they would like to waive the PSI and then provide information such as the criminal history and prior dispositions (this could even be done via mail).

Prosecutors indicated that generally speaking, when there is a victim, prosecutors like to make the victim impact statement contained in the presentence investigation available; however, they agreed that presentence investigations could be waived on a number of misdemeanor cases. Prosecutors also suggested that waiving presentence investigations on misdemeanor cases would likely result in efficiencies for probation.⁴²

- Swearing to a Bond in District Court: Lancaster County District Court Judges currently require defendants to swear to a bond in person. Other counties allow this to be done by signing a form. This option has the potential to reduce a formal court appearance, and transportation costs of in-custody defendants (an expense expected to increase when the new jail is in place). District Court Judges indicated that this option will be explored by their bench.

Requesting Delayed Sentencing/Restitution Payments: As described by appointed counsel there is some "game playing" on their part with continuances. There are a number of hearings continued (speedy trial waived, etc.) so that their client can complete treatment/restitution before sentencing. They would prefer to be upfront about their intent and just ask the judge to delay sentencing until after treatment/restitution can be made. For

⁴² In 2011, there were 1,050 total investigations conducted by probation on misdemeanor cases (695 presentence investigations, 126 presentence reports, 154 court requested informations and 75 unknown requests).

example, for restitution cases, the attorney would ask for sentencing to be delayed based on the amount of time the client would require to come up with the necessary funds.

Judges indicated that this made sense to them, that it would save on costs for several appearances, and that it would also save the Judge and prosecutors' time. This option would need to be discussed by all of the judges (the judges who participated in the focus group discussion indicated that others on the bench may be less agreeable to this option, but that it would be worth discussing).

Often times these court appearances help facilitate restitution payments. When discussed with prosecutors, they agreed that the option was worth exploring and that perhaps something could be done administratively to keep defendants up to date on payments. In 2012, the eleventh judicial district will be piloting a court reminder program regarding probation fines and fees. If the pilot proves successful, a court reminder program which successfully prompts court restitution payments may be more cost effective than requiring court appearances.

- Jury Docket Calls: The current system of jury docket calls in Lancaster County District Court is described by both attorneys and by some judges as inefficient from the perspective of attorneys. Judges estimated that an average docket call involves fifty cases and takes 1.5 minutes of actual time per case (the rest of the time is spent waiting for your case(s) to be called). Stakeholders suggested that the District Court explore the option of setting different start times for jury docket calls for cases where the public defender is providing representation and for cases where assigned counsel or private attorneys are providing representation (this should not impact the efficiency of the judicial process, but will reduce wait time for both public defenders and assigned counsel). District Court Judges were not sure that the strategy would produce much in terms of time/cost savings but expressed a willingness to consider piloting the approach.

District and County Court

- New Jail Capabilities: Currently defendants in jail can call their attorneys but the attorneys cannot call and talk to their clients (like they can at the Lancaster County Youth Services Center). Often when a defendant returns the call, their attorney is out of the office or in court. Many attorneys reported that when they leave a message for their clients to call them, the client seldom gets the message.

The new jail will force attorneys to travel farther to see their clients, and will increase attorney time and the county's costs for legal representation. The ability for attorneys to securely and confidentially discuss matters with their clients via phone in the new jail facility is imperative to controlling attorney fees once the jail transitions to its new location. It is strongly recommended that the video-conferencing/telephone conferencing technology that

is acquired for the new jail facility, be obtained in consultation with all justice system stakeholders, including defense counsel.⁴³

Multiple Counsel per Client: On occasion, a defendant will commit a new offense and be appointed different counsel. Having multiple private attorneys represent the same client on different charges is not efficient. Some speculated that this happens in part because judges are not appointing from a list of attorneys.

First Offense DUI Cases: It has been suggested by a number of stakeholders that first offense DUI cases should solely be handled by the City Prosecutor's Office. Currently, first-offense DUI cases handled by the Lincoln Police Department are prosecuted by the City Prosecutor and cases handled by the Sheriff or Nebraska State Patrol are prosecuted by the Lancaster County Attorney's Office. When prosecuted by the County Attorney there is a right to a jury trial which increases the costs substantially (in terms of attorney fees, juror fees, jail time, etc.).

Discussions regarding the prosecution of DUI cases (as well as Juvenile Cases discussed below) prompted broader discussions about the jurisdiction of the City Attorney's Office and the County Attorney's Office. Stakeholders indicated that system efficiencies could potentially be achieved by re-organizing the jurisdiction of these offices. These Offices together with the County Board and City Council should explore this issue further.

Juvenile Court

Reducing Supplemental Petitions in Juvenile Court: According to defense counsel in juvenile law violation cases, where the court already has jurisdiction over the juvenile, prosecutors frequently file supplemental petitions (there will occasionally be up to six or seven supplemental filings when they already have jurisdiction). The question was posed, why can't the new issue (e.g. stealing a pack of gum) be taken up with the existing case? More specifically, if a child admits to the first petition and later: 1) a charge that pre-dates the first petition is filed; or 2) a separate offense is known by all parties at the time of an admission and is considered by the judge, why does it have to be filed? And 3) if a new offense occurs after a child has admitted, why can it not be held back and everyone agree that the judge can consider it at disposition?

Juvenile Court Judges suggested several options: 1) prosecutors could communicate better with probation about the youth's status/progress (and then the issue could perhaps be addressed with graduated sanctions if necessary); 2) require prosecutors to attend dispositional hearings; and/or 3) ask prosecutors to shorten their timeline for filing (file within a week rather than 3-6 months down the road).

⁴³ The Administrative Office of the Courts has indicated that the state court system will be expanding its video technology capacity via Tandberg's Movi equipment.

When discussed with the Lancaster County Attorney's Office, prosecutors indicated that they do not follow a case through disposition, and that supplemental petitions are sometimes filed when they need new jurisdiction. However, they did indicate that additional effort could be taken to make sure that revocations of probation and new law violations could be filed together, and have subsequently adopted this practice.

In addition to reducing court and attorney time, reducing the number of supplemental petitions will also achieve savings by decreasing the likelihood that the Lancaster County Public Defender's Office will conflict out of cases due to reaching their maximum caseload standards (as discussed below, supplemental petitions are counted as new cases), thereby reducing the number of court appointments.⁴⁴

Reducing the Number of Continuances in Juvenile Court: Stakeholders have indicated that there are an extremely large number of continuances in juvenile court. As one GAL described it, "We show up for the first hearing and the parents haven't been served so the case is continued. At the second hearing the parents have been served but don't have counsel so the case is continued. At the third hearing they have counsel but haven't met so the case is continued. As GALs we show up for 3-4 hearings before we even do anything. Sometimes there are multiple attorneys showing up for all of these hearings and the county is paying for all of these appearances."

When asked if anything could be done administratively to reduce the number of front-end continuances, the following suggestions were made: 1) examine whether these cases are being set for hearing too soon; 2) examine whether the Sheriff's office has enough time to effectuate service; and 3) ask the Sheriff to provide parents with the form informing them of their right to obtain counsel at the time of service.

Focus group participants indicated that judges in some counties appoint counsel the moment the case is filed, which gives plenty of time for parties to be served and provides attorneys adequate time to meet with their clients. Juvenile Court Judges indicated that automatically appointing counsel on the front end would only increase costs.

Coordination on Prosecution of Juvenile Cases: Juvenile Court Judges reported that occasionally attorneys from both the City and County Attorney's Office appear and dually prosecute a youth. This complicates representation by appointed counsel who then have to deal with two rather than one prosecutor, and a communication mechanism should be established to reduce this occurrence (see also discussion above regarding DUI cases).

⁴⁴ As a baseline, there were 521 supplemental petitions filed in juvenile court on law violations in FY 2011 (during the first 6 months of FY 2011, Lancaster County filed more than three times the amount of supplemental petitions than Douglas County Juvenile Court) (statistics provided by JUSTICE).

Assign a Prosecutor to a Courtroom(s): Several stakeholders suggested that assigning a County Attorney to each courtroom (as is done by the City Attorneys at the County Court level) would create substantial system efficiencies. County Attorneys are opposed to the concept for several reasons. Just as the Juvenile Court Judges have adopted a vertical approach, whereby the same judge handles all matters related to one youth/family, the Lancaster County Attorney's Office practices "vertical prosecution" whereby the same prosecutor handles the case from beginning to end. Assigning a prosecutor to a courtroom to handle the cases heard therein, inhibits the Lancaster County Attorney's Office to provide vertical representation (the charging decision is made prior to the case being assigned to a courtroom). The Office also has concerns that having a prosecutor assigned to each courtroom could lead to the public perception that there is not a clear division between the prosecutor and judge. Judges did not voice the same ethical concern. The Juvenile Court Judges' thoughts were that prosecutors oppose this option because it would limit prosecutors' professional development by only practicing in front of one Judge. Judges indicated that prosecutors could share two courtrooms or devise a rotation system to address this concern.

Public Defender Coverage in Juvenile Court: Stakeholders indicated that there are currently three juvenile public defenders and four juvenile courtrooms. The three juvenile public defenders share the fourth courtroom, but some stakeholders feel that they do not effectively cover for each other, causing considerable delays (and delay in one courtroom creates delays in the other courtrooms). The Lancaster County Public Defender's Office should establish a plan to improve public defender coverage in the fourth courtroom (caseload statistics do not support the addition of a fourth juvenile court public defender).

Lancaster County Public Defender's Caseload Standards: In 2008, the Lancaster County Public Defender Office adopted time-based caseload standards.⁴⁵ When attorneys in the Lancaster County Public Defender Office reach those caseload maximums, the Office stops accepting appointments to ensure that attorneys can reasonably handle their cases in a competent manner, providing each client with their constitutional right to effective assistance of counsel.

Communication between the Lancaster County Public Defender's Office and the Lancaster County Juvenile Court Judges needs to be improved regarding when the Office is approaching/has reached its caseload standards. Occasionally, juvenile court judges will stop appointing the public defender at the end of the month rather than checking to see if they have reached their caseload limit. This practice inhibits the Office's ability to accurately track the number of cases it must conflict out of each year due to case overload. It also means that there are cases for which counsel is being appointed when the public defender's office could have potentially taken the case. Also, occasionally a judge will appoint a public defender on only one of a client's three cases (see discussion on multiple counsel per client).

⁴⁵ Supra, note 37.

Conversely, Judges do not want to appoint the public defender just so that they can conflict out of the case as it creates more work for court staff and confusion for the families. Also, Judges are sometimes told that the Lancaster County Public Defender's Office is full but they are "holding" a few spots for certain cases (and it is not clear about what is meant by that). The Lancaster County Public Defender's Office has since explained that the office will hold a spot in the event that a supplemental petition is filed on one of their clients, so that they will not have to conflict out of case for a client that they are already representing.

Juvenile court judges also encouraged the Lancaster County Public Defender's Office to review how cases are counted under their caseload standards. For example, should review cases be counted as separate cases? Judges also indicated that if a petition is filed with two charges, it will count as one case, yet if a petition is filed, and then a supplemental petition is made, it will count as two cases,⁴⁶ this concern may be negated by efforts to reduce the number of supplemental petitions filed by the Lancaster County Attorney's Office (see discussion above). In summary, a better communication mechanism regarding the caseload standards between the Lancaster County Public Defender's Office and Juvenile Court Judges would be appropriate.

