



# Administrative Memorandum

Administrative Memorandum 06-6  
June 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

### **Probation, Parole and Community Supervision Week**

July 17th through the 23rd is Probation, Parole and Community Supervision Week. Please remind employees in your courthouse and members of your community that our co-workers in probation and community supervision provide protection to our communities. They are often silent partners, yet they spend more time with offenders than other agencies. Their services are vital. Join the Nebraska Supreme Court and the nation in honoring these invaluable public servants during the week of July 17-23 for Probation, Parole and Community Supervision Week.

### **Judicial Evaluations Posted July 14**

The Nebraska State Bar Association's bar poll is scheduled to be sent to Dana Cole and Co. for tabulation on June 16. Results are to be distributed to judges on July 10 with a Judicial Profile request form. Results of the bar poll are to be released to the media and posted on the NSBA Web site on July 14. The deadline for the Judicial Profile to be completed and returned is August 14.

### **State Library Improves Service to Patrons by Adding Westlaw to Public Internet**

The Nebraska Supreme Court has added expanded Westlaw research capabilities to the public access computer terminal in the State Library located in the State Capitol.

The Westlaw database features all primary law library services plus two services unique to the State Library: A database for multi-state legislative history information and a research section called "Regulations Plus."

The Multistate Legislative History Library provides access to legislative history surrounding a statute. Users can access testimony; reports; and the events leading to the enactment of a state statute, including bill texts, amended bills, slip laws, bill analyses, session laws, legislative journals, and more.

Library patrons wishing to research Federal Regulations are able to search the Annotated Code of Federal Regulations; Historical CFR (1984 to present); and the CFR Table of Contents Service. The database includes the Archival Federal Register (rolling release coverage from 1936 to 1980); Integrated Federal Register Summaries (1981 to present); the Federal Register from 1981 to present and over 200 existing federal administrative agency databases.

Adding Westlaw research to the Library site expands the services of the only publicly accessible connection to the Internet from inside the State Capitol.

## PEOPLE

### **Three New Judges Appointed by Governor Heineman**

**Karin Noakes** of Grand Island took the bench as district court judge for the Eighth Judicial District on June 14, 2006, replacing Judge Ronald D. Olberding who retired April 30.

Noakes, 38, has served as Howard County Attorney since 1999, as City Prosecutor in St. Paul since 2002, as Greeley County Attorney since 2003 and as Village Attorney for Greeley since 2004. She has also practiced law privately, served as a deputy county attorney in Hall and Platte counties and as a deputy public defender in Madison County.

Her duties have included advising elected officials on legal matters, advising planning and zoning administrators, establishing and enforcing child support obligations and filing actions to protect abused and neglected children. She also serves as chairwoman of the Howard and Greeley County Child Abuse and Treatment teams.

Noakes' volunteerism includes providing free legal services to victims of domestic violence without the financial means to afford a lawyer and serving as a former board member on the Central Nebraska Council on Alcoholism, as well as Junior Achievement.

**Roger Heideman** of Lincoln was appointed Separate Juvenile Court Judge in Lancaster County on June 6, 2006. Heideman, who will sign his oath of office July 10, replaces newly retired Judge Thomas B. Dawson.

Heideman, 44, has spent the majority of his legal career emphasizing juvenile law. Most recently, he has served as an attorney, shareholder and legal administrator for the Morris, Titus, Heideman Law Firm. In addition to juvenile law, his duties included domestic relations, probate, criminal defense, health law, and workers' compensation cases.

He also worked in the juvenile court system as a sole practitioner in Lincoln and as an associate attorney at the Dawson Cygan and Heideman law firm. Before embarking on a legal career, Heideman worked as a staff accountant for Melvin P. Ketter in Lincoln and as a controller or accounts supervisor for the Nebraska Book Co., Inc.

Heideman is a graduate of Benedictine College in Atchison, Kansas, and the University of Nebraska-Lincoln College of Law. He is a member of the American Bar Association, the Nebraska Bar Association and the Lincoln Bar Association, the Nebraska Grain and Feed Association, Lancaster County Juvenile Court Collaboration Committee and a past president of the Lancaster Manor Foundation.

**Susan I. Strong** of Lincoln was appointed June 7, 2006, to the Lancaster County Court replacing Judge Jack B. Lindner who retired April 30.

