

Judicial Branch Education Commission
Minutes
(Unofficial Until Approved)
February 1, 2019
Via Go To Meeting

Members Present

Justice Daniel Crothers, Chair
District Judge Susan Bailey
Municipal Judge Alvin Boucher
Sally Holewa, State Court Administrator
Chris Iverson, Asst. Trial Court Administrator, Unit 2
District Judge Kirsten Sjue
District Judge Troy LeFevre
Cory Pedersen, Juvenile Court Director, Unit 3
Brad Meyers, Dean, UND School of Law
Larry Zubke, I.T. Director
District Judge John Grinsteiner

Staff Present

Lee Ann Barnhardt, Education Director
Kim Dockter, Special Projects Coordinator
Lana Zimmerman, Minutes

Guest

Sara Behrens, Staff Attorney

Justice Crothers called the meeting to order. **A motion was made by Sally Holewa to approve the October 12, 2018, meeting minutes. The motion was seconded by Municipal Judge Alvin Boucher. Motion carried.**

Old Business

- I. Conference Updates – Ms. Barnhardt updated the Commission on the following conferences:
 - A. The next Live@Lunch for judges is scheduled for February 20, 2019. This one hour session is on Rules Updates.
 - B. The Clerk of Court Conference is scheduled for May 2-3, 2019, in Grand Forks. Topics for this conference include the following: Making Diversity Work; Legislative Update; Caseflow Management; Court Records Retention; and Understanding Guardianship Cases.
 - C. The Judicial Institute is scheduled for May 20-22, 2019, at the UND School of Law in Grand Forks. Topics for this conference include the following: Fourth Amendment – Expectation of Privacy; Families First Prevention Services Act: Understanding and Defining the Court's Role; Evidence: Character, Impeachment and Expert Opinions; Domestic Violence; and Child Safety and Well-Being in the Context of Domestic Violence.

- D. The Judicial Conference is scheduled June 13, 2019, in Fargo. ND. This one hour session is on Animals in the Courtroom presented by Sara Behrens, Staff Attorney and Jenny Korb, Executive Director of Service Dogs for America.
- E. The Juvenile Court Conference is scheduled May 22-23, 2019, and will be a joint conference with the ND Department of Juvenile Services. The first-day topics include the following: 2019 ND Legislative Session Updates; Families First Services Prevention Act; and Dual Status Youth Initiative. The second day will be Collaborative Problem Solving: Introductory Training and Conventional Wisdom about kids with challenging behavior by Dr. J. Stuart Ablon.
- II. Administrative Rule 36 Update – Justice Crothers updated the Commission on Rule 36. Suggested modifications requiring CJE credits in diversity, fairness and access have been approved. The Supreme Court adopted the changes effective July 2020, which is the beginning of the reporting period.

New Business

- I. Discuss and Approve Policy on Course Approval – The Commission discussed a proposed change that provides a definition for what constitutes a diversity and inclusion course. The modified definition states

Diversity and Inclusion: A qualified diversity and inclusion course or component is a clearly identified segment of a course or program which is devoted to one or more topics referring to attitudes or stereotypes that affect understanding, action, or decision-making in a conscious or unconscious manner or one that is devoted to access to justice or due process issues. Areas of focus for this credit may include gender, color, race, religion, ancestry, national origin, physical or mental disability, economic status, age, and sexual orientation.

Municipal Judge Boucher moved to approve the Course Approval Policy. The motion was seconded by Judge Bailey. Motion approved.

- II. View and Discuss Education Content on Court's Public Website – Justice Crothers explained that the court's website is currently being updated and that the Judicial Branch Education Commission will have a page for content. Ms. Barnhardt will send out the test link to the Commission to view.
- III. Discuss Topics/Sessions for Summer Judicial Conference – Ms. Barnhardt suggested having a session on service animals in the courtroom. Ms. Holewa agreed this would be a great topic because there are Federal requirements regarding service animals. Justice Crothers reported there are other states that have service animals in the courtroom and agreed this to be a good topic to cover.

Ms. Holewa also suggested a session on how to use interpreters in the courtroom focusing on the deaf or visually impaired.

- IV. Domestic Violence Bench Book – Proposal for Updates - Ms. Barnhardt reported that the Community Violence Intervention Center in Grand Forks has applied for grant funds with updating the Domestic Violence Bench Book as one of the outcomes. Ms. Barnhardt asked for input on how to move forward with the update. In the past an ad hoc group of district court Judges, prosecutors, domestic violence advocates and law school faculty was formed to address the changes.

Ms. Holewa asked if most of the changes are legal changes to the existing book. Ms. Barnhardt believes most of the updates are primarily legal changes but some would also address the domestic violence course and the DV court model and how it operates. Ms. Holewa suggested it may be more cost effective to get a lead attorney to go through and draft the changes and get the group to look at both the recommended changes and the content. Justice Crothers said if the grant is awarded, Ms. Holewa, Ms. Barnhardt and he will put together a smaller group to work on the updates.

- V. Meeting Dates for 2019

The next meeting dates are June 7, 2019 at 9:00 a.m. and October 25, 2019 at 1:00 p.m.

Meeting adjourned at 1:45 p.m.