

Judicial Branch Education Commission
Minutes
(Unofficial Until Approved)
September 12, 2014

Members Present

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

Members Absent

Judge John McClintock

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 Justice Crothers to amend the June 20, 2014, meeting minutes. On page 4, third to the last paragraph, second line, change the words “to read” to “reading”, and second to last paragraph, first line change the words “to read” to “reading”. The motion was seconded by Cory Pedersen, motion carried.**

A motion was made by Justice Crothers to adopt the meeting minutes as modified. The motion was seconded by Cory Pedersen. Motion carried.

Old Business

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

A. The Municipal Judges Seminar is scheduled October 6, 2014, at the Radisson Hotel in Bismarck. Michael McGinniss from UND School of Law will facilitate an ethics session. Ron Hofer will teach a session on statutory construction. The ND Safety Council will conduct a session on the new programs for drivers that can be used for driving citation and traffic cases. Merylee Castellanos and Jenny O’Hara will conduct a session on Interpreters in the courtroom and the need for interpreters. The day will wrap up with a round table discussion that will be facilitated by Municipal Judge Bill Severin.

B. The Judicial Writing Seminar is scheduled October 6-7, 2014, at the Radisson Hotel in Bismarck. Ron Hofer will facilitate this seminar. The target audience is judicial law clerks.

C. The Fall Judicial Conference is scheduled November 24-25, 2014, at the Radisson Hotel in Bismarck. The agenda will consist of evidence based sentencing and looking at bias issues in the courtroom. Since there have been 10 new judges added to the bench. Ms. Barnhardt suggested adding a pre-conference session for new judges. Ms. Barnhardt will work with new judges and presiding judges in each district to determine interest in the session.. There will also be a Law and Literature session in the evening. “A Lesson Before Dying” will be read for the law and literature session.

D. The Court Reporter Training is scheduled November 24-25, 2014, at the Radisson Hotel in Bismarck. Larry Paiz from Texas will teach on Case Catalyst.

E. The Court Recorder Training is scheduled November 24-25, 2014, at the State Capitol in Bismarck. This training is a “test prep” session. The court recorders are required to be certified through AAERT. Facilitators are AAERT staff and local court personnel.

F. The Advanced Faculty Development is scheduled April 15-17, 2015, at Bismarck State College in the Energy Center. Kathy Story will facilitate this conference. The primary audience is individuals who attended the first level.

II. Proposed Changes to Policy 504

Policy 504 deals specifically with the Trial Court Administrators and the Juvenile Court Directors in regards to Professional Development for Trial Court Administrative Personnel and essential courses offered through the Institute for Court Management. The proposed changes would expand the policy to include the Juvenile Court Directors because there is an expectation that individuals at that level would be attending the courses if they are offered in-state.

Ms. Barnhardt explained when Policy 504 was initially put in place, it was designed so if an individual was hired as a Trial Court Administrator and didn't have the ICM certifications, there would be no approval for travel for other out-of-state training, until this was completed. The priority wording in the policy meant the essential ICM courses came before other travel would be approved.

At the last meeting, staff was asked to review job descriptions to see if completion of ICM certification was required. Mr. Johnson explained that certification remains a preference in the job skills, not a requirement. It's stated as a preference under the minimum qualification in the Assistant Court Administrators position description. There is room for flexibility if using the words “may attend” instead of “must attend”.

After extensive discussion, **a motion was made by Scott Johnson to amend the language in Section 3, paragraph 1, after the word “until” to add, “certification is complete. Exceptions to this maybe granted by the State Court Administrator.” The motion was seconded by DeNae Kautzmann, motion approved.**

A motion was made by Justice Crothers to amend the language in Section 2, second paragraph, after the words “the Judiciary” to add, “Exception to this maybe granted by the State Court Administrator.” The motion was seconded by Chris Iverson, motion approved.

After further discussion, **Justice Crothers proposed a new motion for Section 2 to add a third paragraph to read, “Exception to the requirements in this section maybe granted by the State Court Administrator.” The motion was seconded by Chris Iverson, motion approved.**

Policy 201

There were no further changes to this Policy.

