

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

**Minutes of Meeting**

*AMENDED*

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*February 10, 2009*

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

**Committee Members Present**

None

**Committee Members Present Via Teleconference**

Dr. Michael Freda  
Susan Filon  
Valerie Cooney  
Bob Zentz  
Russell Smith  
Ron Titus

**Committee Members Absent**

Rebecca Smokey

**Public Present**

None

**Attorney General's Office Staff Present**

Henna Rasul, Deputy Attorney General  
Kathryn K. Menke, Assistant to NCPDV

**Attorney General's Office Staff Present Via Teleconference**

Kareen Prentice, Domestic Violence Ombudsman  
Catherine Cortez Masto, Attorney General

1. **\*Call to order, roll call of members, and introduction.**

Deputy Attorney General Henna Rasul called the meeting to order at 4:00 p.m. A roll call was performed and quorum was established.

**2. \*Election of Chair.**

Valerie Cooney nominated Dr. Michael Freda to be the chair of the new committee; Russell Smith seconded the motion. The motion carried with one abstention, Dr. Michael Freda.

**3. \*Set Committee Goals for 2009.**

Dr. Freda indicated that General Masto wants all committees to set goals for themselves for 2009. Valerie Cooney asked Henna Rasul or Kareen Prentice to reiterate the reason behind the creation of the Judicial Training Committee.

Henna Rasul replied it was something that General Masto wanted to create. She was not certain what had sparked the discussion. Dr. Freda stated that the event that led to a Judicial Training committee being formed was the results they got from the judges survey that they included in the Biennial Report. He had been appalled at some of the comments from the judges with regard to their knowledge of providers and their knowledge of the domestic violence programs. It was suggested that the council take a look at the existing curriculum that is being used to teach judges throughout the state, and come up with recommendations that would improve judges' training.

Valerie Cooney noted that the district court judges go to school when they are elected; they have a six-week long judicial training. Ms. Cooney stated that she did not know how many days of domestic violence training district court judges receive. Ms. Cooney asked Ron Titus if the limited jurisdiction Judges have the same type of required training.

Mr. Titus responded that he believes general jurisdiction judges are required to attend a two-week course at the Judicial College and family court judges have an additional a weeklong training on family issues. Limited Jurisdiction Judges also attend a ten day course at the Judicial College. Outside of that, the limited jurisdiction judges have two conferences a year, one in January and one in June. On the limited jurisdiction side, the trainings are in January and June, which includes 6-12 CLE credits for each one. General jurisdiction has a conference, (usually in May) for 12 CLE credits. There is also a family court conference in early March in Ely which entails about six credits of general family court issues—about an hour or two on one topic and another hour or so on another topic.

Mr. Titus stated that the problem with these trainings is that judges only receive an hour or two of training on each topic. Occasionally, there is a

half-day course on one topic. There has been very little focused training, wherein conferences are held and an extended amount of time is devoted to a certain issue. The court did order mandatory training for domestic violence a year or so ago. The court had ordered domestic violence training back in 1994 and 1995 as well. To date the only education that the court has required is in the area of domestic violence. On the general jurisdiction side they are in the process of developing a District Judges' College that will focus on several significant areas, spending a day or two on each topic. Mr. Titus stated that basically, this was the rundown of the basic training of judges.

Mr. Titus remarked that limited jurisdiction judges have more training on domestic violence than any other single topic. Dr. Freda asked how much training the LJ judges have on DV. Mr. Titus replied that the LJ judges usually have two-three hours every year, at one or the other conference. He did not have too much specific information on the various topics.

Dr. Freda asked who has the curriculum for the different topics. Mr. Titus responded that if they want to have a domestic violence class, the judges themselves determine the issues they are facing, and someone like Michael Bell will find speakers to address those issues. He stated that last year at the Family Court conference the speaker was someone who was recommended by the Domestic Violence Prevention Council.

Mr. Titus further stated that if the committee is aware of subject/topic areas, the OAC could recommend either curriculum or speakers for that. Mr. Titus stated that there is no specific curriculum in place for judges' training. As issues arise or as need comes up, then training is provided.

Valerie Cooney remarked that the training in 2006 conducted by Michael Bell was excellent. They had national speakers including Peter Jaffe and several really impressive trainers. However, this training is not repeated on a regular basis. New judges come in, old judges get unelected or retire, and there is no ongoing process to see that the new judges coming in have that type or level of training.

Mr. Titus indicated that Brett Kandt had spoken with Michael Bell, who told him that he (Bell) used a nationally-accepted curriculum. It is a generalized curriculum on domestic violence, and Mr. Titus asked if his impression was correct that this training did not address Nevada-specific issues.

Valerie Cooney responded that they did address some issues specific to Nevada. At the time there was a lot of confusion about the laws regarding Mutual Restraining Orders. Ms. Cooney stated that even though this was a national curriculum, the trainers did try to fashion it to Nevada law. Mr.

Titus stated that was a required conference; anything they do will be Nevada specific.

Ron Titus remarked that in the fall after the legislative session, the AOC tries to go through all of the bills, including domestic violence bills, to let the judges know of the requirements that impact them. They have a separate session for both limited and general jurisdiction judges. One of the issues here is that there are a few judges who choose not to follow the training, or they have forgotten the training, and they are the ones that are held out there. Mr. Titus had mentioned to Judge Tatro that the Associations need to do some of their own policing, to make sure that judges are following the training. He noted that once decisions are reversed on appeal, the judges will learn that is not the way to handle that issue.

Valerie Cooney stated the problem with that approach is that there are not a lot of people who have the time and the financial resources to fund an appeal. One of the issues Ms. Cooney found is that the district court judges in the smaller jurisdictions (any jurisdiction that doesn't have a family court) hear a number of cases that involve domestic violence as a significant issue. The Supreme Court issued an order for judges to attend training, and there was supposed to be training at the upper court and at the lower court. Mr. Titus responded they had done this training in 2007 or 2008 at the Ely Family Court.

Mr. Titus stated the problem they have is they must start at district family court because they hear everything. If they have to choose between criminal training, pertaining to the type of cases they hear almost daily, as opposed to domestic violence training, pertaining to maybe one or two cases a month, of course they are going to choose criminal training. Ms. Cooney remarked that indeed training is discretionary and there are not that many limited jurisdiction judges from the rural areas that attend. Mr. Titus remarked that without a court order it is not easy to make the judges attend training.

Susan Filon, a family law attorney in Clark County, stated she has been to protective order hearings in the rural areas and is in court just about every week for protective order hearings in Las Vegas. Ms. Filon stated there are a couple of issues in the Las Vegas area which may apply statewide. One issue is that the judges seem to need refresher courses on the specifics of the law. For the criminal law, they will go to the district court judges. For the family law judges it is the civil, protective orders versus restraining orders. There are pro-tem judges who sit on the bench, who are just lawyers who are on the bench for the day. These pro-tem judges do receive training but after a certain amount of time they forget. Ms. Filon stated the senior judges seem to need refresher training on the difference

between the criminal and the civil. Maybe this committee can focus on the civil for the civil judges. For the family court judges, the criminal is not as important as it is to the district court.