Successful Reforms: Focus group discussions indicated that the Lancaster County Juvenile Court has made some recent changes that have improved the efficiency of the court system: implementing attorney-only docket calls, granting attorney requests to withdraw as counsel in cases where the parent has not had contract with the appointed attorney over a prolonged period, and moving towards six month reviews for juvenile cases unless there is a need to check progress sooner.

RECOMMENDATIONS

1. When appropriate, allow waiver of presentence investigations in misdemeanor cases.
2. The Lancaster County District Court will explore adoption of a form in lieu of requiring defendants to swear to a bond in person.
3. Explore administrative options to prompt defendants' restitution payments without requiring a court appearance.
4. Explore the option of setting different start times for jury docket calls in the Lancaster County District Court for cases where the public defender is providing representation from where assigned counsel is providing representation (this should not impact the

⁴⁶ Time spent on supplemental petitions are addressed in the *Lancaster County Public Defender Workload Assessment* (2008), *Supra* note 37.

efficiency of the judicial process, but will reduce wait time for both public defenders and assigned counsel).

5. The ability of attorneys to initiate a call to their clients and quickly, securely and confidentially discuss matters with their clients via phone in the new jail facility is imperative to controlling attorney fees once the jail transitions to its new location.
6. Explore steps to ensure multiple counsel are not appointed per client.
7. Explore options that would allow all first offense DUI Cases to be prosecuted by the City Attorney's Office.
8. The Lancaster County Attorney's Office should develop a plan designed to reduce the number of supplemental petitions in juvenile court (e.g., filing revocations of probation and new law violations together, improve communication with probation administration and handle issues through graduated sanctions, require prosecutors to attend dispositional hearings, and/or shorten the timeline for filing petitions, etc.).
9. In an effort to reduce the number of continuances in juvenile court, a plan/mechanism should be developed to: 1) examine whether these cases are being set for hearing too soon; 2) examine whether the Sheriff's office has enough time to effectuate service; and 3) ask the Sheriff to provide parents with the form informing them of their right to obtain counsel at the time of service.
10. The City Attorney's Office and the County Attorney's Office should develop a communication mechanism to avoid the dual prosecution of juveniles.
11. The Lancaster County Public Defender's Office should establish a plan to improve public defender coverage in the fourth juvenile court courtroom.
12. Communication between the Lancaster County Public Defender's Office and the Lancaster County Juvenile Court Judges needs to be improved regarding caseload standards.
13. The Lancaster County Public Defender's Office should review its caseload standards regarding whether review hearings or supplemental petitions should be considered "new cases."
14. Juvenile court judges should continue the practice of attorney only docket calls.

15. Juvenile court judges should continue to encourage and grant requests to withdraw as counsel in cases where the parent has not had contact with the appointed attorney over a prolonged period.
16. Juvenile court judges should continue to move towards six month reviews for juvenile cases unless there is a need to check progress sooner.

VIII. SUMMARY OF RECOMMENDATIONS

PROCESS OF APPOINTING COUNSEL

1. Once available, the Lancaster County Indigent Defense Advisory Committee should review the Nebraska Supreme Court and Nebraska State Bar Association Joint Ad Hoc Committee's proposed rules for establishing an objective transparent and systematic appointment process.

Following that review, each court should establish a list of attorneys to be considered for appointment and a process by which names will be added or removed from the list. Once the lists are established, assignments should be made in an orderly way to avoid patronage or its appearance, and to assure the fair distribution of appointments among all attorneys deemed qualified and willing to accept appointments. Where the nature of the charges or other circumstances warrant, judges should appoint an attorney based on his or her special qualifications to serve in the case. That is, discretion should be used when it will protect the defendant's constitutional right to the effective assistance of counsel and when it is in the interest of the efficient administration of assignments.

In the interim, District Court Judges should provide feedback to the County Court Judges on establishing a list of attorneys approved for appointment in felony cases.

2. In an effort to improve transparency (rather than as a cost savings measure), the County and District Court Judges should develop billing guidelines (for continuity across their levels of court) regarding what activities (wait time, travel time, etc.) and what ancillary services or other costs (depositions, experts, etc.) the courts will reimburse for or require prior approval for reimbursement. Billing guidance may also be used to encourage/provide guidance on the use of paralegals.
3. The current rates for court appointed counsel paid in Lancaster County Juvenile, County and District Court are not adequate. Given the current economic climate, it is not recommended that the hourly rate be increased at this time. However, if additional funding became available (e.g., if the state contribution towards county indigent defense were increased), priority should be given to increase the

rates to a reasonable level, as recommended by the Lancaster County Indigent Defense Advisory Committee.

4. It is not recommended that the County adopt an in-court vs. out-of-court rate for assigned counsel.
5. Lancaster County should acquire billing software for its appointed counsel system in order to allow for: electronic invoicing and payment, greater uniformity in billing practices, a reduction in staff time spent on reviewing bills, a reduction in the time that attorneys wait from submission to payment, and improvement of the courts' ability to identify trends, project costs, and estimate the impact of policy changes.⁴⁷

CONTROLLING THE FRONT GATES

6. A form should be piloted to assist with indigence determinations, relying on several simple questions that would automatically qualify someone as indigent (e.g., if they are receiving state aid, or are at 125% of the federal poverty guidelines, etc.) or flag someone for further questioning by the Judge. In County Court, the form would be disseminated by the bailiff and filled out, signed and sworn to by the defendant. If the client is in custody and is appearing via video, Lancaster County Corrections should be responsible for disseminating the form and providing it to the Judge. In addition to better informing indigence determinations, the adoption of an indigence determination form may enhance trust and confidence in the courts by adding uniformity (judges asking the same questions of defendants) and transparency to this subjective process and may improve the County's efforts to recoup fees when appropriate. Implementation of the form should be piloted in one courtroom initially, to assess the impact and identify any barriers to successful implementation (thought will also need to be given regarding in-custody defendants).
7. The City Prosecutor's Office should adopt a process by which criminal history is available at the time of initial review and charging and adopt a form to prompt prosecutors to indicate the likelihood of jail time (jail time likely, jail time a possibility, and no jail time) so that the decision about whether to request jail time is ready at the time of arraignment. Judges would not appoint on cases

⁴⁷ Billing software can be built to comply with any billing guidelines that might be adopted (see Recommendation 2).

where jail time is not likely (with the understanding that if circumstances change, appointment of counsel could be reassessed).

8. The County should explore a statutory change to clarify whether (or under what circumstances) non-custodial parents, parents against whom there are no allegations filed, or even custodians of children who have no legal relationship to the children should have a right to a court appointed attorney.

9. The County should ask the Nebraska Legislature and the Lincoln City Council to study the penalties for low-level misdemeanor crimes and city ordinance violations to determine whether jail time is a necessary penalty to protect public safety, or if the offense could effectively be addressed as a waivable offense or by a fine.

10. The Lancaster County Attorney's Office is encouraged to expand diversion opportunities by considering the following:
 - The minimum financial limit of \$10,000 in restitution was set years ago and should be adjusted for inflation.
 - The current approach to diversion is "one bite at the apple". Based on stakeholder feedback it is recommended that the County Attorney's Office consider the following:
 - Allow diversion once at the misdemeanor level and once at the felony level (as was the former policy of the Lancaster County Attorney's Office);
 - Allow diversion a second time if sufficient time had passed and if the category of offense is different.
 - Expand eligibility so that most non-violent offenses are considered.
 - Mental health diversion and truancy diversion should be established.

11. The Lancaster County Board should examine the utility/feasibility of asking the Nebraska Legislature to revise Neb. Rev. Stat. § 29-3604 to allow counties (other than Sarpy) to offer DUI diversion as a way to both enhance public safety and provide substantial cost savings for the County.

12. Lancaster County should support community mental health resources as a way to reduce justice system filings.

ALTERNATIVE FUNDING STREAMS

13. Establish a clear process for recoupment when it is determined that a defendant has the means to pay for their legal representation.
14. Counties should protect and, when opportunities present themselves, support the expansion of the state contribution toward indigent defense (including the services of the Commission on Public Advocacy).
15. It is not recommended that the County adopt an application fee for indigent defense services.
16. Counties should explore an addition to the existing “indigent defense fee” (currently collected as part of the court-filing fee), to be reimbursed to counties as a state contribution to the cost of indigent defense (See Neb. Rev. Stat. §33-156 and § 29-3933.). An addition to the filing fee is a more attractive option than an application fee because it is assessed on every case filed, negating the need for an administrative process to determine ability to pay, and a collection process in order to collect.

LEGAL SERVICE DELIVERY OPTIONS

17. Explore expansion of the current contract with Legal Aid of Nebraska for 3(a) GAL representation from 133 appointments per year to 266 new appointments per year.
18. Use information obtained from acquiring billing software to collect more accurate data regarding the costs of legal representation. Information should be used to explore establishment of a Conflict Defender Office and an Office of Guardian ad Litem.

CASE PROCESSING/CASE MANAGEMENT

19. When appropriate, allow waiver of presentence investigations in misdemeanor cases.
20. The Lancaster County District Court will explore adoption of a form in lieu of requiring defendants to swear to a bond in person.

21. Explore administrative options to prompt defendants' restitution payments without requiring a court appearance.
22. Explore the option of setting different start times for jury docket calls in the Lancaster County District Court for cases where the public defender is providing representation from where assigned counsel is providing representation (this should not impact the efficiency of the judicial process, but will reduce wait time for both public defenders and assigned counsel).
23. The ability of attorneys to initiate a call to their clients and quickly, securely and confidentially discuss matters with their clients via phone in the new jail facility is imperative to controlling attorney fees once the jail transitions to its new location.
24. Explore steps to ensure multiple counsel are not appointed per client.
25. Explore options that would allow all first offense DUI Cases to be prosecuted by the City Attorney's Office.
26. The Lancaster County Attorney's Office should develop a plan designed to reduce the number of supplemental petitions in juvenile court (e.g., filing revocations of probation and new law violations together, improve communication with probation administration and handle issues through graduated sanctions, require prosecutors to attend dispositional hearings, and/or shorten the timeline for filing petitions, etc.).
27. In an effort to reduce the number of continuances in juvenile court, a plan/mechanism should be developed to: 1) examine whether these cases are being set for hearing too soon; 2) examine whether the Sheriff's office has enough time to effectuate service; and 3) ask the Sheriff to provide parents with the form informing them of their right to obtain counsel at the time of service.
28. The City Attorney's Office and the County Attorney's Office should develop a communication mechanism to avoid the dual prosecution of juveniles.
29. The Lancaster County Public Defender's Office should establish a plan to improve public defender coverage in the fourth juvenile court courtroom.

30. Communication between the Lancaster County Public Defender's Office and the Lancaster County Juvenile Court Judges needs to be improved regarding caseload standards.
31. The Lancaster County Public Defender's Office should review its caseload standards regarding whether review hearings or supplemental petitions should be considered "new cases."
32. Juvenile court judges should continue the practice of attorney only docket calls.
33. Juvenile court judges should continue to encourage and grant requests to withdraw as counsel in cases where the parent has not had contact with the appointed attorney over a prolonged period.
34. Juvenile court judges should continue to move towards six month reviews for juvenile cases unless there is a need to check progress sooner.

IMPLEMENTATION/EVALUATION

35. The Lancaster County Indigent Defense Advisory Committee should be charged to assist with the development and implementation of the recommendations herein, reporting back to the Lancaster County Board on areas of improvement and the impact of implemented recommendations.

