



Administrative Memorandum

Administrative Memorandum 07-3
March 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

Note: The Administrative Memorandum is sent to court staff via email only. 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/community/adminmemos/index.shtml.

SPECIAL PROJECTS AND EVENTS

Through the Eyes of the Child Initiative

The Through the Eyes of the Child Initiative recently received a grant from the Woods Foundation for the development of an interactive Web site to be used by team members. The Web site, which is currently in development, will contain caselaw updates, Nebraska and national news on child welfare and courts, and discussion pieces on important topics, as well as web-based training and team “blackboards.” The address of the Web site will be: www.throughtheeyes.org.

The Initiative’s Advisory Group is working on template order forms for judges’ use in 3(a) abuse and neglect cases. The forms will contain all language under federal law required to draw down federal funds. Upon finalization, the Initiative will work with JUSTICE personnel and the DOCKET committee to translate the forms into the data system.

Contact Kelli Hauptman, Staff Attorney, Center on Children, Families and the Law, 402-472-3927, khauptman2@unlnotes.unl.edu.

Office of Highway Safety Grant Awarded to State Court Administrator

A \$38,000 grant was awarded to the State Court Administrator in March as a pilot project to assist Douglas County Court in processing and collecting time-pay fines assessed against defendants with moving traffic violations. In addition to increasing the collection of fines and costs, other project purposes are to reduce the percentage of failure-to-pay defendants referred to the Department of Motor Vehicles for statutorily-authorized drivers’ license suspension. This year’s grant will also be used to educate and inform Nebraska county judges and clerk magistrates at their annual meetings as to ways to increase the collection of fines and costs for moving traffic violations in their jurisdictions.

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

PEOPLE

Max Kelch of Papillion Appointed to Second District Court

Gov. Dave Heineman announced March 9, 2007, the appointment of Max Kelch of Papillion to a vacant seat on the District Court bench in Nebraska’s Second Judicial District. The district includes Cass, Otoe and Sarpy counties.

Kelch was appointed to serve as the county judge in April 2005 for Sarpy County in the Second Judicial District. Prior to his appointment, Kelch had served for 23 years as the Otoe County Attorney.

Kelch previously worked as a special prosecutor in Johnson County, maintained a private law practice, and served as a Deputy Nebraska City Attorney, Deputy Syracuse City Attorney, Deputy Nemaha County Attorney, and Deputy Otoe County Attorney.

Kelch graduated with an accounting degree from the University of Nebraska – Lincoln (UNL) in 1979. He earned his law degree from the UNL College of Law in 1981.

Susan Bazis Appointed to Douglas County Court

Susan Bazis of Omaha was appointed by Gov. Dave Heineman on March 9, 2007, to serve as a Douglas County judge in the Fourth Judicial District.

Ms. Bazis comes to the county court bench from a private practice she started in 2001. Prior to that she was an associate with Paragas Law Offices, beginning in 1999 and worked for Kelly, Lehan & Hall, P.C. from 1996 to 1999. She worked for two years as an assistant public defender in the Douglas County Public Defender's office.

Ms. Bazis is a 1993 graduate of the Creighton University School of Law and earned her bachelor's degree in criminal justice from the University of Nebraska at Omaha in 1990.

PROBATION APPOINTS CHIEF PROBATION OFFICER

Kathryn Liebers has been appointed the new Chief Probation Officer for Probation District #2 in Norfolk effective April 1, 2007.

Ms. Liebers began her employment with the Nebraska Probation System as a probation officer in June 1981 in Alliance. She transferred to Norfolk in April 1986, was appointed Chief Deputy in October 1994, and appointed Acting Chief Probation Officer in January 2007.

Ms. Liebers graduated from the University of Nebraska - Lincoln with a bachelor's degree in criminal justice and is pursuing a master's degree from Wayne State College. Ms. Liebers possesses an extensive knowledge of offender risk management and serves on Probation's Personnel Committee as well as several sub-committees.

Retirements

Barb Nielsen, JUSTICE Business Analyst, State Court Administrator's Office, effective March 31, 2007.

Ken Wade, Associate Administrator, State Court Administrator's Office, effective March 31, 2007.

Hon. Robert O. Hippe, District Judge, 12th Judicial District, effective May 1, 2007.

