



# Administrative Memorandum

Administrative Memorandum 07-01  
January 2007

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

*Michael G. Heavican, Chief Justice*  
*Janice K. Walker, State Court Administrator*  
*Ellen Fabian Brokofsky, State Probation Administrator*

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*Note: Beginning with the January issue, the Administrative Memorandum will be sent to court staff via email. Judges will continue to receive printed copies for the present time. If you delete your email or lose your copy, memos can be found on the new Web site: [www.supremecourt.ne.gov](http://www.supremecourt.ne.gov).*

## BUDGET AND LEGISLATION

### Bills of Interest

As in the past, the Administrative Office of the Courts & Probation is tracking over 100 bills through the legislative process. The following is an edited list of those bills thought to be of particular interest to members of the court system. Association presidents and legislative liaisons are being sent the full list for their review. If you would like a copy of the complete listing, email Janet Bancroft at [jbancroft@nsc.state.ne.us](mailto:jbancroft@nsc.state.ne.us).

#### Of Interest to Trial Court Clerks

- LB 45 Eliminates provision that the parties may waive the complete record fee in district court. In a civil case filed by the county attorney, the complete record fee shall be waived.
- LB 67 Provides additional method for service of juror summons by first-class mail.
- LB 68 Creates an Office of Guardian Ad Litem located in the State Court Administrator's office to aid juveniles involved in judicial proceedings. The Office shall appoint a Guardian Ad Litem Advisory Committee of at least five members. All local programs shall be established by June 30, 2009.
- LB 257 Adopt the Public Guardianship Act.
- LB 259 Changes provisions relating to service of garnishment in any county which the garnishee does business or maintains a registered agent.
- LB 470 Establishes expiration dates for the dissemination of arrest and criminal history records.

#### Of Interest to Probation

- LB 83 Provides that the Board of Parole may recommend placement of felony offenders at the incarceration work camp.
- LB 96 To redefine a term in the Probation Administration Act.
- LB 540 Creates the Probation and Parole Services Merger Act.
- LB 671 Creates the Office of Probation and Parole Administration Act. Creates within the Department of Corrections the Office of Probation and Parole Administration.

#### Of Interest to Court Reporters

- LB 50 An employee shall not be required to pay or reimburse any cost to the state resulting from the employee's use of vacation time.

## **Of Interest to Judges**

- LB 36 Adds two county judges to district four and one to district three.
- LB 37 Adds a new district judge in the second and fourth judicial districts.
- LB 38 Adds a new separate juvenile judge in the Separate Juvenile Court of Lancaster County.
- LB 75 Gives the separate juvenile court duties regarding the custody of juveniles.
- LB 214 Provides for county judge interchange between judicial districts.
- LB 365 Changes provisions for reduction of payments for early judges' retirement.
- LB 377 Reallocate a district judge from the 12th to 9th judicial district.
- LB 508 Changes and eliminates provisions relating to the payment of disability and death benefits under the Judges Retirement Act.
- LB 535 Establish a juvenile legal services division in the Commission of Public Advocacy.
- LB 552 Increases the salaries of the Supreme Court.
- LB 606 Allows a court to refer a civil case to mediation.
- LB 659 Increase the salaries of Supreme Court Judges.

## **The Budget Process**

The Supreme Court has submitted a budget request to the Governor's Budget Office. The Governor has now proposed his budget to the Legislature. Our proposal and the Governor's are significantly different. We will present our request again in a few weeks to the Legislature's Appropriations Committee.

The Supreme Court's top budget priority is salary increases to adequately compensate employees. Data shows that Supreme Court employee salaries have not kept up with inflation for several years. That information is being shared with every member of the Appropriations Committee.

To attract and keep a quality workforce, the Supreme Court must compete with local units of government and private employers within the region, as well as other state agencies.

Findings from a study conducted by the National Center for State Courts support the Supreme Court's request for salary adjustments. In June 2006, the NCSC collected comparative data from the states of Colorado, Iowa, Missouri, Kansas, and South Dakota. The findings affirmed what had been suspected for some time . . . since 2000, Nebraska courts and probation personnel have been losing ground to inflation by providing wage increases lower than the increase in the consumer price index (CPI). A combination of unfunded step increases and providing annual increases less than the cost-of-living has caused employees of the judicial branch to fall further and further behind. Overall, Nebraska courts have fallen 3.7 percent behind the CPI.

