

State of the Judiciary
Chief Justice Jeffrey J. Funke, Nebraska Supreme Court
Message to the Legislature
January 22, 2026

Mr. President, Mr. Speaker, and Members of the Legislature:

Thank you for inviting me to report on the current State of the Nebraska Judicial Branch, to share some of our successes, and to recognize points of emphasis for this new year. It is an honor to address this legislative body.

I am joined by my fellow members of the Nebraska Supreme Court. May I introduce, in order of seniority as to service on the Court:

Justice William Cassel of O'Neill
Justice Stephanie Stacy of Lincoln
Justice Jonathan Papik of Omaha
Justice John Freudenberg of Rushville
Justice Jason Bergevin of Columbus, and
our newest member of the Supreme Court,
Justice Derek Vaughn of Omaha.

I begin by thanking you, the members of our Legislature, for your support of the Judicial Branch and the work that we do. Last year's budget process placed enormous pressure on this body. You looked closely at the State's expenditures, weighed the impact of the work being accomplished, and saw the importance of funding the Judicial Branch. For that, I am truly appreciative.

This session will again give you the opportunity to address budgetary concerns. Please know that the Judicial Branch is working to assist you in that endeavor.

Before discussing the budget, I would like to highlight some of our notable achievements over the last year. Many of these achievements were made possible by previous budget appropriations.

Much of our mission focuses on the delivery of justice to the citizens of Nebraska and comes in many different forms. Our work involves operating courts; supervising adults and juveniles on probation, post-release supervision, and problem-solving courts; and serving our most vulnerable individuals by providing public guardianships. These efforts increase public safety and make Nebraska a great place to live and raise a family, all while saving taxpayer dollars.

The work of the Judicial Branch is challenging and regularly involves issues which plague our society. Support from both the Executive and Legislative Branches is necessary to ensure that we continue to achieve our shared goals.

Court Operations

The Judiciary operates both a district court and a county court in all 93 counties in Nebraska, and we operate separate juvenile courts in Douglas, Lancaster, and Sarpy counties. The Workers' Compensation Court also falls under the authority of the Judicial Branch. In addition, our State has two levels of appellate courts.

When combining the trial and appellate courts, we have nearly 150 judges serving the people of Nebraska. These judges are selected through a merit process made up of a local component, comprised of lawyer and non-lawyer citizens, who vet the applicants. The final selection is then made by the Governor.

It is important to remember that judicial applicants are Nebraska lawyers from the communities in which they serve. Oftentimes, they have chosen to forego lucrative legal practices to join the judiciary and become public servants.

In the recent past, we have seen a decline in judicial applications, which leads to lengthier times filling these essential positions. This is an issue of great concern which we must address together.

Upon accepting a position on the bench, our judges work diligently to ensure justice is accessible to all. Nebraska judges are constitutionally and statutorily tasked with holding law offenders accountable, civilly resolving disputes, and protecting the best interests of our citizens, including our children. Our judges often perform these core functions under the burden of heavy caseloads and amid emotionally charged environments.

Doing this work comes with grave responsibilities and frequently intense criticism. Yet our judges remain steadfast and committed to the rule of law and the protection of our democracy. Their security and well-being remain a constant priority for the Judicial Branch. Despite these challenges, our judges and court staff continue to do their work with dignity and respect.

The Judicial Branch employs more than 1,600 dedicated individuals who average more than 8 years of service to the Branch. Their collective experience directly impacts the service we deliver, the innovations we create, and our inherent adaptability as the third branch of government. It influences our deep institutional knowledge, understanding not just what works but why it works, allowing us to turn challenges into successes.

Our courts continue to expand the use of technology and innovation to increase access to justice. Consistent with our constitutional mandates, we work together to increase uniformity in court processes and use of court forms so that accessing a court is similar in all parts of our State.

I am truly proud of our judges and Judicial Branch employees, and I thank them for their great work.

Adult Probation

Probation is another function provided by the Judicial Branch. More than 80% of all probationers satisfactorily complete their terms of probation, leading to Nebraska's exceptional recidivism rate of 19%. The average annual cost to supervise an adult on probation is \$3,500, while the average annual cost to incarcerate an adult is \$50,000.

Adult probation completes more than 11,000 presentence and post-release supervision investigations annually. Nearly 14,000 adults are supervised by probation on any given day. Our probation officers utilize evidence-based practices to facilitate positive behavioral change and improve public safety. We also rely on supportive interventions from community providers to increase accountability and assist with changing criminal behavior.

One of these services is transitional living. In 2025, over 1,400 individuals accessed this service for safe, sober, and supportive housing while they reintegrated into their community and navigated treatment and employment opportunities. Without transitional living, these individuals would likely be facing insecure housing and an increased risk of reoffending.

