



# Administrative Memorandum

Administrative Memorandum 06-2  
February 2006

Nebraska Supreme Court  
Administrative Office of the Courts & Probation  
P. O. Box 98910  
Lincoln, NE 68509  
402-471-3730

*John V. Hendry, Chief Justice*  
*Janice K. Walker, State Court Administrator*  
*Ellen Fabian Brokofsky, State Probation Administrator*

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Administrative Memoranda available at [www.nebraskacourt.com](http://www.nebraskacourt.com) under "Court Administrator's Office" on the main page, left hand menu.

## SPECIAL PROJECTS AND EVENTS

### Judicial Workload Assessment Study

The judicial workload assessment study, to replace the outdated study done in 1996, has begun, with participants currently testing the data collection instrument. Videoconference training will be available upon request.

In order to obtain the most accurate data on judicial workload, all judges in the state as well as child support referees and clerk magistrates will be requested to log their time on a daily basis. The on-line data collection will begin March 6, 2006, and continue through April 28, 2006. The data collection is done on-line by logging into the study Web site, entering your user id and password and selecting from a pull-down menu. The study is user friendly and will require very little time to record the information. Some judges may prefer to have staff enter the information, which can be accommodated.

All information will be collected and analyzed by the National Center for State Courts and the results released later this summer. Chief Justice Hendry has expressed his wishes for 100% compliance by all eligible participants.

Contact Eileen Janssen, Administrative Assistant, 402-471-4427, [ejanssen@nsc.state.ne.us](mailto:ejanssen@nsc.state.ne.us)

### Reassessment Report on Abuse/Neglect and Foster Care

The Chief Justice announced the release of a new study of the Nebraska court and legal systems' work with abused and neglected children and children in foster care: *Nebraska Court Improvement Project 2005 Reassessment of Court and Legal System for Child Abuse and Neglect and Foster Care*. The complete report can be found on the Judicial Branch Web site [www.nebraskacourt.com](http://www.nebraskacourt.com) under *What's New*. The report was emailed to all judges at the end of January this year.

"It is gratifying to learn that the court system has improved in the past decade, but this report confirms our belief that there are still problem areas that we need to address," said Chief Justice Hendry. "The focus of our Commission on Children in the Courts which began its work a year ago, and the Nebraska State Court Action Plan which was developed in September, 2005, appear to be appropriately tailored to address the most significant challenges in Nebraska's courts."

According to Chief Judge of the Court of Appeals and Supreme Court Commission on Children Co-Chair, Everett O. Inbody, administrative changes within the appellate court system had been made in advance of the release of the report. "In the fall of 2004, the judges of the Court of Appeals recommended to the Supreme Court strict enforcement of some rules and proposed other rule changes to expedite these cases through the system. The Supreme Court immediately took appropriate action to implement the changes," said Judge Inbody. "Although no study has been completed, it appears to our court that we have been able to reduce the waiting time for these children by three to four months; and more improvements are in the planning stages."

The Supreme Court has scheduled a statewide Children's Summit in September 2006 where all juvenile judges in Nebraska will lead community teams of child protection administrators, attorneys, and others in an effort to streamline and improve the system for Nebraska children. National experts will provide training to these teams about court practices that can significantly improve outcomes for children. Judges and their teams will then go back to their communities and work in a collaborative way on improving their local court systems.

Chief Justice Hendry stated, "We are confident our current and planned activities will make important improvements in the work of our courts. The report that we are releasing today strengthens our commitment to continued improvement in our courts' efforts with children, our most vulnerable citizens."

The author of the report and Director of the Nebraska Court Improvement Project, Dr. Vicky Weisz, a research associate professor at the University of Nebraska - Lincoln, Center on Children, Families, and the Law states, "This report indicates that Nebraska courts continue to struggle with consistently providing timely, well-informed decisions for all children and families. Fortunately, recent and current activities are directly related to these shortcomings. Chief Justice Hendry's strong leadership and the dedication of countless committed judges, attorneys, child protection administrators and others will continue to result in concrete improvements to the court system's work with abused and neglected children."