Appendices

Appendix A: Lancaster County Annual Filings (Calendar Year)

Lancaster County Juvenile Court

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Average
City (1)	181	243	159	209	224	309	341	356	318	355	311	296	262	274.2
City Sup (1)	91	113	82	105	132	0	0	60	181	233	222	179	171	120.7
County (1)	661	641	619	562	544	889	897	842	624	482	446	444	376	617.5
County Sup (1)	352	263	307	276	235	0	0	102	272	326	320	277	263	230.2
County (2)	135	104	102	126	74	153	132	129	83	110	64	57	72	103.2
County Sup (2)	97	79	70	72	61	0	0	0	61	71	40	44	51	49.7
County (4)	3	11	4	5	2	1	4	4	10	4	5	6	7	5.3
Transfer LV	10	12	17	20	15	17	41	35	32	34	29	31	31	24.9
Subtotal	1530	1466	1360	1375	1287	1369	1415	1528	1581	1615	1440	1334	1233	1425.6
3a	161	167	177	219	188	338	335	339	294	386	344	415	342	285.0
Sup 3a	21	26	24	57	52	0	0	0	0	0	0	0	0	13.8
Transfer 3a	0	0	8	5	10	20	11	8	6	12	6	9	5	7.7
8	2	1	0	0	0	1	0	0	0	0	1	0	0	.4
9												1	0	.5
Adoption	8	19	23	31	24	32	52	36	57	94	90	70	63	46.1
Guardianship	1	5	6	22	16	20	24	18	16	22	20	2	5	13.6
Paternity	1	3	0	3	0	0	0	1	1	7	27	35	69	11.3
Subtotal	194	221	238	337	290	411	422	402	374	521	488	532	484	378.0
3b	110	78	107	94	153	177	180	147	206	309	226	304	469	196.9
Sup 3b	1	5	3	1	3	0	0	0	0	0	0	0	0	1
Transfer 3b	0	0	3	3	2	10	4	3	3	2	6	2	9	3.6
3c	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Transfer 3c	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
TOTAL	1835	1770	1711	1810	1735	1967	2021	2080	2164	2447	2160	2172	2195	2005.2

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Average
City MRP	3	17	24	34	35	39	19	27	33	46	52	46	50	32.7
City Sup MRP	0	1	0	0	1	0	0	0	3	1	5	5	3	1.5
County MRP	129	138	133	107	137	140	116	123	138	95	90	89	70	115.8
County Sup MRP	31	34	36	21	35	42	27	28	28	27	10	26	25	28.5
Transfer MRP	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
TPR	27	25	14	24	33	49	46	53	83	107	89	78	88	55.1
Sup TPR	0	0	2	3	5	2	0	0	0	0	0	0	0	.9
Complaint	0	0	1	0	1	0	0	73	4	9	7	4	2	7.788
TOTAL	2025	1985	1921	1999	1982	2239	2229	2384	2453	2732	2413	2420	2433	2247.3

Lancaster District Court

	2002	2003	2004	2005	2006	2007	2008	2009	2010	Average
Criminal	1,040	1,184	1,086	1,164	1,107	1,137	1,272	1,306	1,290	1,176
Regular Civil	1,056	1,098	1,079	1,020	1,078	981	1,089	947	972	1,036
Domestic Relations	2,719	3,106	3,193	3,258	3,177	3,413	3,264	3,251	3,360	3,193
Appellate Action	301	243	232	303	257	227	222	199	179	240
Total	5,116	5,631	5,590	5,745	5,619	5,758	5,847	5,703	5,801	5,646

Lancaster County Court

	2002	2003	2004	2005	2006	2007	2008	2009	2010	Average
Misd/Ord Traffic	24,802	21,236	23,123	27,470	26,046	25,931	29,400	26,667	24,530	25,467
Misd/Ord/Non-Traffic	21,728	20,969	22,050	21,751	19,454	18,813	24,199	22,991	20,911	21,430
Felony	1,816	1,741	1,782	1,865	1,941	1,974	1,981	1,889	1,951	1,882
Civil	8,834	10,230	10,289	11,029	12,031	14,156	15,622	16,539	16,609	12,815
Small Claims	966	948	892	757	746	729	719	753	694	800
Probate/Inher Tax	695	623	642	606	607	664	712	657	607	646
Guard Cons	268	256	290	315	259	298	321	283	344	293
Adoption	125	96	145	148	127	156	189	164	147	144
Juvenile	0	0	0	0	0	0	0	0	0	0
Total	59,234	56,099	59,213	63,941	61,211	62,721	73,143	69,943	65,793	63,478

**APPENDIX B: REQUEST FOR COURT APPOINTED LAWYER,
STATEMENT OF FINANCIAL STATUS,
AND AUTHORIZATION FOR RELEASE OF INFORMATION**

Court: _____ Case No. _____

I hereby request that the Court appoint a lawyer to represent me because I cannot afford to hire a private attorney.

I.

- A. Full Name: _____
- B. Current Address: _____

- C. Phone: _____
- D. Date of Birth: _____

II. I currently receive the following forms of public assistance.

- A. ___ Aid to Families With Dependent Children (AFDC)
- B. ___ Emergency Aid to Elderly, Disabled & Children
- C. ___ Poverty Related Veteran's Benefits
- D. ___ Food Stamps
- E. ___ Medicaid
- F. ___ Supplemental Security Income
- G. ___ Refugee Resettlement Benefits
- H. ___ County General Assistance

III. I work at _____.

I earn \$ _____ per _____ hr/wk/mo/year

Number of Family Members

- A. ___ Self
- B. ___ Write "1" if married and spouse lives with you.
- C. ___ Write the number of your children that live with you.
- D. ___ Total (add A, B, & C)

___ If Line "D" is 1 and your annual income is \$13,612 or less, check here.

___ If Line "D" is 2 and your annual income is \$18,377 or less, check here.

___ If Line "D" is 3 and your annual income is \$23,167 or less, check here.

___ If Line "D" is 4 and your annual income is \$27,937 or less, check here.

___ If Line "D" is 5 and your annual income is \$32,712 or less, check here.

___ If Line "D" is 6 and your annual income is \$37,487 or less, check here.

(This is 125% of the 2011 Poverty Guidelines. For each additional person add \$3,820)

I swear or affirm, under penalty of perjury, that the information listed above is true and accurate.

Your signature

Singed and sworn to before me on _____.

Judge/Notary Public

APPENDIX C: FIVE YEAR BUDGET FOR A FELONY CONFLICT OFFICE

Assumptions

- The Office would start with a 1 Director attorney and 1 staff attorney for felonies, both at the Attorney II classification which requires 5 years of experience and 1 staff attorney at the entry level position for the misdemeanor docket. In addition the office would have a paralegal and a client support worker.
- Salary Ranges for staff are based upon Lancaster County’s salary schedule. For the attorney positions, we have assumed a 1.5% salary increase each year. For support staff positions, we use the Lancaster County salary step increase.
- Fringe and benefits are figured at the maximum using a 32% figure.
- Caseload standards would be applied based upon the study of the Lancaster County public Defender’s Office.
- Office Director will carry a 90% caseload since there will only be 2 attorneys to supervise.
- One time furniture and equipment purchases to open the office and to add staff are not included in the budget.
- The budget assumes that office space can be rented from the City/County Public Building Commission at \$10.50 per sq. ft.
- The office should be started as a paperless office from the beginning with all of the necessary advanced technology to provide for that in order to make the office the most efficient it can be and to make supervision easier.

Description	Year 1	Year 2	Year 3	Year 4	Year 5
Director’s Salary	\$80,000	\$81,315	\$82,535	\$83,773	\$85,030
Attorney II Salary	\$65,000	\$65,975	\$66,965	\$67,969	\$68,989
Paralegal I Salary	\$38,663	\$40,056	\$41,496	\$42,989	\$44,537
Client Support Worker	\$30,185	\$31,273	\$32,394	\$33,563	\$34,773
FICA and Fringe Benefits	\$86,351	\$88,146	\$89,947	\$91,793	\$93,684
Office Supplies	\$2,512	\$2,537	\$2,562	\$2,587	\$2,612
Expert Witness Fund	\$3,150	\$3,150	\$3,150	\$3,500	\$3,500
IS Support	\$8,000	\$8,000	\$10,000	\$10,000	\$10,000

Training	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500
Mileage	\$700	\$700	\$700	\$700	\$700
Telephone	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000
Postage	\$830	\$830	\$830	\$830	\$830
Printing and Photocopying	\$1,440	\$1,440	\$1,440	\$1,440	\$1,440
Witness Fees/Court Costs	\$160	\$240	\$320	\$400	\$480
Memberships and Dues	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
Books and Subscriptions	\$250	\$250	\$500	\$500	\$1,000
Interpreter Fees	\$2,325	\$2,325	\$2,325	\$2,325	\$2,325
Transcripts and Depositions	\$5,500	\$5,500	\$5,500	\$5,500	\$5,500
Liability Insurance	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
Rent	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
Total	\$356,567	\$363,239	\$372,167	\$379,373	\$386,905
# of New Core Felony Cases	209	209	209	209	209
# of New Ancillary Felonies (Rev Of Prob, Appeals)	66	66	66	66	66
Total Felony and Ancillary	275	275	275	275	275
Estimated Felony and Ancillary Pending Start	0	206	206	206	206
Total New And Pending	275	481	481	481	481

APPENDIX D: FIVE YEAR BUDGET FOR A NON PROFIT OFFICE OF GUARDIAN AD LITEM

Assumptions

- Appointments would be phased in over time, so staff could be phased in over time The Office would start with a Director and staff attorney every year over the next 4 years.
- Salary Ranges for staff are based upon a modified version of the salary system for Nebraska Legal Aid.
- Caseload standards would be applied based upon available attorney time and avg time/case
- Office Director will start with a 100% caseload but will have caseload reduced 5%/year (Up to 25% as additional staff attorneys are hired and need to be supervised.
- One time furniture and equipment purchases to open the office and to add staff are not included in the budget.
- The budget assumes that office space can be rented from the City/County Public Building Commission at \$10.50 per square foot. Because the office will grow rapidly, the rent will be for space for 8-9 employees from year 1 to allow the growth.
- The office should be started as a paperless office from the beginning with all of the necessary advanced technology to provide for that in order to make the office the most efficient it can be and to make supervision easier.
- The initial support staff should include 1 Office Manager/Client Support Worker and 1 paralegal. Eventually, the office should have 1 Client Support Worker per ever 4 attorneys and 1 paralegal per every 3 attorneys.
- Paralegals will be allowed to do some of the statutorily required home visits and attend Team Meetings.
- GALs will not have as great a need for Expert Witness fees because the County Attorney and parents attorneys make most of these requests