Administrative Rule 36

Rule 4(d) - The second sentence regarding the orientation program has been removed.

Rule 4(e) - The second sentence was also removed and the number of hours was changed to match what was changed in section (b) for the municipal court judges.

Rule 6 - Added to the list of approved course work was (23) North Dakota County Commissioners Association, Institute of Local Government Professional Development Courses.

A motion was made by Judge Reich to send Policies 504 and 201 to the Supreme Court for consideration, the motion was seconded by Cory Pedersen, motion carried.

Administrative Rule 36 will be added to the December meeting agenda for discussion.

III. Education Report of Compliance Status Update

Ms. Zimmerman shared the education reporting period from July 1, 2011 through June 30, 2014, is complete. The Supreme Court Justices, District Court Judges, Judicial Referees, Juvenile Court Officers and Surrogate Judges are all in compliance for this reporting period.

There are two Municipal Court Judges who are not in compliance. Monica Sundhagen from the city of Tioga, and Paul Hagen from the city of McClusky. There was an extension request for Sharon Harmel from the city of Rugby. She has finished her required course work through the Judicial College and is waiting on her certificate of completion from them.

A motion was made by Judge Kautzmann to extend the extension request from Municipal Judge Harmel for a period of 90 days. The motion was seconded by Cory Pedersen, motion carried.

A motion was made by Judge Kautzmann to request that Sally Holewa, State Court Administrator, send a letter to the city administrators of Tioga and McClusky regarding the non-compliance in judicial education of their city municipal judges. The motion was seconded by Justice Crothers, motion carried.

Spring 2015 Judicial Institute

The 2015 Judicial Institute will be held May 18-20, 2015, at the Alerus Center in Grand Forks, ND. Day 1 - Justice Crothers and Mark Lanterman will conduct a morning session on electronic information. The afternoon session will be conducted by Dr. Kent Kyle from the University of New Mexico and also the Director of the Mind Research Network out of Albuquerque, NM. He will conduct a session on the intersection of neuroscience and the law. Day 2 - This day will focus on current issues in the law. Ms. Barnhardt presented a list to the Commission for discussion. Some Topics include, Defense of Marriage Act, vicarious trauma, family law issues, domestic violence, and human trafficking. Suggestions also included, a legislative update. Any further suggestions from the Commission can be forwarded to Ms. Barnhardt. Day 3 - This day will consist of Law Justice and the Holocaust and how the courts failed Germany.

New Business

Procedure for Course Approval - There is a sub-committee of this Commission which consists of Judge McClintock, Cory Pedersen, and DeNae Kautzmann. When information is sent from an employee for continuing education credits that is not presumptively approved, it is sent to the sub-committee, which approves or denies the request. The information required in the application for approval is the completed application for continuing education credit, a list of faculty and bios, and the agenda from the course.

Ms. Barnhardt asked if there needs to be a process in place as to how the application are reviewed and how decisions are made. She asked if the form needs ask for other information or does it need to be more specific as to what needs to be attached, etc.

Judge McCullough said the sub-committee has developed over time as a way to make decision on requests in a timely matter since the Commission only meets quarterly. He agreed that there should be some clarification as to how this sub-committee operates.

The topic was tabled until the December meeting. Ms. Barnhardt review the Course Approval Policy and draft some proposed changes for the Commission to consider.

Judicial Branch Education Intranet Page - The Commission discussed the must haves to make page function best for judges and employees. Some suggestions were as follows:

- * Links to Policies
- * Calendar of upcoming seminars with links to registration/webinar site/agenda/materials
- * Link to ELM
- * Course Approval Forms
- * Report of Compliance Form
- * Suggestion box/Contact button
- * Training Library
- * Tab for webinars
- * Link to SBAND

*Bench books and manuals

A motion was made by Cory Pedersen to adjourn. The motion was seconded by Scott Johnson, motion carried.

Meeting adjourned at 11:35 a.m.