Contact Janet Bancroft, Public Information Officer, 402-471-3205, [jhammer@nsc.state.ne.us](mailto:jhammer@nsc.state.ne.us)

### **Minority and Justice Implementation Committee Jury Proclamation Signings**

"The Year of the Juror" will be celebrated at two upcoming proclamation signing ceremonies. The first will be held in Grand Island on February 28, 2006, at 7:00 p.m. in the City Council Chambers, City Hall, 100 East First Street. Mayor Jay Vavricek, Judge James Livingston of the District Court, Judge Philip Martin of the County Court and Supreme Court Certified Court Interpreter Constanza Meier will be in attendance.

The second ceremony will be held in Norfolk on March 6, 2006, at 7:30 p.m. in the City Council Chambers, City Hall, 309 Madison Avenue. Attending the ceremony will be Mayor Gordon Adams, Judge Robert Ensz of the District Court, Judge Donna Taylor of the County Court and Supreme Court Certified Court Interpreter Natalie Malmberg.

The Court's message is that through jury service, citizens have the privilege of providing direct input into the administration of justice. Jury service is an important civic responsibility and is one of the highest duties an individual can perform in a democracy.

Contact Liz Neeley, Project Director, 402-475-7091, [lneeley@nebar.com](mailto:lneeley@nebar.com)

### **Guardian / Conservator Education Materials on Court Web site**

"Day of Court" guardian/conservator education packet information is being uploaded to the Supreme Court Web site, and should be complete by March 1, 2006. Included on the site are the materials that were mailed out to all clerk magistrates and county judges last December. We have had a few calls for the information in the packet, and thus decided to make this information available on the Web site. A new link has been created entitled "Guardian/Conservator Education Information" under the *For the Court Community* and *For the Public/Families* links on the Supreme Court home page, and may be found at - [www.nebraskacourt.com/community/cindex.html](http://www.nebraskacourt.com/community/cindex.html).

Enclosed with this month's Administrative Memorandum is a flyer advertising the program which you may post in your courthouse. Please let attorneys and guardians know about programs available in your area.

Contact Debora Brownyard, Dispute Resolution Services/Rural Court Services, 402-471-2766, [dbrownya@nsc.state.ne.us](mailto:dbrownya@nsc.state.ne.us)

### **Annual Caseload Reports Online**

The Annual Caseload Report for each Nebraska court is now available on the Judicial Branch Web site. Find the report at [www.nebraskacourt.com](http://www.nebraskacourt.com) in the *Court Administrator's Office* section under *Administrative Reports*.

Contact Eileen Janssen, Administrative Assistant, 402-471-4427, [ejanssen@nsc.state.ne.us](mailto:ejanssen@nsc.state.ne.us)

## **PEOPLE**

### **Presiding Judges Appointed**

The following county judges have been selected to serve as Presiding Judge for their respective districts for 2006:

1st	J. Patrick McArdle
2nd	John Steinheider
3rd	James Foster
4th	Jeffrey Marcuzzo
5th	Frank Skorupa

6th	Doug Luebe
7th	Donna Taylor
8th	Alan Brodbeck
9th	Graten Beavers
10th	Jack Ott
11th	Edward Steenberg
12th	James Worden
Workers' Comp Court - Michael High	

### **Former Supreme Court Justice Passes**

Leslie Boslaugh, 88, Lincoln, retired Nebraska Supreme Court justice, died February 16, 2006.

Justice Boslaugh graduated cum laude from the University Nebraska law school in 1941 and served as assistant attorney general and member of the Statute Revision Commission in 1943. He served as an Army officer in the European theater in World War II and Judge Advocate General Corps in the Army Reserve. In 1941, he was admitted to the Nebraska Bar. He first practiced law with Lester Stiner in Hastings and served as Hastings city attorney.

Justice Boslaugh was elected to the Nebraska Supreme Court, succeeding his father, in 1960; sworn in by his father. He was retained in 1966, 1972, 1978. In 1994, he retired from the bench after serving 33 years

### **Memorial Service for Justice McCown**

A ceremonial session of the Nebraska Supreme Court will be held on April 27 at 2:00 p.m. in honor of former Justice of the Nebraska Supreme Court Hale McCown. Former Chief Justice C. Thomas White will serve as chairman for the memorial.

