



Administrative Memorandum

Administrative Memorandum 06-7
July 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

Administrative Memoranda available at www.nebraskacourt.com under "Court Administrator's Office" on the main page, left-hand menu.

CHIEF JUSTICE JOHN V. HENDRY ANNOUNCES RETIREMENT FROM THE JUDICIARY EFFECTIVE OCTOBER 2, 2006

Chief Justice John V. Hendry, who has served as Chief Justice of the State of Nebraska for 8 years, announced his retirement from the judiciary, effective October 2, 2006.

At the time he leaves the bench, Justice Hendry will be 58 and will have completed his 11th year in the judiciary, the last eight on the Supreme Court. Prior to his appointment to the Supreme Court, he served as County Judge of Lancaster County Court.

"It has been an honor and privilege to serve the State of Nebraska for the past eleven years," said Hendry. "I decided I wanted to spend more time with my family, do some traveling and relax a little. I have no immediate plans other than to take some time off after October 2. The Court has been moving forward on several major initiatives which I am confident will continue in the very capable hands of my colleagues on the bench."

By state law, Nebraska's Chief Justice is a statewide position and is filled through the merit selection system. A nominating commission, chaired by Justice John Wright, will hold its first public hearing at a time set by the Commission Chairperson.

During Chief Justice Hendry's tenure on the Supreme Court, significant changes were made to modernize the technology used within the state court system in response to increasing caseloads and intensified demands for court services.

The Court initiated several projects under the administration of Chief Justice Hendry, including appointing major study committees to address issues of actual or perceived bias in the court system; pro se (self-represented) assistance; interpreters for trial courts; children in the court system; drug courts; and, mandatory judicial branch education.

"Over the past 8 years, Chief Justice Hendry has been an innovative administrator of Nebraska's court system, a striking jurist who has strived to create a judicial system that reflects and upholds the values of the people of this state," said Gov. Heineman. "The Chief has been a vocal leader in rallying the judiciary behind some important reforms, including the formation of drug courts and child advocacy centers in our state, and he has shined the spotlight on the need for greater consistency and cooperation in our state's child welfare system. His expertise and leadership will be missed, but he leaves having accomplished much for our state, and I wish him well in retirement."

Chief Justice Hendry graduated from the University of Nebraska (B.S.) in 1970 and the University of Nebraska-Lincoln College of Law (J.D.) in 1974. He also served as a private practice attorney in Lincoln from 1974 - 1995.

"I will miss the Supreme Court very much," Chief Justice Hendry said, "but I know I am leaving it in good hands."

SPECIAL PROJECTS AND EVENTS

Court Interpreter Training and Testing Dates Announced

An introduction workshop to court interpreting will be held August 25 – 26 at the Southeast Community College Continuing Education Center, 301 South 68th Street, in Lincoln. The workshop is intended for all language court interpreters who have either been interpreting in the court system or who have an interest in becoming a court interpreter. The purpose of the workshop is to provide training, offer instruction and study materials, and educate interpreter candidates or practicing interpreters on how they can improve their skills. The workshop is tuition free.

Written exams for court interpreters wanting to become certified will be conducted September 29 at site(s) to be determined. A passing score is required to be eligible for the oral certification exam.

The oral certification exam will take place October 27 and 28 in Lincoln at the State Capitol. Tests are available and will be offered in Spanish, Vietnamese, Arabic, Russian, Mandarin, Cantonese, Laotian, and Korean.

Contact *Kenneth A. Wade, Associate Administrator, 402-471-2671, kwade@nsc.state.ne.us*

Nominations Now Being Accepted for the Chief Justice's Annual Judicial Awards

September 5 is the deadline for you to nominate the judge of your choice for: "Distinguished Judge for Improvement of the Judicial System" award or "Distinguished Judge for Service to the Community" award. The new nomination form is now on-line at www.nebraskacourt.com/community/awards.htm. Please participate by nominating a judge who fits either of the categories. These awards are established to publicly recognize members of the judiciary for meritorious projects and exemplary accomplishments which enhance the vision of justice within our communities.