Hon. Cloyd Clark, County Judge, 11th Judicial District, effective June 1, 2007.

Hon. Paul D. Empson, District Judge, 12th Judicial District, effective June 30, 2007.

New Probation Personnel

Kim Green, Juvenile Probation Officer, District #18, Omaha, effective March 5, 2007.

Robert Demaranville, Probation Officer, District #10, Gering, effective March 12, 2007.

Aaron Gissler, Probation Officer, transfer to Pretrial Unit within District #20, Lincoln, effective March 12, 2007.

Sara Castillo, Probation Officer, District #9, Lexington, effective March 15, 2007.

Jeff Reed, Probation Officer, transfer to Specialized Substance Abuse Supervision (SSAS) unit within District #6, Lincoln, effective April 2, 2007.

POLICY AND RULE CHANGES

Three Proposed Rule Amendments for Comment through Supreme Court

Proposed Guidelines for Guardians Ad Litem for Juveniles in Juvenile Court Proceedings (*comment period ends May 1, 2007*)

Proposed Rule for the Implementation of Voluntary Sentencing Guidelines for Felony Drug Offenses (*comment period ends April 16, 2007; public hearing to be held April 25, 2007, 1:30 p.m.*)

Proposed Changes to the Nebraska Child Support Guidelines (*comment period ends March 30, 2007*)

Rules can be found on the Judicial Branch Web site at www.supremecourt.ne.gov/rules/index.shtml.

COMMITTEES • COMMISSIONS

Judicial Resources Commission

The Judicial Resources Commission will hold a hearing Monday, April 2, 2007, to determine whether judicial vacancies exist in the offices of district judge of the 12th Judicial District, due to the retirements of Judge Robert Hippe on May 1, and Judge Paul Empson on June 30.

Additionally, a discussion will be held regarding the request by the 9th Judicial District, and any other districts which may appear, that the Empson vacancy be transferred to that requesting district.

On Tuesday, April 17, 2007, the Judicial Resources Commission will hold a hearing regarding the office of county judge of the 2nd Judicial District due to the appointment of County Court Judge Max Kelch to the district court bench.

JUDICIAL BRANCH EDUCATION

Capital Case Education Session

Nebraska has been chosen as one of four states (along with Oklahoma, Tennessee and Arizona) to host the National Judicial College Capital Litigation Conference. The NJC will work with local judges and Judicial Branch Education to formulate a curriculum that will serve as a “best practices” seminar for trying capital murder cases. Thirty judges will attend the three-day conference in Omaha in the fall. The exact date is yet to be determined, but it will be late August or mid-September. Judges John Colborn, Gerald Moran, John Icenogle and Pat Rogers will assist NJC in insuring the curriculum addresses issues unique to Nebraska.

Court Employee Training

Judicial Branch Education will begin to focus on formulating court employee education in addition to that offered to judges, clerk magistrates, court reporters and probation. We welcome content ideas from employees who have found an educational need. If you have a question about employee education or want to share ideas, call JBE at 471-3137. JBE has several on-line training modules available to court employees. Please call for details.

JUSTICE Registration

Remember, registration for JUSTICE training is now done on-line by following the links on the JBE Web site. JBE will continue to mail out confirmation of hotel arrangements, but all other confirmations of registration will be done electronically.

Contact Carole McMahon-Boies, Director, Judicial Branch Education, 402-471-3072, cmcmahonboies@nsc.state.ne.us.

TECHNOLOGY

JUSTICE One Time Search Capability Now Available On-Line Through Nebraska.gov

The JUSTICE Court Case One Time Search system is designed to allow access to information about court cases throughout Nebraska. For a \$15.00 per search fee, a user can search for a party involved in a case in Nebraska. The results of the search can provide information on up to 30 cases. The search and corresponding results can be viewed over a three-day time frame. A search providing no results will still require a payment of the \$15.00 fee.

The JUSTICE system can provide individuals with all of the public information about a case, as it was entered. This information includes, but is not limited to:

- Case Detail - the date and outcome of the trial, what the case was about, and who the judge was.
- Party Listing - includes the plaintiff and defendant, and often times their associated attorneys.
- Court Cost Information - includes all fees associated with the case.
- Payments by and to the court.
- Register of Actions - allows sequential tracking of a case.