### **In Memoriam**

Former Dawson County Court Associate Judge Beth Tallon, 72, of Lincoln, died Monday, February 6, 2006. A memorial service was held on February 11, in Lexington. She worked and lived in Lexington for 31 years during which time she served as Dawson County Associate Judge and Head Justice of the Peace for Western Nebraska. She moved to Lincoln and attended the University of Nebraska College of Law in 1984 and graduated in 1986. Most recently she worked as legal counsel for the Nebraska Legislature and also worked for the State of Nebraska in Health and Human Services, where she performed many roles, including her appointment as a hearing officer.

## **PERSONNEL/BENEFITS**

### **Verify Your Benefits**

You are encouraged to look closely at your paycheck stubs to verify that all benefits that you signed up for during Open Enrollment are reflected on your check. If you signed up for benefits that are not being withdrawn from your check or are having deductions made for benefits for which you did **not** sign up for, please call the Administrative Office as soon as possible so that changes can be made. You will need to fax a copy of your confirmation statement to us to supply to the State Benefits Department.

### **Employee Self Service**

The Employee Self Service system is not only used for Open Enrollment. It is an excellent site for you to check leave balances, change your address or phone number, or review and print paycheck stubs. Your User ID remains constant, but your password expires every 90 days. If it has been more than 90 days since you last entered the system, you can log on and the system will tell you that your password has expired. It then gives you the opportunity to change your password at that time. Every time you change your password you will need to keep it, along with your User ID, in a safe place for future use. The Web site address for Employee Self Service is: [www.nis.ne.gov](http://www.nis.ne.gov).

## **Contacts for Personnel/Benefits Questions:**

Kathy Moore, Financial Officer, 402-471-4428, [kmoore@nsc.state.ne.us](mailto:kmoore@nsc.state.ne.us)

(County Court Judges and Employees, Supreme Court Judges & Employees, Court of Appeals Judges & Employees)

Eileen Janssen, Administrative Assistant, 402-471-4427, [ejanssen@nsc.state.ne.us](mailto:ejanssen@nsc.state.ne.us)

(District & Juvenile Court Judges, Court Reporters, part-time biweekly County Court Employees)

Jane Wray, Financial Administrative Assistant, 402-471-4138, [jwray@nsc.state.ne.us](mailto:jwray@nsc.state.ne.us)

(Probation Employees)

## **POLICY AND RULE CHANGES**

On January 19, 2006, the Nebraska Supreme Court adopted rule changes regarding exhibits and docket fees. These changes to Neb. Ct. R. of Prac. 2F(1) and 5B(3)b(i) are now online.

On February 1, 2006, the Court adopted amendments to Neb. Ct. R. of Official Court Reporters number 15 altering language on educational/meeting requirements

*These rules can be found on the Judicial Branch Web site, [www.nebraskacourt.com](http://www.nebraskacourt.com) under "Supreme Court Rules."*

## **STATEWIDE PROBLEM-SOLVING COURTS**

### **Funding of Problem-Solving Courts**

Sustaining existing problem-solving courts and securing funds to implement new ones has become an extremely daunting task. In the past, most problem-solving courts in Nebraska were established through assistance from the federal government. For FY2006 Congress has slashed the proposed Drug Court Discretionary Fund through the Bureau of Justice Assistance (BJA) from the \$70 million requested to \$10 million nationwide. As a response, BJA recently announced that no new applications would be accepted for FY2006, and all funds would be awarded to courts that scored high in the FY2005 application process. Therefore, reliance upon the state and counties to sustain problem-solving courts has become an immediate necessity in order to continue these very successful programs. LB1258, sponsored by Senator Kermit Brashear and supported by the Community Corrections Council, seeks \$2.65 million of funding for all existing problem-solving courts and allows for planned new courts to be implemented. Passage of this measure will go far to sustain problem-solving courts over the long-term, and will secure cost-savings for state and local governments.

*Contact Scott Carlson, Statewide Coordinator of Problem-Solving Courts, 402-471-4415, [scarlson@nsc.state.ne.us](mailto:scarlson@nsc.state.ne.us)*

## **JUDICIAL BRANCH EDUCATION**

### **Mandatory Education Credits**

On February 1, 2006, the Supreme Court adopted several rules changes designed to provide more flexibility in the operation of the mandatory judicial branch education program and to eliminate confusion among some pre-existing rules. These rules changes were recommended to the Court by the Judicial Branch Education Advisory Committee.