The Supreme Court has been unable to adequately compensate its employees and consequently is not in a position to compete with county or city positions.

The budget request for a 10% salary adjustment and 2.5% step increase was deemed necessary simply to restore court personnel to the salary plan approved by the Nebraska Legislature in 2001.

The Legislature approved the Court's salary plan in 2001 and employees received step increases for two years. But, due to the state's budget crisis, no funding was included for step increases during the next four years.

Because court salaries are now considered to be at dangerously low levels, judges from all courts across the state have joined together to request that remedial action be taken.

In addition to the Court's top priority of staff salary increases, the Supreme Court's budget also included expansion in the following areas: interpreter pay increases; additional staff for county courts, Court of Appeals, Supreme Court Clerk's office, and Administrative Office; a second child support referee; and digital recording equipment for all county courts. Probation is requesting additional staff, reclassification of ISP, new officer training, pager compensation, expanded community corrections, and bilingual employee compensation. The Governor's proposed budget does not allow for any of these expansions.

Attached to this memorandum are "Fact Sheets" which are being distributed to state senators on these topics.

### **Resources from the Nebraska Unicameral Web Site**

The Unicameral has changed their web address. The new homepage can be found at:

<http://www.nebraskalegisature.gov/web/public/home>

The Nebraska Unicameral introductory page is worth taking the time to review. It is called **I'm new here** and has 4 sections: Learn, Inform, Research, Participate – these will link you to most places on the site. If you are looking for background and information on the legislative process, type the link below for the **I'm new page**:

<http://nebraskalegisature.gov/web/public/imnewhere>

If you are looking for ways to contact your senator, type the link below for the **Senators** page (use menus on left to link to emails and addresses):

<http://nebraskalegisature.gov/web/public/senators/find>

A new feature this year is called Bill Tracker. If you are following specific legislation for your association, you can register, enter the bill numbers of interest to you, and receive daily emails on your bills. You can track up to 15 bills without paying for the premium service: <http://www.nebraska.gov/billtracker/>

## **SPECIAL PROJECTS AND EVENTS**

### **Three New Spanish Certified Court Interpreters**

The Nebraska Supreme Court announces that three interpreters have become Nebraska Supreme Court Spanish Certified Court Interpreters as a result of successfully passing the National Center for State Court's Court Interpreter Consortium's oral certification exam.

The new interpreters are Raul Escobar, Lincoln; Jo-Hanna Goettsche, Lincoln; and Belkin J. Gonzalez, Grand Island. Each received their certification and took their oath as Certified Court Interpreters in a ceremony on January 26, 2007 in Lincoln.

Justice John M. Gerrard of the Nebraska Supreme Court presided over the ceremony and spoke of the need for providing equal access to the courts for all participants.

"It is crucial to the overall fairness of the system that judicial proceedings are completely and accurately interpreted for non-English speaking participants. The Nebraska Supreme Court is pleased with these interpreters who have worked so hard to become certified and for all of the other interpreters who are working toward certification," said Gerrard.

The three individuals join eighteen other previously certified Nebraska court interpreters who have successfully passed the oral certification exam, which is sponsored by the Consortium of the National Center for State Courts.

### **Law Day**

It is once again time to prepare for the annual Law Day celebration. The PEOPLE law-related education committee will be contacting judges to assist with the judging of the annual essay contest. Committee Chairman, Tom Keefe, is finalizing an

essay question with the theme of: "We the People Need Fair and Impartial Courts." The question will have students "be the judge" in response to a 4<sup>th</sup> Amendment issue.

If you would like to expand beyond the essay contest and plan additional events in your community, there are plenty of ideas on the American Bar Association Web site under the Division of Public Education.

<http://www.abanet.org/publiced/lawday/>

The site also contains speech ideas, news stories on the history of the separation of powers in the U.S., classroom lessons and Law Day celebration ideas.

The Supreme Court/Bar Foundation luncheon will be held in Lincoln at noon on Monday, April 30.

