

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

Minutes of Meeting

Thursday, August 18, 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
Valerie Cooney
Dr. Michael Freda
Bob Zentz

Committee Members Absent

Catherine Cortez Masto, Attorney General
Mark Jackson
Robin Sweet

Public Present

John McCormick, AOC
Brett Kandt, Nevada Prosecution Advisory Council

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 3:03 p.m. Roll call was taken and a quorum was established.

2. Public Comment.

There was no public comment at this time.

3. *Review and approval of minutes from March 21, 2011 and June 9, 2011 meetings.

Valerie Cooney made a motion to approve the minutes of the March 21, 2011 meeting. Christine Brady seconded the motion. A vote was taken and the motion passed. Bob Zentz abstained from voting because he was not present at the meeting.

As for the June 9, 2011 meeting minutes, Bob Zentz made a motion to approve them as submitted. Christine Brady seconded the motion. A vote was taken and the motion carried with Valerie Cooney abstaining from voting since she was not present.

4. *Review, discussion and possible action regarding judicial support for domestic violence issues.

Ms. Cooney stated that she had reviewed the minutes of the June 9th meeting but asked if someone could give her a better understanding of what was discussed. Dr. Freda stated they had discussed approaching the education committees of the judicial associations again to try to garner some more support for adopting the topics previously submitted to them for training.

Dr. Freda reported that he had been in touch with Judge Holmes from Reno Municipal Court and learned that she was on the education committee for the limited jurisdiction judges. He will meet with her in the next couple of weeks and will be giving her the list of training topics that has been developed by the Committee.

Ms. Cooney added that another person to reach out to might be Judge Patricia Lynch since she is a member of the Council and served on the limited jurisdiction education committee. There was discussion of whether or not Judge Lynch was still on the limited jurisdiction education committee. Dr. Freda stated that he would contact her and find out.

Ms. Cooney asked the Committee if there was an interest in reaching out to individual judges. She thought the Committee should have a plan about what it is the Committee would like them to do before contacting the judges.

Ms. Brady suggested finding out if the judges would be willing to work with the Committee to do a CLE or some kind of training on domestic violence. Ms. Cooney stated that it wasn't a bad idea but that the judges probably had limited time to work on such a project. She suggested finding out what the judges' issues surrounding domestic violence are and working from that. Ms. Brady added that it wouldn't be a bad idea to have some kind of plan before contacting the judges and that the plan wouldn't have to be elaborate.

Mr. Zentz stated that it was his recollection that the intent of the Committee was to identify the issues that the Committee sees taking place; advise the judges' committees as to what those issues are and request that they consider looking at those issues at their next training session. This was done by way of the list of training topics that has been developed by the Committee. He didn't think the Committee intended or was ever expected to do training with the judges. Ms. Cooney agreed and added that she had made an inquiry to the Attorney General at the February Council meeting as to whether this Committee should continue. It was at that time that General Masto spoke about her experience at the limited jurisdiction judges' conference and suggested reaching out to some of these judges who seemed entrenched in their practices.

Dr. Freda asked Mr. Kandt if he had attended that judges' conference. Mr. Kandt said that he had, and that the vast majority of judges were appreciative of the fact that the Attorney General had reached out and were sensitive to the issues surrounding domestic violence cases and the challenges that they present. Although there may have been one or two judges that didn't seem as sensitive as the others, they were in the minority. John McCormick stated that he had also been present and had the same recollection as Mr. Kandt. Ms. Cooney stated that if that were the case, then maybe the Committee needed some clarification from General Masto as to what direction she wants the Committee to take. The AOC has provided training for the judges and Ms. Cooney said that she is not so sure that training is the problem. Other issues are involved and she is not certain how effective the Committee or even the Council can be in addressing individual problems. Dr. Freda stated that he would need to clarify how to proceed with General Masto.

Ms. Brady asked if Judge Holmes had reached out to Dr. Freda or if he had reached out to her. Dr. Freda stated she had reached out to him. Ms. Brady stated that she thought the Committee ought to be responsive in such circumstances despite what clarification the Committee may receive. The Committee agreed.

5. *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 stated that at a previous meeting there had been discussion regarding certain judges who the Committee members believed had not been following the statutes and the possibility of filing a writ if the judge was reluctant to change after discussing it.

