



# Administrative Memorandum

Administrative Memorandum 06-9  
September 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](http://www.nebraskacourt.com) under "Court Administrator's Office" on the main page, left-hand menu.

## **Mike Heavican Appointed Chief Justice**

*From the Office of the Governor...*

On September 20, Governor Dave Heineman appointed Mike Heavican of Lincoln to serve as chief justice of the Nebraska Supreme Court. Heavican will become Nebraska's 23rd chief justice. He currently serves as the U.S. Attorney for the District of Nebraska, and will assume leadership of Nebraska's high court following the retirement of current Chief Justice John V. Hendry on Monday, October 2.

In the role as head of the Nebraska Supreme Court, the chief justice provides administrative leadership for the state judicial system and oversees regulation of the practice of law in Nebraska.

Heavican has served for more than five years as the chief federal prosecutor and civil lawyer in Nebraska. Prior to his selection as head of the Nebraska U.S. Attorney's office in April 2001, he spent 10 years as an assistant U.S. attorney, having spent time as the head of the office's criminal and organized crime divisions and drug enforcement task force. Before coming to work in the U.S. Attorney's office, Heavican served as Lancaster County Attorney from 1981 to 1991. He began in the Lancaster County Attorney's office in 1975 as a deputy county attorney.

In addition to his legal career, Heavican was a business law instructor for the University of Nebraska-Lincoln (UNL) in 1981 and an English teacher at Papillion-LaVista High School before beginning law school. After receiving his undergraduate degree in English from UNL in 1969, he graduated from the UNL College of Law in 1974.

In his current role, Heavican is responsible for overseeing all federal prosecutions and indictments and has the final authority on cases involving most federal civil proceedings in the state. He is involved in coordinating with federal, state and local law enforcement agencies, along with anti-drug and anti-gang outreach efforts, including Project Safe Neighborhoods. He serves on several advisory committees for the U.S. Attorney General, and is the chair of an anti-terror advisory committee for the state. As a U.S. Attorney, Heavican manages a \$5 million budget and a staff of nearly 60, including 28 attorneys.

He is a member of the Midwest High Intensity Drug Trafficking Area Executive Board, and served as chairman from 2003 to 2004. He was a member of the Nebraska State Bar Association Minority & Justice Task Force in 2002, the Nebraska Statewide Crime Stoppers Board of Directors from 1988 to 2001, serving as president from 1995 to 1996.

In addition to his work with other legal organizations in the state, Heavican has served as a member of the UNL College of Arts & Sciences Alumni Board and the Malone Community Center Board of Directors, serving as president from 1997 to 1998.

## **Fall Judges Meeting - Shortened Format This Year**

In keeping with the NSBA's new condensed schedule, the judges' meetings will be held all day Thursday, November 2, and Friday morning, November 3. Association meetings are Friday afternoon. Certain committees are meeting late Wednesday, November 1, to keep from overlapping with the education sessions.

The education sessions begin with a seminar on Equal Access to Justice at 8:30 on Thursday morning, followed by both judge and lawyer ethics. The afternoon session deals with national and local issues with the media. Friday morning begins with a short session on appeals and the balance of the morning will focus on judicial writing.

The Judicial Awards dinner will be held in downtown Omaha Thursday, November 2.

## SPECIAL PROJECTS AND EVENTS

### Planning Retreat for Minority and Justice Implementation Committee

The Minority Justice Implementation Committee (MJIC) met August 18, 2006, for a future planning retreat.

Chief Justice Hendry lauded the committee members for the extensive and significant work that they have performed to accomplish many of recommendations of the Committee. Co-Chairs Linda Crump and Justice John Gerrard welcomed the members and introduced the co-facilitators, Debora Brownyard and Connie Bear King.

The day began with individual members sharing emotionally charged personal reflections on “Why this cause is important to me and to Nebraska’s justice system.”

Participants then formed into five subcommittees and identified future goals. The subcommittees included MJIC Administration Subcommittee, Access to Justice Subcommittee, Legal Professions Subcommittee, Criminal and Juvenile Justice Subcommittee and Personnel Subcommittee. Each subgroup rotated to the other four settings to review and list additional goals. Finally, all participants voted priorities among all five groups.

This information will be incorporated into a larger strategic planning report for dissemination and further refinement. The new goals and recommendations will be reviewed by the full committee

### Juror Appreciation Proclamation Signing Ceremony

The final proclamation signing ceremony for ‘Juror Appreciation’ will be held in Omaha on Monday, October 16, at noon in the Jury Assembly Room. District Judge Sandra Dougerty and County Judge Jeff Marcuzzo will provide remarks and receive a joint proclamation from Omaha’s Mayor and the Chairman of the Douglas County Board. During the ceremony, the judges will announce their new one-day, one-trial jury service system.

The proclamation signing is part of a statewide campaign being undertaken to thank jurors for their contribution to the justice system and to promote the representation of people from every ethnicity, race, religion and economic background on Nebraska juries.

## PEOPLE

### Retirements

*John V. Hendry*, Chief Justice, Nebraska Supreme Court, effective October 2, 2006.