Description	Year 1	Year 2	Year 3	Year 4	Year 5
Director's Salary	\$75,000	\$76,125	\$77,267	\$78,426	\$78,602
Attorney 1 Salary	\$45,000	\$90,675	\$137,035	\$184,090	\$231,850
Office Manager/Client Support	\$30,000	\$30,450	\$30,906	\$31,370	\$31,841
Client Support Worker	0	0	\$24,000	\$24,360	\$25,725
Paralegal	0	\$35,000	\$35,525	\$36,058	\$71,599
FICA and Fringe Benefits	\$42,000	\$65,030	\$85,325	\$99,205	\$122,812
Office Supplies	\$1,764	\$2,645	\$3,526	\$4,407	\$5,288
Expert Witness Fund	\$15,000	\$15,000	\$15,000	\$20,000	\$20,000
IS Support	\$6,000	\$6,000	\$8,000	\$8,000	\$10,000
Training	\$2,000	\$3,000	\$4,000	\$5,000	\$6,000
Mileage	\$500	\$750	\$1,000	\$1,250	\$1,500
Telephone	\$1,800	\$2,400	\$3,600	\$4,200	\$4,800
Postage	\$600	\$900	\$1,200	\$1,500	\$1,800
Printing and Photocopying	\$1,000	\$1,500	\$2,000	\$2,500	\$3,000
Witness Fees/Court Costs	\$160	\$240	\$320	\$400	\$480
Memberships and Dues	\$1,000	\$1,500	\$2,000	\$2,500	\$3,000
Books and Subscription	\$250	\$250	\$500	\$500	\$1,000
Interpreter Fees	\$1,000	\$1,500	\$1,500	\$2,000	\$2,500
Transcripts and Depositions	\$1,500	\$2,000	\$2,500	\$3,000	\$3,500
Liability Insurance	\$800	\$1,200	\$1,600	\$2,000	\$2,500
Rent	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000
Total	\$255,374	\$366,165	\$466,804	\$540,766	\$656,797
#of New Cases/Year					
# of Pending Cases At Start					

APPENDIX E

Discussion on Contracts for 3(a) Parent Representation Points of Consideration/Clarification Addressed in New Format

- 3(a) representation should not solely be handled by contracts. A contract system (perhaps 25-50 cases per contract per courtroom) together with an assigned counsel system will be more effective in addressing conflicts of interest and in continuing to develop expertise in 3(a) representation among the private bar.
- Selection would take place by the Indigent Defense Advisory Committee, which will be supplemented to include more juvenile court expertise.
- The contracts must have provision for termination if they do not prove effective.
- Oversight of the contract system will be administered by a supervisory contract. The contract supervisor will require monthly reports from the contractor listing the new cases opened, the status of all open cases, the number of cases closed, the reason for closing, and the amount of attorney time expended on the cases. Contractors will also be subject to monthly random file reviews, in court observations by the supervising contractor. The supervising contractor will also handle client complaints and administer annual written evaluations regarding contract services.
- Contract language should specify which activities can and cannot be performed by paralegals.
- Contractors will indicate which courtroom(s) they would like to be considered for (recognizing that some courtrooms may have more applicants/competition than others).
- Applicants must present a coverage plan in the event that they are not able to appear in court.

Draft Language for a Contract for Services in the Separate Juvenile Court

The Lancaster County Board of Commissioners is seeking a law firm (or attorneys) interested in providing legal services for parent representation in 3(a) cases in the Separate Juvenile Court of Lancaster County.

A. The term of the contract will be for three years commencing on July 1, 2012 and ending on June 30, 2013.

B. Except in situations where a legal conflict of interest exists, the contractor must agree to provide legal services to parents assigned to the contractor by the Separate Juvenile Court of Lancaster County in cases arising under Neb. Rev. Stat. §43-247 (3)(a).

C. Contractor must agree to accept appointments in 25 new cases per year under Neb. Rev. Stat. §43-247 (3)(a).

D. Compensation for the contractor will be as follows:

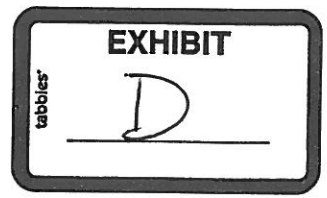
25 cases *\$1,500 per case = \$37,500

E. The contractor must agree to maintain professional liability insurance covering the subject cases during the term of this agreement.

F. An Advisory Committee consisting of representatives of the Lancaster County Indigent Defense Advisory Committee and respected juvenile court practitioners will recommend the contractors to the Lancaster County Board of Commissioners.

G. Up to two separate contacts will be established to provide supervision of the contracts. The contract supervisor will require monthly reports from the contractor listing the new cases opened, the status of all open cases, the number of cases closed, the reason for closing, and the amount of attorney time expended on the cases. Contractors will also be subject to monthly random file reviews, in court observations by the supervising contractor. The supervising contractor will also handle client complaints and administer annual written evaluations regarding contract services.

H. Minimum qualifications include membership in the Nebraska State Bar Association and a minimum of five years of experience in the practice of law. CLE requirements must be met, and at least 75% of the mandatory CLE requirements must be juvenile specific training. Experience in the Separate Juvenile Court of Lancaster County will be considered. The contractor should also have displayed compliance with all legal and ethical requirements of attorneys in representing clients in these types of cases. The contractor must demonstrate competence in this area of practice.



VIII. SUMMARY OF RECOMMENDATIONS

PROCESS OF APPOINTING COUNSEL

1. Once available, the Lancaster County Indigent Defense Advisory Committee should review the Nebraska Supreme Court and Nebraska State Bar Association Joint Ad Hoc Committee's proposed rules for establishing an objective transparent and systematic appointment process.

Following that review, each court should establish a list of attorneys to be considered for appointment and a process by which names will be added or removed from the list. Once the lists are established, assignments should be made in an orderly way to avoid patronage or its appearance, and to assure the fair distribution of appointments among all attorneys deemed qualified and willing to accept appointments. Where the nature of the charges or other circumstances warrant, judges should appoint an attorney based on his or her special qualifications to serve in the case. That is, discretion should be used when it will protect the defendant's constitutional right to the effective assistance of counsel and when it is in the interest of the efficient administration of assignments.

In the interim, District Court Judges should provide feedback to the County Court Judges on establishing a list of attorneys approved for appointment in felony cases.

2. In an effort to improve transparency (rather than as a cost savings measure), the County and District Court Judges should develop billing guidelines (for continuity across their levels of court) regarding what activities (wait time, travel time, etc.) and what ancillary services or other costs (depositions, experts, etc.) the courts will reimburse for or require prior approval for reimbursement. Billing guidance may also be used to encourage/provide guidance on the use of paralegals.
3. The current rates for court appointed counsel paid in Lancaster County Juvenile, County and District Court are not adequate. Given the current economic climate, it is not recommended that the hourly rate be increased at this time. However, if additional funding became available (e.g., if the state contribution towards county indigent defense were increased), priority should be given to increase the

rates to a reasonable level, as recommended by the Lancaster County Indigent Defense Advisory Committee.

4. It is not recommended that the County adopt an in-court vs. out-of-court rate for assigned counsel.
5. Lancaster County should acquire billing software for its appointed counsel system in order to allow for: electronic invoicing and payment, greater uniformity in billing practices, a reduction in staff time spent on reviewing bills, a reduction in the time that attorneys wait from submission to payment, and improvement of the courts' ability to identify trends, project costs, and estimate the impact of policy changes.¹

CONTROLLING THE FRONT GATES

6. A form should be piloted to assist with indigence determinations, relying on several simple questions that would automatically qualify someone as indigent (e.g., if they are receiving state aid, or are at 125% of the federal poverty guidelines, etc.) or flag someone for further questioning by the Judge. In County Court, the form would be disseminated by the bailiff and filled out, signed and sworn to by the defendant. If the client is in custody and is appearing via video, Lancaster County Corrections should be responsible for disseminating the form and providing it to the Judge. In addition to better informing indigence determinations, the adoption of an indigence determination form may enhance trust and confidence in the courts by adding uniformity (judges asking the same questions of defendants) and transparency to this subjective process and may improve the County's efforts to recoup fees when appropriate. Implementation of the form should be piloted in one courtroom initially, to assess the impact and identify any barriers to successful implementation (thought will also need to be given regarding in-custody defendants).
7. The City Prosecutor's Office should adopt a process by which criminal history is available at the time of initial review and charging and adopt a form to prompt prosecutors to indicate the likelihood of jail time (jail time likely, jail time a possibility, and no jail time) so that the decision about whether to request jail time is ready at the time of arraignment. Judges would not appoint on cases

¹ Billing software can be built to comply with any billing guidelines that might be adopted (see Recommendation 2).

where jail time is not likely (with the understanding that if circumstances change, appointment of counsel could be reassessed).

8. The County should explore a statutory change to clarify whether (or under what circumstances) non-custodial parents, parents against whom there are no allegations filed, or even custodians of children who have no legal relationship to the children should have a right to a court appointed attorney.
9. The County should ask the Nebraska Legislature and the Lincoln City Council to study the penalties for low-level misdemeanor crimes and city ordinance violations to determine whether jail time is a necessary penalty to protect public safety, or if the offense could effectively be addressed as a waiverable offense or by a fine.
10. The Lancaster County Attorney's Office is encouraged to expand diversion opportunities by considering the following:
 - The minimum financial limit of \$10,000 in restitution was set years ago and should be adjusted for inflation.
 - The current approach to diversion is "one bite at the apple". Based on stakeholder feedback it is recommended that the County Attorney's Office consider the following:
 - Allow diversion once at the misdemeanor level and once at the felony level (as was the former policy of the Lancaster County Attorney's Office);
 - Allow diversion a second time if sufficient time had passed and if the category of offense is different.
 - Expand eligibility so that most non-violent offenses are considered.
 - Mental health diversion and truancy diversion should be established.
11. The Lancaster County Board should examine the utility/feasibility of asking the Nebraska Legislature to revise Neb. Rev. Stat. § 29-3604 to allow counties (other than Sarpy) to offer DUI diversion as a way to both enhance public safety and provide substantial cost savings for the County.
12. Lancaster County should support community mental health resources as a way to reduce justice system filings.

ALTERNATIVE FUNDING STREAMS

13. Establish a clear process for recoupment when it is determined that a defendant has the means to pay for their legal representation.
14. Counties should protect and when opportunities present themselves, support the expansion of the state contribution toward indigent defense.
15. It is not recommended that the County adopt an application fee for indigent defense services.
16. Counties should explore an addition to the existing “indigent defense fee” (currently collected as part of the court-filing fee), to be reimbursed to counties as a state contribution to the cost of indigent defense (See Neb. Rev. Stat. §33-156 and § 29-3933.). An addition to the filing fee is a more attractive option than an application fee because it is assessed on every case filed, negating the need for an administrative process to determine ability to pay, and a collection process in order to collect.

LEGAL SERVICE DELIVERY OPTIONS

17. Explore expansion of the current contract with Legal Aid of Nebraska for 3(a) GAL representation from 133 appointments per year to 266 new appointments per year.
18. Use information obtained from acquiring billing software to collect more accurate data regarding the costs of legal representation. Information should be used to explore establishment of a Conflict Defender Office and an Office of Guardian ad Litem.

CASE PROCESSING/CASE MANAGEMENT

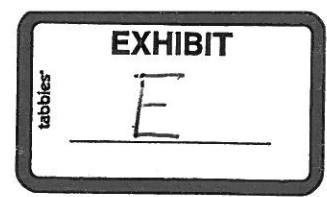
19. When appropriate, allow waiver of presentence investigations in misdemeanor cases.
20. The Lancaster County District Court will explore adoption of a form in lieu of requiring defendants to swear to a bond in person.