Additionally, adult probationers have access to Nebraska's seventeen reporting centers throughout the State. These centers offer court-ordered programming which focuses on cognitive behavioral restructuring, relapse prevention, crime victim empathy, and employment services. Last year, in any given month, over 4,500 adults participated in a reporting center class.

In 2025, probation launched a grant-funded project in Douglas, Hall, and Buffalo counties, piloting a specialized model of supervising emerging adult individuals, ages 18 to 25. Currently, no population is more overrepresented in our justice system than this age group. Nationally, only two out of five emerging adults at high risk to reoffend complete their term of probation successfully.

Nebraska's pilot project utilizes specialized probation officers to support young adults with education, employment, mentorship, and community engagement. After the first year of the emerging adult pilot, outcomes are looking promising. More than 60% of these probationers have not been in violation status or arrested on new charges.

Other states are paying attention to what Nebraska is doing. Both the South Dakota and Massachusetts state probation systems are modeling their emerging adult probation practices on our work. With continued success of the pilot, it is our intent to expand this approach statewide.

Post-Release Supervision

On a daily average, 1,300 individuals are monitored under our post-release supervision program. These are people in our communities who were initially deemed not suitable for probation and were sentenced by the court to serve time in jail or prison.

After release from incarceration, individuals on post-release supervision must comply with several court-ordered conditions. Among those conditions are maintaining employment, participating in behavioral health services, and refraining from criminal activity -- all while being intensely supervised by a probation officer.

Less than 10% of those under post-release supervision have been resentenced to the Department of Correctional Services because of a probation revocation. This program continues to prevent future crime and keeps individuals from returning to prison.

Problem-Solving Courts

Problem-solving courts continue to be an effective alternative to incarceration. To date, Nebraska has 35 specialty courts, including adult drug courts in every judicial district, four veteran's treatment courts, three re-entry courts, two DUI courts, one young adult court, and a mental health court. We also have two family treatment courts and a juvenile drug court. The average cost to supervise a problem-solving court participant is approximately \$5,000 per year. A portion of this cost is paid by program participants.

Currently, 42 of our trial judges preside over these labor-intensive courts, the majority of which are judges from the district court. However, more and more county court judges and separate juvenile court judges are taking on this added responsibility. The judges' role in our problem-solving courts is often referred to as the "secret sauce," and is vital to the success of these programs. The recidivism rate for those who successfully graduate from these courts is 24%.

In 2025, our problem-solving courts served nearly 2,000 individuals. However, more eligible participants can and should be served. To do so, we will need your commitment to provide additional financial resources.

For example, Lancaster County Adult Drug Court has reached its maximum capacity of 90 participants. To increase that number, it would cost approximately \$300,000 annually for additional staff members and necessary treatment for the new participants.

Currently, our budget will not allow for the needed increase, and suitable problem-solving court candidates are being turned away. Many of those turned away will languish in county jails or end up in our State's already overcrowded prisons.

Juvenile Probation

The Judicial Branch continues to prioritize the work of juvenile probation as well. Last year, juvenile probation served nearly 2,400 youth on a daily basis. Our recidivism rate remains at an all-time low of 17%.

In 2025, LB 530 was adopted by this Legislature to reconsider the process involving juveniles being detained and supervised on probation. The main takeaway was that judicial oversight remains a key component to effective juvenile rehabilitation. As we are all well aware, juvenile courts are intended to rehabilitate juveniles as opposed to merely punishing them.

The passage of LB 530 lowered the age a juvenile could be securely detained and enhanced the method of detention by including judges in the decision-making process. This legislation also

required juvenile probation to increase reporting and communication with judges, prosecutors, law enforcement, and other stakeholders.

The legislation went into effect in September. We executed comprehensive implementation with minimal concerns.

Additionally, members of the Judicial, Executive, and Legislative Branches participated in a national convening on juvenile justice issues held in Omaha in February of 2025. From the convening, the Nebraska team focused on two priorities, which include a high-risk youth specialized supervision model and community prevention and early intervention.

The first priority involves earlier identification of high-risk youth. This is accomplished through investigation and assessment, as well as implementation of a targeted team approach which focuses services on addressing risk and needs of our youth.

The second priority involves building community connections between schools, DHHS, and juvenile probation in order to share resources and increase access to rehabilitative services.

Our work is ongoing, but together we are improving our odds of success.

Finally, through the implementation of our statewide initiative to enhance the juvenile justice system, we continue to prioritize research. Our research focuses on expanding resources in rural areas of the State, validating our intake detention instrument, and reviewing service rate structures.