Ron Titus stated that Ms. Filon made a very good point. Mr. Titus said he hopes to see from this committee the perspective of the people who practice before these judges, who can determine what types of training the judges need. Committee members can then communicate with Michael Bell (and other training resources) and see about how to provide these types of training. Mr. Titus stated that his office would love to have recommendations for instructors and staff—right now we just have the perspective of the judges, what they think. There may be things the judges think they know, but are incorrect about.

Dr. Freda reiterated his statement that this committee is to take a look at the curricula that are out there, and possibly develop a curriculum for first-time judges, a refresher curriculum for sitting judges, both general and limited jurisdiction, and that would also include pro-tems and senior justices.

Mr. Titus responded he would like to see the committee select topics that need to be taught, and then form a team in conjunction with the judges to develop a curriculum. If a curriculum is developed outside of the judges it will not go very far. If the committee develops a curriculum with the judges, it will work much better.

Mr. Titus added that one time there was a committee of limited jurisdiction judges that went to a lot of specialized domestic violence training, and they were to bring back domestic violence training to the judges. That went on for two-three years, in 2003 and 2004. It would be nice to make a recommendation to their Education committee that they do that again and work in conjunction with this committee.

The committee thought this was a good idea. Susan Filon thought it was very wise to have the judges involved with their own training.

Dr. Freda stated the Judicial Training committee needed to come up with a list of topics of what they see needs improvement, or needs additional training on from the perspectives of a variety of practitioners (attorneys, mental health providers, victim services providers, victim advocates, etc.). Once we come up with a comprehensive list, then we will be able to make contact with the judges that are in charge of the various trainings to see if we can collaborate with them, come up with a curriculum, and perhaps even provide the training as well. Mr. Titus agreed that this is exactly what is needed, because a different perspective is brought to the judges. The judges would be hard pressed to argue that that perspective is not

accurate. If the judges are approached this way, they would be more than happy to sit down and decide how to address and resolve the perspective that is out there (whether the perspective is accurate or not).

Valerie Cooney asked if the judges are in charge of their own training topics, if that is determined by the judges organization itself rather than the AOC. Mr. Titus replied that for mandatory training the AOC took a major role in leading that effort, although he would not say that the judges had no involvement. He mentioned that the courts select the topics with involvement from the Nevada judges. It is sort of a team. The AOC doesn't force the training on the judges, but makes it attractive to them.

Ms. Cooney also asked if they needed to get the perspective of other attorneys practicing in this area, that have a specific interest in domestic violence, and get their input on the list of training topics, or whether that list should come primarily from the committee. Mr. Titus responded that the committee should cast as wide a net as they can. Dr. Freda stated that the committee should talk with colleagues and get as much input as we can from them as well.

Ms. Cooney asked Susan Filon the dates the family law training is scheduled for in March. Ms. Filon answered that the family law training will be on the 19<sup>th</sup> and 20<sup>th</sup> of March. Ron Titus stated that the family court judges meet the Wednesday before the conference to have their training. Ms. Cooney added that the Attorneys have their training on Thursday and Friday. Mr. Titus suggested that during the family court meeting, Susan can take a few minutes to make a pitch to the judges and attorneys that the Domestic Violence Prevention Council is soliciting input for desired topics for training courses.

Russell Smith suggested putting together a questionnaire to send to each of the district attorneys. They could fill it out and return it, then the Committee would have input from the people who actually appear before the judges on these issues on an ongoing basis. The committee would then need to also contact the other group of attorneys, because they would have the prosecutors' side. They need to obtain everyone's perspective. Susan Filon suggested it would be valuable to get the defense perspective, because a lot of victims have the system used against them in a criminal sense. Once an abuser learns how to use the system, they can figure out how to get the victim arrested. That is another form of abuse. It would be valuable to get the public defender and the criminal bar's perspective.

Dr. Freda asked if the purpose would be served by verbal communication or a formal questionnaire. Ms. Filon suggested a formal questionnaire would be more effective rather than just verbal communication. They

would obtain a more uniform response, rather than just anecdotes. Mr. Titus responded it would take some time to come up with the questionnaire, send it out, get it back, and accumulate the data. In terms of the timing, if they wanted to do something on a routine basis, the earliest conference they could get it set up for would be January of 2010.

June is already pretty much booked. This is a good time to be looking at this. If the committee had something gathered over the next couple of months, if they started next month with the family law conference, then May or June would be about the right time to start bringing in judges to talk about this and develop the first curriculum for the January meeting.

Dr. Freda suggested the questionnaire be sent to district attorneys, city attorneys, defense attorneys, providers, and victim advocates. Bob Zentz responded he thought they should tap the resources they have in the Council. They could begin with the victim advocates that work within the system, the prosecutors who are board, defense attorneys, a civil attorney (Susan Filon). They all have a different point of view; he suggested starting with that, then expanding down the road. Dr. Freda stated that this would be a good beginning to creating a survey.

Mr. Zentz further stated that, in his office, he can converse with attorneys who see domestic violence issues every day, and within about twenty minutes can come up with a list of issues they are seeing. He was surprised to hear that pro-tem judges get training, considering the ones he has worked with. Valerie Cooney stated that Washoe County no longer has pro-tem judges due to the problems they have had. Susan Filon mentioned she has also had hearing masters ("masters") hear protective orders, and it does not seem like the hearing masters know what the rules are as far as granting them. Dr. Freda asked if pro-tems have mandatory hearings. Ron Titus confirmed that pro-tem judges do not have mandatory training. But he was reasonably sure that hearing masters do have required training which the county pays for (since they are county employees).

Mr. Titus noted that one problem the courts have is that masters tend to someday become judges. Mr. Titus continued to say that judges tend to be a little bit paranoid about having masters attend their conferences, because the person may be a potential opponent somewhere down the line. Generally, masters are not invited to the conferences, except to the family law conference because so many of them are in the family law area. But the masters do not come to the general conferences.

Dr. Freda stated it seemed to him there were two issues concerning the Judicial Training committee: One is setting goals, two is coming up with a way to achieve those goals.

Bob Zentz made a motion that the committee come up with a curriculum that they can coordinate with the judicial committees or the AOC, and develop further optional or hopefully mandatory domestic violence training for judges that would present a wider range of points of view. Ron Titus suggested adding that we should develop topics from the perspective of the consumer.

Valerie Cooney moved that we could broaden the goal to state this: **“To develop the level of understanding among the judiciary of Nevada law as it relates to both the criminal and civil aspects of domestic violence.”** Russell Smith seconded the motion. The committee agreed that this was good wording for the goal. Ms. Cooney further suggested that over time the committee could identify different ways to achieve that goal.