Contact *Janet Bancroft, Public Information Officer, 402-471-3205, jhammer@nsc.state.ne.us*

Nebraska Workers' Compensation Court receives Top 10 Court Web site Award for 2006

Justice Served, a court management consulting firm, recently named the Nebraska Workers' Compensation Court as a winner of its Top 10 Court Web site Award for 2006. According to Chris Crawford, a court management consultant and president of the firm, more than 3,500 court Web sites were evaluated worldwide for the 2006 award. This is the first time in the eight-year history of the award that any workers' compensation court has won. In an e-mail to the court announcing the award, Crawford wrote, "Workers' compensation courts are a growing specialty field in administrative law, and this Web site demonstrates how to use the Web effectively to help litigants and practitioners. It has an RSS feed to inform subscribers of court news, a good on-line records search feature, decision and order database, on-line calculators and even electronic data interchange."

For more information regarding workers' compensation in Nebraska, call the Nebraska Workers' Compensation Court information line at 800-599-5155 or 402-471-6468. The court's Web site (<http://www.wcc.ne.gov>) also contains information regarding the court's operations.

Year of the Juror Combined with Additional Events in Lancaster and Douglas Counties

The final two "Juror Appreciation Week" proclamation ceremonies will be held September 18 in Lincoln and in October in Omaha.

The Lancaster County celebration will start on Constitution Day, September 18, and continue throughout the week at various community centers. The Omaha celebration will kick-off Douglas County's new 'One Day, One Trial' jury system.

Comments during the ceremonies and law-related lessons on the American jury system will be provided by judges and lawyers. In addition to a week-long schedule of events, the Minority and Justice Implementation Committee will disseminate information on jury service to the local high schools, community colleges, minority community organizations, and citizenship classes in the area. The radio spots on jury service will air on local area radio stations before and after the events.

Communities which have already hosted these events include Grand Island, Norfolk, Scottsbluff, and Lexington.

Contact *Janet Bancroft, Public Information Officer, 402-471-3205, jhammer@nsc.state.ne.us*

Contact *Liz Neeley, Project Director, Minority & Justice Implementation Committee, 402-475-7091, lneeley@nebar.com*

PEOPLE

Ross Stoffer of Norfolk Appointed County Court Judge of 7th Judicial District

On July 19, 2006, Ross A. Stoffer of Norfolk was appointed to serve as a county court judge for the Seventh Judicial District.

Stoffer, 52, joins the judiciary after spending more than a quarter century in private practice at Muetting & Stoffer Law Office and its predecessors in Norfolk. His general practice work included juvenile law, criminal law, wills, estates and estate planning, elder law, Medicare and Medicaid issues, family and business law.

While in private practice, Stoffer also worked as an adjunct faculty member at Northeast Community College teaching business law. His previous work experience included three years as a law clerk in the Lincoln City Attorney's Office.

Stoffer studied history and political science at the University of Nebraska-Lincoln, where he earned a bachelor's degree and a teaching certificate. He earned his law degree from UNL.

Probation Administration Appoints Deputy Interstate Compact Administrator

Kari Rumbaugh has been appointed the new Deputy Interstate Compact Administrator effective July 10, 2006. She replaces Judy Riddle who leaves July 31st.

Rumbaugh began her employment with the Nebraska Probation System in November 2000 as a juvenile probation officer and was serving as a senior probation officer in Probation District #20 in Lincoln immediately prior to her appointment to the Office of Probation Administration.

Rumbaugh graduated from the University of Nebraska-Lincoln with a bachelor's degree in family science, psychology and sociology. Rumbaugh's prior experience includes serving as a family support worker/tracker for Cedars Youth Service and as an alcohol service worker/DUI tester at Cornhusker Place in Lincoln.

New Court Personnel

Emilie Pavon, Official Court Reporter, Douglas County District Court, effective July 5, 2006.

New Probation Personnel

Chris Richter, Administrative Assistant, Office of Probation Administration, Lincoln, effective July 3, 2006.

Ashley Baustert, Drug Court Probation Officer Trainee, District #6, Lincoln, effective July 5, 2006.

Landon Parks, Drug Court Probation Officer Trainee, District #6, Lincoln, effective July 5, 2006.

Andrew Schular, Juvenile Probation Officer Trainee, District #18, Omaha, effective July 5, 2006.

Michelle Hammock, Juvenile Intake Probation Officer Trainee, District #10, Gering, effective July 3, 2006.

In Memoriam

Jack B. Lindner, retired Lancaster County Judge, passed away July 10, 2006, at his lake home in Minnesota.

Retirements

Philip R. Riley, County Judge, 7th Judicial District, effective July 1, 2006.

