



Administrative Memorandum

Administrative Memorandum 07-4
April 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

First Annual Regional Conferences Set

- September 20: Norfolk, Holiday Inn Express
- September 21: Lincoln, Crooked Creek Golf Club
- September 27: Alliance, Alliance Learning Center
- September 28: Kearney, Holiday Inn Hotel and Convention Center

The regional conferences will provide local teams with training addressing the region's specific needs. The conferences will also provide local teams with the opportunity to dialogue with other teams about successes and difficulties. Further information will be provided to the teams and posted on the Initiative's Web site: www.throughtheeyes.org.

Protocol Set in Lancaster County

The Lancaster County local team of the Through the Eyes of the Child Initiative has recently initiated a 3-month trial period of having children attend hearings in dependency cases. A protocol has been developed by the team that will guide the team as to whether and how the child should attend.

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

PEOPLE

Patricia Langer

Patricia Langer has been selected to fill the position of Administrative Fiscal Analyst for the Administrative Office of the Courts & Probation effective May 1, 2007. This is a shared position for Court Administration and the Office of Probation Administration.

Ms. Langer is currently the Financial Officer for the Office of Probation Administration, a position she has held since June 1, 2006. She will be replacing Howard Kensinger who passed away in December 2006.

In her new position, Ms. Langer will provide quality fiscal analysis for the Court and Probation Systems.

Retirements

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

Raeella Nolde, Probation Officer, Problem-Solving Court, District #10, Gering, effective March 26, 2007.

Michaela Kapels, Probation Officer Assistant, District #5, Bellevue, effective April 2, 2007.

Reed Schlautman, Probation Officer, transferred from District #4 to ISP Region F, Blair, effective April 5, 2007.

Vickie Stewart, Probation Officer, transferred from District #4 to ISP Region E in Omaha, effective April 9, 2007.

Erin Legett, Probation Officer, transferred to Problem-Solving Court within District #5 in Papillion, effective April 16, 2007.

Chris Richter, Probation Officer Assistant, PSI unit, District #6, Lincoln, effective April 18, 2007.
Kristi Bender, Probation Officer Assistant, Reporting Center, District #6, Lincoln, effective April 18, 2007.
Megan Patel, Probation Officer, District #20, effective April 24, 2007.
Katie Culek, Probation Officer, District #10, Kimball, effective May 1, 2007.
Lindsey Cheever, Probation Officer, District #20, effective May 1, 2007.
Justin Reich, Probation Officer, will transfer from District #4 to ISP Region E in Omaha, effective May 16, 2007.
Lisa Huntzinger, Probation Officer, will transfer from District #18 to District #4, effective June 1, 2007.

POLICY AND RULE CHANGES

Supreme Court Rule Amendments Passed in April

- Rule Regarding Training for Persons Working with Jurors and Juries - adopted April 11, 2007; commencing July 1, 2007.
- Rule Regarding Guardian Ad Litem Training for Attorneys - adopted April 11, 2007; effective January 1, 2008.

Comment period has ended on the following:

- Proposed Rule Governing Establishment and Operation of Drug Courts
- Proposed Guidelines for Guardians Ad Litem for Juveniles In Juvenile Court Proceedings
- Proposed Rule for the Implementation of Voluntary Sentencing Guidelines for Felony Drug Offenses
- Proposed revisions to Nebraska's Child Support Guidelines

Judgment Interest Rate

Effective April 19, 2007, the judgment interest rate is 7.076%.

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

COMMITTEES • COMMISSIONS

Recent Committee Appointments

Judge James E. Doyle is appointed to the Automation Advisory Committee to replace Judge Robert Hippe.

Clark J. Grant is appointed to the Committee on Practice and Procedure to replace Eugene P. Welch.

Judge Laureen K. Van Norman has been appointed to the Supreme Court Technology Committee to replace Judge Michael High.