General Masto remarked she thought it was a very productive conversation and she agreed with everything that was said. The AG commended Ms. Cooney on the broad goal, but observed that Ms. Cooney stated more of a mission than a goal. General Masto noted that the committee had stated their annual (2009) goals early in this meeting, which are 1) to develop a questionnaire that can go out to the various attorneys who practice family law and/or deal with various domestic violence issues, 2) to have the attorneys help the committee develop topics and share the topics with the judiciary on potential training areas, 3) to work with the judges to incorporate the topics into judicial training curricula. Russell Smith seconded the above comments in regards to the Judicial Training committee’s annual goals.

General Masto further remarked it will take time this year to really get those goals going. She did suggest before the committee contacts attorneys, before the questionnaire is generated, the committee should reach out to the judges again and let them know what the committee is doing, so the judges don’t feel that we are trying to force or mandate any type of training on them. The intent is to come up with topics that we can approach the judges with, on areas dealing with domestic violence that we would like to work with them on developing training. It was agreed the committee should try to build as much collaboration as possible.

Valerie Cooney asked Ron Titus if the AOC could provide the committee with a list of the currently sitting judges so that correspondence could be sent to them. Ron Titus indicated a list could be provided, or the letter in question could even be sent from his office, if that is what the committee prefers. Mr. Titus stated that he would handle the mailing costs.

Dr. Freda asked if there was any further discussion regarding the goals.



Russell Smith suggested that when they send the letter to the judges, they might at that time ask for their input in terms of what they would like the domestic violence training to be on, so they can identify areas they believe they are not really clear on.

**To restate: The annual (2009) goals of the Judicial Training committee are 1) to develop a questionnaire that can go out to the various attorneys who practice family law, judges and other professionals who deal with various domestic violence issues, 2) to have the judges/attorneys/professionals help the committee develop topics and share the topics with the judiciary on potential training areas, 3) to work with the judges to incorporate the topics into judicial training curricula.**

Dr. Freda moved to have the 2009 goals adopted by the committee. The goals were adopted unanimously; the motion carried. Dr. Freda told the committee they needed to divide up how they are going to come up with the questions for the questionnaire. Dr. Freda suggested that Russell Smith and Bob Zentz work together to come up with questions for prosecuting attorneys, Valerie Cooney and Susan Filon work on questions for defense attorneys and professionals in the civil realm. Dr. Freda stated he will talk with other providers as well as victim advocates and get their input as well. General Masto suggested the committee reach out to public defenders as well, by contacting their association. Valerie Cooney replied that this would be the area that she and Susan Filon would work on. Ms. Filon stated she is familiar with the Public Defender's office and also the criminal defense community in Clark County. Bob Zentz stated that he works with some people who are former public defenders who could probably connect him with some professionals in Clark County Public Defender office. General Masto suggested contacting the District Attorney Association and the Public Defender Association. The committee agreed that this was a good idea.

**4. \*Schedule Future Meetings and Agenda Items.**

Bob Zentz suggested the committee members return to the next meeting with their recommended questionnaires for the various disciplines.

General Masto told the committee they should probably not try to hold trainings this year; they had enough on their plate to just try to develop the questionnaire. General Masto suggested they develop the training next year.

Dr. Freda indicated he thought it would take a couple of meetings to develop the questionnaire. General Masto asked if contact regarding the questionnaire would be made at the Family Law Conference in March.

Susan Filon will be attending that meeting, but the questionnaire will still be in development at that time.

General Masto stated they needed to set a goal to develop the questionnaire, send it out, take enough time to get the responses back, and then have another meeting to go through it to develop the topics that they are going to share with the judges. She stated that will probably take the committee to the end of the year to get that done.

Dr. Freda stated it will also have to be presented to the Council. Valerie Cooney stated they also needed to look at the aspect of what is currently available and what trainings they have had, but that could be part of the questionnaire. Mr. Titus stated that he could probably get the information on recent judges' training from Michael Bell.

The committee discussed having the next meeting around the end of March, but then decided it was more realistic to move it out a couple of weeks. The next meeting date and time was set for April 14, 2009, at 4:00 p.m. Ron Titus asked Dr. Freda what he wanted the committee to have accomplished for that meeting. Dr. Freda replied that he wanted everyone to come back with suggestions for questions on the questionnaire so the committee could start developing the questionnaire.

Russell Smith suggested that on the next agenda they need to bring back the ideas for questions on the questionnaire, and also list further actions for the next step. Ron Titus suggested that past reports done by the Prevention Council regarding domestic violence training for judges would be a good place to look for ideas.

Russell Smith also suggested submitting their questions for the questionnaire electronically to all committee members to get feedback from them before going any further. The committee needs to come up with a consensus first before they send it to the Council.

**5. \*Public Comment.**

There was no public comment.

**6. \*Adjournment.**

Ron Titus made a motion to adjourn; Valerie Cooney seconded the motion. The meeting was adjourned at 4:46 p.m.

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JUDICIAL TRAINING COMMITTEE**

## **Minutes of Meeting**

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*May 26, 2009*

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

**Committee Members Present**

Dr. Michael Freda

**Committee Members Present Via Teleconference**

Valerie Cooney  
Bob Zentz  
Susan Filon  
Russell Smith  
Ron Titus

**Committee Members Absent**

Russell Smith

**Public Present**

None

**Attorney General's Office Staff Present**

Kareen Prentice, Domestic Violence Ombudsman  
Kathy L. Boone, Assistant to NCPDV

**Attorney General's Office Staff Present Via Teleconference**

Catherine Cortez Masto, Attorney General

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

Chairman Dr. Michael Freda called the meeting to order at 9:30 a.m. A roll call was performed and quorum was established.

**2. \*Review and approval of minutes from February 10, 2009 meeting.**

Valerie Cooney moved to adopt the minutes. Susan Filon seconded the motion. Dr. Freda asked for further discussion of the minutes and mentioned that a couple of typos in the minutes needed to be fixed. These changes would be given to Kareen Prentice. Otherwise, the motion carried and minutes were accepted as corrected.

**3. \*Discussion and possible action regarding Committee goals for 2009.**

Dr. Freda stated that regarding the questionnaire, at the last meeting it was decided that different committee members would check with their peers and see what suggestions they had to be included into any type of judges training.

Dr. Freda asked Ms. Cooney what results she has. Ms. Cooney replied that she hasn't had any success--the few contacts she had attempted to make have not come to any fruition. She hasn't been able to get any information.

Ms. Filon reported that she has had some success with both attorneys and with Domestic Violence advocates. Ms. Filon continued that some of the suggestions for judges' training are: the standard applied to protective orders and, in Family Court, the effects of protective orders on custody determination--statutorily how it should be applied, as opposed to how it is being applied in reality. Dr. Freda asked "What is the difference that they were saying?" Ms. Filon replied: "We see, quite often, that even when there is evidence of domestic violence with a protective order or criminal conviction, or a pleading of No Contest to criminal charges for domestic battery, the judges are still doing joint custody and not doing an evidentiary hearing. There has been an overload of cases on the judges, but now they are evening out. Another issue that we are having is the way protective orders are being issued, from application to whether they're granted or not. We need further training for the judges on that. The urgency has not been addressed."