21. Explore administrative options to prompt defendants' restitution payments without requiring a court appearance.
22. Explore the option of setting different start times for jury docket calls in the Lancaster County District Court for cases where the public defender is providing representation from where assigned counsel is providing representation (this should not impact the efficiency of the judicial process, but will reduce wait time for both public defenders and assigned counsel).
23. The ability of attorneys to initiate a call to their clients and quickly, securely and confidentially discuss matters with their clients via phone in the new jail facility is imperative to controlling attorney fees once the jail transitions to its new location.
24. Explore steps to ensure multiple counsel are not appointed per client.
25. Explore options that would allow all first offense DUI Cases to be prosecuted by the City Attorney's Office.
26. The Lancaster County Attorney's Office should develop a plan designed to reduce the number of supplemental petitions in juvenile court (e.g., filing revocations of probation and new law violations together, improve communication with probation administration and handle issues through graduated sanctions, require prosecutors to attend dispositional hearings, and/or shorten the timeline for filing petitions, etc.).
27. In an effort to reduce the number of continuances in juvenile court, a plan/mechanism should be developed to: 1) inform parents of their right to counsel through communication by the Department of Health and Human Services and/or Guardians ad Litem; 2) examine whether the Sheriff's office has enough time to effectuate service; 3) inform Guardians ad Litem through the County Attorney's Office of whether service has been provided so that waiver of appearance can be requested.
28. The City Attorney's Office and the County Attorney's Office should develop a communication mechanism to avoid the dual prosecution of juveniles.
29. The Lancaster County Public Defender's Office should establish a plan to improve public defender coverage in the fourth juvenile court courtroom.

30. Communication between the Lancaster County Public Defender's Office and the Lancaster County Juvenile Court Judges needs to be improved regarding caseload standards.
31. The Lancaster County Public Defender's Office should review its caseload standards regarding whether review hearings or supplemental petitions should be considered "new cases."
32. Juvenile court judges should continue the practice of attorney only docket calls.
33. Juvenile court judges should continue to encourage and grant requests to withdraw as counsel in cases where the parent has not had contact with the appointed attorney over a prolonged period.
34. Juvenile court judges should continue to move towards six month reviews for juvenile cases unless there is a need to check progress sooner.

IMPLEMENTATION/EVALUATION

35. The Lancaster County Indigent Defense Advisory Committee should be charged to assist with the development and implementation of the recommendations herein, reporting back to the Lancaster County Board on areas of improvement and the impact of implemented recommendations.



Priority Recommendations

Improved Data and Transparency

1. Lancaster County should acquire billing software for its appointed counsel system in order to allow for: electronic invoicing and payment, greater uniformity in billing practices, a reduction in staff time spent on reviewing bills, a reduction in the time that attorneys wait from submission to payment, and improvement of the courts' ability to identify trends, project costs, and estimate the impact of policy changes.
 - a. County and District Court Judges should develop billing guidelines (for continuity across their levels of court) regarding what activities (wait time, travel time, etc.) and what ancillary services or other costs (depositions, experts, etc.) the courts will reimburse for or require prior approval for reimbursement. Billing guidance may also be used to encourage/provide guidance on the use of paralegals. Guidelines should be built into the billing software.
 - b. Use information obtained from acquiring billing software to collect more accurate data regarding the costs of legal representation. Information should be used to explore establishment of a Conflict Defender Office and an Office of Guardian ad Litem.

Reduced Number of Appointments

2. The County should explore a statutory change to clarify whether (or under what circumstances) non-custodial parents, parents against whom there are no allegations filed, or even custodians of children who have no legal relationship to the children should have a right to a court appointed attorney.
3. The City Prosecutor's Office should adopt a process by which criminal history is available at the time of initial review and charging and adopt a form to prompt prosecutors to indicate the likelihood of jail time (jail time likely, jail time a possibility, and no jail time) so that the decision about whether to request jail time is ready at the time of arraignment. Judges would agree not to appoint on cases where jail time is not likely (with the understanding that if circumstances change, appointment of counsel could be reassessed).
4. Explore the expansion of eligibility for diversion and diversion programming (mental health, truancy, DUI).

5. A form should be piloted to assist with indigence determinations, relying on several simple questions that would automatically qualify someone as indigent (e.g., if they are receiving state aid, or are at 125% of the federal poverty guidelines, etc.) or flag someone for further questioning by the Judge. In County Court, the form would be disseminated by the bailiff and filled out, signed and sworn to by the defendant. If the client is in custody and is appearing via video, Lancaster County Corrections should be responsible for disseminating the form and providing it to the Judge. In addition to better informing indigence determinations, the adoption of an indigence determination form may enhance trust and confidence in the courts by adding uniformity (judges asking the same questions of defendants) and transparency to this subjective process and may improve the County's efforts to recoup fees when appropriate. Implementation of the form should be piloted in one courtroom initially, to assess the impact and identify any barriers to successful implementation (thought will also need to be given regarding in-custody defendants).

ALTERNATIVE FUNDING STREAMS

6. Counties should protect and when opportunities present themselves, support the continued use of the Commission on Public Advocacy and the expansion of the state contribution toward indigent defense.

LEGAL SERVICE DELIVERY OPTIONS

7. Explore expansion of the current contract with Legal Aid of Nebraska for 3(a) GAL representation from 133 appointments per year to 266 new appointments per year.

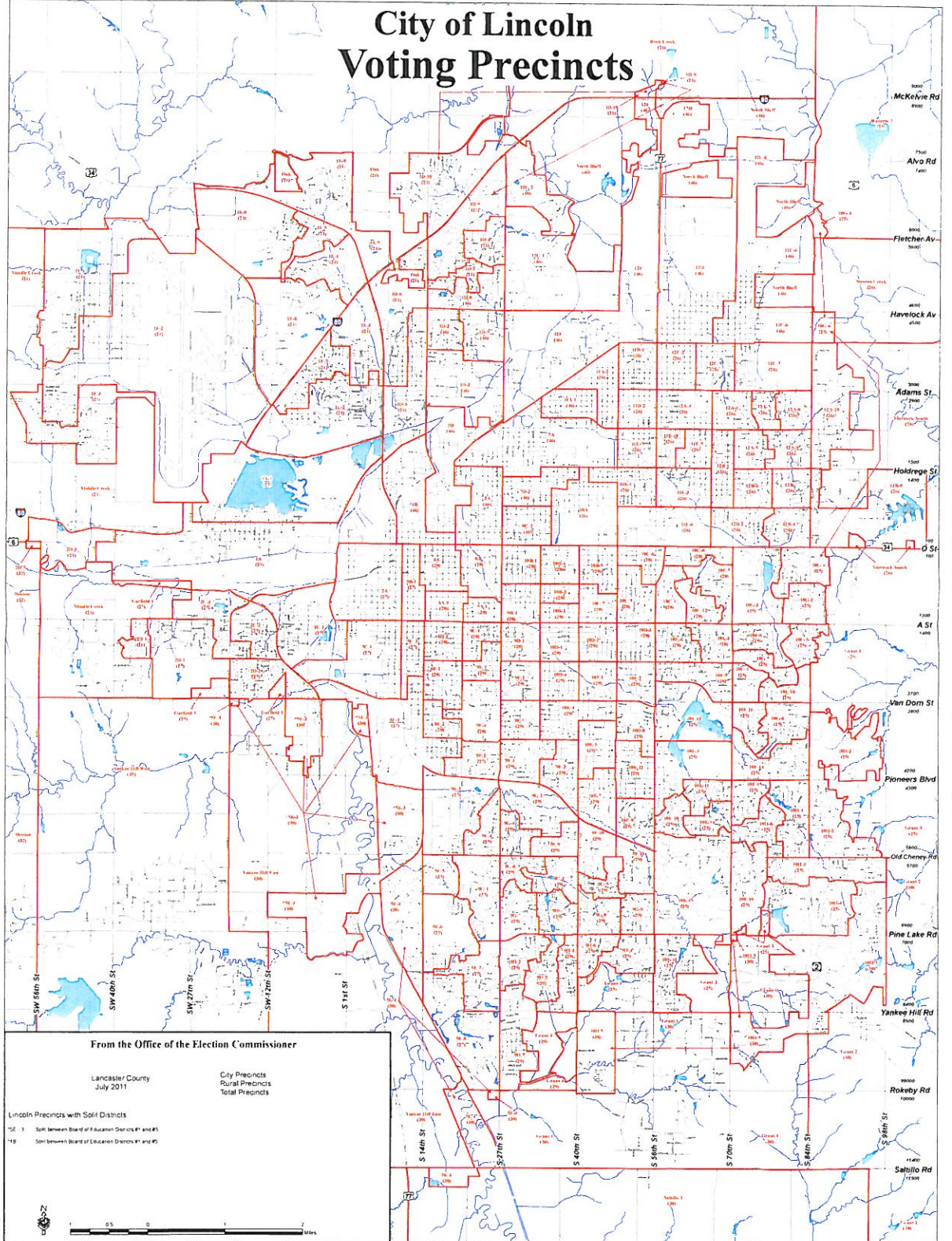
CASE PROCESSING/CASE MANAGEMENT

8. The ability of attorneys to initiate a call to their clients and quickly, securely and confidentially discuss matters with their clients via phone in the new jail facility is imperative to controlling attorney fees once the jail transitions to its new location.
9. Pilot the impact that asking the Sheriff to provide parents with the form informing them of their right to obtain counsel at the time of service on 3(a) cases, has on the number of continuances in juvenile court.

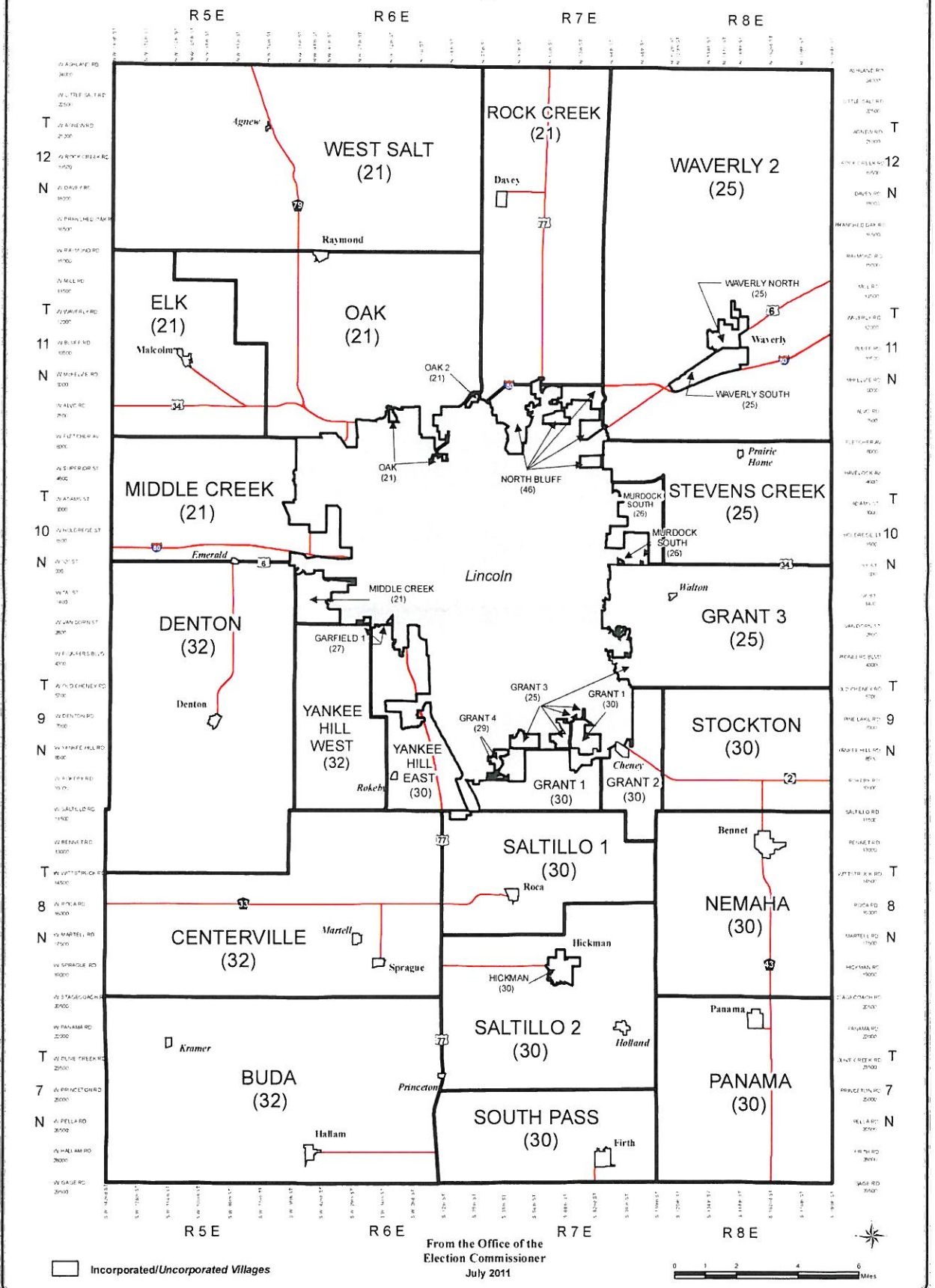
Comparisons for Lancaster County Changes in Precincts/Polling Places
April 5, 2012

