

**STATE OF NEVADA
NEVADA COUNCIL FOR THE PREVENTION OF
DOMESTIC VIOLENCE
JUDICIAL TRAINING COMMITTEE**

Minutes of Meeting

Thursday, June 9, 2011, at 3:00 p.m.

Office of the Attorney General
5420 Kietzke Lane, Suite 202
Reno, Nevada 89511

Committee Members Present

None

Committee Members Present Via Teleconference

Christine Jones Brady
Dr. Michael Freda
Mark Jackson
Robin Sweet
Bob Zentz

Committee Members Absent

Catherine Cortez Masto, Attorney General
Valerie Cooney

Public Present

None

Attorney General's Office Staff Present

Henna Rasul, Deputy Attorney General
Lorraine Webber, Assistant to the NCPDV

1. *Call to order and roll call of members.

Dr. Freda called the meeting to order at 10:00 a.m. Roll call was taken and a quorum was established.

2. *Review and approval of minutes from March 21, 2011 meeting.

Mark Jackson made a motion to approve the minutes. Ms. Brady stated that she had made some comments under item #3 of the agenda that were not in the minutes. Ms. Webber said that she could review the recording. Mr. Jackson withdrew his motion to approve the minutes and made a new motion to table approval of the March 21, 2011 minutes until the next scheduled meeting. Christine Brady seconded the motion. A vote was taken and the motion carried.

3. *Discussion and possible action regarding judicial support for domestic violence issues.

Mr. Jackson thought that the Committee members who would want to follow up on this item were not present at the meeting.

Dr. Freda stated that there was some judicial support from the limited and general jurisdiction education committees because they were including some domestic violence topics in their conferences this year.

4. *Review, discussion and possible action regarding a partnership with the Nevada Prosecution Advisory Council on judicial training issues and the use of the writ process.

Dr. Freda reported that he had talked to Brett Kandt and Mr. Kandt had said that he had had several conversations about this issue with the AOC. He was also going to bring it up with the Prosecution Advisory Council. Mr. Jackson stated that the Prosecution Advisory Council was not scheduled to meet until September.

Dr. Freda reported that according to Mr. Kandt, the writ option was certainly appropriate and that he wanted to attend the meeting but was currently on leave.

Ms. Brady asked what the purpose of the partnership would be. Mr. Jackson stated that the primary duty of Mr. Kandt as director of the Prosecution Advisory Council was to provide education for the prosecutors throughout the state and to lobby on bills that would affect prosecutors. In this case, they could potentially file writs based on the decisions of certain judges requesting a higher court to mandate that they follow the law in reference to some domestic violence cases, or to keep them from doing certain things—for example, putting in reciprocal no contact orders when issuing temporary or extended protection orders.

The Committee discussed the next step and would like to have Brett Kandt attend the next meeting to address the issue.

5. *Review, discussion and possible action regarding judicial training requirements for domestic violence including number of hours, compliance, and follow-up/refresher courses.

Mr. Jackson stated that the training matrix and the Nevada Supreme Court's Administrative Docket Order that Robin Sweet had provided for the Committee answered everything that was requested by the Committee at the last meeting.

Ms. Brady asked if there were specifics for each of the courses. For example, in the "Role of the Judge" course, what elements of domestic violence are covered? Ms. Sweet stated that those courses are developed by national organizations so there is little control over the content and they are not focused specifically on Nevada law. However, there are several conferences each year for judges that provide continuing education. These courses sometimes cover domestic violence issues. The curriculum varies according to what legislation may have passed, what the judges want to hear, etc.

Mr. Zentz noted that according to the Supreme Court order, Nevada judges are required to attend domestic violence training which would be specific to Nevada. Ms. Sweet stated that when the order was first issued, there were classes that addressed the topics covered in the order. Since then, other topics relating to domestic violence have been added. She said it was likely that the next meetings of the judges would cover recent legislative changes.

Mr. Jackson briefly discussed the Bench Book for limited jurisdiction judges which do give the judges a bare bones guide to the laws relating to domestic violence and protection orders.

Ms. Sweet said that she is happy to take suggestions for changes or additional training back to her committees but would be cautious about ordering specific trainings for the judges.

6. *Review, discussion and possible action regarding addition to list of suggested training topics.

- i. Requirements of arrest and 12 hour hold**
- ii. Service of process of extended protection orders**
- iii. Other possible additions**

Dr. Freda stated that Ms. Webber had sent out the list of topics that had been developed by the Committee last year. This list had been presented to the education committees of the general and limited jurisdiction judges by

General Masto. Ms. Brady asked if the Committee's help was needed. Dr. Freda stated that General Masto had offered the help of the Council but that they have not heard of any request for assistance. Dr. Freda asked if there was anything that should be added to the list.

Mr. Zentz stated that he did not think the judges would be concerned with the requirements of arrest and that the 12 hour hold is statutory so he was not certain that it would make a good training topic. If judges are granting releases prior to the 12 hours, then they should be referred to the statute. Mr. Jackson said that early release is an issue and that the other problem is that some judges interpret the law in such a way that they think they have the discretion to book and release a person on their own recognizance when a warrant of arrest is issued.

Mr. Jackson stated that another potential training topic might be on the recently passed Senate Bill 66 which revises the provisions relating to the multi-disciplinary teams to review the death of victims of crimes that constitute domestic violence. The way the statute reads, the multi-disciplinary team can be organized or sponsored by a *court* or an agency or local government under existing law. This is a training issue that goes beyond the judiciary to include other agencies including district attorneys and law enforcement. Mr. Jackson made a motion to add "domestic violence multi-disciplinary review teams" to the list of training topics. Christine Brady seconded the motion. The motion passed unanimously.

7. *Review, discussion and possible action regarding Limited Jurisdiction Bench book.

Mr. Jackson said that, as previously stated in agenda item #5, there is not a whole lot of information in the Bench Book; it is a reference that points judges in the direction of where to look for things in the NRS. Dr. Freda asked if he thought the Bench Book should be expanded. Mr. Jackson stated that to do so might open a Pandora's box and what should be a synopsis would turn into many volumes and that the judges would probably not want that.

Ms. Brady asked if this agenda item could be tabled until the next meeting because she had not had the opportunity to review the Bench Book. Mr. Jackson said he would like to take it to his criminal division to see if they had any feedback on what might need to be added, deleted or revised.

Ms. Sweet said the AOC would revise the Bench Book should any errors be found.

Ms. Brady made a motion to table this item until the next meeting. Bob Zentz seconded the motion. A vote was taken and the motion passed unanimously.

8. *Identification and review of legislation requiring judicial training in NRS.

Dr. Freda noted that this was partially covered in agenda item #6 when discussing training regarding Senate Bill 66 was discussed. He asked if anyone knew of other new legislation that should be addressed.

Mark Jackson said that SB 163, which revised the 12 hour hold, died before getting out of Committee but the issue may resurface at some point.

The Committee was unaware of any other bills that should be discussed. Ms. Brady stated that the Legislative Committee had tracked certain bills but that the main ones were the ones already mentioned.

9. *Schedule future meetings and agenda items.

The next meeting was scheduled for August 18, 2011 at 3:00 p.m.

10. Public comment.

Dr. Freda reported that at the June 8th Washoe County Domestic Violence Task Force meeting they were notified by a representative of the Washoe County District Attorney's office that on June 7th, a jury returned a guilty verdict on a domestic violence case with a strangulation enhancement. Sentencing on the case will be sometime mid-July.

11. *Adjournment.

Bob Zentz made a motion to adjourn the meeting. Ms. Brady seconded the motion. The meeting was adjourned at 3:41 p.m.