Ms. Cooney asked Ms. Filon if Ms. Filon meant that the 24 hour period is not being complied with. Ms. Filon stated that they're at four days now. Dr. Freda asked if it is taking four days to get a protection order. Ms. Filon reported that the last protection order she had took four days from application, and the big issue was firearms.

Ms. Filon stated that final issue discussed with her contacts was training about economic abuse, because that is one of the most common forms of abuse that people are seeing, but is the least addressed by the court. Withholding money is an enormous issue. We definitely need some changes.

Ms. Cooney stated that from her discussions with some judges in the rural courts, she thinks there is a fair degree of uniformity out there that is in either misunderstanding of the requirements for issuance or simply disregarding the requirements.

Dr. Freda joked: "Well at least there's some consistency, Valerie."

Valerie Cooney posited this hypothetical situation: Does a District Court Judge have the jurisdiction to issue a protection orders under Chapter 33? A particular Judge may believe he has the authority. He may have discussed this with other Judges, both at the JP level and the District Court level, and that they might have some general consensus on the issue. If the consensus is: When an action is pending in District Court, the District court will issue a Chapter 125 restraining order, Ms. Cooney stated, "then they give me whatever relief I ask for, but they will not issue a Chapter 33 restraining order which means that I will not have any automatic arrests, I don't have the firearm restriction, I don't have the 12-hour hold and I don't have a great many of the other protections that are built into the statutes. The real kicker with this particular scenario is the agreement is also from the Justice Court that they will not issue restraining orders in this district while there is an action pending in District Court." So, basically this is a situation where there is no Chapter 33 restraining order.

Dr. Freda asked Ms. Cooney if she was saying that they have to go through the restraining order first, before filing for a divorce.

Ms. Cooney responded that this is correct, and that's what the advocates are doing. When they file, they go to the lower court and they get a restraining order, in those cases that can be caught, that's the approach. But, the bigger problem is the training of these judges--first of all, the determination of whether or not Chapter 33 applies and whether or not the District Court has jurisdiction to issue those. Ms. Cooney surmised that there is an abundance of case laws that say when the Justice Court has expressed jurisdiction (exclusive jurisdiction?), that the District Court then.....? There needs to be clarification between courts, there needs to be an understanding about what jurisdiction the District Courts have and if they do indeed have jurisdiction to issue Chapter 33 restraining orders, that they exercise that jurisdiction on their part.

General Masto asked Ms. Cooney if she was referring to the Second Judicial Court. Ms. Cooney answered that she was referring to the Ninth.

Ms. Cooney stated that in jurisdictions that have Family Courts, these courts see it a little differently.

General Masto stated that we shouldn't have this disparity in practice or interpretation of the law between jurisdictions. It makes it really tough. Dr. Freda remarked that depending on what area of the state you're in determines what type of justice that you get. Ms. Cooney agreed.

Ron Titus stated that it is his standard practice that once the case is in District Court, the Justice Court will not issue orders; and that this is how it is in the Second and the Eighth, and that's generally what happens out in the rural courts as well.

Ms. Cooney countered that it's a little different in the rural areas. We know that Chapter Four and the jurisdiction of the Justice Court have changed over the course of the last couple of legislative sessions. So there is some degree of confusion. The statute clearly says currently that the Justice Court has jurisdiction absent an order from the District Court directing it (the Justice Court) not to exercise jurisdiction over a protection order case.

Dr. Freda clarified the above point: So only if the District Court directs the Justice Court not to take action, does the Justice Court not take action.

Ms. Cooney stated that the Justice Court must not take action if the District court expressly directs it, there is an order on file in the Justice Court.

The discussion continued:

Dr. Freda: OK, but they're not doing it anyway, right?

Ms. Cooney: Not in this district, they are not.

Ms. Filon: It gets a little more complicated then that.

Mr. Titus: Are they still issuing reciprocal restraining orders in that district?

Ms. Filon: One judge does and one judge does not.

Mr. Titus: And the judge that does, knows he's not supposed to, we have told him numerous times.

Ms. Filon: Correct, you've trained the heck out of him.

Ms. Cooney: We also need training on that down here in the south.

Dr. Freda: So, really is that a matter of training or is it a matter of changing?

Mr. Titus: It's a matter of training. They know what they are supposed to do.

Ms. Cooney: It's a personality thing, he [judge] knows better than everybody else. They are sworn to uphold, defend and apply the law. They seem to be more inclined to do what they think the law should be.

Dr. Freda asked General Masto what she thinks about the discussion so far.

General Masto replied that she thinks those are going to be our biggest challenges. Just as Ms. Cooney said, we are working with a number of judges and I think a lot of them are personality-driven more than anything unfortunately. In response to Dr. Freda's question as to what can be done, General Masto said that the only thing that we could possibly do is put together our efforts on training and then try to work with the Supreme Court. General Masto asked for Ron Titus's comment regarding Justice Hardesty's interest in addressing these issues, since Justice Hardesty and General Masto have worked together in the past. General Masto said she knows that Justice Hardesty is trying to make sure that there is uniformity throughout the state. And it is also the courts biggest challenge, as well, because they don't have strict control over the administrative side of the court system.

Mr. Titus stated that his office would have no problem working with General Masto and developing the curriculum. But with the issue of personality driven judges, you can give them all of the training in the world, but a judge in East Fork is going to do what he wants to do. I think one of the best ways would be putting pressure on these judges via their Associations. Ms. Cooney stated that she thought this was a good idea.

Mr. Titus continued: The only way you are going to get this judge to change is an appeal and get a reverse on an appeal. Or some kind of direction directly intimated so the discipline complaint is appropriate. That's what we have to do for the judges that are not following the law.

Ms. Filon stated that in Southern Nevada they are starting, at least in her office, to make a practice of objecting, filing objections every time and "objecting the heck out of everything". The problem with that is that by the time everything rolls around, it's moot. Our grounds for appeal are not there because the issue has been resolved by another judge. So we object and never get to the point of appeal, because it goes to another judge and gets passed down the line.

Ms. Cooney added that similar to that, we need the ability to take cases up and challenge them either to writ them or appeal them. From the standpoint of a small nonprofit, is always difficult because it gets expensive. Even simple things like getting a record. Many of these courts are old and ? of these days and they have transcription without people being able to afford a transcription. But that may not be a topic of discussion with this group here, but for another group. The problems we have directly relate to judges and judges' performance.

Regarding Susan Filon's experience and what one of her concerns is regarding the DV convictions and the fact that those are largely overlooked when it comes to making a determination about joint or sole

custody. Ms. Cooney asked Ms. Filon: If you have a certified copy of a domestic conviction, are they still ignoring it?