JUDICIAL BRANCH EDUCATION

Appellate Judges Hold Spring Meeting

Dahlia Lithwick, a Supreme Court commentator who is a columnist with Slate Magazine and often serves as a guest commentator for NPR, appeared at the Appellate Judges Spring Meeting held at Quarry Oaks on April 13, 2007. Ms. Lithwick was both entertaining and informative as she provided her observations of the current Supreme Court trends. She also provided some suggestions for improving media and court relations.

Training for Bailiffs

Bailiff training as mandated by Supreme Court rule has been scheduled for May 15, 2007 in Lincoln, Nebraska. The training is meant to assist all those who deal with jurors to correctly respond to questions and to insure deliberations occur in a lawful manner. While full-time bailiffs are required to attend the training, the session will be recorded and it will become a Web-based training tool that all employees who deal with juries must view no later than July 1, 2007. The presentation will also be provided to the various courts in a CD format. Thank you to all the bailiffs who filled out the questionnaire that will help us prepare the program.

Court Interpreter Orientation & Written Exam

A Court Interpreter Orientation was held April 20 - 21 in Grand Island, Nebraska. Of the 42 potential court interpreters who attended the training, 36 also took the Language Proficiency Written Exam which was offered after the orientation. In

order to pass this first step to becoming a certified court interpreter, participants must receive a 70% or higher on the exam. Twenty-five of the individuals passed and are now eligible to take the Oral Certification Exam to be held August 24 - 25, 2007. The written exam will be offered again in early August prior to the oral exam.

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

OFFICE OF DISPUTE RESOLUTION

LB 108 – The Fence Dispute Bill

LB 108 was signed into law by Governor Heineman on March 7, 2007, with an emergency clause. This bill, brought forward by the Agriculture Committee, removes statutory recourse to “fence sitters” to resolve boundary/division fence conflicts. Rather, farmers, ranchers, and other property owners with disputes over construction, maintenance, repair of division fences shall, after giving written notice, file a complaint with the county court upon a complaint form provided by the clerk of the county court and prescribed by the State Court Administrator. The costs of service shall be paid by the plaintiff, but costs and filing fee are to be added to any judgment awarded to the plaintiff.

Upon the filing of a fence complaint, parties are to receive from the clerks information about the availability of mediation through the farm mediation service of the Nebraska Department of Agriculture or the state mediation centers as established through the Office of Dispute Resolution. The bill states that with the consent of both parties, a court may refer a case to mediation. If the mediation fails to reach an agreement between the parties, the action is to continue as a civil action. Parties are responsible for paying the costs of mediation. Debora Brownyard, ODR, and Marian Beethe, director of the Department of Agriculture’s Farm Mediation Program are developing a brochure for use and dissemination by the county courts in this regard. The State Court Administrator’s Office is working on the “fence dispute complaint form” to be distributed soon.

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

Family Mediation Training

Family Mediation Training, sponsored by the NMCA Training Institute and approved by the Office of Dispute Resolution, is being held in Lincoln June 18 - 21. This 30-hour basic Family Training meets Nebraska’s statutory requirements for mediators assisting parents in negotiating and developing a Parenting Plan. Curriculum includes skills and strategies for mediators working in family cases; simulated dispute scenarios; information and screening for domestic abuse; information on working with the courts, including Douglas County’s Rule 4.3 mandatory mediation provisions. Trainers are Suzanne Curran Carney, J.D., Grand Island; David Hubbard, J.D., Omaha; and Jody Gittins, J.D., Wahoo.

Contact www.nemediation.org.

Advanced Family Mediation Training,

Advanced Family Mediation Training, sponsored by the NMCA Training Institute and approved by ODR, will be held May 21-22 in Omaha. Nationally-recognized mediators and trainers Stephen K. Erickson, J.D., and Marilyn McKnight, M.A., from the Erickson Mediation Institute, Minneapolis, MN will be leading this two-day workshop on advanced mediator skills for divorcing clients. In 1996, Ms. McKnight and Mr. Erickson were awarded the Distinguished Mediator Award by the Academy of Family Mediators for their outstanding contributions to the field of mediation. They have also co-authored five highly successful books on mediation: Family Mediation Casebook (1988), The Children’s Book (1992), Mediating Divorce: A Client’s Workbook (1998), Mediating Divorce: A Trainer’s Manual (1998), and The Practitioner’s Guide to Mediation (2001).

