



Administrative Memorandum

Administrative Memorandum 07-8
August 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

Constitution Day Classroom Resources On-line for September 17, 2007, Observation

On the anniversary of the signing of the U.S. Constitution on September 17, 1787, schools all across the nation will participate in activities honoring our the founding fathers and the document of freedom they created. Constitution Day will be observed Monday, September 17 this year. The Bar Foundation and the Nebraska Supreme Court have cooperated to develop a listing of activities and resources for teachers. This listing may be accessed from the Foundation's Web site at www.nebarfnd.org/constitutionday.html.

An email has been sent to all civics departments letting them know they can request that a judge or attorney visit their classroom through the Foundation. Doris Huffman, doris@nebarfnd.org, may be calling you for assistance.

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

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 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.

Through the Eyes of the Child Initiative

Registration for GAL training and Through the Eyes regional conferences remains open on www.throughtheeyes.org.

The Protocol Development Committee has convened to develop standardized protocol for pre-hearing conferences that local teams can choose to implement in their districts. The Committee is also addressing the issues of training participants and funding for facilitation.

The Lead Judges met by conference call with HHSS administrators on August 29, 2007, to discuss pertinent issues involving HHSS and the courts.

To sign up for the monthly Initiative e-newsletter, go to www.throughtheeyes.org

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

PEOPLE

William Wright Appointed District Judge

William Wright was appointed to serve as district judge for the 9th Judicial District on August 8. His headquarters will be in Buffalo County, but is expected to spend approximately 35% of his time in Hall County.

Wright has been a private practice attorney in Kearney for the past 28 years, with experience in defense litigation and tort claims ranging from general and automobile negligence to premises and products liability. His work also focused on defense of employers, political subdivisions, governmental entities, police officers, and alleged violators of fair employment laws.

Wright graduated from the University of Iowa in 1970 and entered the U.S. Army as a commissioned officer. He served four years. He received his law degree in 1977 from the University of Nebraska-Lincoln College of Law.

Governor Appoints Separate Juvenile Court Judge

On August 8, Reggie Ryder of Lincoln was appointed to serve as a judge for the Separate Juvenile Court of Lancaster County and Ryder has spent the majority of his legal career working in juvenile law. Most recently, he has served as a Lancaster County Public Defender, representing juvenile cases ranging from truancy concerns to instances of parental abuse and neglect. Ryder has been an active member of Lancaster County's Juvenile Drug Team since last year.

Prior to joining the Lancaster County Public Defender's Office, Ryder was an attorney with Anderson & Lepant, P.C., in Beatrice. In addition to juvenile law, his duties included criminal, civil, divorce and personal injury cases in the District and County Court of Gage County.

Ryder is a graduate of the University of Nebraska at Kearney and the University of Nebraska-Lincoln College of Law.

In Memoriam

Hon. Harry A Spencer, Retired Supreme Court and District Court Judge died at age 103. The Nebraska Supreme Court will hold a ceremonial memorial session in honor of former Judge Spencer on October 16 at 3:00 p.m. in the Supreme Court Courtroom at the Nebraska State Capitol in Lincoln.

New Probation Personnel

Karen Bateman, Problem-Solving Court Officer, Papillion, effective July 9, 2007.

Kevin Missell, Juvenile Probation Officer, District #18, Omaha, effective July 13, 2007.

Nicholas Luchsinger, Probation Officer, District #6, Papillion, effective July 16, 2007.

Melanie Berry, SSAS Officer, Papillion, effective July 23, 2007.

April Norwell, Probation Officer, District #5, Plattsmouth, effective July 23, 2007.

Christopher Jay, Probation Officer, District #6, Lincoln, effective August 1, 2007.

Christina Lyons, Drug Court Coordinator, District #12, Wilber, effective August 1, 2007.

Megan Frauendorfer, Treatment Probation Officer, District #18, Omaha, effective August 1, 2007.

Stephanie Palser, Probation Officer, District #5, Papillion, effective August 6, 2007.

Amber Jurgens, Probation Officer, District #12, Beatrice, effective August 15, 2007.

Shannon Morgan, SSAS Officer, Lincoln, effective August 15, 2007.

Alyssa Nelson, ISP officer, District #16, Dakota City, effective August 15, 2007.

Kristi Bender, Probation Officer, District #6, Lincoln, effective August 27, 2007.

Susan Gillett, AmeriCorps Program Specialist, District #9, North Platte, effective September 1, 2007.

Mary Meier, Probation Officer, District #1, Alliance, effective September 4, 2007.

Cheryl Riege, AmeriCorps Program Specialist, District #2, Norfolk, effective September 4, 2007.

Lorena Nelson, AmeriCorps Program Specialist, District #3, Wahoo, effective September 4, 2007.

Daniel Rasmussen, Treatment Probation Officer, District #6, Lincoln, effective September 4, 2007.

Suzanne Swanson, AmeriCorps Program Specialist, District #7, Hastings, effective September 5, 2007.

Tammy Peterson, Region ISP officer, Region E, Omaha, effective September 6, 2007.

Matthew Selin, Probation Officer, District #4, Omaha, effective September 6, 2007.

Nicole Potts, Probation Officer, District #4, Omaha, effective September 6, 2007.