Ms. Filon stated: We don't even get to an evidentiary hearing most of the time because a lot of times the victim will settle and then we have mandatory mediation, even if we ask for the mandatory mediation to be waived or for a domestic violence protocol to be put in place. This is another issue of training. Judges tell victims of domestic violence "I know there is a protective order in place, but I want you two to sit down face to face without a domestic violence protocol...I strongly discourage that because you two need to talk with each other about your children, and no matter what happens between you two, you're always going to be parents together". This is not an effective way to determine custody, when one person is at a disadvantage. The victim gets bullied into settlement. We seldom get to an evidentiary hearing, because the judge is very strongly pro-settlement. They threaten the client: "If you don't do this, then we're going to trial, and you are not going to be happy with the results".

Ms. Cooney asked if this was happening in the Family Court in Southern Nevada. Ms. Filon stated that it happens a lot and she would have imagined it would be a little different.

Ms. Filon stated that there is one other thing down in the south that has been happening. There are two domestic violence commissioners who are on full time; Jennifer Henry and Pat Tanenger were working on a curriculum for the new pro-tem judges in the South for training. Ms. Filon stated that she wasn't sure where we are at with the training, but we just got a new road of pro-tem judges. Dr. Freda asked if this is in Family Court. Ms. Filon stated yes, for protective orders.

Dr. Freda asked Mr. Titus if he had any suggestions. Mr. Titus reiterated that we need to work on standardization across the state, with some curriculum that would emphasize the fact that this is how it should be done. The only exception may be in the Second and the Eighth, where they already have family courts. Mr. Titus thought that something that would place peer pressure amongst the judges, would help in the standardization. We've worked hard in other areas, especially in courts. We need to know that people have access to those across the state. We need to have some kind of standard justice for domestic violence as well. Ms. Cooney stated that would help enormously if that could be achieved. Mr. Titus replied that we have to recognize and know the practitioners who know which judges refuse to follow the law. And we can train until we're blue in the face, if they refuse, they refuse. We need some way of identifying them and at least knowing where they are and create pressure on them.



Dr. Freda asked how judges get sanctioned when they are doing inappropriate things. Ms. Cooney replied that they don't. Mr. Titus answered that one had to file either judicial discipline or an appeal, or maybe later someone will run against them. There were several judges in the Eighth J.D. that were turned out several elections ago. Those are your three options. They're infinite elected officials.

Dr. Freda asked if there were no real governing body that oversees the judges. Mr. Titus replied that we have judicial discipline or unethical acts and we have the Supreme Court or when they make incorrect rulings. Dr. Freda posited that if they are not doing something that rises to that level, then nothing can be done.

Ms. Filon added that there are a lot things that are not appealable, because they don't rise to the level, they are not unethical either, they're not appropriate, but they're not unethical, And we had a meeting with Judge Gloria Sanchez in the south, she called all the domestic violence attorneys and advocates to a meeting when she became the presiding judge a few months ago. She let us know that she does not have the authority to regulate each of the judges and force them into a standard protocol. It was as if each judge was his/her own state and the Federal Government. She keeps them together, but she can't tell them each what to do in their own court room. Bob Zentz added that from the criminal aspect, most of the time when there are improper rulings, the prosecution really doesn't have very many opportunities to appeal anything--unless it happens you can stop the proceedings at that moment and ask for an appeal. Once they rule against you, you are pretty much out of luck.

Dr. Freda said if we can put together some training that covers these specific issues, at least that would eliminate those judges that are not aware of these changes or aware of these issues and so then they can come around. But for judges that are on their own agenda, Mr. Titus previously mentioned judges' organizations having some type of pressure to apply on them. Mr. Titus replied that General Masto sent a letter to both the heads of Judicial – Judge Tatro(sp?) and District Court – Judge Adair(sp?) and I think a dialog and with their leadership would definitely be helpful.

General Masto: I actually sent letters and I had phone conversations with both of them. They were waiting to hear from us, whatever we come up with, our ideas, working with us and communicating with them on domestic violence issues. They were open to that. They didn't say that it was going to be an easy ride with the rest of the Association members. But at least they were willing to engage in a conversation with us, to hear what we have to say. Then start looking at their curriculum and training and the ideas that we've come up with.

Dr. Freda: So, if we come up with some type of curriculum and in talking with them to see how they receive it, see how they would like to see it happen and go from there.

Ms. Cooney: It seems to me Mike as though we need to take a couple steps before we actually before we are able to develop the curriculum. We need to engage in conversation with these groups to identify for them what our experiences and concerns are and find out from them, as well, what their concerns are. I think a dialog in conjunction with developing a specific type of training down the road. I don't know how we would go about engaging in this style.

Dr. Freda: General Masto, do you have any suggestions?

General Masto: First of all I think that Ron Titus is right. The judges know who will participate and who will not. In fact some of these judges that we were trying to get the training to are not necessarily participating in their associations. The judges know who the others ones are and how they're ruling. I think that's where we start, at the Associations and talk with the leadership there. We're just going to have to take it step-by-step. I don't think it's going to be one night where we touch all of them. We're just going to have to work step-by-step and figure out how we are to do it.

Dr. Freda said that while talking to some of his colleagues, some of the problems that they were talking about had to do with limited jurisdiction. So the JPs, Justice Court and Municipal Court need to know what the standards are along with the dynamics of domestic violence. They talked about one of the issues that I brought up before, where judges allow individuals to change programs once they are at week 18, 19, or 20. The only reason that they wanted to change was the provider has confronted them about their issues. They're not making progress, so they want to go somewhere else, sit like a bump on a log and finish their program. They're being allowed to do that. They're graduating individuals or releasing them from their court requirement even though their fees have not been paid. So that puts us in a quandary. If you tell them not to show up because you haven't paid your fees, then that puts them in non-compliance. We want them there to receive treatment, but at the same time providers need to be paid. We need some help from those judges, so they are not released from their legal obligation until those fees are paid.

Ms. Cooney: I am not sure if there really any means of or incentive for follow-up by these judges on compliance with the terms and conditions. There is nothing that I'm familiar with that's in place in the system to do that. In order to get accountability, we're going to have to have oversight.

Mr. Zentz: The courts down here in Henderson have teamed up for routine status checks to see where people are. They have held people in contempt for not paying their fees. The theory of our judges is that attending, completing and paying for your counseling, is all part of your sentence. If you are non-compliant, at some point, you will end up in jail. I checked down here with the people in the Municipal Courts. The issues that they have seen are weakness in the area of evidence, especially in a strangulation case when there are no marks left. The judges seem to believe if there are no marks, there was no strangulation. The other one that really got my attention is the reluctance of some judges to impose sentences when the parties are still together. They excuse certain levels of violence when there is at least some evidence that the action may have been provoked. I have seen judges who want to be more generous or sympathetic with the sentencing situation. But, I haven't seen them excuse abuse with provoked conduct, but I'm not in court every single day. And I don't know how we would train on that issue.