## PERSONNEL

### Open Enrollment 2007: October 30 – November 20, 2006

#### NIS USER ID’S and PASSWORDS:

- Make sure that you can access the NIS system. If you don’t remember your user ID, contact your payroll contact person:
  - Kathy Moore – [kmoore@nsc.state.ne.us](mailto:kmoore@nsc.state.ne.us) (court)
  - Eileen Janssen – [ejanssen@nsc.state.ne.us](mailto:ejanssen@nsc.state.ne.us) (court)
  - Patricia Langer – [planger@nsc.state.ne.us](mailto:planger@nsc.state.ne.us) (probation)
  - Thelma Smith – [tsmith@nsc.state.ne.us](mailto:tsmith@nsc.state.ne.us) (probation)
- For password changes only, email the help desk at: [helpdesk@cio.ne.gov](mailto:helpdesk@cio.ne.gov)
  - You must provide your name, NIS address book number (can be found on paycheck stub or can contact your payroll contact at the Administrator’s Office), and the agency you work for ( **Supreme Court – 05** )
  - The help desk will e-mail the payroll contacts the new password and we will email it to the employee.
  - Passwords expire every 90 days and you will be prompted to change it the first time you try to use it after it expires.
  - Please keep your password for future access to the NIS system.

### BENEFIT CHANGES:

- There are changes being made in the health insurance – as soon as we receive the information, it will be forwarded to employees.
- Rates will increase – by how much is unknown at this time.
- Informational meetings will be held starting October 23, 2006 – times and locations will be coming soon.

### NIS – EMPLOYEE SELF SERVICE:

- Employees will be required to do their open enrollment on-line in the NIS system, with the exception of part-time employees. Part-time employees will need to request paper forms from their HR payroll contact early enough to complete and return the information before the 20<sup>th</sup> of November.

### IMPORTANT EMAIL ADDRESSES and WEBSITES:

- CIO (formerly IMS) Help Desk: [helpdesk@cio.ne.gov](mailto:helpdesk@cio.ne.gov)
- Kathy Moore: [kmoore@nsc.state.ne.us](mailto:kmoore@nsc.state.ne.us)
- Eileen Janssen: [ejanssen@nsc.state.ne.us](mailto:ejanssen@nsc.state.ne.us)
- Patricia Langer: [planger@nsc.state.ne.us](mailto:planger@nsc.state.ne.us)
- Thelma Smith: [tsmith@nsc.state.ne.us](mailto:tsmith@nsc.state.ne.us)
- DAS Health & Life Benefits Web site: <http://www.das.state.ne.us/personnel/benefits/index.html>

As more information becomes available, you will be notified. Watch your mail and check your e-mail often.

## **TECHNOLOGY UPDATES**

### **Data Available on Juvenile Wards**

JUSTICE now provides juvenile judges, judge staff and supervisors in the court offices with an informational view screen of Health & Human Services (N-FOCUS) regarding wards placement data within the state (excluding Douglas County). The available data is on juveniles who are currently placed in the legal custody of HHS.

Please remember to return the signed NHHS confidentiality form which you received in an e-mail from Kate Miller to her at 521 S. 14<sup>th</sup> Street, Suite 210, Lincoln, NE 68508.

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

## **COMMITTEES • COMMISSIONS**

### **Nebraska Supreme Court Implementation Committee on Pro Se Litigation**

Debora Brownyard, Dispute Resolution Services/Rural Court Services Director, and Marie Wiechman, Deputy Librarian of the State Library, have been appointed to the Nebraska Supreme Court Implementation Committee on Pro Se Litigation.

## **POLICY AND RULE CHANGES**

### **Neb. Ct. R. of Prac. 1B(1)**

Supreme Court rule change to Neb. Ct. R. of Prac. 1B(1) regarding perfecting an appeal in termination of parental rights – subsection b added.

### **Code of Conduct, Mandatory Education**

On September 20, 2006, the Nebraska Supreme Court adopted rule changes to the Nebraska Code of Judicial Conduct, Rules for Mandatory Judicial Branch Education, and Principles and Standards of Judicial Branch Education. The rule changes are enclosed in this mailing for all judges, full-time clerk magistrates, and child support referees. These changes can also be found on the Judicial Branch Web site.

### **Uniform Traffic Citation and Complaint and Citation in Lieu of Arrest**

On September 20, 2006, the Nebraska Supreme Court adopted changes to the Uniform Traffic Citation and Complaint and Citation in Lieu of Arrest effective immediately. The rule and form are located on the Web site under Rule 63 of the Uniform County Court Rules.

## E-filing

The Court also adopted in interim rule on e-filing.

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

## OFFICE OF DISPUTE RESOLUTION

### Nebraska Justice Center Hires New Executive Director

Tim Butz of Omaha is the new executive director for the Nebraska Justice Center, Fremont, the ODR-approved mediation center serving northeast and north central Nebraska. Tim has many years of non-profit administration experience and served as a volunteer mediator for the mediation center in Omaha during the 1990's. NJC and the Office of Dispute Resolution are happy to have a professional of Tim's caliber join the statewide mediation center system.

