

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

Minutes of Meeting

Wednesday, January 18, 2012, at 2:00 p.m.

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

Committee Members Present

Robin Sweet

Committee Members Present Via Teleconference

Valerie Cooney
Dr. Michael Freda
Mark Jackson
Bob Zentz

Committee Members Absent

Christine Jones Brady
Catherine Cortez Masto, Attorney General

Public Present

None

Attorney General's Office Staff Present

Lorraine Webber, Assistant to the NCPDV

Attorney General's Office Staff Present Via Teleconference

Henna Rasul, Deputy Attorney General

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

Dr. Freda called the meeting to order at 2:00 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 the October 13, 2011 meeting.

Mark Jackson made a motion to approve the minutes from the October 13, 2011 meeting. Robin Sweet seconded the motion. A vote was taken and the motion carried. Bob Zentz abstained from voting.

Valerie Cooney later joined the call and noted that there was a typo on page 3. There is a reference to NRS 400.481. It should be NRS 200.481. Mark Jackson withdrew his original motion and made a motion to approve the minutes with the correction. Ms. Sweet withdrew her second to the original motion. She seconded the amended motion. A vote was taken and the motion was approved with Bob Zentz abstaining.

4. *Review, discussion and possible action regarding Limited Jurisdiction Bench Book.

Ms. Sweet stated that she had checked with John McCormick and the Bench Book Committee has made many of the suggested changes. There is still one outstanding issue not related to the chapter on domestic violence and once that issue has been resolved, the new Bench Book will be produced and distributed. She speculated that it may be published in a few weeks.

5. *Discussion and possible action regarding goals for 2012.

Ms. Cooney stated that there were a few issues that she would like to see made into Committee Goals. There is a judge who insists on having applicants for protection orders sign an affidavit that the applicant will be bound by the order as well. This constitutes a mutual protection order which is a violation of state and federal law. She thought that the Committee should have a discussion about how to approach that problem.

Another issue is a limited jurisdiction judge who refuses to place children as protected parties on restraining orders. She wasn't sure that this is an education problem because she knows that more experienced judges have spoken to him about it.

She thinks that these types of individual rulemakings come from the judges' personal views and hopes that the Committee will discuss them and come up with some kind of response.

A topic of concern for Ms. Cooney, which she doesn't think that the Committee is necessarily set up to deal with, has to do with plea agreements and negotiations to reduce charges from battery to disturbing the peace. She has observed that this is fairly widespread.

Dr. Freda stated that the Committee had discussed the individual rulemaking issue before and decided that it was really something that could not be addressed by judicial training – the judges had already received training but chose to act according to their personal views. At one time the Committee had discussed filing writs against these judges. Ms. Cooney commented that in order to file a writ you have to have a complaining party. Finding a victim who is willing to be a complaining party is not always easy to do.

Mr. Jackson explained that the protection orders do not go through a prosecuting attorney's office. The state of Nevada is not a party to these actions. He does like the writ process because it creates a record. He noted that any person who believes that a judge has violated the law can report the judge and those with oversight have a duty to investigate it. Any judge who requires mutual protection orders should be put on notice that they are violating the law and should be asked to cease and desist. If the judge continues, then he or she is knowingly violating the law. Such a judge could potentially be removed from office.

Mr. Jackson stated that he thought it was beyond the scope of this Committee to do anything more the training aspect. He thought the focus of the Committee should be to trying to assist the limited and general jurisdiction courts in their upcoming seminars and conferences. He reminded the Committee that Ms. Sweet had provided information on the domestic violence training that the judges do receive. He didn't think that the issues Ms. Cooney encountered stemmed from lack of training.

Ms. Cooney acknowledged that it wasn't a training issue but was reluctant to file a formal complaint. However she is growing weary with some of these battles.

Mr. Jackson asked how long ago this Committee was established. Ms. Cooney and Dr. Freda explained that it had been operating for two or three years and was created for the limited purpose of identifying possible judicial training topics.

Mr. Jackson commented on some upcoming conferences and trainings involving the judiciary including the limited jurisdiction judges' conference where Kareen Prentice, Jennifer Kandt and Tim Hamilton would be having a panel discussion on batterers treatment in rural areas. He thought it was great that the judges were devoting time to domestic violence issues

and was in support of the Council members assisting and offering expertise when possible. A good working relationship with the AOC is the best way to accomplish this. If the Committee can help identify issues that the judges are not aware of, then that is a way to help.

Ms. Sweet added that the Attorney General's Office has arranged for grant funding for a webinar on strangulation. The webinar will be recorded so that judges can view it even if they are unable to participate at the time it takes place. She stated that the AOC is excited to offer this kind of training and excited to see how the judges respond. She hopes that they will be able to continue this kind of training that will help with education on specific topics.

Mr. Jackson said that the specialty courts are having a conference towards the end of 2012. The list of judicial training topics previously developed by this Committee includes identifying mental health issues in domestic violence cases and psychological assessments. Under "Other Possible Subjects" it lists specialty courts. He suggested that maybe the intersection of these specialty courts with domestic violence issues may be something that could be presented on at the conference. Ms. Sweet said she did not know if they had had that kind of training before but she will take the suggestion back to the AOC for consideration. She asked if anyone knew of any national or regional speakers who could present on that issue. Mr. Jackson said it would take some research but he was sure there must be some national speakers.

Dr. Freda asked the Committee where they wanted to go with this Committee. Ms. Cooney stated that she saw the Committee's role as identifying topics and issues that the judges need or want training on, not organizing or providing the actual training. Mr. Jackson commented that if the Committee acts as a messenger about where they see a need for training but nothing is ever offered, then the issues are not resolved and the Committee will always be discussing them.

Regarding Ms. Cooney's concern about charges being reduced by plea bargain, Mr. Jackson stated that there is no doubt that a judge can override a plea agreement but most do not, so it is more of an issue with the prosecutors and defense attorneys. In that case, the scope of this committee may need to be expanded. Ms. Cooney didn't think the scope of this Committee need be expanded because Brett Kandt and the Prosecutors Advisory Council work to train prosecutors. She wonders about the role of some judges in plea negotiations but thought that that was more a function of education.

Mr. Jackson reviewed the Council bylaws and noted that one of the purpose and duties of the Council is training—not just judicial training, but everyone involved in the system. Ms. Cooney agreed.

Ms. Cooney asked Ms. Sweet if there were a reporting system in place for judges to track the education hours that they have completed. Ms. Sweet stated that the AOC maintains a judicial education tracking system. If the AOC sponsors the education, and the judges attend, it is automatically recorded. If the judges attend a training sponsored by another agency, then it is up to the judge to report their attendance at the training. Each year, the judges receive a list of classes attended and are asked to update it if necessary.

Mr. Jackson made a motion to make the Committee's 2012 goal to continue to study and review issues pertaining to judicial training and make recommendations as appropriate. Valerie Cooney seconded the motion. A vote was taken and the motion passed unanimously.

6. *Schedule future meetings and agenda items.

The next meeting was scheduled for April 12, 2012 at 2:00 p.m. Mr. Jackson asked for an agenda item to review and update the list of training topics.

7. Public comment.

There was no public comment.

8. *Adjournment.

Mark Jackson made a motion to adjourn the meeting. Valerie Cooney seconded the motion. The meeting was adjourned at 2:43 p.m.