Dr. Freda: Also, what about substance abuse issues which go with it? We see many individuals who are told that they have to take care of their alcohol or substance abuse treatment first before they start domestic violence training or vice versa; or the judge says, well we sentenced them to 26 weeks of domestic violence batterer's program--I didn't say anything about any type of substance abuse issues. The individual may be an alcoholic or drug user, and the provider is recommending treatment as well for that. Bob Zentz stated that in Henderson, the judges would say that they have to complete that as well. To complete the domestic violence program, they have to be sober. And so the judge would order them, if it wasn't any more specific. Dr. Freda stated that he knows that is written in the standards. If the provider is supposed to do an intake first as they come into the program, part of the intake is that they have to do a substance abuse evaluation. If it is determined that they have a substance abuse issue, then they are to do treatment for that at the same time that they do the batterers intervention. Mr. Zentz stated that the judges in Henderson would order it that way and that there are some judges that would hold them to it. Dr. Freda replied that in the north, several judges have not followed that and it's not because they didn't want to, it's because they really didn't know about it, but he believes that this can be taken care of with training.

Dr. Freda asked if there were other topics the committee wanted to discuss. Ms. Cooney remarked that they have been discussing some pretty wide-ranging topics. Dr. Freda agreed and asked how all of this could be developed into a curriculum.

General Masto and Ms. Cooney discussed Michael Bell of the AOC, the national speaker on Domestic Violence, who conducted a training for

judges in 2006. General Masto suggested that perhaps Michael Bell can reach out to the AOC, to discover if they have anyone who does domestic violence training and can assist with training judges. They may not be able to do that, but perhaps there is an Association which may help us to develop training in these areas. Ms.Cooney replied that she knows a number of people who are involved in training, who have great credentials and have been training for years. General Masto asked if there is a domestic violence advocacy group available nationally? We can explain the issues that we are facing and ask if they might work with us.

Kareen Prentice stated that the Prevention Council had previously written grants to the STOP. The STOP Grant is currently open. A priority presently is generating money out in the community. Preparing and presenting training is what they are highly suggesting you do. We seldom have enough judiciary applicants with that pot of money. I would be willing to write an application on behalf of this issue for a small amount of money to do a training or bring in someone.

Ms. Cooney: We recently did training for CASA volunteers. One of the trainers that we brought in is a teacher from Berkeley and she has been training judges and people from DV for thirty years. I think there is a wealth of knowledgeable and experienced people that have been down this path before, associated with some of these programs and some of the national organizations. The problem again of course, in developing training is getting people to attend. The reason they attended in 2006 was because we had a Supreme Court order directing everyone in the state to attend. So, that may be what we need to get from Justice Hardesty or someone over there to give us an order directing judges to participate. General Masto stated that she would be willing to talk to Justice Hardesty about what the committee is trying to do, try to elicit his support, and see where he stands as far as judges' training and how to have them attend the training.

Ms. Cooney: I often refer to that training in '06 and how great it was. Peter Jaffe was there and so many great names in DV. The reality is that was three years ago. We have a number of new judges who weren't able to participate since they were not on the bench at the time. This is an idea that needs some life breathed into it so it's an ongoing process. That's something that can recapture those newly elected justices, to reach those judges that haven't attended in the past. I'm sure it would be positive.

Dr. Freda: So we're talking about getting Judge Hardesty on board. What about Judge Tako (sp?) and the other judge, I can't remember his name.

Mr. Titus: It was Valerie Adair, but I don't know who it is right now.

Ms. Filon: Do the District Judges rotate north and south?

Mr. Titus: They may, I can find out. One thing has come to mind, I know that I have asked Michael to send the curriculum of the various domestic violence sessions that they've had over the years and I believe he sent them to Brett Kandt. It probably would be a good idea to circulate all of that to each of the committees. I'll look that up to see what has been circulated and what needs to be repeated. We need to get some copy carriers and we can arrange for a meeting with both the NJLJ Leadership and then the VJ Leadership and basically have an Education Committee as well. A couple of us can sit down with them and begin the dialog.

Dr. Freda: When do we want to do that? Do we want to try to accomplish that by the end of the year?

Keith Munro: Well the NJLJ is meeting here in Carson City next month.

Mr. Titus: We can get out information that we've trained in the past. If we identify some of those problem areas that we're trying to address, and then we go to a meeting.

Ms. Cooney: Maybe we could circulate a list or develop via email a list of topics. And maybe those of us on the phone could contribute. And perhaps through that process identify those things we think are the most important.

Mr. Titus: They need to be articulated in writing in a way that they are not anecdotal as Judges deal with anecdotes all of the time, because of one situation that stood out, but is not necessarily representative of all cases. So, if we can find a way to show these cases are not anecdotal, but routine occurrences, would be helpful as well.

Dr. Freda: I'll go ahead now and get that list started and I'll send that to Kareen Prentice, so she can circulate that out to everybody else.

Ms. Filon: I believe that we need to accept Kareen's offer to check into the Recovery Act Funding.

Dr. Freda: And how much do we want to ask for? I don't know how much this type of training costs.

Mr. Titus: We can figure out how much it costs. I can put you in contact with Michael Bell. I had sent him an email to see if he could join us today. But I don't know about the grant. The scheduling is awful on this issue. There are a lot of things going on this fall.

Dr. Freda: Kareen just said that we would have two years to spend it.

Mr. Titus: That would probably be sufficient. I would suggest that we prepare for the grant in consultation with Michael Bell.

Ms. Cooney: Kareen, you've got a short timeline, don't you?

Ms. Prentice: Yes, it needs to be done by June 5<sup>th</sup>.

Dr. Freda: Well we can't wait to meet again to be able to approve anything like that. Do we want to give Kareen the ability to talk with Michael Bell to come up with the figures that they think are appropriate, so we can go ahead and apply for it?

Mr. Titus: Kareen, Michael Bell's telephone number is 687-9857.

Ms. Prentice: I'll call him.

Ms. Cooney: Do we need to make a motion to authorize Kareen to apply for the grant money?

Dr. Freda: Well, I'm not sure. Do we need a motion for that? It probably will be on the safe side if we had a motion.

Ms. Cooney moved that Kareen be authorized on behalf of our committee to make any contacts that are necessary with Michael Bell and anyone else she feels she needs to speak to, in efforts to apply for the STOP Recovery Grant funding. This is to develop topics for domestic violence training issues. Ms. Filon seconded the motion. The motion carried.

#### **4.\* Schedule future meetings and agenda items.**

Agenda items for next meeting:

#3 Discussion and possible action regarding STOP Grant.

#4 Discussion and possible action regarding input by Judge Hardesty and Michael Bell concerning additions and adjustments to existing judicial training curricula.

#5 Discussion and possible action regarding developing a dialogue with limited jurisdiction judges and general jurisdiction judges.

The next Judicial Training Committee meeting was scheduled for Tuesday, June 30 at 9:30 a.m.