Strong, 46, comes to the county court bench from the Public Protection Bureau of the Nebraska Attorney General's Office, where she has worked since February. Her duties include prosecuting health care professionals for violating the Uniform Licensing Law, including substandard care, unprofessional conduct and unauthorized practice.

Before joining the Attorney General's Office, Strong had spent most of her legal career in private practice, focusing on areas of employment law, personal injury, product liability, breach of contract and malpractice. Her experience includes work at the Plessman Law Offices in Lincoln, as well as for Kobayashi & Associates and Sherman & Howard in Denver, where she had clerked for U.S. District Court Judge Richard Matsch.

Strong is a cum laude graduate of Pepperdine University in Malibu, California, having served as literary editor for the Pepperdine Law Review. She earned her bachelor's degree in political science from the University of Nebraska-Lincoln. She is a member of the American Bar Association, the Nebraska State Bar Association and the Colorado Bar Association. She also serves as an executive committee member of the Nebraska State Bar Association Women & the Law Section, a group she formerly chaired, and is a Master of the Bar in the Robert Van Pelt American Inn of Court.

She has volunteered her legal services to the Lincoln Hispanic Community Center and to the Nebraska State Bar Association's Volunteer Lawyer's Project. Strong has served as vice chair and a member of the Nebraska Supreme Court Disciplinary Committee on Inquiry and as a mentor for students at the University of Nebraska-Lincoln. Strong has also served as an assistant youth volleyball coach, Girl Scouts troop leader, neighborhood association president and remains an active member of Christ Lutheran Church.

### **Judges Vampola and Atkins Honored at NSBA's Barristers Ball**

Judges Ken Vampola and Edna Atkins were thanked by the legal community during the Second Annual Barristers' Ball. Proceeds from the ball were donated to the Nebraska Minority and Justice Implementation Committee, a joint committee of the Nebraska Supreme Court and the Nebraska State Bar Association. Honored groups included:

- **Bilingual Bail Bond Rights Advisement Project**

The Bilingual Bail Bond Rights Advisement Project was honored for its success in improving equal access to the justice system. In smaller counties where language interpreters are not available on a daily basis, non-English speaking defendants were sometimes detained without being advised of their right to post bond. In an effort to ensure equal access to the bond system, bilingual forms were designed to provide information on defendants' rights while in custody and the procedures for posting bond. The forms were approved by the Nebraska Supreme Court and are being utilized in county jails and courthouses. The forms are to be translated into additional languages and also disseminated in a video or CD format to address barriers presented by illiteracy. Award recipients: Carlos Monzón and Hon. Ken Vampola

- **Original Founders of the Midlands Bar Association**

The Midlands Bar Association was founded in 1983 as an affiliate chapter of the National Bar Association. For the past 23 years the Midlands Bar Association has, among other things, worked to encourage and aid people of color to enter the legal profession. Award recipients were Hon. Edna Atkins, Brenda Council, Felicia Flowers-Smith, Jarve Garrett and Clifton Jessup.

## **In Memoriam**

*Adolph Q. Wolf*, former Douglas County Judge.

## **New Court Personnel**

*Laura Last*, Official Court Reporter, Douglas County Separate Juvenile Court, effective June 19, 2006.

## **New Probation Personnel**

*Brenda Zimmer*, Specialized Substance Abuse Supervision (SSAS) officer, District #5, Papillion, effective May 8, 2006.

*Maria Easterday*, Chief Deputy Probation Officer, District #9, Lexington, effective June 1, 2006.

*Jennifer Howarter*, Probation Officer, District #9, Lexington, effective June 1, 2006.

*Ron Nicholson*, Juvenile Intake Probation Officer, District #9, North Platte, effective June 1, 2006.

*Janessa Finley*, Intensive Supervision Probation (ISP) Officer, Region E, Omaha, effective June 26, 2006.

## **Retirements**

*Philip R. Riley*, County Judge, 7<sup>th</sup> Judicial District, effective July 1, 2006.

## **COMMITTEES • COMMISSIONS**

### **O'Neal Appointed to Judicial Resources Commission**

The Supreme Court has appointed Judge Robert O'Neal of the Sarpy County Separate Juvenile Court to fill the unexpired term of retired Judge Tom Dawson on the Judicial Resources Commission.