### Summary Statistical Report for July 1, 2005- June 30, 2006 (ODR-Approved Mediation Centers)

#### A. Mediation Cases

- **Total open cases:** 1,721
- Family-related mediations: 596
- Facilitation cases: 202
- Family Group Conferencing (FGC): 364
  - FGC: abuse/neglect: 289
  - FGC: adoption: 5
  - FGC: juvenile justice: 50
  - FGC: other: 20

#### B. Mediation Agreement Rate

- 990 mediated cases: 87% full or partial agreement (n. = 861)

#### C. Referral Sources

- 32% from the Courts
- 22% from Human Services
- 13% from Government Agencies
- 11% Attorneys

#### D. Satisfaction Rate

- 94% of clients completing the survey indicated satisfaction with the mediation process; 89% of those responding in follow up calls stated that the parties had adhered to the mediation agreement.

### Trainings and Workshops

September 25: Family Group Conferencing Retreat for statewide mediation center FGC coordinators, Omaha.  
Facilitator - Kay Pranis, Restorative Justice Planner for MN Department of Corrections

September 25-29: Family Mediation Training, Omaha.  
Trainers: Lynne Favinger, M.A. and Suzanne Curran Carney, J.D., LL.M., Trainers, Central Mediation Center, Kearney, NE

Fall 2006: Basic Mediation Training, UNL College of Law, Lincoln.  
Trainers: Prof. Alan Frank and David Hubbard, J.D., The Mediation Center, Lincoln

Fall 2006: Basic Mediation Training, Creighton University School of Law and Werner Institute for Negotiation and Dispute Resolution, Omaha.  
Trainers: Mary Lee Brock, M.A., Concord Center, Omaha and Debora Brownyard, J.D., Office of Dispute Resolution, Lincoln

November 14-17: Basic Mediation Training, Lincoln.

Trainers: David Hubbard, J.D., The Mediation Center, Lincoln, and Jody Gittins, J.D., The Resolution Center, Beatrice

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

## **GUARDIAN/CONSERVATOR EDUCATION**

All newly appointed guardians and conservators are to participate in the State Court Administration-approved guardian/conservator education classes provided by the UNL Extension and V.I.E., Omaha. Updated class listings are now on the Supreme Court Web site at [www.nebraskacourt.gov](http://www.nebraskacourt.gov).

**The formerly used Guardian Videos are no longer approved by the Court Administrator, and should be disposed of.**

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

## **CALENDAR ITEMS**

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

October 5 – 6, District Judges' Orientation, Lincoln

October 25, Clerk Magistrates' Orientation, Lincoln

October 27 – 28, Oral Certification Exam for Court Interpreters, Lincoln

November 1 – November 3, NSBA Annual Meeting and Judges' Fall Education Seminars, Omaha

December 1, Judges and Journalists Workshop, Lincoln

### **2007 Meetings/Trainings**

June 6 – 8, Official Court Reporters' Meeting, Norfolk

June 6 – 8, District Judges' Meeting, Norfolk

June 26 – 28, County Judges' Meeting, South Sioux City

Sept 19 – 21, Clerk Magistrates' Meeting, North Platte

October 17 – 19, NSBA Annual Meeting and Judges' Fall Education Seminars, Lincoln

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

### **2007 Court Holidays**

January 1, New Year's Day

January 15, Martin Luther King, Jr. Day

February 19, President's Day

April 27, Arbor Day

May 28, Memorial Day

July 4, Independence Day

September 3, Labor Day

October 8, Columbus Day

November 12, Veterans Day

November 22 – 23, Thanksgiving Day & Friday following

December 25, Christmas Day

### **JUSTICE Training**

County Court, October 16 – 20, Lincoln

District Court, October 24 – 26, Lincoln

County Court, October 30 – 31, November 1 – 3, North Platte

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

### **Probation Meetings/Trainings**

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

### **Court of Appeals Judges Hold Regional Meeting in Iowa**

On September 14 and 15, 2006, Court of Appeals Judges Rett Inbody, Bill Cassel, and John Irwin traveled to Iowa to attend a meeting of mid-western judges of similar jurisdiction.

Among other issues, judges from Nebraska, Wisconsin, Iowa, and Illinois discussed judicial decision-making, evidence applicable to appellate review, electronic filing, domestic violence and communications. A justice from the Supreme Court of South Dakota also attended and spoke on the "Jail for Judges" Initiative which will be voted on this fall in South Dakota.

### **Pro Se Committee Meets in Des Moines**

Judge Richard Sievers, Chair of the Nebraska Supreme Court Implementation Committee on Pro Se Litigation, led a delegation of committee members to the American Judicature Society's Midwest Regional Conference on Pro Se Litigation in Des Moines, Iowa, September 7 - 9, 2006. Attending the conference with Judge Sievers were District Court Judge Teresa Luther; private practice attorney, Amie Martinez; Tara Muir from the Coalition on Domestic Violence; Milo Mumgaard of Nebraska Appleseed; State Librarian Marie Wiechman; and Janet Bancroft of the Office of the State Court Administrator.

## ENCLOSURES

[Judicial News Special Edition: PEOPLE Committee](#)

[Rule Amendments](#)