#### **5. \*Public comment.**

Dr. Freda: Are there any public comments? None present.

#### **6. \*Adjournment.**

Mr. Zentz moved to adjourn the meeting. Ms. Cooney seconded the motion. The meeting was adjourned at 10:17 a.m.

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

**Minutes of Meeting**

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*June 30, 2009*

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

**Committee Members Present**

None.

**Committee Members Present Via Teleconference**

Dr. Michael Freda  
Valerie Cooney  
Bob Zentz  
Russell Smith  
Ron Titus

**Committee Members Absent**

Susan Filon  
Rebecca Smokey

**Public Present**

None

**Attorney General's Office Staff Present**

Kareen Prentice, Domestic Violence Ombudsman  
Henna Rasul, Deputy Attorney General  
Kathy L. Boone, Assistant to NCPDV

**Attorney General's Office Staff Present Via Teleconference**

Catherine Cortez Masto, Attorney General

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

Chairman Dr. Michael Freda called the meeting to order at 9:33 a.m. A roll call was performed and quorum was established.

**2. \*Review and approval of minutes from May 26, 2009 meeting.**

Russell Smith moved to adopt the minutes. Valerie Cooney seconded the motion. The motion carried and minutes were accepted.

**3. \*Discussion and possible action regarding STOP Grant.**

Kareen Prentice reported that in discussion of the STOP Grant within the AG office, it was determined that it was better to hold this request for money to bring in a speaker and/or conduct a training seminar. This money would not be in the recovery act, and would be better used in keeping people employed. The STOP Grant application opens again in October and, at that time, we can submit a request for funds to conduct a training seminar and/or bring a speaker in regarding judicial training.

Dr. Freda asked if the October request is granted, will funds be available in January. Ms. Prentice reported that the funds for successful applicants would be released in January 2010, and this would give the committee another meeting or two to plan and coordinate what they want to do in regard to judicial training. Ms. Cooney and Mr. Smith thought that more time to plan is a good thing.

Dr. Freda stated that he was on the committee that reviewed the stimulus grant applications so that's what we were trying to do: award grants to agencies and institutions that would be either maintaining employment of individuals or creating new jobs. Dr. Freda stated that close to 1.3 million dollars were granted.

**4. \*Discussion and possible action regarding input by Judge Hardesty and Michael Bell concerning additions and adjustments to existing judicial training curricula.**

Valerie Cooney asked if the committee had a plan to send a letter out to some of the attorneys working in various fields and get some input from them to assist in developing a curriculum. Dr. Freda thought that Ms. Cooney, Susan Filon, Russell Smith and Bob Zentz were following up with colleagues and other individuals in the legal profession. Dr. Freda stated that he spoke to providers of batterer's intervention and also victims, so he has their input.

Mr. Smith has spoken to contacts in his district--Pershing and Lander counties—but he hasn't branched out.

Ms. Cooney asked if Ron Titus was going to send out the questionnaire. Ms. Prentice answered that Mr. Titus stated he would send out the



questionnaire and cover the postage costs, but the other committee members would have to develop the questionnaire. Ms. Cooney stated that the rationale behind the questionnaire would be to find out what issues are out there and what sorts of training persons think would be timely and applicable.

Also mentioned was that the AG had planned to talk to Judge Hardesty regarding judges training topics. An update on the planned conversation was not available at this time, but Ms. Prentice stated that she will follow up on it.

Mr. Smith suggested that for the next meeting, an agenda item should be "Possible action and discussion on the development of a questionnaire." Dr. Freda asked if the AOC developed the questionnaire that went to the judges last year. Ms. Cooney stated that actually, the Legislative Committee had developed that questionnaire, and asked Ms. Rasul if she were correct in stating this. Ms. Rasul and Ms. Prentice concurred that the Legislative Committee had developed the previous questionnaire.

Ms. Cooney stated that the proposed questionnaire would be on a different subject and go to a different audience (prosecutors and defenders). What sort of questions are we going to include on the questionnaire? Should the entire Judicial Training committee work on this, or should a subcommittee do it? Ms. Cooney stated that she and Mr. Smith know many people in the rural areas, so she and Mr. Smith could address that part of the audience. Who will cover the larger number of folks in Washoe and Clark counties? Dr. Freda stated that an e-mail soliciting ideas for judicial training was sent out, and that he got a reply from Ms. Cooney, but from no one else.

Ms. Prentice stated that an e-mail from the DV Assistant did go out with the suggestions for judges' training. She printed off and e-mailed copies to the members during this meeting.

Ms. Cooney reviewed her questions/topics for training with the committee:  
1) What constitutes a "mutual" protection order and why are they in disfavor under state and federal law?

Regarding protection orders that are issuing out of the justice courts in the rural areas, there is a sentence on the last page that says the applicant will be bound. So through that process, they are making the restraining order mutual.

2) The impact of domestic violence on children, how to protect children through thoughtful and appropriate visitation schedules.

Ms. Cooney stated that the training “Co-occurrence of DV and Child Abuse” in Carson City was a success, and that’s where she was going with this item. It appears that the judges do not understand this. It comes up in juvenile courts primarily with dependency cases and removal cases. Ms. Cooney discussed the AOC training of 2006 and how this topic was not covered at that training.

- 3) The need for economic justice for victims, adults and children, and fashioning court orders to better facilitate the victim’s effort to become and remain financially independent of the abuser.
- 4) Why such processes as mediation, joint counseling, etc. are not appropriate in cases involving DV. Should there be a means whereby the victim is able to be excluded from that process. Most jurisdictions do allow a provision by motion to the court for exclusions for mediation, but there are some that do not and will not.
- 5) Jurisdiction of justice courts versus district courts in issuing protection order matters when an action is pending in the latter. The Ninth Judicial District, as a matter of policy and practice, expressly prohibits Ch 33 protection orders out of the district court when an action is pending, while at the same time instructing the justice courts in the district from entering a protection order. The net result is that we cannot get a Ch 33 protection order once a divorce or custody case is filed in district court.

Dr. Freda asked where the Ninth judicial district is. Ms. Cooney answered that the Ninth Judicial District is Minden/Gardnerville/Douglas County/Lake Tahoe.

Mr. Smith stated that Ms. Cooney’s suggestions are valid since in most of the rural areas there is no mediation program and, as court practices in the rural areas become more in line with what the courts do in the urban areas, this sort of training will be necessary although it’s going to be a topic of the imbalance of power. Ms. Cooney stated the rural jurisdictions that have a mediation process are Douglas County, Carson City and Elko County. Recently, when Ms. Cooney spoke with one of the judges in Elko County and asked “If I feel there is a need, do I have the ability of file a motion and seek a waiver of that requirement?, the judge said “No”, as in “don’t waste your time”. Ms. Cooney stated she doesn’t know if the other judge feels the same way, and that this sort of thing puts attorneys in a position where they are “forum shopping”, or looking for a particular judge to hear these cases.