Office of Public Guardian

The Office of Public Guardian acts as a guardian of last resort for vulnerable individuals when no one else is available. From the time of its inception in 2015, the Office of Public Guardian has served over 1,100 Nebraskans. That office maintains a full caseload of nearly 400 individuals.

Though judges and court staff oversee thousands of guardianship and conservatorship cases across the State, bad actors still prey on those in need of assistance. The Office of Public Guardian continues to focus on serving clients' needs as well as educating guardians as to best practice standards.

Access To Justice Commission

Our Access to Justice Commission identifies barriers to equal access to the courts and recommends effective solutions.

Last year, I spoke about the Self-Help Center Pilot Project located in the Douglas County Law Library. As you may be aware, nearly half of Nebraska's court users are self-represented litigants, or SRLs. One of the core strategic principles of the Commission is that all individuals have access to understandable legal information and resources so that they can navigate the court system efficiently and effectively.

I am pleased to report that with the assistance of a grant from the State Justice Institute, and in partnership with Douglas County judges and court staff, the Administrative Office of the Courts and Probation has made significant progress in developing case packets for the most common case types for self-represented litigants. These packets include step-by-step instructions, plain-language court forms, and information about how to present evidence and testimony in court.

We are also developing training for our court staff to assist SRLs without providing legal advice. And we are supplying additional technology and equipment for placement in various libraries across the State so that SRLs have expanded access to the resources available on our website.

The Access to Justice Commission is also developing a survey to enable court users to provide real-time feedback about their court experiences. The results of this survey will help guide and fine-tune the initiatives of the Commission.

Language Access

Our Language Access Program plays a critical role in ensuring that constitutional provisions of access to justice are available for all court users. In 2025, interpretation services in Nebraska were provided in 71 different languages at over 22,000 interpreting events.

However, the cost of providing these services continues to increase significantly, partly due to the need to bring in out-of-state interpreters. As a result, we are working to increase local interpreter services by implementing a training program known as the Interpreter Certification Pathway.

JUSTICE 2.0

As I also mentioned last year, we have begun the work necessary to replace our outdated JUSTICE case management system. Over the last year, a strategic analysis of our current JUSTICE system has taken place. A Request for Information was publicized, and presentations from vendors have occurred.

We are not doing this in a vacuum. We have included judges, court staff, and members of the bar in this process. By this summer, we intend to submit a Request for Proposals to solidify JUSTICE 2.0.

It is anticipated that the new system will streamline court processes, incorporate electronic exhibit use and retention, facilitate an electronic jury management system, simplify accurate data collection and dissemination, refine the process of collecting court fees and fines, and improve communication with court users.

This endeavor is decades in the making, as JUSTICE was first implemented in 1994. By creating and growing the JUSTICE program in-house over the last 30 years, we have saved millions of taxpayer dollars. But the needs of the State now require a significant expenditure of 10's of millions of dollars to complete the modernized system.

We have already put into motion several different funding options, including increased rates to search for court case information, legislation to create additional court filing fees earmarked for this project, and applying for grant funding.

After completing our due diligence and exhausting other funding sources, we will work with you in FY 2027 on legislative appropriations to finalize the project.

Budgetary Considerations

Lastly, revisiting the 2025-2027 biennium budget has become a reality. In prior years, the Judicial Branch sought funding for our regular expenditures as well as for legislatively approved staff pay increases and implementation of four additional problem-solving courts. Although those efforts were supported by previous Legislatures, we were asked to use existing carryover funds and no additional funds were appropriated.

In 2025, we again asked for additional funds, but those funds were likewise not appropriated. We also faced proposed cuts to our general fund budget that would have negatively impacted the services we provide.

Through your steadfast support, a majority of the Judiciary's requested funding was approved. Our work has continued to provide proven results.

Knowing that tax revenues were on the decline and additional funding would be limited, we took to further scrutinizing our expenditures. We found efficiencies which will allow us to absorb the exhaustion of our cash funds and reduce our need for a mid-biennium deficit appropriation.

However, the vital services of the Judicial Branch will continue to require funding. Any growth in the number of people we serve will increase that need.

We have worked extensively with the Governor's budget office. We trust that the proposed legislation to increase filing fees and reduce general fund appropriations is a reasonable method to ensure services are not sacrificed and public safety is not compromised.

Conclusion

In closing, I again extend my sincere thanks to you, the members of the Legislature, for your support of the Judicial Branch. Over the years, when the three branches of state government communicate well and appreciate the good work of each other, we are all successful. This year provides us with another opportunity to find innovative ways to serve our beloved State.

Your continued support of the men and women of the Judicial Branch will not only maintain but help improve our system of justice. As always, I look forward to working with you.

Thank you.