### **Technology Committee**

On May 18, 2006, the Nebraska Supreme Court approved an e-filing pilot program in selected Nebraska courts. E-filing is an automated system used to file court documents. These documents can be filed electronically from any location, at any time of day.

The Lancaster County District Court, the county court in Hall County, and the county court in Sarpy County were selected as "pilot sites" to install and test software over the summer months and begin using the e-filing system this fall.

Lancaster County District Court Judge John Colborn, who already utilizes imaging technology for court filings and high-tech electronics in his courtroom commented, "E-filing will help with more efficient case management and provide better access to the records of the court by judges, clerks of the court, lawyers, and the public. We are pleased to serve as a pilot site."

The project designers are working in cooperation with the State of Nebraska Office of the Chief Information Officer and utilizing the assistance of a nationally based electronic service provider. E-filing is an Internet-based technology which utilizes standard equipment to enable attorneys and parties to file court documents via email or over the Internet, twenty-four hours a day.

Chief Justice Hendry commented on the recent approval by praising the work of the Supreme Court's Technology Committee. "The Supreme Court is very appreciative of the Technology Committee's work on this important project. When fully implemented, e-filing will allow lawyers to file documents without leaving their offices, and will give the public greater access to those filings."

The Supreme Court action is based on a recommendation from the Court's Technology Committee, submitted by committee chairman Judge William Cassel of the Nebraska Court of Appeals who said, "Our committee has been working diligently with the legal community to develop a plan which will ease the paperwork and costs involved in filing court cases. Ways of organizing and delivering case information has changed immensely in the past few years and we would like to take advantage of the new opportunities offered through the Internet."

Contact Bill Miller, Deputy State Court Administrator for IT, 402-471-3049, [bmiller@nsc.state.ne.us](mailto:bmiller@nsc.state.ne.us)

## **POLICY AND RULE CHANGES**

### **Adoption Filing and Certificate Fee Raised**

The Legislature passed LB 994 which raises the fee paid to the Bureau of Vital Statistics for an adoption certificate from \$15 to \$23. This raise in fee will go into effect July 1, 2006.

Contact Ken Wade, Associate Administrator, 402-471-2671, [kwade@nsc.state.ne.us](mailto:kwade@nsc.state.ne.us)

## **OFFICE OF DISPUTE RESOLUTION**

### **ODR Advisory Council Annual Meeting Set**

The Annual Meeting of the ODR Advisory Council will be held Friday, August 11, 2006, in York. Judge Curtis Evans is hosting the meeting, whose members include Judge Patricia Lamberty and Chair, James Gordon of Lincoln. Executive Directors of the six regional ODR-approved mediation centers will be in attendance to participate in the day's agenda focusing on parenting plan mediation, mediator credentialing, and annual reviews of the mediation centers.

### **Changes in Leadership**

Kelly Phipps, Executive Director for The Mediation Center in Lincoln is leaving his position for doctoral work in organizational leadership at the University of Nebraska-Lincoln, beginning fall 2006. Kristin Ostrom, Executive Director for the Nebraska Justice Center in Fremont has resigned her position effective June 2006. Both organizations will be conducting statewide and national searches for executive director to continue the progressive work in their respective Nebraska counties to forward mediation and alternative dispute resolution.

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

## **PROBATION**

### **65% Success Rate At The Work Ethic Camp Is Good No Matter How You Measure It.**

A recent look at the Work Ethic Camp indicates that since 2004, 65% of the offenders refrained from any new law violations after having completed the program. Recidivism for this purpose was defined by any arrest other than a minor traffic infraction for a period of two years after release from the camp. This threshold for recidivism is higher than typically used by the Department of Correctional Services who used three years and felony arrests. The statistic was obtained through the Office of Probation Administration with the assistance of local probation offices who conducted record checks on all offenders entering the camp since 2004. With a success rate higher than the national average for Intensive Supervision alone, WEC continues to be a serious sentencing alternative.

Additionally, chief probation officers asked district court judges for their feedback concerning the obstacles facing use of the camp and its value. An overwhelming majority of judges believed the camp had value and identified treatment, education

and structure as contributing factors. While some judges consider WEC primarily for young offenders, offenders of all ages have experienced the benefits of this highly structured intense program. The location of the camp in McCook has often been questioned, yet a number of judges noted the removal of an offender from their environment as a positive. With 92% of all offenders entering the camp identified as having a substance abuse problem, movement toward more treatment has been a move in the right direction. Likewise, there is a commitment from camp administrators to investigate additional treatment needs especially as it applies to methamphetamine addiction and co-occurring disorders.

