



News > Local News

Budget cuts will impact justice system

[Print Page](#)

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The Nebraska Judicial System could lose more than 30 courts if 10 percent cuts being considered to balance the state's budget are put into place.

As part of an eight-city tour across the state, Nebraska State Bar Association officials spoke in Scottsbluff Monday about the potential impact of cuts that could be made. While in Scottsbluff, officials met with a community group about the possible impact.

Every state agency funded by tax receipts had to outline a 10 percent cut scenario as part of budget requests submitted last week to the governor and state legislators. Gov. Dave Heineman and legislators asked the agencies to suggest ways to cut 10 percent from their budget, though cuts have not been enacted yet.

While the Nebraska Judicial System is a third branch of government, "something people tend to forget," Nebraska State Bar Association President Michael F. Kinney said the Nebraska Supreme Court submitted its budget request.

The request "is not what the Supreme Court wants," he said.

Under the Nebraska Supreme Court's proposed budget request, 30 courts could be slated for closure to trim \$10 million from its budget. Nebraska's 12th Judicial District, which covers the 11 counties of the Panhandle and Grant County, could see four county courts clerks closed.

"This means lights off, doors locked, people fired," Kinney said.

Cutting courts hurts the communities and people who need them, William J. Mueller, a Lincoln attorney, said.

"It redefines access to justice. It redefines justice too," Kinney said, pointing to mothers who need child support enforcement to support their children as an example of a potential population who could not afford the travel costs to access courts in another community.

"It comes down to access," Mueller said. "It is not the lawyers having access (that causes concerns), but citizens having access."

With the help of local attorneys, such as Scottsbluff attorney Howard Olsen, who helped organize the Scottsbluff stop, the Nebraska State Bar Association has learned "how much a courthouse is part of the social fabric of communities in western Nebraska," Kinney said.

The cuts don't stop with the closing down courts, either. The budget request also calls for personnel cuts at 32 courts, including Dawes, Sheridan and Box Butte County Courts. Furloughing staff could also be an option, with proposals from various groups putting furloughs at five to 24 days a year.

"It is important to us," Kinney said of the bar association's efforts to educate the public about the impact of the cuts. "We want this area to know ... we are very aware of what is going on here and could go on here."

Kinney said there have also been various "rumors" about other possible proposals for trimming costs in the judicial system. He said it's an "eye-opener when looking at the different impacts across the judicial system, and among state agencies, that 10 percent budget cuts could have.

One proposal, changing the Nebraska Supreme Court trial districts from 12 districts to coincide with the Nebraska Court of Appeals' six districts, is of concern to the Nebraska State Bar.

Another cost-cutting measure suggested has been to limit the amount of travel for judges and court staff. In the Panhandle, the district's five judges travel among the district's courts, so cuts to travel costs are of particular concern for this district.

Additional consolidation of duties may also come among staff in different courts if proposals to change staffing levels are put into place.

The Nebraska State Bar is also concerned about other proposals rumored to be considered, including using digital recorders instead of humans court reporters and relying on video proceedings. The bar is concerned that accuracy and efficiency are compromised under those scenarios.

The Nebraska Supreme Court has put forth some ideas to increase revenues, including increasing filing fees.

Raising filing fees could generate additional revenues. Raising fees by \$20 would increase revenues by \$8 million statewide, Kinney said, offsetting a large portion of the proposed 10 percent cut.

"On a national basis, Nebraska is at the middle or below average" in its fees, Kinney said.

The Nebraska Supreme Court has also proposed an additional fee for out-of-state attorneys practicing in Nebraska courts. Surrounding states, such as Iowa, charge similar fees and Nebraska could bring in \$250,000 with such a fee.

The Nebraska Supreme Court has also submitted a proposal for 5 percent budget cuts. Under that alternative, 23 county courts would be proposed for closure.

The reality of the cuts is that they will affect the quality of the judicial system, Kinney said. Quality of judges will fall as the pool of potential applicants shrinks and duties of judges are increased. Positions that involve furloughs won't attract qualified staff.

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