Year	Number of Precincts	Average number of Registered Voters per Precinct	Average number of Election Day Voters per precinct	Average number of Absentee Voters per Precinct
2012 Estimates	198	893	461	138
2010	223	797	253	65
2008	223	802	443	133

City of Lincoln Voting Precincts



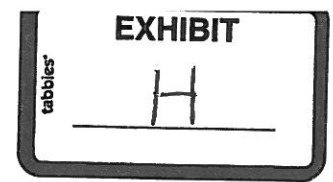
Lancaster County, Nebraska Rural Voting Precincts



□ Incorporated/Unincorporated Villages

From the Office of the
Election Commissioner
July 2011

0 1 2 4 6 Miles



News from:

The Lancaster County Election Commissioner

David J. Shively
Lancaster County Election Commissioner
Maura Kelly Tolzin
Chief Deputy

601 North 46th Street
Lincoln, Nebraska 68503
(402) 441-7311
(402) 441-6379 (FAX)

**For Immediate Release:
April 6, 2012**

**For more information:
David J. Shively
(402) 441-7311**

*****MEDIA ADVISORY*****

Lancaster County Election Commissioner David Shively will hold a news conference on Friday, April 6, 2012, at 10:00 a.m. to discuss polling place changes for the 2012 elections. The news conference will be held at the Election Commissioner's Office, 601 North 46th Street, Lincoln. For more information, please contact Commissioner Shively at 402 441-7311.

###

News from:

The Lancaster County Election Commissioner

David J. Shively
Lancaster County Election Commissioner
Maura Kelly Tolzin
Chief Deputy

601 North 46th Street
Lincoln, Nebraska 68503
(402) 441-7311
(402) 441-6379 (FAX)

**For Immediate Release:
April 6, 2012**

**For more information:
David J. Shively
(402) 441-7311**

Election Commissioner Announces Polling Place Changes

Lincoln -- Lancaster County Election Commissioner David Shively announced today that new polling place cards will be mailed to all voters in the county on Friday, April 6th. Voters in the county should start to receive the cards on either Saturday, April 7th or on Monday, April 9th.

Shively recommends that voters destroy any old polling place cards that they may have in their wallets, purses or at home and replace them with the new cards they will receive. Voters should review the card to make sure they understand where their polling location is located. In some cases the location may have changed while in other cases it may have remained the same. Voters are not required to present the polling place card when they cast their ballots but they will need to vote at the correct location. Retaining the new card as a reminder is important.

In addition, the polling place card will also list the various districts or sub-districts for State Legislature, City Council, County Board, School Board and other political entities in which they reside. These districts may have also changed due to redistricting required by the various political subdivisions following the decennial census. Voters should review that information as well.

Per state law, the Election Commissioner is responsible for drawing and updating precinct lines following the decennial census and after the state legislature completes their work in redrawing boundary lines for their legislative districts.

Shively cited the following reasons for polling place changes:

- 1) Changes in boundaries of Legislative Districts
- 2) Balancing out the number of people voting per precinct
- 3) Geographical considerations
- 4) Annexations
- 5) Accessibility for the disabled
- 6) Cost savings
- 7) Increase in the number of people voting early

Voters with questions regarding this matter should contact the Election Commissioner's office at (402) 441-7311.

###

Polling Place Changes from 2010 to 2012

Closed Polling Places: [24]

Calvary United Methodist Church
Central Park Apartment Clubhouse
Church of Christ Northwest
Clare McPhee School
College View Academy
Country Club Apartments
Downtown Senior Center
Eastridge Elementary School
First Plymouth Congregational Church
First United Methodist Church
Holy Trinity Episcopal Church
Lincoln Church of Christ
Lincoln Electric System
Malcolm Fire Station
Malone Manor
Merle Beattie School
Northeast Senior Center
Pioneer Housing Corp.
ScreenCo
Second Baptist Church
St. Michael's Catholic Church
Trinity Baptist Church
Warren United Methodist Church
Zeman Elementary School

Polling Places losing

one or more Precincts: [17]

American Lutheran Church
Belmont Baptist Church
Denton Community Building
Gateway Senior Living
Harbour West Clubhouse
Hickman Community Building
Irving Rec. Center
Madonna ProActive
New Covenant Church
Northbrook Apartments
Oak Lake Evangelical Free Church
Ruth Pyrtle School
Sheridan Lutheran Church
Southview Christian Church
Southwood Community Center
Tabitha Health Care Services
The Walter Apartments

New Polling Places: [16]

Bethany Park Enclosed Shelter
Brentwood Estates
Cedars
Crossroads Church
First Christian Church
First Free Church
Frontier Harley-Davidson
Grand Lodge at the Preserve
Hickman American Legion Post #105
Knights of Columbus
Kooser Elementary School
North Star High School
Schoo Middle School
St. Paul's Lutheran Church
The Ambassador
Trinity United Methodist Church

Polling Places adding

one or more Precincts: [3]

Clark Jeary Retirement Community
Lakeview United Methodist Church
Southeast Community College

Summary:

The net loss of Precincts
between 2010 and 2012 is 25.
(223 minus 198)

The net loss of Polling Places
between 2010 and 2012 is 8.
(24 closed – 16 new)

Lancaster County Election Commissioner
601 N. 46th St.
Lincoln, NE 68503



Presorted First Class
US Postage Paid
-Omaha, NE
Permit #1824

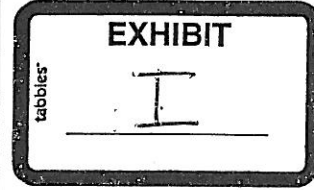
✂ DETACH AT PERFORATION AND KEEP ENTIRE BOTTOM PORTION ✂

David J Shively, 1855720, Republican
6401 Boxelder Dr, Lincoln, NE 68506-2805
Precinct: 10F05
Polling Place: Gere Branch Library
Address: 2400 S 56th St, (Meeting Room on South side), Lincoln

Political Subdivisions in which you reside:
Legislative District 28
County Commissioner DIST 04
City of Lincoln
Lincoln City Council DIST 02
Lower Platte South NRD At Large
Lower Platte South NRD SubD 8
Lincoln Public Schools
LPS School Board District 2
State Board of Education Dist1
Southeast Com College At Large
Southeast Com College Dist 5
U.S. Congressional District 1
Board of Regents District 1
Public Service Commissioner 1

Please
discard all
previous
polling place
cards.

Return Service Requested



57643
T36 P3

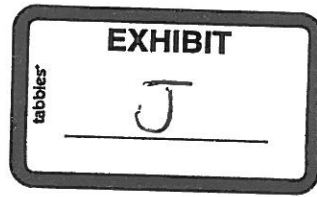
Dear Voter,

Due to changes caused by the 2010 Census, your precinct and other important voting information **may have changed**. This new Voter Information Card shows your current Precinct, Polling Location and other voting information. **Please dispose of all old Voter Information Cards to avoid confusion.** You are not required to present this card at your polling place.

If this card is delivered to your residence and it is addressed to a person who does not reside at the address, please return it to your postman. Thank You.

Some Helpful Election Information:

- If you move, change your name or change your political party affiliation, you must update your voter registration.
- The Election Commission is open from 8:00 am to 4:30 pm, Monday through Friday, excluding holidays.
- Statewide Primary Elections are held on the first Tuesday following the second Monday in May in even numbered years.
- Statewide General Elections are held on the first Tuesday following the first Monday of November in even numbered years.
- Elections for the City of Lincoln are held in April and May of odd numbered years.
- If you have any questions, please contact my office at (402) 441-7311. You may also visit our web site at www.lancaster.ne.gov/election.



APPOINTED OFFICIALS SALARY SURVEY 2011

COUNTY	Mental Health Administrator		Youth Services Center Director		Chief Administrative Officer		Deputy Chief Administrative Officer	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
Douglas	\$63,687	\$106,147	\$70,979	\$118,296	\$88,389	\$147,318	\$70,979	\$118,296
Linn	\$66,091	\$105,081	\$66,091	\$105,081				
Minnehaha			\$69,547	\$105,822	\$84,735	\$128,935	\$51,711	\$78,684
Polk			\$65,092	\$85,722	\$166,866	\$166,866		
Sedgwick	\$78,403	\$114,561	\$58,705	\$85,806	\$175,095	\$175,095	\$118,746	\$118,746
Shawnee								
Mean	\$69,394	\$108,596	\$66,083	\$100,145	\$128,771	\$154,554	\$80,479	\$105,242
Median	\$66,091	\$106,147	\$66,091	\$105,081	\$127,628	\$157,092	\$70,979	\$118,296
Midpoint	\$67,742	\$107,372	\$66,087	\$102,613	\$128,199	\$155,823	\$75,729	\$111,769
Lancaster	\$104,840	\$104,840	\$92,562	\$92,562	\$128,128	\$128,128	\$85,001	\$85,001
\$ incr/decr	-\$37,098	\$2,532	-\$26,475	\$10,051	\$71	\$27,695	-\$9,272	\$26,768
% incr/decr	-35.39%	2.41%	-28.60%	10.86%	0.06%	21.61%	-10.91%	31.49%

