

Nebraska Minority Justice Committee 2015 State Report

Piloting an On-Call Interpreter Service for Attorneys

In 2012, the Nebraska Minority Justice Committee, a joint initiative of the Nebraska State Bar Association (NSBA) and the Nebraska Supreme Court conducted a Needs Assessment of Language Access in Nebraska's court system. One of the primary findings was that while the Nebraska Judicial Branch does a good job of providing high quality interpreter services for all in-court proceedings, the quality of communication for out-of-court communications, particularly between attorneys and their clients is lacking.

The assessment revealed that many attorneys frequently use family members (including children) as well as "jail house" interpreters (other jailed defendants who claim to be bilingual). When these practices are utilized, serious concerns about both the quality of communication and attorney-client privilege are raised. When Limited English Proficient (LEP) clients are not able to effectively communicate with counsel prior to their hearing, it inhibits their ability to strategize a defense, develop a client-attorney relationship, contact witnesses on their behalf, etc. It may also deter them from using the court system to resolve issues (seek orders of protection, modify child support, etc.). The Committee feels that the importance of accessing quality interpreter services has been heightened recently by a case from Iowa that found that an attorney provided ineffective assistance of counsel, when they did not use a qualified interpreter for attorney client communications.

In 2014, the NSBA received a grant from Woods Charitable Foundation to pilot an on-call interpreter service for attorneys' communication with their clients. If evaluation data indicate that there is sufficient demand for the services of an on-call interpreter program to assist with facilitating communication between clients and attorneys, the NSBA will seek to formally adopt the service and make it self-sustaining. Interpreter services are free during the pilot.

Status of the Nebraska Minority Justice Committee

In December of 2013, the Nebraska Supreme Court partially de-unified the Nebraska State Bar Association, creating the first hybrid state bar association, where all attorneys are required to be members, but dues to the Association are now voluntary. The change in dues structure became effective as of 2014. As a result, the NSBA has had only one year upon which to rely for prospective budgeting purposes. The Court's decision resulted in a significant decrease to the Nebraska State Bar Association's budget (more than 25%). Despite the joint nature of the committee, the MJC has always been funded (100%) by the NSBA. Because of the loss of funds, the NSBA has not been able to financially support a staff person for the Minority Justice Committee. The Committee has been, and continues to be in a state of flux. While the future of the Committee continues to be somewhat uncertain, it is very likely that the Committee will cease to exist in its current form as a joint Committee of the NSBA and NSC.