



Administrative Memorandum

Administrative Memorandum 07-7
July 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 until September 1, 2007. 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

Legal Self-Help Desk Pilot Project Underway in Lancaster County

A new Legal Self-Help Desk opened in the Lancaster County courthouse on July 2, 2007. The office, located next door to the Clerk of the District Court's office, is designed to provide legal information to individuals who are not able to retain the services of an attorney for representation in civil matters in the district court.

"While the Self-Help Desk is not a substitute for representation by a lawyer, the reality is that many individuals appear in court unrepresented by legal counsel. Most of these people have few or no resources to hire an attorney. They attempt to navigate the court system on their own without correct information and with an incomplete understanding of the workings of the court system. The Self-Help Desk will make available correct and current information on Nebraska law and court proceedings in family law matters such as divorce, child custody, support, and visitation" said Court of Appeals Judge Richard D. Sievers, Chairperson of the Nebraska Supreme Court Pro Se Committee.

The Self-Help Desk is located off the jury lounge on the third floor of the Lancaster County courthouse, 575 South 10th Street in Lincoln, and is open Mondays from 10:00 a.m. to 2:00 p.m., Wednesdays from 9:00 a.m. to 1:00 p.m., and Thursdays 12:00 to 4:00 p.m. No legal advice is provided, only legal information. All services are designed for walk-in clients. The Lancaster County Self-Help Desk houses a small library of legal resources including manuals and brochures specific to Lancaster County.

"We are particularly pleased that Lancaster County has been selected as the first site in the state for this type of legal self-help center. The high level of enthusiasm shown by volunteer lawyers from Lancaster County who will provide most of the staffing as well as Legal Aid of Nebraska and the Nebraska State Bar Association is critical to the success of this project," said Judge Karen Flowers. "We thank them, as well as Sue Kirkland, Clerk of the District Court, and her staff for their time and effort on this project which is designed to facilitate citizen access to the judicial system."

The effort to establish a Self-Help pilot project began in November of 2006 as an initiative of the Nebraska Supreme Court Implementation Committee on Pro Se Litigation, chaired by Sievers. A partnership between Legal Aid of Nebraska and the Nebraska State Bar Association evolved to operate the Self-Help center under the supervision of the Committee as an 18-month pilot project. Legal Self-Help Centers have been well established in many other states across the country by Court Systems and Bar Associations to deal with the challenges presented to courts and court staff by the increasing number of self-represented litigants in America's courts.

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

Through the Eyes of the Child Initiative

Registration for Guardian ad Litem training and Through the Eyes of the Child Initiative regional conferences is now available at www.throughtheeyes.org. A tentative agenda for the regional conferences is also posted. All team members are invited to attend the regional conferences, and breakfast and lunch are provided.

One of the primary topics at the regional conferences will be Pre-Hearing Conferences. A majority of Initiative teams are now drafting and implementing protocols on pre-hearing conference facilitation, which typically occurs in abuse and neglect cases prior to the protective custody hearing. Teams are currently assessing their practices and will be working jointly at the regional conferences to discuss best practices.

Hon. Anne Paine has replaced retired Judge Cloyd Clark as the Lead Judge for the 11th District – Team 3 in McCook.

The Lead Judges of the Initiative convened at the County Judges Meeting in South Sioux City on June 27, 2007, for their biannual meeting.

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

HHSS COMPASS Program Goes Live

According to an HHSS press release, the new COMPASS (Children's Outcomes Measured in Protection and Safety Statistics) Web-based program brings to life information about federal and state outcomes for children and families served by the Department of Health and Human Services (DHHS) and the courts.

"This is the first time this level of detail about our performance has been readily available to the public," said Todd Landry, Director of the Division of Children & Family Services. "COMPASS increases the focus on the child welfare system, on getting results and on being accountable for serving children and families. I believe in making our progress transparent and accessible."

Anyone with access to the Internet can find COMPASS by going to the DHHS Web site at www.dhhs.ne.gov/compass. Information will be updated monthly.

The data includes outcomes and benchmarks established by the Federal Government for Federal Child and Family Service Reviews (CFSR) and for performance accountability measures developed by DHHS. That includes outcomes such as adoption within 24 months, placement stability, reunification with family in 12 months, and being safe in foster care.