Ms. Cooney stated that she had an issue with a judge who insists on mutual restraining orders. She had been advised by some limited jurisdiction judges to prepare a writ and that they would take the writ to that particular judge. The writ has been prepared but she has not yet given it to anyone or filed it herself. She stated that the judge has been talked to a number of times by his peers, but has not changed.

Mr. Kandt first wanted to correct for the record a statement that was attributed to him in the June 9, 2011 minutes. Under item #4, the minutes read, "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." Mr. Kandt stated that if the issue is the use of the writ process, he has never had a conversation with the AOC about it.

Mr. Kandt stated that he talked to Committee member Mark Jackson about concerns Mr. Jackson had in his jurisdiction and how he had worked them out with the judges. Mr. Kandt said that so far Mr. Jackson had not felt the need to resort to the use of a writ. He and Mr. Jackson both agreed that the decision to use a writ must be left to the professional discretion of each prosecutor based upon the facts and circumstances of a particular case and upon the prosecutor's ethical obligations. He asked the Committee what exactly they were seeking from the Prosecution Advisory Council. He then noted that at the State Prosecutors Conference in September, Judge David Hardy from Washoe County District Court is doing a two-hour ethics presentation and Mr. Kandt asked Judge Hardy to broach this topic during his talk.

Ms. Cooney stated that the most the Committee could ask for was for prosecutors to identify the problem and dialog about it. The Committee thought it was great that the topic would be addressed during Judge Hardy's presentation.

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

Dr. Freda said that he did not know why this was on the agenda. Ms. Webber explained that this item was discussed at the last meeting and no one said whether or not the discussion should be continued and so it remained on the agenda.

There was no new discussion on this item.

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

Dr. Freda asked if there were any new ideas for the list of training topics.

Ms. Cooney stated that she thought the list was complete and that it probably wasn't necessary to talk about it at every meeting. Christine Brady suggested elaborating on the topics listed under the "Other Possible Subjects" section of the list. Ms. Cooney cautioned against the list getting too long, too complicated, and possibly too detailed. She thought that identifying the topics and hopefully getting training on them was probably the extent of the Committee's reach. The Committee discussed adding detail to the additional topics and came to the conclusion that the list might be overwhelming if it were too long.

Dr. Freda asked that this item be taken off the list for now. If anyone wishes to discuss it in the future, they should contact Ms. Webber to have it added to the agenda.

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

Mr. McCormick said that it was his understanding that at the June meeting there was some interest in looking at the limited jurisdiction bench book and seeing if this Committee had any recommendations and that he was attending this meeting in the interest of furthering that discussion. Ms. Cooney suggested comparing the bench book to the items on the training list to see if there might be areas to develop in the bench book.

Ms. Cooney asked how the bench book was updated after the legislative session. Mr. McCormick explained that he updates the book, has counsel review it, and once it is finalized, hard copies are distributed to the judges at the next limited jurisdiction judges' conference. Updates include statutory changes and expanded sections in the areas where the judges have requested more information. For the domestic violence section he has

included procedures and the basic laws. A big change last time was the addition of battery by strangulation. Mr. McCormick stated that if this Committee has comments or ideas, that he would be happy to hear them.

Ms. Cooney suggested reviewing the training list and comparing it to the bench book and then meeting again to discuss. Dr. Freda asked when they needed to give Mr. McCormick their suggestions. He stated he would probably be working on the bench book after the first week of October. The Committee discussed meeting again in a month or so. Dr. Freda stated that in the meantime he would meet with Judge Holmes and speak to General Masto to see how the Committee should proceed. Ms. Brady stated that she thought the Committee was important in keeping the issues alive, even if they are not doing any actual training.

Mr. McCormick commented that he was reviewing the minutes from the last Judicial Training Committee meeting and noticed that there was an item regarding SB66, the domestic violence fatality review team bill. In case the Committee was not aware of it, he wanted to mention that the Standing Committee on Judicial Ethics and Election Practices has issued an advisory opinion that came to the conclusion that a Nevada judge may not seek appointment to a multidisciplinary team to review the death of a victim of domestic violence. The opinion is available online at <http://judicial.state.nv.us/JE11-007.pdf>

9. *Schedule future meetings and agenda items.

The next meeting was scheduled for September 29, 2011 at 2:00 p.m.

10. Public comment.

There was no public comment.

11. *Adjournment.

The meeting was adjourned at 3:41 p.m.