

Judicial Branch Education Commission

Minutes

(Unofficial Until Approved)

June 20, 2014

9:00 am

Members Present

Judge Steven McCullough, Chair
Justice Daniel Crothers
Chris Iverson, Assistant Trial Court Administrator
Judge John McClintock
Cory Pedersen, Unit 3 Juvenile Court Director
Judge Debbie Kleven, via telephone
Dean Kathryn Rand, via telephone
Larry Zubke, Technology Director

Members Absent

Judge DeNae Kautzmann
Judge David Reich

Staff Present

Lee Ann Barnhardt, Director of Education and Communication
Scott Johnson, Asst. State Court Administrator
Lana Zimmerman, scribe

Judge McCullough called the meeting to order. **A motion was made by Judge McClintock to approve the March 14, 2014, minutes. The motion was seconded by Justice Crothers, motion carried.**

Old Business

I. Conference Updates - Ms. Barnhardt updated the Commission on the progress of the following conferences.

A. The Children's Justice Symposium is scheduled July 22-24, 2014, at the Ramkota Hotel in Bismarck. The estimated registration is approximately 500 people. Topics include Understanding the Effects of Childhood Trauma: Implications for Child Welfare Professionals, The Cost of Caring: Secondary Traumatic Stress, Trauma Informed Child Welfare Systems, Trauma Informed Investigations, Preparation of Kinship Care givers, Locating and Engaging Fathers, Enhancing your Resiliency: Bending without Breaking, Finding Our Place in the Circle, Navigating the Juvenile Court System, 50 Ethical Shades of Gray, Aftermath: Parent-Child Reunification in the Wake of Unsubstantiated Sexual Abuse Allegations, Individual Optimum Permanency: Making Informed Permanent Placement Decisions for Stability, Understanding and Helping Children with Early Drug Exposure, How Effective Collaboration with Parents/Attorneys Improves Outcomes for Children and Child Welfare Cases, and Human

Trafficking in North Dakota. The closing plenary will feature Frank Shorter, the 1972 Olympic gold medal long distance runner who will tell his story of childhood abuse.

B. The 2014 Fall Juvenile Court Conference is scheduled September 3-4, 2014, in Minot. The main focus of this conference is Working with Girls in the Juvenile Justice System. The last day of the conference will include a screening of the documentary “Kids for Cash.” At the end of the viewing, there will be a panel discussion and question and answer session.

C. The Municipal Judges Conference is scheduled October 6, 2014, in Bismarck. Ms. Barnhardt has surveyed the municipal court judges as to what they would like to see in training and has received good feedback. Ms. Barnhardt will distribute an agenda at the next Commission meeting.

D. The 2014 Fall Judicial Conference is scheduled November 24-25, 2014, in Bismarck. The first day consists of evidence based sentencing through the Justice Management Institute. The second day will focus on judicial bias in the courtroom.

E. The Court Reporter Training is scheduled November 24-25, 2014, in Bismarck. Faculty is Larry Paiz, who travels from Texas annually to train the Court Reporters in Case Catalyst.

F. The Court Recorder Training is in the planning stage. This fall it will center around the preparation for certification through AAERT. Dates are Nov. 24-25, 2014 in the Pioneer Room of the Judicial Wing.

Ms. Barnhardt also shared that the Judicial Writing Seminar is scheduled October 6-7, 2014, in Bismarck. Ron Hofer, faculty for the Writing Seminar, will also teach a portion at the Municipal Judges Conference.

II. Court Policies and Rules Review

Ms. Iverson distributed an updated draft Policy 201 to the Commission. She incorporated an update to the dues invoices language per discussion at the prior meeting.

Recommended changes to Policy 504 include eliminating the specific references to the courses offered and clarifying language dealing with the juvenile court directors and clerks of court.

Mr. Pedersen asked if the juvenile court personnel in paragraph 2 is referencing all juvenile court personnel, or just the trial court administrators? Ms. Iverson stated the intent would be to encompass juvenile court directors.

A motion was made by Justice Crothers to change both areas of Section I to read, “trial and juvenile court directors.” Motion was seconded by Cory Pedersen.

After a brief discussion, **an amended motion was made by Justice Crothers to change both areas of Section 1 to read, “professional development for certain trial court administrative**

and juvenile court personnel,” motion carried.