Rule 2(b) of the Mandatory Education Rules was amended to allow for non-judge judicial branch employees to carry over up to one year's additional credits which are earned during an annual reporting period. For example, the mandatory rule provides that clerk magistrates must earn 8 units each year. Suppose a clerk magistrate earns 12 units in a year. Under the rule change, the clerk magistrate could carry over 4 units to the following year. If another clerk magistrate earned 20 units in a year, that clerk magistrate could carry over 8 units each year (that is, one year's additional credits). Judges may not carry over excess units earned.

Rule 5(a) was amended to provide a time period for new employees to comply with the provisions of the mandatory rule. Under the previous rule, an employee who was hired December 10, 2005, could be sanctioned for non-compliance if they

did not get the required JBE units earned by December 31, 2005. The rule change provides that if an employee is hired in 2005, they would not be sanctioned for non-compliance unless they failed to earn the required units by December 31, 2006.

Rule 8 as amended now provides credits for partial hours of attendance down to 1/10 of an hour (5 minutes). Under the previous rule, no partial credit could be given. This will allow for flexibility in program design as well as a more accurate reporting of hours actually attended.

The Supreme Court also adopted a change to Rule 15 of the Rules for Official Court Reporters recommended by the Judicial Branch Education Advisory Committee. This change was intended to clarify a conflict in the language of this rule and Rule 2 of the Mandatory Education Rule. (See "Policy and Rule Changes" on previous page.)

In other matters, Congratulations to Judge Todd Hutton of Sarpy County Court. Judge Hutton was recently selected to serve as faculty for the Sentencing Motor Vehicle Offenders course offered at the National Judicial College on August 28-31, 2006.

Contact Philip Gould, Judicial Branch Education Director, 402-471-3072, [pgould@nsc.state.ne.us](mailto:pgould@nsc.state.ne.us)

## JUSTICE UPDATES

### Business Analysts Plan On-Site Visits

JUSTICE business analysts are in the process of arranging on-site visits with district and county courts. Each business analyst is scheduled to make two on-site visits per quarter. The clerk magistrate or clerk of district court will be contacted in advance to determine a suitable date.

On-site visits have been completed in the district courts of Antelope, Burt, and Thomas Counties. Business analysts have also visited the county courts of Hall, Cheyenne, Garden, Hamilton, and Nemaha.

Up-coming visits include York County Court, Rock County Court and Holt County Court.

The JUSTICE Help Desk staff looks forward to seeing court staff "in person."

Contact Kristi Kreuzer, Business Analyst, 888-562-7651, [kkreuzer@nsc.state.ne.us](mailto:kkreuzer@nsc.state.ne.us)

### Judges Trial Court System

JUDGES TRIAL COURT SYSTEM II is to be shipped to production during the month of March. New "pushbuttons" assist in directing the flow of events and make this product more efficient and user-friendly. Special features have been added for probation and subsequent probation revocations.

JUSTICE staff is busy preparing for conversion of existing programs to the newly designed system. A manual will be available to aid in transition, along with the opportunity to be part of a hands-on training session conducted in Lincoln.

We will be happy to present a demonstration of our new product and how it will help your court; or, written information will be forwarded upon request.

Contact Barbara Nielsen, Business Analyst, 402-471-3035 or 888-704-9382, [bnielsen@nsc.state.ne.us](mailto:bnielsen@nsc.state.ne.us)

### JUSTICE Case Scheduling

The JUSTICE Team has begun redesigning case scheduling features within JUSTICE to better meet the needs of the courts.

Changes will come in two phases. The first phase will reformat the CASESCH-Case Scheduling screen in order to provide additional information as well as incorporating a calendar that will display the number of cases scheduled for a particular courtroom, date and time. Phase two will incorporate multiple requests such as blocking out dates and times due to vacations, meetings, etc.

Contact Sherri Stark, Business Analyst, 402-471-3036, [sstark@nsc.state.ne.us](mailto:sstark@nsc.state.ne.us)

## ETCETERA

### Overnight Lodging Arrangements

When in-state travel requires an overnight stay, please contact the Administrative Office of the Courts & Probation to make the reservation. This will enable us to get the best available rate. The single room rate will be direct billed to the Administrative Office; any incidental charges must be paid at the time of check out.