Melissa Tanner, Probation Officer, District #4, Omaha, effective September 6, 2007.

Jenny Atkins, Juvenile Intake Probation Officer, District #9, North Platte, effective September 10, 2007.

POLICY AND RULE CHANGES

Supreme Court Rule Amendments for August

- The Supreme Court adopted a rule on Guidelines for Guardians Ad Litem for Juveniles in Juvenile Court Proceedings on July 18, 2007.

Rules Open for Comment

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

Caregiver Information Form Available on Web Site

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 has been uploaded to the internet and available on the Judicial Branch forms page, www.supremecourt.ne.gov/forms/index.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

Trial Court Services

Fence Dispute Complaints

Fence Dispute Complaints along with Certified Mail Instructions and "A Guide to Mediation for Fence Disputes" were emailed to all clerk magistrates in August. The information can also be found on the Judicial Branch Web site or under the Mediation (Office of Dispute Resolution) Quick Links.

JUSTICE has established and distributed codes for the system. If you have any questions on JUSTICE, contact Sherri Stark for instructions, 402-471-3036, [sstark@nsc.state.ne.us](mailto:ss Stark@nsc.state.ne.us).

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 State's 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. **(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.
 Contact Judy Beutler, Deputy Administrator, 402-471-2921, jbeutler@nsc.state.ne.us.

Office of Dispute Resolution

Annual Meeting Held

The Annual Meeting of the Advisory Council for the Nebraska Office of Dispute Resolution was held on Friday, August 3 in York, Nebraska. Advisory Council representative Judge Curtis Evans hosted the meeting, with Lincoln attorney and mediator James E. Gordon chairing the annual review of the six ODR-approved non-profit mediation centers. In addition to the individual reviews of the centers' activities, performances, and statistical reports, the agenda included a discussion of LB 554, the new Parenting Act, and its implementation. Attached is a brief statistical report of mediation cases over the 2006-2007 program year.

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

COMMITTEES

Minority Justice Committee

Registration for the 2007 Legal Diversity Summit

In an effort to promote diversity in Nebraska's legal profession, the Nebraska Minority Justice Committee is pleased to announce the registration for the 3rd Annual Legal Diversity Summit. The Summit will be held on September 14, 2007 in Omaha at the Double Tree Hotel. The 2007 keynote speaker is Ted Shaw of the NAACP Legal Defense Fund.

Registration details can be found at www.nelegaldiversity.org and click on "2007 Legal Diversity Summit Registration."

Contact Liz Neeley, Project Director, 402-475-7091, Lneeley@nebar.com.

Pro Se Committee

Self-Help Divorce Forms Updated, Divorces with Children Included

The Pro Se committee has updated divorce forms on the Supreme Court Web site, www.supremecourt.ne.gov/self-help/simple-divorce.shtml. Divorce paperwork designed for couples with no children and no disputed property has been updated. Paperwork for couples with minor children was added. The site provides the following directions to those with children:

This packet of forms and instructions is intended **only** for divorce cases where:

- There are children but custody and visitation have been agreed to by both parties;
- The husband is the father of **all** of the minor children of the wife;
- The wife is not pregnant and no children are expected;
- All property has already been divided or there is no dispute as to its division;

- No alimony is requested; and
- The parties will each pay their own debts.

Additional changes are anticipated in January to accommodate the provisions of the new parenting act passed during the most recent legislative session.

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

CALENDAR ITEMS

Judicial Branch Education Meetings/Trainings

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

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: A Visit to Iowa

**Mediation Statistical Report
2006 - 2007**

2006-2007 PROGRAM YEAR	Totals		Central Mediation Center		Center for Conflict Resolution SCOTTS- BLUFF		The Concord Center		Nebraska Justice Center		The Mediation Center		The Resolution Center	
			KEARNEY				OMAHA		FREMONT		LINCOLN		BEATRICE	
Total Case Volume	1,762		245		108		530		192		487		200	
Total New Cases	1,598		223		94		496		160		443		182	
CASE TYPE														
Family (Dom. Relations)	757		70		61		254		112		180		80	
Restorative Justice	72		11		3		28		7		1		22	
Family Group Conferencing	298		82		9		57		14		78		58	
Community Disputes	311		70		28		39		40		113		21	
Facilitations	198		5		1		145		19		17		11	
Other	126		7		6		7		0		98		8	
REFERRAL SOURCE														
Courts	38%	612	34%	75	12%	11	60%	297	50%	80	23%	100	27%	49
Attorneys	10%	152	8%	17	14%	13	8%	43	25%	40	6%	27	7%	12
Govt Agency	30%	480	45%	101	35%	32	16%	78	13%	20	41%	180	38%	69
Self/Family/Other	22%	352	13%	30	39%	36	16%	78	12%	20	30%	136	29%	52
CASE DISPOSITION														
Cases Mediated	1,023		164		47		350		112		253		97	
Resolution	91%	927	88%	145	96%	45	93%	325	87%	97	89%	226	92%	89
CENTER ACTIVITIES														
# Volunteer Hours	9,761		848		750		5,869		270		1,411		613	
# Parties served by mediation	5,658		1,233		183		1,594		382		1,829		437	