The JUSTICE One Time Search page is located at <https://www.nebraska.gov/justicecc/ccname.cgi>.

Contact Bill Miller, Deputy State Court Administrator, 402-471-3049, bmiller@nsc.state.ne.us.

JUSTICE Restricted Access

A new feature appears on the Supreme Court Judicial Branch Web site. The JUSTICE restricted area provides contact information for JUSTICE Business Analysts. It also includes the complete JUSTICE Procedures Manuals for both county courts and district courts. These manuals include:

District Courts

Appeals
Civil

County Courts

Adoptions
Appeals

Criminal	Civil
Interpreter	Criminal
Jury	Interpreter
	Jury
	Small Claims
	Traffic

Users may want to consider saving the manuals to their desktops for ease of access. If this is done, it will be critical that the manual's icon is deleted and then saved to the desktop again each time changes are made to the manual.

Future updates to the restricted page will include "Frequently Asked Questions" and current "JUSTICE Updates".

Detailed instructions for accessing the Web site were provided in an update distributed on March 6, 2007. We hope you will find the information available on this site useful and informative, and we welcome any comments or suggestions.

Contact Gretchen Wiebe, JUSTICE Business Analyst, 877-901-5608, gwiebe@nsc.state.ne.us or

Paula Crouse, JUSTICE Business Analyst, 888-704-9383, pcrouse@nsc.state.ne.us.

JUSTICE by the Numbers

As of March 8, 2007, JUSTICE in its most recent component has recorded:

- 100,000 courtroom proceedings
- 4,646,495 court cases
- 10,542,027 case parties
- 11,866,941 judgments

The financial component of JUSTICE has produced:

- 11,918,542 receipts
- 3,411,930 checks
- \$1,603,574,841.88 in real money has been processed and tracked

Contact Dick Burkhardt, JUSTICE Technical Analyst, 402-471-2026, dick.burkhardt@cio.ne.gov.

OFFICE OF DISPUTE RESOLUTION

Governor Heineman Pronounces March as Mediation Month

At a proclamation ceremony in the Werner Chamber of the State Capitol on Wednesday, March 14, Governor Heineman declared March as Mediation Month. Several distinguished guests stood with the Governor for this proclamation, including Janice Walker, State Court Administrator; James Gordon, Lincoln attorney/mediator and chair of the ODR Advisory Council; Carl Eskridge, Lincoln attorney/mediator and co-chair of the Council; Linda Sanchez-Masi, attorney/mediator and Deputy Lancaster County District Court Clerk and secretary of the Council; Judy Pingel, executive director of The Resolution Center, Beatrice; Casey Karges, executive director of The Mediation Center, Lincoln; David Hubbard, attorney/mediator and program director for The Mediation Center, Lincoln; Lorin Galvin, attorney/mediator and director of the Douglas County District Court Conciliation and Mediation Office, Omaha; and Debora Brownyard, attorney and director of the Nebraska Office of Dispute Resolution. Ms. Brownyard provided brief comments regarding the 15 years of dedicated and remarkable mediation resources provided by the six regional ODR-approved mediation centers and their affiliate mediators, particularly focusing upon the efforts to reduce children's exposure to parental and family conflict, abuse and neglect through parenting mediation and family group conferencing. The centers have opened nearly 20,000 cases during this period of time. The Douglas County Conciliation Office was also highlighted as providing parenting mediation to families under a mandatory mediation rule in Omaha, thereby benefiting an ever increasing number of children in situations where conflict exists.

New Mediation Center Director

This past January, The Mediation Center in Lincoln, Nebraska, announced that Casey Karges was named executive director for this Lancaster County-serving non-profit organization. Mr. Karges comes with a strong record of non-profit

management and administration, recently having served as Executive Secretary for the Nebraska United Methodist Conference Office. Prior to that, he served as pastor for United Methodist congregations.

Contact Debora Brownyard, Dispute Resolution Services/Rural Court Services Director, 402-471-2766, dbrownyard@nsc.state.ne.us.