Judge Lawrence Gendler, project chair of the Supreme Court's "Through the Eyes of the Child Initiative," sees access to this data as an opportunity to assist the judiciary and the justice system in meeting the goals of this collaborative project. "We have 25 teams across the state actively engaged in implementing changes to the court process and access to this information will help all of us as we move forward towards our goal of improving the system, establishing best practices, and ensuring that each child has an appropriate permanency plan."

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

September 7 is the deadline 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 2007 nomination form is now on-line at: www.supremecourt.ne.gov/community/distinguished-judge/index.shtml.

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, jbancroft@nsc.state.ne.us.

Have You Spoken with Your State Senator Lately?

If you have not had the opportunity to host your state senator on an "insider's tour" of your courthouse, this is a good time to place that call. Contact information can be found on the Legislature's Web page, www.nebraskalegislature.gov.

An insider's view of the workings of the court system will assist legislators in measuring the impact that courts have on the daily lives of our citizens.

PEOPLE

New Judges

Hon. Anne Paine, County Judge, 11th Judicial District, effective July 2, 2007.

Hon. Leo Dobrovolny, District Judge, 12th Judicial District, effective July 16, 2007.

Hon. Jeffrey Funke, County Judge, 2nd Judicial District, effective July 23, 2007.

POLICY AND RULE CHANGES

Supreme Court Rule Amendments for July

- Neb. Rev. Stat. § 43-1314.02 (2007 Neb. Laws, L.B. 457, § 1) requires courts to provide a Caregiver Information Form to foster parents. The form is now uploaded to the internet and available on the Judicial Branch forms page, www.supremecourt.ne.gov/forms/index.shtml.
- Child Support Guidelines (updated version) went into effect on July 1, 2007.
- Updated Court Interpreter rules and forms went into effect on July 1, 2007.

Rules Open for Comment

- Proposed amendments to Discovery Rule 33, 34, 34A have been posted for comment until Sept. 1, 2007.

Judgment Interest Rate

Effective July 19, 2007, the judgment interest rate changed to 7.012%. Previous rates can be found on-line at www.supremecourt.ne.gov/community/judgment-interest-rate.shtml.

The proposed rule changes/additions are available for review on the Nebraska Supreme Court's Web site at www.supremecourt.ne.gov or a hard copy may be reviewed in the office of the Clerk of the Supreme Court and Court of Appeals upon request.

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

Judicial Branch Education

Meeting Updates

The district judges met in Norfolk in early June for their education meeting and county judges met in Sioux City at the end of June. The judges heard from speakers on topics such as DUI trials, sentencing guidelines, and various probation/corrections programs. The county judges spent one day addressing various issues surrounding termination of parental rights.

Mandatory training for those having contact with or managing deliberating juries is now streaming on-line and can be accessed through the JBE Web site. If you need the password, contact JBE Administrative Secretary Dace, at 402-471-3137.

The National Judicial College will be hosting a Capital Litigation Conference in Omaha August 27-29. This opportunity is allowing 37 members of our bench to attend free of charge. The speakers are from across the country and recognized as experts in their various fields. We are extremely fortunate to have NJC's willingness to include Nebraska in its grant projects. This year four of our judges have been granted scholarships to attend its general jurisdiction course, saving the state over \$5,000 in training expense. NJC funded nine other Nebraskans in attending various educational offerings at its judicial college in 2007.

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

Trial Court Services

Minimum Wage Increase

The minimum changed on July 24, 2007, to \$5.85 per hour. Necessary changes to the garnishment Employer Instruction forms printed by JUSTICE were not completed until July 27th. Steps to correct garnishments for which this delay may

be an issue (i.e. those garnishments issued July 24, 25 or 26 against wages for individuals making minimum wage) were e-mailed to clerk magistrates and clerks of district courts on July 27th.

Contact Sheryl Connolly, Trial Court Services Director, 402-471-2671, sconnolly@nsc.state.ne.us.

Personnel

Discontinuation of Printed Pay Stubs

Effective January 1, 2008, the practice of providing printed pay advices (pay stubs) will be discontinued. As always, the information on the pay stubs is available to employees through Employee Self Service in the Nebraska Information System, and can be printed by the employee. Employees who do not have access to a computer, at work or at home, should contact their agency payroll representative for a printed pay stub, if necessary.