Mr. Johnson questioned the language in Section 2– “Certification Level Requirements.” He said if requirements are listed, it would narrow flexibility. He made the following suggestion: in the first paragraph, changing “must attend” to “may attend”.

A motion to amend the word “must” to “may” was made by Scott Johnson. Motion was seconded by Judge Kleven. Motion was opened for discussion.

Ms. Iverson explained the reasoning of the word “must” in the original policy was that court administrative personnel were required to get the certification. When the unit court administrator’s discussed the policy, the expectation was that people in a specific job category, are expected to obtain certain levels of certification through the Institute for Court Management.

Mr. Johnson explained having these certifications is a preference, not a requirement. There needs to be added flexibility. However, job descriptions state that the administrative staff are to obtain these certifications.

After a brief discussion, **Mr. Johnson withdrew his motion.**

Judge McCullough said the intent is to offer these certifications on a priority basis. The language should explain it is strongly encouraged to participate in the program and should allow for contingencies such as budget constraints.

The language on the priority basis needs to somehow refer to section 3, specifically if that is the intent.

After a long discussion in regards to priority basis wording, a **motion was made by Justice Crothers to table this topic to staff for further review. Motion was seconded by Scott Johnson, motion carried.** This will be added to the September Commission meeting.

Proposed changes to Administrative Rule 36 were distributed. Ms. Iverson said the the first change is adding a court administrative person as a permanent member, instead of as an option in Rule 2.

The proposed Rule 4 (e.) would require continuing education hours for clerks of court. Judge McClintock asked where the issue of mandated training hours was originated? Ms. Iverson said when joined the Commission, she asked the unit administrators what they thought about adding the clerks of court to the formal continuing education requirement. The unit administrators recommended adding the clerks of court.

Judge Kleven said some of the counties only have part time clerks who are also part-time recorders and that county commissioners may have some concerns about how much they are out of the office for training.

Judge McCullough said this has been discussed in relation to the county-employed clerks as well as the consequences for not completing the required training hours

Mr. Johnson has a concern about the entire requirement for the Clerks of Court. He said 40 hours matches what juvenile court directors and court officers must complete and asked the Commission to consider a lesser amount for clerks.

Ms. Barnhardt expressed there is not currently enough training offered at the clerks conferences to meet the 40 hours in a 3-year period. They have a total of 1 ½ days per conference. The training would have to be increased and each clerk would need to attend each conference.

Judge McCullough asked how often the webinar sessions are conducted? Ms. Barnhardt said once a month for one hour. The Clerk of Court Conference is well attended, therefore Ms. Barnhardt doesn't feel that it is necessary to have mandatory compliance.

Ms. Iverson said the idea is to have the clerks see themselves as part of a profession. She looked on the North Dakota Association of Counties website and there are education requirements for the department heads, which includes county clerks. These are initial courses that the department heads are expected to attend when they are new. Institute for Local Government courses are offered at the clerk's conference, so those that are county-employed can get ILG credit hours. The Association of Counties does recognize individuals with an award as an incentive for completing hours. If clerks are going to be required to complete and report hours, the Association of Counties courses should be added to the presumptively approved list.

After an extensive discussion in regards to proposed Rule 4 (e), **a motion was made by Judge McClintock to change the first sentence to read, "Each Clerk of Court must complete at least 18 hours of approved course work during each three-year period."** Motion was seconded by Justice Crothers, motion carried.

A motion was made by Judge McClintock to change the commencing date to read, "commencing July 1, 2015." Motion was seconded by Cory Pedersen, motion carried.

A motion was made by Justice Crothers to delete the second sentence in the proposed Rule 4 (e) to read, "In addition, each new Clerk of Court must complete an orientation program within the first six months of taking office." Motion was seconded by Judge McClintock, motion carried.

A motion was made by Justice Crothers to delete the second sentence in Rule 4 (d.) to read, "In addition, each new court officer must complete an orientation program within the first six months of taking office." Motion was seconded by Scott Johnson, motion carried.

A motion was made by Justice Crothers to change the language in Rule 4 (e.) to read, "Clerks employed at least 1 year, but less than 2 from the end of the last three-year reporting period will be required to report 6 continuing education hours; those employed at least 2 years, but less than 3, will be required to report 12 continuing education hours."