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

## **Guardian / Conservator Education Classes**

Attention Clerk Magistrates and County Judges: (a) Please note that the 2007 UNL Extension Guardian/ Conservator Education Class Calendar is on the Nebraska Supreme Court Web site at <http://extension.unl.edu/guardianship/>. "Day-of-Court" Guardian packets should be updated with the new calendars. (b) Douglas County: The updated calendar for the classes held in Douglas County, provided by "VAS" Volunteers Assisting Seniors (renamed from the prior "VIE"), will be available on the Web site soon. In the interim, please contact VAS at 402-444-6617 to confirm date and registration.

Contact Rachel Lempka, Administrative Secretary, 402-471-3148, [rlempka@nsc.state.ne.us](mailto:rlempka@nsc.state.ne.us).

## **PEOPLE**

### **In Memoriam**

Hon. Patrick W. Lynch, retired district court judge, died August 2006 at the age of 91.

Hon. Theodore L. Richling, retired district court judge, died January 12, 2007, at the age of 95.

Hon. Paul J. Hickman, retired district court judge, died January 15, 2007, at age 79.

### **New Court Personnel**

Kathy Jones, Clerk Magistrate, Hayes County, District 11, effective January 1, 2007.

### **New Probation Personnel**

Sharri Wirth, Probation Officer Assistant, Day Reporting Center, District #4, Omaha, effective December 1, 2006.

Rick Hixson, appointed Supervisor, District #4, Omaha, effective December 4, 2006.

Ryan Mahnke, transferred from Region E ISP to SSAS, District #5, Bellevue, effective December 11, 2006.

Abby Kossow, Probation Officer, Region E ISP, Omaha, effective December 11, 2006.

Cindy Wohlers-Green, appointed Coordinator, Day Reporting Center, District #6, Lincoln, effective December 12, 2006.

Scott Pfeiffer, Probation Officer, District #16, Dakota City, effective December 18, 2006.

Tim Sprakel, appointed Region E ISP Coordinator, Omaha, effective December 18, 2006.

Colby Schwan, part-time Probation Officer Assistant, Day Reporting Center, District #17, Kearney, effective January 2, 2007.

Debie Hogan, Probation Officer Assistant, Day Reporting Center, District #16, South Sioux City, effective January 16, 2007.

Julie McKinney, Probation Officer, Region E ISP, Omaha, effective January 16, 2007.

Ken Townsend, part-time Probation Officer Assistant, Day Report Center, District #9, Lexington, effective February 1, 2007.

Allie Green, Probation Officer, transferring from District #18 to District #4, Omaha, effective February 1, 2007.

## **PERSONNEL**

### **Changes in Retirement Requirements**

As a result of the passage of LB 366 during the last legislative session, there are changes in the **Nebraska Public Employees Retirement Systems**. The operative date for LB 366 was January 1, 2007. The following are the changes that affect time of participation, vesting and contribution rate.

**Effective January 1, 2007 – Immediate Participation** – There is no longer a waiting period to participate in the plan.

### **Mandatory Participation:**

- All permanent, full-time employees that are *not yet* in the Plan (employed less than 12 continuous months) must enroll. Working one-half or more of the regularly scheduled hours during each pay period is considered full-time.
- Retirement contributions shall be deducted *starting with the first pay check paid on or after January 1, 2007*. This could include time worked in 2006 and is consistent with current practices regarding non-retirement related deductions.
- *Upon hire*, all permanent, full-time employees must enroll and retirement contributions shall be deducted *starting with their first pay check*.

### **Voluntary Participation:**

- All permanent, part-time employees age 20 and older working less than 20 hours per week *may elect* to begin participation immediately.
- Temporary employees are not eligible to participate.

### **Effective January 1, 2007 – Contribution Rate –**

- The contribution rate will be **4.8%** of annual compensation.
- Retirement contributions shall be deducted at the 4.8% rate *starting with the first pay check paid on or after January 1, 2007*.

### **Effective January 1, 2007 – Vesting –**

- Vesting will occur after **three** years of plan participation. There will initially be a number of employees with a combination of prequalification time plus actual participation in the Plan that totals three years.

*Example:* An employee who began employment with the State on June 1, 2006, will have six months of prequalification time before the January 1, 2007, operative date. After working an additional two years and six months, the employee will be vested.

You will soon be receiving replacement pages with these changes for your *Personnel Policies and Procedures* manual.  
Contact Nebraska Public Employees Retirement Systems, 800-245-5712, [www.npers.ne.gov](http://www.npers.ne.gov).