COUNTY	Budget & Fiscal Officer		Building Administrator		Corrections Administrator		Weed Control Superintendent	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
Douglas	\$70,979	\$118,296	\$70,979	\$118,296	\$79,177	\$131,963		
Linn	\$71,712	\$114,742	\$66,091	\$105,081	\$93,536	\$93,536		
Minnehaha			\$69,547	\$105,822			\$36,598	\$55,688
Polk	\$82,425	\$108,743	\$90,642	\$119,652	\$104,988	\$104,988	\$65,092	\$85,722
Sedgwick	\$72,930	\$106,600	\$63,107	\$92,209			\$58,705	\$85,506
Shawnee	\$87,750	\$87,750	\$77,000	\$77,000	\$75,000	\$75,000	\$57,000	\$57,000
Mean	\$77,159	\$107,226	\$72,894	\$103,010	\$88,175	\$101,372	\$54,349	\$70,979
Median	\$72,930	\$108,743	\$70,263	\$105,452	\$86,357	\$99,262	\$57,853	\$71,253
Midpoint	\$75,045	\$107,985	\$71,579	\$104,231	\$87,266	\$100,317	\$56,101	\$71,116
Lancaster	\$92,030	\$92,030	\$108,326	\$108,326	\$102,810	\$102,810	\$62,000	\$62,000
\$ incr/decr	-\$16,985	\$15,955	-\$36,747	-\$4,095	-\$15,544	-\$2,493	-\$5,899	\$9,116
% incr/decr	-18.46%	17.34%	-33.92%	-3.78%	-15.12%	-2.42%	-9.52%	14.70%

Deputy Sheriff -
Captain

Attorney I

Attorney II

Community
Corrections Dir

COUNTY	MINIMUM	MAXIMUM		MINIMUM	MAXIMUM		MINIMUM	MAXIMUM		MINIMUM	MAXIMUM
Douglas	\$105,007	\$105,007		\$45,000			\$106,590			\$62,169	\$93,211
Linn	\$91,254	\$91,254		\$53,965	\$84,187		\$62,954	\$99,466			
Minnehaha	\$53,005	\$95,869		\$51,711	\$78,684		\$57,079	\$86,855			
Polk	\$71,513	\$94,268		\$61,404			\$116,919				
Sedgwick	\$58,705	\$85,806		\$50,000			\$90,000		\$78,403	\$114,561	
Shawnee	\$50,689	\$81,016		\$64,875			\$103,709		\$74,000	\$74,000	
Mean	\$71,696	\$92,203		\$54,492	\$81,436		\$60,017	\$100,590		\$71,524	\$93,924
Median	\$65,109	\$92,761		\$52,838	\$81,436		\$60,017	\$101,587		\$74,000	\$93,211
Midpoint	\$68,402	\$92,482		\$53,665	\$81,436		\$60,017	\$101,089		\$72,762	\$93,568
Lancaster	\$84,000	\$90,002		\$56,000	\$63,632		\$72,000	\$99,817		\$82,599	\$82,599
\$ incr/decr	-\$15,598	\$2,480		-\$2,335	\$17,804		-\$11,983	\$1,272		-\$9,837	\$10,969
% incr/decr	-18.57%	2.76%		-4.17%	27.98%		-16.64%	1.27%		-11.91%	13.28%

COUNTY	Veterans Service		General Assistance		Risk Management Director		Emergency Management Director	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
Douglas	\$57,158	\$95,264	\$63,687	\$106,147			\$63,687	\$106,174
Linn	\$52,312	\$81,607	\$52,312	\$81,607	\$61,025	\$96,418	\$91,229	\$91,229
Minnehaha	\$40,398	\$61,468					\$69,547	\$105,822
Polk							\$101,659	\$101,659
Sedgwick					\$67,844	\$99,097	\$58,705	\$85,506
Shawnee							\$57,500	\$57,500
Mean	\$49,956	\$79,446	\$58,000	\$93,877	\$64,435	\$97,758	\$73,721	\$91,315
Median	\$52,312	\$81,607	\$58,000	\$93,877	\$64,435	\$97,758	\$66,617	\$96,444
Midpoint	\$51,134	\$80,527	\$58,000	\$93,877	\$64,435	\$97,758	\$70,169	\$93,880
Lancaster	\$76,887	\$76,887	\$76,887	\$76,887	\$76,527	\$76,527	\$83,283	\$83,283
\$ incr/decr	-\$25,753	\$3,640	-\$18,888	\$16,990	-\$12,093	\$21,231	-\$13,114	\$10,597
% incr/decr	-33.49%	4.73%	-24.57%	22.10%	-15.80%	27.74%	-15.75%	12.72%

Appointed Salary Information 2012

Name	Department	Class title	Current salary	1% increase	2% increase
ETHERTON,KIM G.	COMMUNITY CORRECTIONS	COMMUNITY CORRECTIONS DIRECTOR	\$82,599	\$83,425	\$84,251
MEYER,DENNIS M.	BUDGET AND FISCAL	BUDGET & FISCAL OFFICER	\$92,030	\$92,950	\$93,870
ECKLEY,LINDA S	RISK MANAGEMENT	RISK MANAGEMENT DIRECTOR	\$76,527	\$77,293	\$78,058
BOESCH,KATHRYN M.	HUMAN SERVICES	HUMAN SERVICES ADMINISTRATOR	\$77,767	\$78,545	\$79,322
CHALUPA,GAROLD E.	VETERANS SERVICES	CO VETS SERV & GEN ASSIST OFFICER	\$76,887	\$77,656	\$78,425
RINGLEIN,RICHARD J.	VETERANS SERVICES	ASST COUNTY VET SERVICE OFFICER	\$56,422	\$56,986	\$57,551
COVERT,CYNTHIA ANN	VETERANS SERVICES	GENERAL ASSISTANCE DEPUTY DIRECTOR	\$50,001	\$50,501	\$51,001
EAGAN,KERRY P.	ADMINISTRATIVE SERVICES	CHIEF ADMINISTRATIVE OFFICER	\$128,128	\$129,409	\$130,691
THORPE,GWENDOLYN K.	ADMINISTRATIVE SERVICES	DEPUTY CHIEF ADMIN OFFICER	\$85,001	\$85,851	\$86,701
AHLBERG,DOUGLAS A.	EMERGENCY MANAGEMENT	EMERGENCY MANAGEMENT DIRECTOR	\$83,283	\$84,116	\$84,949
HOSKING,MARK DAVID	EMERGENCY MANAGEMENT	ASST EMER SERVICES COORDINATOR	\$45,001	\$45,451	\$45,901
SETTLE,DEAN B.	COMM. MENTAL HEALTH CENTER	MENTAL HEALTH ADMINISTRATOR	\$104,840	\$105,889	\$106,937
ROY,SANAT K.	COMM. MENTAL HEALTH CENTER	CLINICAL DIRECTOR	\$211,072	\$213,183	\$215,294
MEYER,BRENT DOUGLAS	WEED CONTROL AUTHORITY	WEED CONTROL SUPERINTENDENT	\$62,001	\$62,621	\$63,241
KILLEEN,DONALD F.	CNTY/CITY PROPERTY MANAGEMENT	BUILDING ADMINISTRATOR	\$108,326	\$109,410	\$110,493
SCHINDLER,MICHELLE L.	YOUTH SERVICES CENTER	YOUTH SERVICES CENTER DIRECTOR	\$92,562	\$93,488	\$94,413
THOMPSON,ANNETTE B.	YOUTH SERVICES CENTER	JUV DETENTION CENTER DEP DIRECTOR	\$71,155	\$71,866	\$72,578
THURBER,JAMES M.	CORRECTIONS	CORRECTIONS ADMINISTRATOR	\$102,810	\$103,838	\$104,866
			\$1,606,413	\$1,622,477	\$1,638,541
				\$16,064	\$32,128

Salary Information 2012

Name	Department	Class title	Current salary	1% increase	2% increase
SMITH,VERNICE M.	DISTRICT COURT	BAILIFF I	\$44,368	\$44,812	\$45,256
HOUGH,SHARON MARIE	DISTRICT COURT	BAILIFF II	\$54,664	\$55,211	\$55,758
FOLSOM,KIM R.	DISTRICT COURT	BAILIFF II	\$54,664	\$55,211	\$55,758
LAMPE,SHERI A.	DISTRICT COURT	BAILIFF II	\$54,664	\$55,211	\$55,758
PETERSEN,MARIAN G.	DISTRICT COURT	BAILIFF II	\$54,664	\$55,211	\$55,758
RHYNALDS,CHRISTINE L.	DISTRICT COURT	BAILIFF II	\$54,664	\$55,211	\$55,758
SCHMIDT,BERNADETTE L.	DISTRICT COURT	BAILIFF II	\$54,664	\$55,211	\$55,758
MOST,RHONDA R.	DISTRICT COURT	BAILIFF II	\$54,664	\$55,211	\$55,758
ROWE,KAREN M.	DISTRICT COURT	BAILIFF II	\$54,664	\$55,211	\$55,758
WOOD,JANICE K.	DISTRICT COURT	BAILIFF II	\$54,664	\$55,211	\$55,758
OWENS,ANGELA R.	JUVENILE COURT	BAILIFF II	\$54,664	\$55,211	\$55,758
POFAHL,ANGELA M.	JUVENILE COURT	BAILIFF II	\$54,664	\$55,211	\$55,758
LEE,LESLI L.	JUVENILE COURT	BAILIFF II	\$54,664	\$55,211	\$55,758
PAUL,DIANNE E.	JUVENILE COURT	BAILIFF II	\$54,664	\$55,211	\$55,758
GILLEN,SUSAN L.	DISTRICT COURT	CHILD SUPPORT REFEREE	\$95,418	\$96,372	\$97,326
GAU,ELIZABETH OSTERMAN	DISTRICT COURT	DISTRICT COURT JUDGES LAW CLERK	\$38,445	\$38,829	\$39,214
BARNES,CAITLIN R.	DISTRICT COURT	DISTRICT COURT JUDGES LAW CLERK	\$38,445	\$38,829	\$39,214
			\$927,314	\$936,587	\$945,860

* In the past, the Board has stated they would like to equalize the Bailiff II to the Paralegal II.

\$9,273 \$18,546

The Paralegal II is currently paid \$55,068 at the maximum.

County Vacation Market

Vacation

Input Point	1 Yrs	5 Yrs	10 Yrs	15 Yrs	20 Yrs	25 Yrs	30 Yrs
1	96	120	160	200	200	200	200
2	80	80	120	160	200	200	200
3	128	136	168	176	208	208	208
4	80	120	160	160	200	200	200
5	80	80	120	160	160	200	200
6	96	120	144	168	192	192	192
7	104	130	156	182	208	208	208
Mean	95	112	147	172	195	201	201
Median	96	120	156	168	200	200	200
Midpoint	95	116	151	170	198	201	201
Lancaster	80	120	152	164	198	198	198
Hours change + or - from Mdpt	15	-4	-1	6	0	3	3

Private Sector Benefits
Vacation

Input Point	1 Yrs	5 Yrs	10 Yrs	12Yrs	15 Yrs	20 Yrs	25 Yrs
A	120	160	160	160	200	200	200
L	80	120	120	136	136	160	160
H	40	40	40	40	40	40	40
N	80	80	120	120	120	120	120
L	84	108	132	132	156	168	192
N	80	80	120	120	120	160	200
N	139	185	208	208	208	208	208
Mean	73	110	129	131	140	151	160
Median	76	108	120	132	136	160	192
Midpoint	75	109	124	131	138	155	176
Lancaster	80	120	152	152	164	198	198
Hours Change + or - from Mdpt	5	11	28	21	26	43	22

A uses a PTO - combines all leaves
 N is a PTO program as well

Local Law Firm A 0
 Local Law Firm B 11

Firm A does not provide vacation; exempt staff may take as much time off as they wish as long as they meet the job expectations.