COMMITTEES • COMMISSIONS

Judicial Nominating Commission to Meet

The Judicial Nominating Commission for Chief Justice of the Nebraska Supreme Court will hold a public hearing in the Supreme Court Courtroom in the State Capitol in Lincoln, Nebraska, beginning at 10:00 a.m. on Thursday, August 31, 2006. At the hearing, the Commission will receive information on the qualifications of candidates to fill the vacancy in the office of Chief Justice of the Nebraska Supreme Court due to the retirement of Chief Justice John V. Hendry, effective October 2, 2006.

The deadline for applications is August 10, 2006.

Minority & Justice Implementation Committee Appoints New Members

Monica Miles Steffens and Thomas Warren were appointed to the Minority and Justice Implementation Committee June 28, 2006.

A full committee listing can be found on-line at www.nebraskacourt.com/comm/mj_implement.htm.

POLICY AND RULE CHANGES

Amendment to the Supreme Court Personnel Policies and Procedures

The Supreme Court approved and adopted a rule change to the Nebraska Supreme Court Personnel Policies and Procedures. Effective August 1, 2006, the designated workweek will be 8 a.m. Friday to 8 a.m. the following Friday. The previous workweek was 8 a.m. Monday to 8 a.m. the following Monday. The change will allow more flexibility to adjust an employee's work schedule if there is a need to work more than 8 hours in a particular day.

Contact Judy Beutler, Deputy State Court Administrator, 402-471-2921, jbeutler@nsc.state.ne.us

Rule Regarding Guardian Ad Litem Training for Attorneys

Commencing April 1, 2007, an attorney to be appointed by the courts as a guardian ad litem for a juvenile in a proceeding brought under Neb. Rev. Stat. § 43-247(3)(a) of the Nebraska Juvenile Code shall have completed six (6) hours of specialized training provided by the Administrative Office of the Courts (see Appendix A). Thereafter, in order to maintain eligibility to be appointed and to serve as a guardian ad litem, an attorney shall complete three (3) hours of specialized training per year as provided by the Administrative Office of the Courts. Courts shall appoint attorneys trained under this rule in all § 43-247(3)(a) cases when available; provided, however, that if the judge determines that an attorney with the training required herein is unavailable within the county, he or she may appoint an attorney without such training.

For more information, refer to the press release attached to this memo.

These rules can be found on the Judicial Branch Web site, www.nebraskacourt.com under "Supreme Court Rules."

PROBLEM-SOLVING COURTS

Status and Funding Update

For the first time in the State's history, funds were allocated to support a statewide system of problem-solving courts. An appropriation of \$2,000,000 was made by the Legislature and approved by the Governor in April 2006. A proposed budget, detailing how funds will be disbursed to the various problem-solving courts, was approved by the Community Corrections Council June 23, 2006. A majority of funds will be utilized to pay existing salaries for problem-solving court employees. Additionally, funding is being made available for new problem-solving courts, particularly in the four judicial districts where none exist.

The National Association of Drug Court Professionals is working diligently to restore national funding for the implementation of new drug courts. Much headway has been made. Nebraska's Congressman Tom Osborne and Senator Chuck Hagel are taking the lead in Congress by authoring letters of support to both the House and Senate. There is significant momentum with the national movement, and the future looks bright for increased funding.

Many problem-solving courts in Nebraska celebrated National Drug Court Month in May. The Douglas County Juvenile Drug Court painted a community mural to help beautify a blighted area. The Lancaster County Juvenile Drug Court sponsored an essay and poem contest. Several courts planned special graduations for the month of May.

Contact Scott Carlson, Statewide Coordinator of Problem-Solving Courts, 402-471-4415, scarlson@nsc.state.ne.us

CALENDAR ITEMS

Judicial Branch Education Meetings/Trainings

August 1, New Law Clerk Orientation, Lincoln

August 10 - 11, County Judges' Orientation, Lincoln

August 25 - 26, Introduction Workshop to Court Interpreting, Lincoln

September 18 - 20, Clerk Magistrates' Meeting, Kearney

September 25 - 27, Children's Summit, Nebraska City (*mandatory for all judges with juvenile court jurisdiction*)
September 29, Written Exam for Court Interpreting, location TBD
October 5 - 6, District Judges' Orientation, Lincoln
October 25, Clerk Magistrates' Orientation, Lincoln
October 27 - 28, Oral Certification Exam for Court Interpreters, Lincoln
October 31 - November 3, NSBA Annual Meeting and Judges' Fall Education Seminars, Omaha
December 1, Judges and Journalists Workshop, Lincoln

