

Judicial Branch Education Commission
Minutes
(Unofficial Until Approved)
June 10, 2016

Members Present

Justice Daniel Crothers, Chair
Judge Gary Lee via phone
Judge Debbie Kleven via phone
Municipal Judge Darcie Einerson, via phone
Sally Holewa, State Court Administrator
Chris Iverson, Asst. Trial Court Administrator, Unit 2 via phone
Cory Pedersen, Juvenile Court Director, Unit 3
Larry Zubke, IT Director

Members Absent

Judge Susan Bailey
Judge John McClintock
Dean Kathryn Rand

Staff Present

Lee Ann Barnhardt, Director of Education
Lana Zimmerman, scribe

Justice Crothers called the meeting to order. **A motion was made by Cory Pedersen to approve the March 4, 2016, meeting minutes. The motion was seconded by Judge Kleven. Motion carried.**

Old Business

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

A. The June Judicial Conference is scheduled June 16, 2016, at the UND School of Law in Grand Forks. The Justice Reinvestment Group will conduct a presentation to the judges. Judge Feland will follow with an update on guardianship reviews.

B. The Children's Justice Symposium is scheduled July 26-28, 2016, at the Ramkota Hotel in Bismarck. This is sponsored by the Department of Human Services and the North Dakota Supreme Court.

C. The Court Management Program is scheduled September 7-9, 2016. Topic is Caseflow Management.

D. The Municipal Judges Seminar is scheduled October 3, 2016. Topics include: ethics, distracted driving, DUI caselaw updates, and sentencing alternatives.

II. Training Space Update - Ms. Barnhardt updated the Commission on the progress of the training space of the ND Supreme Court. It is to be completed by July 15. There will be a walk through with Legislative Council in June. Furniture will be ordered through Brown and Saenger after July 1st and will arrive approximately 4-6 weeks after ordering. The space will be available and ready to use the beginning of September.

New Business

I. Consider Criteria for Approving Education Credits for Juvenile Court Officers - There is a three person sub-committee that approves credits for judges and juvenile court officers that are not presumptively approved under Administrative Rule 36. The sub-committee asked for criteria for approving courses for juvenile court officers. Under the current policy, courses for judges may be approved if they are judicial related or related to laws, rules or procedures. There is no definition that defines what is relevant or pertinent for juvenile court officers.

Darcie Einarson is new to the Commission and was elected to the education sub-committee. She questioned what should qualify for continuing education for the juvenile court officers. appropriate to spell out what the criteria for approval of the credits would be.

Cory Pederson, a member of the sub-committee and juvenile court director, agreed that there should be some criteria.

Lee Ann Barnhardt and Cory Pederson agreed to draft criteria to bring back to the Commission for approval.

II. Bench Book Oversight Group Appointments - The Supreme Court approved the creation of the Trial Court Bench Book Oversight Group. Three judges have been appointed to the group; Judge James Hill, Judge Robin Schmidt, and Judge Steven McCullough. They will manage the updates to the trial court bench book with the assistance of staff attorney Mike Hagburg. The committee will begin September 1, 2016.

III. Review Judicial Survey Results - After the last Commission meeting, a survey of the District Court Judges was distributed on future judicial training. The survey included moving training to the capitol building, the amount of training in-state, along with the timing and on-line training.

Question 1: If the Judicial Conference is moved to the capitol training room, what hotel is the preference for booking sleeping rooms? Answer: There was a 50/50 split. It didn't make a difference as to where they would like to stay.

Question 2: If the Judicial Conference is moved to the capitol training room, should transportation be provided from a hotel to the capitol? Answer : 68% No, 31% Yes.

Question 3: If the Judicial Conference is moved to the capitol training room, what is your

preference for lunch? Answer: It was preferred to pick up their own lunch in the capitol café rather than leaving for lunch.

Question 4: If the Judicial Conference is moved to the capitol training room, what is your preference for the Law and Literature session? Answer: Preference is to hold the session in a room at the hotel.

Question 5: Please select your preference for the timing of the Law and Literature session. Answer: 61% would like to continue to hold the session on Monday evening.

Question 6: Should the number of in-state training hours for judges increase? Answer: 72% would like to increase the in-state training particularly due to budget restraints.

Question 7: If more training hours were offered, what would be your preference?

Answer:

1. Offer a separate full-day judge track as part of the SBAND Annual Meeting/June Judicial Conference
2. Offer online webinars on selected topics
3. Increase the length of the Fall Judicial Conference
4. Hold the Judicial Institute every Spring
5. Offer stand alone courses on selected topics.

Question 8: If stand alone or online courses are offered, what topics would you like to have covered?

Answer:

1. Pro se litigants
2. ICWA Discovery, OTSC and sanctions
3. Interpreting financial statements
4. Oil and Gas related topics
5. Evidentiary rulings
6. Legislative updates, rules updates, complex civil litigation, advanced issues in evidence
7. Family law updates, criminal law updates
8. Mental health procedure
9. Evidence; criminal procedure
10. Difficult issues in family law; Scientific/Expert Testimony Evidence in the courtroom; Technology issues in evidence in the courtroom; How to interpret financial documents evidence; sentencing alternatives to incarceration, and security in the courtroom.

Question 9: If online courses are offered, how often should they be scheduled? Answer: 84% Quarterly, 15% Monthly.

Question 10: If online courses are offered, what time of day would work best? Answer: Noon hour.

Question 11: If the length of the Fall Judicial Conference was increased, what days should it be

offered? Answer: 59% preferred 2-full days the Monday and Tuesday before Thanksgiving; 34% preferred to move it up a week to the Wednesday, Thursday, Friday before Thanksgiving week; 6% preferred a different week in November.

IV. Plan for Online Training for Judges, Juvenile Court Officers & Staff - More online training for judges and juvenile court officers will be added during the lunch hour. Live @ Lunch will be offered regularly in one hour sessions. This will begin in September 2016.

V. Budgets - Changes to the Judicial Branch Education 2015-2017 budget were presented. Changes include the following: Juvenile Court Conference reduced to one conference per year; judicial writing, interpreter training, and faculty development eliminated. There is a possibility to eliminate the Clerk of Court Conference in May 2017, depending on the budget forecast in August. The budget forecast may also impact the 2017 Judicial Institute.

The proposed budget for 2017-2019 was reduced by \$17,049, or slightly more than 10 %. Due to the request for deputy clerk training, Ms. Barnhardt added in funds to train deputy clerks. This requested training could be offered either online or regionally. Supervisors training, court interpreter training, and judicial writing training was reduced by 50% to once per biennium.

Other specific conference budgets were reduced proportionately to meet the overall 10% reduction that was requested.

A motion was made by Judge Kleven to approve the 2017-2019 Judicial Branch Education Commission Proposed Budget. The motion was seconded by Darcie Einarson. Motion carried.

VI. 2017-2022 Strategic Planning Meeting - The next Strategic Planning Meeting is scheduled October 7, 2016 in the Supreme Court Training Center. This is an in-person meeting. Please come prepared to interact and give input into the 2017-2022 Education Strategic Planning. Any topics you would like to discuss can be emailed to Lee Ann Barnhardt in advance.

Meeting Adjourned by Justice Crothers