The legislative intent for WEC continues to be reducing prison overcrowding and make bed space available for violent offenders. Originally the camp was thought to be for first time felons, however, 2005 clarifying language in Neb. Rev. Stat. § 83-4,143 allows any felony offender, medically and mentally fit with exceptions noted. As the Department of Correctional Services reaches 140% in the prison population, the Work Ethic Camp remains a successful but underutilized sentencing option.

### **Fee for Service Voucher Program, As of May 31, 2006**

Number of Evaluation Vouchers

- Probation: 172
- Parole: 3

Number of Treatment Vouchers

- Probation: 27 (6 Outpatient, 16 Intensive Outpatient, 5 Short Term Residential)
- Parole: 0

### **Standardized Model Trainings**

- 324 Registered Providers
- 6 new weekly applications received
- 22 training sessions completed
  - Competency or Overview
- 400+ individuals trained
- 1 scheduled upcoming training session
  - North Platte, July 13, 2006

### **Voucher Expenditures, As of May 31, 2006**

Total Costs, Probation

- Evaluations: \$32,300
- Treatment: \$58,060

Total Costs, Parole

- Evaluations: \$ 570
- Treatment: \$ 0

Grand Total: \$90,930

### **Continuous Alcohol Monitoring Devices for Drunk Drivers**

The Office of Probation Administration is working to promulgate rules and regulations for SCRAM (Secure Continuous Remote Alcohol Monitor) as directed by the Legislature. Look for more information in upcoming publications.

Contact Deb Minardi, Deputy Administrator, Community Corrections Programs, 402-471-3525, [dminardi@nsc.state.ne.us](mailto:dminardi@nsc.state.ne.us)

## **CALENDAR ITEMS**

### **Judicial Branch Education Meetings/Trainings**

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 (*mandatory for all judges with juvenile court jurisdiction*)

October 5 – 6, District Judge Orientation, Lincoln

October 25, Clerk Magistrate Orientation, Lincoln

October 31 – November 3, NSBA Annual Meeting and Judges Fall Education Seminars, Omaha

**\*\* NOTE:** The Court Stenographers’ Meeting originally scheduled August 24 – 25 has been postponed until later this year.

Contact Lynn Weiland, Administrative Secretary, Judicial Branch Education, 402-471-3137, [lweiland@nsc.state.ne.us](mailto:lweiland@nsc.state.ne.us)

## **JUSTICE Training**

County Court, July 10 – 14, Lincoln

County Court, August 7 – 11, North Platte

District Court, August 15 – 17, Lincoln

District Court, September 12 – 14, North Platte

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)

## **Probation Meetings/Trainings**

August 21 – 25, New Probation Officer Training, Grand Island

September 25 – 29, New Probation Officer Training, Lincoln

October 24, Probation Management Meeting, South Sioux City

October 25 – 27, Probation Officers’ Statewide Conference, South Sioux City

December 4 – 8, New Probation Officer Training, Kearney

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

## **MISCELLANEOUS**

### **Judicial Ethics Opinions Searchable**

At the request of internet users, the AOC technology staff added a new search feature to the Judicial Ethics Opinions. On-line opinions can now easily be word-searched by users of the Judicial Branch Web site. This feature will be added to other areas of the site as improvements are made throughout the summer. Opinions are found on the Judicial Branch Web site under “Professional Ethics.”

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

### **Articles worth Taking Time to Read**

This month’s “Nebraska Lawyer Magazine” is co-edited by Debora Brownyard, Director of Dispute Resolution Services/Rural Court Services. The magazine focuses on Alternative Dispute Resolution opportunities in Nebraska.

If you don’t receive the magazine through the mail, you can access articles on-line by going to [www.nebar.com](http://www.nebar.com), look under “resources” on the left-hand menu, select “The Nebraska Lawyer Magazine” and “Current Issue.”

## **ENCLOSURES**

[Judicial News Special Edition on National Drug Court Month](#)

[2005 Annual Report of the Supreme Court of Nebraska](#)