LANCASTER/DOUGLAS/SARPY COUNTY

MARCH, 2012

	LANCASTER COUNTY	DOUGLAS COUNTY	SARPY COUNTY
	Andy Stebbing	John Ewing	Rich James
Population	285,407	517,110	158,840
%Lanc/Doug;%Sarpy/Lanc	55%		56%
# Parcels	104,060	192,945	58,250
%Lanc/Doug;%Sarpy/Lanc	54%		56%
Total Taxes Levied	378,355,084	821,312,778	248,409,121
%Lanc/Doug;%Sarpy/Lanc	46%		66%
# Employees/ FTE's	42.5	97.4	25.5
	44%		60%
Budget	3,329,650		1,400,000
			42%
Payroll Budget	2,530,800		
Treasurer Salary	78,200	107,404	82,887
	73%		106%
Deputy Salary	74,600	90,295	77,084
	83%		
% Deputy of Treas	95%	84%	93%
Service Locations	3	6	1
Org Chart	Attached		
Licensed Drivers	200,198	360,809	113,658
%Lanc/Doug;%Sarpy/Lanc	55%		57%
All plates	247,653	429,611	150,274
%Lanc/Doug;%Sarpy/Lanc	58%		61%
			150 SID's

STATISTICS

Source	City of Lincoln
	Melinda Jones
Wikipedia 2010 Census	

State 2011 County Abstract of Form 45

Per State website

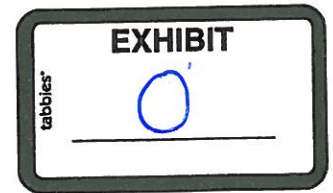
estimate

110,000

2010 per State DMV annual report

2010 per State DMV annual report

DRAFT



April 5, 2012

Dear CMHC Employees, Consumers and Family members:

The Lancaster County Community Mental Health Center (CMHC) was established in 1976 for the purpose of providing behavioral health services in the community rather than in state institutions. Thanks to a highly trained and dedicated staff, the CMHC has effectively served this purpose. However, fiscal constraints are making it increasingly difficult for Lancaster County to adequately fund the critical programs and services offered by the CMHC. For this reason the CMHC Planning Committee was established to provide the Lancaster County Board with a sustainable long-term plan for providing quality behavioral health services in our community.

The Committee recognized an opportunity to improve services, and recommended the establishment of a new service model based on the integration of primary care and behavioral health services, peer support, and more consumer involvement in programming. The County Board has accepted this recommendation, and is now working with Region V Systems to establish the essential components of the new service model. The next step will be an invitation to providers to submit cooperative and innovative proposals for providing services under the new model.

To help facilitate a seamless transition for consumers and family members, the CMHC will be maintained at the current location for up to two (2) years, and CMHC employees will remain as County employees during the transition process. Also, a communication plan is being developed to provide timely and accurate information on the transition, including regular updates on Channels 5 and 10.

Finally, Ron Sorensen has been hired as the CMHC Director to replace Dean Settle after he retires. As the former director of the Division of Behavioral Health Services for the State of Nebraska, Ron comes to the CMHC with extensive knowledge and experience. In the upcoming months Ron will be meeting with employees, consumers, family members and other stakeholders. The County Board has great confidence in Ron's ability to lead the CMHC through the transition period.

Sincerely,

Deb Schorr, Chair

this message is given and given consistently, the consumer community will remain fearful and reluctant to support any changes. The CMHC staff must be provided with as much information as possible and this information needs to be shared with the individuals they serve.

The second arena in which the CMHC staff needs support is with their own concerns and anxieties. Unless a venue is provided for them to receive information and voice their concerns, their anxieties will compound the fears of the individuals who currently receive services at the CMHC. Treatment for behavioral health issues is a challenging service to provide. When an entire system is destabilized, including the treatment provider, the challenge is made more difficult. The staff members are facing a possible loss of or change to their livelihood, professional identity, and future retirement. This is a stressful process and all efforts must be made to avoid any additional pressures.

Process

The development of the ITN should begin in January of 2012. The group should be representative of the community stakeholders, but one group must be designated to write and prepare the ITN. Given that Region V is the designated behavioral health authority and is the major contractor they should have lead on this project. The county should be part of the group of community stakeholders that will develop the ITN. An ITN that outlines the requirements for the service system should be created quickly (ideally within six to eight weeks) and then released to the community.

The applicants should be allowed six to eight weeks from the release to complete and return the applications. Given Lincoln's strong collaborative spirit, many natural partnerships already exist and could easily work together to create a strong service system and to translate that vision to an application. All applications should be scored within a two week period by a contract team chosen by Region V. Negotiations would be scheduled with the top two to three scorers. In the case of only one applicant, if that application is deemed acceptable, then negotiations can proceed more rapidly.

Negotiations should be time limited to ensure that the applicant who is chosen can begin to interview current employees immediately. All efforts should be made to retain as many of the current staff as possible. Any staff members who are not provided with an employment opportunity should receive job seeking support from the county. If there are frontline staff who will not continue with the agency, plans for transitioning their caseload to another individual must begin immediately and, ideally, result in a handoff from the original staff person to the new individual.

Ideally, the provider of behavioral health services within Lancaster County would be allowed to remain in the current facility for the first year of business. This would allow staff and consumers to adjust to the changes that will accompany a new provider group, some new approaches to service provision, and an increased focus on integrated care. In addition, this would allow for full consideration of accommodating mental health needs in the business plan to be developed for possible use of the Duteau Building by several health care organizations (see Section II).



1 inch = 100 feet

HALEY LYNN LA

8350 Haley Lynn Lane

W YANKEE HILL RD

W YANKEE HILL RD



78.47 ± Ac. Total
77.47 ± Ac. Net

- #77-1027
- #90-20368
- #92-3141
- #94-10871
- #2001-26238

78.47 ± Ac. Total
77.47 ± Ac. Net

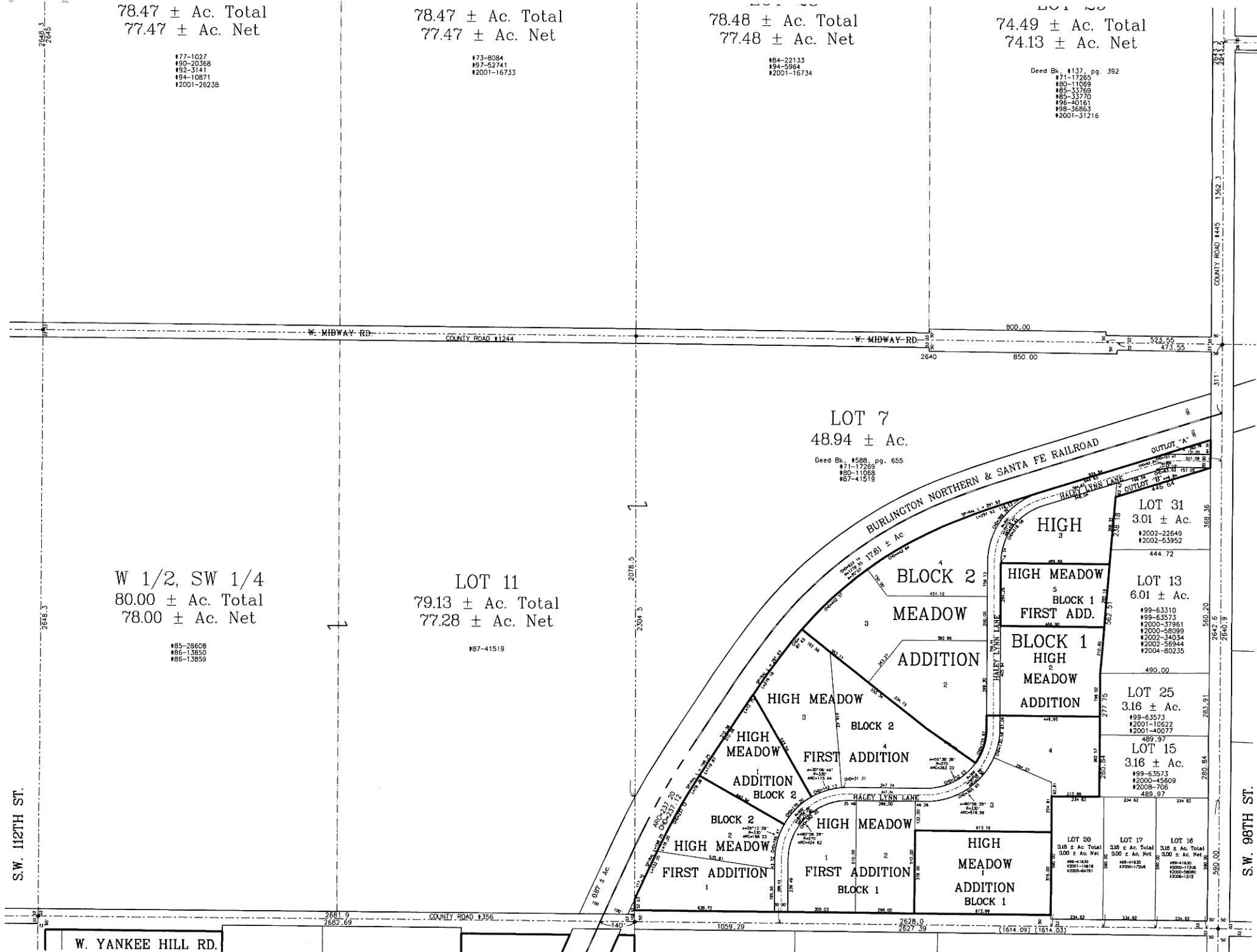
- #73-8084
- #97-52741
- #2001-16733

78.48 ± Ac. Total
77.48 ± Ac. Net

- #84-22133
- #94-5964
- #2001-16734

74.49 ± Ac. Total
74.13 ± Ac. Net

- Deed Bk. #137, pg. 392
- #71-17285
 - #80-11069
 - #85-33769
 - #85-33770
 - #86-40161
 - #88-36863
 - #2001-31216



W 1/2, SW 1/4
80.00 ± Ac. Total
78.00 ± Ac. Net

- #85-28608
- #86-13850
- #86-13859

LOT 11
79.13 ± Ac. Total
77.28 ± Ac. Net

#87-41519

LOT 7
48.94 ± Ac.

- Deed Bk. #588, pg. 655
- #71-17289
 - #80-11068
 - #87-41519

LOT 31
3.01 ± Ac.

- #2002-22649
- #2002-53952

LOT 13
6.01 ± Ac.

- #99-63310
- #99-63573
- #2000-37961
- #2000-58099
- #2002-34034
- #2002-56944
- #2004-80235

LOT 25
3.16 ± Ac.

- #99-63573
- #2001-10622
- #2001-40077

LOT 15
3.16 ± Ac.

- #99-63573
- #2000-45609
- #2008-705

LOT 30
3.16 ± Ac. Total
3.00 ± Ac. Net

- #99-1430
- #2001-1814
- #2005-41761

LOT 17
3.16 ± Ac. Total
3.00 ± Ac. Net

- #99-1430
- #2000-1728
- #2000-18000
- #2008-1313

LOT 16
3.16 ± Ac. Total
3.00 ± Ac. Net

- #99-1430
- #2000-1728
- #2000-18000
- #2008-1313