## **JUDICIAL BRANCH EDUCATION**

### **Our Future Direction**

The Judicial Branch Education Advisory Board convened on January 12, 2007, at the Swanson Retreat Center to conduct a planning retreat in order to discuss the future direction of Nebraska Judicial Branch Education and to clarify the roles of the various individuals and committees that have a role in planning JBE activities. Those in attendance were:

Judge John Irwin, Court of Appeals  
Justice John Gerrard, Supreme Court  
Judge John Icenogle, District Court  
Judge Alan Brodbeck, County Court  
Judge Elizabeth Crnkovich, Juvenile Court  
Sheryl Connolly, Clerk Magistrate  
Rebecca Shaw, Clerk of District Court

Jodi York, Chief Probation Officer  
Kathy Habben, Official Court Reporter  
Janice Walker, State Court Administrator  
Ellen Fabian Brokofsky, State Probation Administrator  
Debora Brownyard, ODR Director, Facilitator  
Monica Miles-Steffens, Probation Education Manager  
Carole McMahon-Boies, Judicial Branch Education Director

The retreat was an opportunity to raise questions and ideas and to assess the progress made since the establishment of the JBE office. The retreat was a very valuable experience. A special thanks to Debora Brownyard for all her hard work in facilitating the retreat.

One goal of the Judicial Branch Education office is to centralize the education efforts throughout the Judicial Branch and we will be making some changes to accomplish that goal. JUSTICE training will be coordinated through JBE rather than through Marcie Luhman. In order to register for future training, contact the JBE office at 471-3072, or by e-mail at [cmcmahonboies@nsc.state.ne.us](mailto:cmcmahonboies@nsc.state.ne.us).

## COMMITTEES • COMMISSIONS

### Judicial Resources Commission Meeting Held in Lincoln

Following their meeting on January 8, the Judicial Resources Commission is recommending that the Nebraska Legislature create six new judgeships statewide: Three in Lancaster County (one each for county, separate juvenile, and district courts), and district bench positions in the Second, Seventh and Ninth districts.

Commission Chairman Justice Michael McCormack has forwarded the recommendations to the Speaker of the Legislature, Senator Mike Flood. The Legislature last approved a new judgeship in 2000. Since then, the commission has made several recommendations for additional judges, but legislators haven't been able to approve new positions due to the state's budget constraints.

Additionally, the commission approved a motion for the Nebraska State Bar Association to conduct a study of judicial boundaries.

### Judicial Ethics Committee

Judge Stephen R. Illingworth is the new chair of the Judicial Ethics Committee. Also joining the committee is Judge William B. Cassel.

## OFFICE OF DISPUTE RESOLUTION

**Compendium Report.** A 2003-2006 compendium report of ODR and the six regional non-profit ODR-approved mediation centers is available on the Nebraska Supreme Court Web site at <http://court.nol.org/odr/annual/report.html>. This report contains a summary of mediation statistics, including case type, referral source and cumulative mediation case data. In the 14 years of existence, the ODR-approved centers have opened nearly 20,000 mediation cases.

**2007 Mediation Training.** The 2007 ODR-NMCA Training Institute has announced its 2007 mediation training calendar. It includes the following offerings:

#### *Basic Mediation Training*

(meets Nebraska's statutory requirements):

February 7, 14, 21, 28	Omaha
May 3 - 4, 10 - 11	Lincoln
August 7 - 10	Kearney
November 6 - 9	Lincoln

#### *Family Mediation Training*

(meets Nebraska's statutory requirements): June 18 - 21, Lincoln

#### *Advanced Mediator Skills Workshop*

Bernard Mayer, Werner Institute: March 27 - 28, Omaha

#### *Advanced Family Mediation*

Knight & Erickson, Minneapolis: May 21 -22, Omaha

More information and details about the above trainings and workshops, including registration, is available on the NMCA Web site at [www.nemediation.org](http://www.nemediation.org).

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

## PROBATION

### Work Ethic Camp

The total number of offenders at the Work Ethic Camp as of January 29, 2007, is 66. Below is a breakdown by probation district.