ODR-Approved Mediation Training Schedule

Basic Mediation Training: Lincoln May 3 – 4 and 10 – 11
Kearney August 7– 10
Lincoln Nov. 6 – 9

Family Mediation Training: Lincoln June 18 – 20

Advanced Family Workshop: Omaha May 21– 22

Contact Kelly Riley, NMCA Training Institute, 402-781-2011, info@nemediation.org, or www.nemediation.org.

PROBATION

LB83 / Intensive Supervision Probation (ISP) Work Ethic Camp Priority

LB83 was recently signed by the Governor allowing inmates into the Work Ethic Camp as a pre-parole condition. However, a judge's sentence of intensive supervision probation (ISP) with the Work Ethic Camp will still take priority over inmate placement.

Since the introduction of the bill the Office of Probation Administration has worked very closely with the administration of the Department of Correctional Services (DCS) regarding priorities and procedural changes. We have what we believe to be a strong commitment from DCS to ensure Probation cases receive priority when it comes to determining bed space.

Simultaneous improvements to current programming at WEC have been taking place. Changes include a shift in the overall philosophy toward a more evidence-based and treatment approach. There is a movement to a 180-day stay with the potential of early discharge based on successful participation versus what has been the standard 120-day stay. Substance abuse treatment will be elevated to the equivalent of short-term residential, and programming will be more individualized for the offender. Judges can expect to receive detailed information as these improvements are put into place.

Contact Deb Minardi, Deputy Administrator, Community Corrections Programs, 402-471-3525, dminardi@nsc.state.ne.us.

Three More Major Community Corrections Initiatives Underway

Fee for Service Voucher Program

Financial assistance is now available on a sliding fee scale for offenders under the following circumstances:

- Felony Drug Offender
- Felony Probation or Problem-Solving Court Offender under sanction or violation status
- Class I Misdemeanor Drug Offense
- DUI III Offense or Felony DUI

Incentive Project

\$1,000 is available to specialized programs (SSAS, ISP and Adult Interlocal Probation Problem-Solving Courts) to purchase rewards and incentives to reinforce positive offender behavior change. Applications are available through the Office of Probation Administration, Community Corrections Division.

Continuous Alcohol Monitoring Technology SCRAM Project Underway

Courts interested in the use of continuous alcohol monitoring (SCRAM) have an opportunity to utilize the new technology as a condition of supervision for offenders. Financial assistance is available to offenders to help pay the cost of monitoring through the Office of Probation Administration, Community Corrections Division.

Contact Deb Minardi, Deputy Administrator, Community Corrections Programs, 402-471-3525, dminardi@nsc.state.ne.us.

CALENDAR ITEMS

Judicial Branch Education Meetings/Trainings

April 12, New Clerk Magistrate Orientation, Lincoln

April 13, Appellate Judges' Education Meeting, Quarry Oaks

May 21 – 23, Community Corrections Provider Conference
June 6 – 8, Official Court Reporters' Education Meeting, Norfolk
June 6 – 8, District Judges' Education Meeting, Norfolk
June 6 – 8, Clerks 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

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.

Probation Education Meetings/Trainings

April 3 – 6, Level of Service/Case Management Inventory (LS/CMI) training, Bellevue
April 9 – 13, New Probation Officer training, Lincoln
April 12 – 13, Motivational Interviewing (MI) training, Columbus

April 16 – 20, New Probation Officer training, Hastings
April 23 – 26, Level of Service/Case Management Inventory (LS/CMI) training, North Platte
April 24 – 26, Probation Executive Management meeting, Lincoln
April 30 – May 3, Level of Service/Case Management Inventory (LS/CMI) training, Hastings
May 3 – 4, Motivational Interviewing (MI) training, Fremont
May 7, New Probation Officer Orientation, Lincoln
May 8 – 11, Level of Service/Case Management Inventory (LS/CMI) training, Bellevue
May 14 – 15, Motivational Interviewing (MI) training, Scottsbluff
May 17 – 18, Motivational Interviewing (MI) training, North Platte
May 21 – 23, Community Corrections & Addictions Treatment: An Effective Strategy for Crime Control conference, Lincoln
May 21 – 25, New Probation Officer training, Lincoln
May 29 – June 1, Level of Service/Case Management Inventory (LS/CMI) training, Bellevue

2007 Court Holidays & Events

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).

ENCLOSURES

Nebraska Judicial Branch News: E-Filing