When making a request, the following information is needed:

- date(s) the room is needed (arrival date and departure date)
- city and/or location
- smoking preference
- reason for needing the room, i.e., education committee meeting, judicial assignment, etc.
- number of persons in the room.

Contact Eileen Janssen, Administrative Assistant, 402-471-4427, [ejanssen@nsc.state.ne.us](mailto:ejanssen@nsc.state.ne.us) (Court Employees)

Contact Linda Zabel, Administrative Secretary, 402-471-4140, [lzabel@nsc.state.ne.us](mailto:lzabel@nsc.state.ne.us) (Probation Employees)

### Supreme Court Heard Cases at the UNL College of Law on February 10

The Nebraska Supreme Court traveled to the University of Nebraska College of Law to hear arguments in the McCollum Hall Auditorium in Lincoln on February 10. In April, the Court will travel to Omaha in order to hear cases at the Creighton University School of Law. The Supreme Court courtroom is located in the State Capitol building in Lincoln, but for educational purposes, the Court occasionally travels to each of Nebraska's law schools.

A description of the cases that are scheduled to be heard by the Court can be found on the Web site of the Nebraska Judicial Branch at [www.nebraskacourt.com/call/sccasesummary.htm](http://www.nebraskacourt.com/call/sccasesummary.htm).

### Judicial Ethics Opinion Index

Judges and Clerk Magistrates: Enclosed is an updated Index for the Judicial Ethics Opinions. This index includes the four opinions which were issued in 2005.

Judicial Ethics Opinions are available on the Court's Web site at [www.nebraskacourt.com/ethics/judges/](http://www.nebraskacourt.com/ethics/judges/)

Contact Marcie Brush, Administrative Assistant, 402-471-2249, [mbrush@nsc.state.ne.us](mailto:mbrush@nsc.state.ne.us)

## CALENDAR ITEMS

### 2006 JBE Meetings & Orientations

March 3, Appellate Judges, Ashland

March 30 - 31, District Judges' Orientation, Lincoln

April 21, Clerk Magistrates' Orientation, Lincoln

June 14 - 16, District Judges' Association Meeting, Nebraska City

June 14 - 16, Official Court Reporters' Meeting, Nebraska City

June 15 & 16, Clerks of the District Court Summer Workshop Embassy Suites, Lincoln

(Contact Jacque Stewart, [jacquelyn.stewart@courts.ne.gov](mailto:jacquelyn.stewart@courts.ne.gov), for more information on the CDC Summer Workshop.)

June 27 - 29, County Judges' Association Meeting, Nebraska City

August 1, Law Clerks' Orientation, Lincoln

August 10 - 11, County Judges' Orientation, Lincoln

September 18 - 20, Clerk Magistrates' Meeting, Kearney

September 25 - 27, Children's Summit, Nebraska City

October 5 - 6, District Judges' Orientation, Lincoln

October 25, Clerk Magistrates' Orientation, Lincoln

October 31 - November 3, NSBA Fall Meeting, Omaha

Contact Philip Gould, Judicial Branch Education Director, 402-471-3072, [pgould@nsc.state.ne.us](mailto:pgould@nsc.state.ne.us)

## **JUSTICE Training**

District Court, March 21 - 23, North Platte

County Court, April 3 - 7, Lincoln

County Court, May 8 - 12, North Platte

District Court, May 16 - 18, Lincoln

2006 County Court Calendar: [www.nebraskacourt.com/community/cc\\_justice\\_train\\_cal.pdf](http://www.nebraskacourt.com/community/cc_justice_train_cal.pdf)

2006 District Court Calendar: [www.nebraskacourt.com/community/dc\\_justice\\_train\\_cal.pdf](http://www.nebraskacourt.com/community/dc_justice_train_cal.pdf)

Contact Marcie Brush, Administrative Assistant, 402-471-2249, [mbrush@nsc.state.ne.us](mailto:mbrush@nsc.state.ne.us)

Enclosure: [Guardian Conservator Training Classes flyer](#)