District 1-----	1	District 8-----	10
District 2-----	9	District 9-----	2
District 3-----	4	District 10-----	2
District 4-----	8	District 12-----	14
District 5-----	1	District 16-----	4
District 6-----	7	District 17-----	1
District 7-----	3		

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

February 8 - 9, New Clerk Training, Clerks of the District Court, Kearney (contact Janet Wiechelman, 402-254-6957)  
April 12, New Clerk Magistrate Orientation, Lincoln  
April 13, Appellate Judges' Education Meeting, Quarry Oaks  
May 21 - 23, Conference Addressing Best Practices in Reducing Recidivism for Drug Offenders  
June 6 - 8, Official Court Reporters' Education Meeting, Norfolk  
June 6 - 8, District Judges' Education Meeting, Norfolk  
June 6 - 8, Clerk of District Court Summer Workshop, Grand Island  
June 26 - 28, County Judges' Education Meeting, South Sioux City  
August 1, New Law Clerk Orientation  
Sept 19 - 21, Clerk Magistrates' Education Meeting, North Platte  
October 17 - 19, Judges' Fall Education Meeting, Lincoln  
December 11 - 13, NACO Conference, Lincoln, NE

The dates and locations for the 2008 Judges' Education Meetings have been set and planning is underway for those events. District Judges will meet in Grand Island June 4 - 6, 2008, and the County Judges will meet in Omaha June 25 - 27, 2008.

Contact Carole McMahon-Boies, Director, Judicial Branch Education, 402-471-3072, [cmcmahonboies@nsc.state.ne.us](mailto:cmcmahonboies@nsc.state.ne.us).

### Probation Education Meetings/Trainings

February 2, New Probation Officer 1-day training, Lincoln  
February 2, Service Provider Voucher training, Norfolk  
February 5, Service Provider Voucher training, Lincoln  
February 6, Service Provider Voucher training, Lincoln  
February 5 - 9, LS/CMI training, Lincoln  
February 8, Service Provider Voucher training, Omaha  
February 9, Service Provider Voucher training, Bellevue  
February 8 - 9, Motivational Interviewing (MI) training, Beatrice  
February 12 - 16, LS/CMI training, Lincoln  
February 26 - March 2, New Probation Officer training, Kearney

### JUSTICE Training 2007

#### County Court Training Dates & Locations

February 12 - 16, North Platte  
April 9 - 13, Lincoln  
May 7 - 11, North Platte

July 9 - 13, Lincoln  
August 6 - 10, North Platte  
October 15 - 19, Lincoln  
November 5 - 9, North Platte

#### District Court Training Dates & Locations

February 21 - 23, North Platte  
April 17 - 19, Lincoln  
May 15 - 17, North Platte  
July 24 - 26, Lincoln  
August 14 - 16, North Platte  
October 23 - 25, Lincoln  
November 14 - 16, North Platte

Contact Carole McMahon-Boies, Director, Judicial Branch Education, 402-471-3072, [cmcmahonboies@nsc.state.ne.us](mailto:cmcmahonboies@nsc.state.ne.us).

#### **2007 Court Holidays & Events**

February 19, President's Day  
April 27, Arbor Day  
May 1, Law Day (*not a holiday*)  
May 28, Memorial Day  
July 4, Independence Day  
September 3, Labor Day  
September 17, Constitution Day (*not a holiday*)  
October 8, Columbus Day  
November 12, Veterans Day  
November 22 - 23, Thanksgiving Day & Friday following  
December 25, Christmas Day

#### **FILING AND REPORTING REQUIREMENTS**

- Judicial Financial Interest Statements: Due May 1 for all full-time individuals subject to the Judicial Code of Conduct.
- Statement for Payment of Interpreters: Interpreter to submit between the 1st and 7th day of each month.
- Judges' Cases Under Advisement Reports: Due by the 5th day of each month (reports are compiled and submitted to the Supreme Court).
- Court Reporter Timesheets: Due by the 5th day of each month (judges are to sign time sheets prior to submission).
- Permanently Assigned Vehicle Logs: Due by the 5th day of each month.
- Report of Probate Cases Pending: Due by the 10th day of each month.
- County Court Time Sheets: Due by the 10th day of each month.
- Stenographer Transcription Reports: Due by the 10th day of each month.
- Cash Drawer Short/Long Transactions (County Court only): Due by the 10th day of each month.
- Expense Vouchers: Submit on a monthly basis (rather than combining several months of expenses on one voucher).

#### **ATTACHMENTS / ENCLOSURES**

Fact Sheets (4)  
Web Site Flyer