Contact Kathy Moore, Financial Officer, 402-471-4428, kmoore@nsc.state.ne.us.

Pay Periods

The Court is not impacted by the conversion to biweekly pay periods. Employees will continue to be paid on a monthly basis.

Contact Kathy Moore, Financial Officer, 402-471-4428, kmoore@nsc.state.ne.us.

Bilingual Employee Testing Process

To evaluate a potential employee or a current employee to determine the level of language skill, complete the following procedure:

Contact certified court interpreter, Jeck-Jenard Navarrete, at 402-221-7880 or jeck1@cox.net. If you are unable to reach him, contact another certified court interpreter. A list of all certified court interpreters is found at www.supremecourt.ne.gov/interpreters/iac-list.shtml.

The following are steps for the interpreter, supervisor and employee to follow to complete the testing process:

1. The interpreter phones the employee's supervisor to get approval of the time to conduct the test.
2. The interpreter phones the employee and supervisor at the approved time, then faxes the script to the supervisor.
3. The supervisor gives the script to the employee when indicated by the rater (interpreter).
4. The employee interprets the script over the phone. Interpreting will be limited to a total of 6 minutes:
 - a. A maximum of 2 minutes will be allowed for employee to read and familiarize him/herself with the document.
 - b. The rater/interpreter will announce:
 - i. One minute has lapsed.
 - ii. Two minutes have lapsed and ask the employee to start interpreting, if he/she has not begun already.
 - iii. Please stop interpreting (at the end of the 6 minutes).
5. The supervisor takes the script from the employee.
6. The supervisor destroys (shreds) the script. **(This is very important!)**
7. The interpreter rates the employee, using the following scale:

a. Excellent	34 - 38
b. Adequate	26 - 33
c. Needs more ability to pass	23 - 25
d. Failed	0 - 22
8. Email results to Judy Beutler, jbeutler@nsc.state.ne.us, for court employees and to Frank Jenson, frank.jenson@nsc.ne.gov, for probation employees. Include recommendations for a hiring rate or salary adjustment in the email.

Probation

National Probation, Parole and Community Supervision Week

July 15-21, 2007, marked National Probation, Parole and Community Supervision Week. The week was a time for the nation and state to recognize the men and women who work each and every day on the front lines with probationers and parolees to hold them accountable for the crimes they have committed against our families, our friends, our neighbors, and our communities. As we in the court system know, they are exposed to many of the negative aspects of life, they deal

with the trauma offenders cause victims, as well as deal with stress and often unsafe conditions in which they work. Yet each day they continue to work to make our communities a safer place.

Our probation officers provide protection to our communities. They are often the silent partners, yet they spend more time with offenders than other agencies. Their services are vital....they are truly our "home land security" ...if we don't feel safe in our homes, world safety will mean little to us.

Be sure to thank your probation officer next time you see him or her in the hallway!

CALENDAR ITEMS

Judicial Branch Education Meetings/Trainings

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. The 2008 Fall Judges Meeting will be October 22 - 24 in Omaha.

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

Probation Education Meetings/Trainings

August 1, Drug Technician Orientation, Lincoln
August 10 - 15, American Correctional Association (ACA) Conference, Kansas City
August 20 - 24, New Probation Officer Training - Specialized Week on DV/SO, Lincoln
August 27 - 31, New Probation Officer Training - Specialized Week for SSAS/ISP/Drug Court, Lincoln
August 29 - 30, Probation Office Professional Conference, Lincoln
September 6, New Employee Orientation, Lincoln
September 17 - 21, New Probation Officer Training - "Week One", Lincoln
September 17 - 21, Advanced Training for Trainers, Lincoln
September 24 - 27, New Probation Officer Training - LS/CMI, Lincoln
October 22 - 26, New Probation Officer Training - "Week Three", Lincoln
November 1, New Employee Orientation, Lincoln
November 5 - 9, New Probation Officer Training - Officer Safety, Grand Island
November 14, Drug Technician Orientation, Lincoln

2007 Court Holidays & Events

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

- 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).

ENCLOSURE

Nebraska Judicial Branch News: Drug Court Month