** 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

JUSTICE Training

County Court, August 7 - 11, North Platte
District Court, August 15 - 17, Lincoln
District Court, September 12 - 14, North Platte
County Court, October 16 - 20, Lincoln

2006 County Court Calendar: www.nebraskacourt.com/community/cc_justice_train_cal.pdf

2006 District Court Calendar: www.nebraskacourt.com/community/dc_justice_train_cal.pdf

Contact Marcie Brush, Administrative Assistant, 402-471-2249, 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

MISCELLANEOUS

Supreme Court Adopts Concept of Mandatory Continuing Legal Education for Lawyers in Nebraska

On June 21, the Supreme Court adopted a petition from the Nebraska State Bar Association and approved the concept of mandatory continuing legal education for active Nebraska lawyers. The Court also requested that the NSBA propose rules for the implementation of MCLE.

Proposed rules will be sent to the NSBA House of Delegates before submission to the Supreme Court. The House will have the opportunity to vote on the proposed rules which will be sent to the Supreme Court for further consideration.

Members of the bar who are interested in serving on a committee to draft the rules should contact the Nebraska State Bar Association at 402-475-7091 or 1-800-927-0117.

ENCLOSURES

Guardian Ad Litem Press Release (attached)

[Judicial News Special Edition: Probation's 20th Anniversary in the Nebraska Judicial Branch](#)

NEBRASKA SUPREME COURT



Office of Public Information

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July 6, 2005

FOR IMMEDIATE RELEASE

Training for Attorneys Serving as Guardians ad Litem in Nebraska's Juvenile Court System

The Nebraska Supreme Court has announced the adoption of a new rule regarding training for attorneys appointed to serve as guardians ad litem in juvenile proceedings involving abused and neglected children.

The court rule, which becomes effective April 1, 2007, requires the Administrative Office of the Courts to develop and implement a specialized training program. Training is provided through the Nebraska Supreme Court and will be offered across the state beginning in late fall, 2006. The goal of the new rule is to enhance the understanding of the role, duties, and responsibilities of guardians ad litem in juvenile proceedings involving abused and neglected children.

"The Nebraska Supreme Court believes that a guardian ad litem who fully understands his or her role and responsibilities will significantly assist the Court in determining, in a timely fashion, what is in the best interest of the child," said Chief Justice John V. Hendry.

The rule is an outgrowth of Chief Justice Hendry's Commission on Children in the Courts, which has been working diligently over the past year in identifying areas within the court system which can be improved for the benefit of children.

"The importance of a skilled guardian ad litem cannot be understated when it comes to helping children through the court system," said Omaha Juvenile Court Judge Douglas Johnson, Co-Chair of the Supreme Court's Commission on Children in the Courts. "Well-prepared, well-educated advocates are a must to help ensure permanency and safety for children across the State of Nebraska."

In addition to the development of a guardian ad litem training requirement, the Supreme Court's Commission on Children in the Courts has addressed other areas of concern in the Nebraska court system.

Significant changes have been made in order to expedite appeals for child abuse and termination of parental rights cases. The need for an expedited appeal process is very important in such cases because the child is waiting for a permanent home while legal matters are being resolved. Working with a subcommittee that has been addressing delays in the appellate process, the Commission recommended, and the Supreme Court instituted, a number of changes to accelerate the process.

The Clerk of the Court has begun placing all abuse/neglect cases on the schedule for oral arguments earlier in the process than other 'non-expedited' cases and the Court will not allow continuances in termination of parental rights cases except under extraordinary circumstances.

An analysis of the impact of these changes indicates that an average time of three months has been cut from the length of time it takes an appeal to work its way through the system (from 11 to 8 months, on average). Further changes are currently in the planning or implementation stages, with the goal of further reductions to the timeframes of these appeals.

In summarizing the Court's efforts thus far, Children's Committee Co-Chair and Chief Judge of the Nebraska Court of Appeals, Everett Inbody stated, "I think it is very important that the courts do everything within their power to move juvenile cases through the system as quickly as possible."

A statewide Children's Summit, to be held in September 2006, is also being planned by the Commission on Children in the Courts. During the Children's Summit, all judges in Nebraska with juvenile court jurisdiction will lead community teams of child protection administrators, attorneys, and others in an effort to streamline and improve the system. National experts will provide training to these teams regarding court practices that can significantly improve outcomes for children. Judges and teams members will then return to their communities and work in a collaborative way to improve their local court systems.

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Janice Walker, State Court Administrator
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