Continuing education requirements for those with less than 1 full year of employment, will be waived.” Motion was seconded by Cory Pedersen, motion carried.

A motion was made by Justice Crothers to add to Rule 6 (b.), The North Dakota County Commissioners Association, Institute of Local Government Professional Development Courses. Motion was seconded by Scott Johnson, motion carried.

By consensus, it was suggested to send the updated version of AR 36 along with Policies 201 and 504 as a package to the Supreme Court for consideration. At that time, the court can decide if AR 36 will need to go out for further comment.

III. Education Report of Compliance

Ms. Zimmerman said the Judicial Education Reports of Compliance are starting to arrive. There are a few continuing judicial education activity requests sent to the sub-committee for approval. The deadline for the Judicial Education Reports of Compliance is August 1, 2014. A list will be provided to this Commission at the September meeting of those who are not in compliance or have not turned in their report.

Ms. Barnhardt suggested looking at the procedure for the sub-committee at the September meeting to make sure it's functioning properly.

IV. 2015 Spring Judicial Institute

Ms. Barnhardt said that since the UND Law School is under construction, alternative locations in Grand Forks have been explored. There is availability at the Alerus Center for the conference and the Canad Inn for sleeping rooms and additional space, if needed.

A motion was made by Judge McClintock to move the location of the 2015 Judicial Institute from the UND Campus to the Alerus Center and Canad Inn due to construction at the Law School. Motion was seconded by Justice Crothers, motion carried.

New Business

I. Proposed Budget for 2015-2017

Ms. Barnhardt distributed a hold even budget for the next biennium. She explained that the bottom line remains the same with some shifting of funds throughout the budget. What's presented is what the Commission is currently operating on. The funding is adequate and spending is on track for the biennium.

The biggest variable in the budget is travel expense. Traveling in and out of North Dakota is not cheap and prices fluctuate. Ms. Barnhardt has discussed this issue with Don Wolf and he is anticipating that the state rates for travel will go up due to the tie in with federal rates. This will be approximately 5-10% in the travel area.

Justice Crothers suggested that due to travel costs increasing, the budget should be adjusted to reflect the travel budget increase.

A new budget item is Court Interpreter training. It is estimated to cost \$5,000 annually. Judge McCullough would like to see the interpreter training as a special line item instead of keeping it under "special programs and education." After discussion and by consensus, it was determined by this Commission to add \$10,000 into the education budget for interpreter training.

Mr. Johnson said the juvenile directors and their staff attended motivational interviewing training and are implementing it on a daily basis. Ms. Barnhardt proposed subscribing to on-going, on-line training in MI at an annual cost of \$2,000 to \$4,000, depending on the number of subscriptions. Mr. Johnson suggested to add \$5,000 for the MI training as an added line item, for the biennium. Ms. Barnhardt will look at the numbers and see if it could be absorbed in the special programs line item instead of adding to the budget.

A motion was made by Justice Crothers to approve the Judicial Branch Education Budget, with the new changes. Motion was seconded by Judge McClintock, motion carried.

Ms. Barnhardt will send out an amended budget to the Commission.

II. Judicial Branch Education Web Page

Ms. Barnhardt proposed developing a more useful intranet web page for the Education Department. She would like to have an up-to-date look and to have the ability to navigate to areas such as links to conference registrations, materials to download in advance of conferences, calendars of upcoming events, educational forms, AR 36 and policies of the Education Commission. She would like it to be a fully functioning webpage on the internal administrative site.

This has been a part of the education strategic plan for quite some time. Ms. Barnhardt would like administrative rights to maintain the contents that will appear on the website.

Judge McCullough said this has been a priority of the education strategic plan and it needs to be addressed. This is an employee service related to their continuing education and professional development.

Larry Zubke said Mike Sampson and Craig Stamaris will work on getting the website change started by September 2014.

A motion was made by Justice Crothers to recommend the IT Department start the process of working with Ms. Barnhardt on an up-to-date education website upgrade. Motion was seconded by Chris Iverson, motion carried.

A motion was made by Judge McClintock to adjourn the meeting. Motion was seconded by Cory Pedersen, motion carried.