Contact www.nemediation.org.

PROBATION

Probation Administration – Operations Division

The Operations Division of Probation Administration began in January 2006 to research and evaluate a prospective new version of the Nebraska Probation Management Information System (NPMIS) which is the Probation System’s data and case management system. Much planning, designing, and programming has been completed and this new version, NPMIS 5.0, will move into production on May 17, 2007. This new version features all of the changes that have occurred within the system, i.e., Evidenced-Based Practices, Standardized Model, Fee-for-Service Voucher program, etc., NPMIS 5.0 allows probation staff to initiate vouchers for the payment of substance abuse services, and allows the service provider to access that voucher and identify the completion of the evaluation and the level of care.

The Operations Division has developed a partnership with the Office of the CIO in the formulation of an encrypted and secure e-mail program. This type of an e-mail program was needed due to the integration of the Fee-for-Service Voucher program within NPMIS 5.0. In addition, it allows the Probation System to e-mail presentence and predisposition investigations to the proper authorities. Staff has been active in installing Outlook 2003 and developing the access to the exchange server within probation districts and ISP regions with this program coming to fruition on May 1, 2007.

Contact David Wegner, Deputy Administrator, Operations Division, 402-471-4190, dwegner@nsc.state.ne.us.

Probation Drug/Problem-Solving Court Study

The Office of Probation Administration, in collaboration with the Community Corrections Council, will facilitate a study of the Probation-related Drug/Problem-Solving Courts in cooperation with the University of Nebraska Public Policy Center. This study is intended to identify target populations served by various courts, compare various program components, and delineate the unique characteristics which support each court's local needs. An evaluation team comprised of coordinators, stakeholders and various drug/problem-solving court core team members across the state will assist evaluators during the process. The study will encompass a combination of strategies including site visits, personal interviews, data analysis, and research. The study is expected to be completed by the fall and will serve as a platform for a comprehensive statewide study of all drug/problem-solving courts in Nebraska.

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

SCRAM (Continuous Alcohol Monitoring Technology) Study Off and Running

The SCRAM study, which officially started February 14th and ends June 30th, has 50 offenders presently being monitored across the state. SCRAM is best known for its usage with drunk drivers, but has also been found useful in reducing the potential for drug relapse in other substance abuse-related cases. Because of the difficulty in detecting alcohol usage, the pilot has created significant enthusiasm from those who are charged with monitoring offenders while under supervision. When needed, the pilot offers financial assistance to offenders having a condition of SCRAM as part of the probation, parole or drug court order. SCRAM provides the court another tool for community safety.

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

Incentive Project

Over half of the specialized programs (Probation-related Drug/Problem-Solving Courts, ISP and SSAS) have already taken advantage of the \$1,000 made available for incentives. According to research, promoting positive behavioral change is not only effective, it provides the greatest potential for sustaining change in offenders. Significant creativity has been demonstrated by programs in their applications, ranging from incentives for health, transportation, emergency assistance, and recreation. An added bonus also comes in the form of increased community awareness, which the various programs report as being tremendous. Remaining specialized programs have until June to make application for the Incentive Project.

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

WEC EVIDENCE-BASED REVAMP

Watch for next month's edition to read in detail the changes at WEC and the revitalization and enhanced programming to be offered offenders.

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

CALENDAR ITEMS

Judicial Branch Education Meetings/Trainings

May 21 - 23, Community Corrections & Addictions Treatment: An Effective Strategy for Crime Control conference, Lincoln

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

August 27 - 29, Capital Case Litigation Seminar, Omaha

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 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

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: Law Day Messages from the Appellate Courts
Evidence-Based Practices and Principles