Mr. Smith added that another training topic to be added to the list would be when is “primary aggressor” relevant to a case. Mr. Smith stated that he thought that not only are judges confused about this, but many prosecutors are confused about this also. They spend a lot of time talking

about the primary aggressor, and it has nothing to do with the case. Ms. Cooney said that unfortunately, the language in our statute is not very clear, since one act (which could be a very simple act of battery) can amount to DV, and women are being arrested when they defend themselves or when they become so frustrated they can't stand it and "lose it".

Dr. Freda contributed that he and his wife have been fighting against this scenario for years: The police come onto the scene and somebody is hurt and bleeding, the paramedics need to be called and that person needs to be taken somewhere for immediate medical care, and it's pretty easy to determine who the primary aggressor is. In the vast majority of cases, you do not have that sort of situation. At different times, the line between perpetrator and victim is blurred. So someone needs to be arrested because the couple needs to be broken up at that point and there needs to be that 12-hour cooling-off period. Dr. Freda stated that before the couples have to go to court, he thought an evaluation should be done on both parties to get a better handle on who the primary aggressor is. Ms. Cooney stated that it would be wonderful to have that, but how would it get funded? Mr. Zentz stated that it probably would not be legal to fund such an endeavor, because you would have someone with a Fifth Amendment right whose confidentiality is compromised since they have disclosed to a therapist. Mr. Zentz continued: one thing that really needs to happen is that the prosecutors really need to sit down and take a good look at that before they come go into court. Judges, prosecutors, defense attorney and law enforcement don't seem to understand how to determine who the primary aggressor is.

Dr. Freda pointed out that in all fairness to law enforcement, they have to make a judgment when they are at the scene; but then as the case starts going through the system, there may be a chance for those handling the case to take a little bit more time and investigate more thoroughly who the primary aggressor really is. Dr. Freda stated that over the years, he has probably had a half-dozen women or more who have been convicted as batterers and, actually, these women were victims. Mr. Smith noted that in a scenario in which one person is blocking another person's exit or entry with his body, and the person being blocked pushes the blocker aside, then one might consider the push to be the first aggressive physical contact and call the person who was being blocked the "primary aggressor", even if the fact of the matter is that the first battery probably happened a long time ago.

Ms. Cooney recalled a good training that was given to officers quite a few years ago in Gardnerville. She was uncertain as to whether the training has been ongoing, but even so, there has been a lot of employee turnover in many branches of law enforcement. Also, there is the problem of

funding the training. Mr. Smith stated that with the limited funding, the choice of training would be something like “murder investigations” and not “determination of the primary aggressor in DV cases”. Ms. Cooney suggested that perhaps the solution is to send out individuals who have this sort of curriculum to law enforcement stations to conduct blocks of trainings. Mr. Zentz agreed and added that if the hypothetical trainer were to go to a small town, this person could train many branches of law enforcement in a day during the officers’ work hours by offering 2-hour blocks of training at different times in the day.

Dr. Freda stated that the AG office staff assisting the NCPDV can collect the suggestions and generate a comprehensive list of questions/topics/training areas from the Judicial Training committees’ areas of expertise: victims’ and perpetrators’ treatment, law (prosecution and defense).

Mr. Smith, Ms. Prentice and Ms. Cooney discussed the non-profit organization called Prevent Child Abuse Nevada (who is associated with Southern Nevada AHEC (Area Health Education Center); [www.snahec.org](http://www.snahec.org)). Mr. Smith thought that this organization conducts training seminars pertinent to judicial training on DV, and he will check into this.

The committee agreed to send their input regarding judicial training to Ms. Prentice so that Ms. Prentice could make a comprehensive list of topics/training ideas for the different areas that the members are familiar with. The deadline for submission was July 14.

Dr. Freda stated that he would be willing to offer training for free in his location. Ms. Cooney stated that we need to contact persons in each community who may be willing to provide free training and noted that in hard economic times, incidence of DV increases as does the need for education on DV. The economy as it stands today only makes more acute the need for judges’ training regarding the intricacies of justice for DV victims and rehabilitation of perpetrators.

**5. \*Discussion and possible action regarding developing a dialogue with limited jurisdiction and general jurisdiction judges.**

Ms. Cooney asked how the committee could make contact with the judges other than sending out a questionnaire to them. Members of the committee could sit down and talk with the judges, but this would take some time to arrange. Ms. Cooney stated that the committee had talked about being present at judges’ meetings (limited jurisdiction judges meet quarterly). Dr. Freda asked for other suggestions on how to approach the judges. Mr. Zentz thought that Ms. Cooney’s suggestion was the best

one. Dr. Freda asked “How do we get on their agenda for the meetings?” Ms. Cooney pointed out that we have to be sensitive to the possibility of competing with too many other organizations attempting to get time at the judges’ meetings. She stated that some of the Access to Justice Commission subcommittees are trying to do the same thing, only on a much broader scale. Their inquiry and topics of discussion have to do with many different areas of the law and low income people, more so than specifically DV.

Ms. Cooney said that they could start by identifying who the presidents of the two associations are, when they hold their meetings and ask about the possibility of getting an item on their agenda.

Dr. Freda asked if Judge Tatro was the president of the Limited Jurisdiction Judges. Ms. Cooney answered that she will call and find out. Mr. Smith thought that he could ask Judge Wagner who heads the General Jurisdiction Association, and e-mail the information to Kareen.

**6. \*Schedule future meetings and agenda items.**

The NCPDV meeting will be held in Hawthorne on July 16.

The next Judicial Training committee meeting was scheduled for Tuesday, August 4 at 9:30 a.m.

Agenda items for next meeting:

#3 Discussion and possible action regarding input by Judge Hardesty and Michael Bell concerning additions and adjustments to existing judicial training curricula.

#4 Discussion and possible action regarding developing a dialogue with limited jurisdiction judges and general jurisdiction judges.

#5 Discussion and possible action regarding sending out a survey.

**7. \*Public comment.**

Nobody from the public was present.

**7. \*Adjournment.**

Ms. Cooney moved to adjourn the meeting. Mr. Smith seconded the motion. The meeting was adjourned at 10:13 a.m.

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

**Minutes of Meeting**

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*September 1, 2009*

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

**Committee Members Present**

None

**Committee Members Present Via Teleconference**

Dr. Michael Freda  
Valerie Cooney  
Bob Zentz  
Rebecca Smokey  
Catherine Cortez Masto, Attorney General

**Committee Members Absent**

Russell Smith  
Susan Filon

**Public Present**

Michael Bell, AOC

**Attorney General's Office Staff Present**

Henna Rasul, Deputy Attorney General

1. **\*Call to order and roll call of members.**  
Chairman Dr. Michael Freda called the meeting to order at 9:33 a.m. A roll call was performed and quorum was established.
  
2. **\*Review and approval of minutes from June 30, 2009 meeting.**  
Valerie Cooney moved to approve the minutes. Bob Zentz seconded the motion. The motion carried and minutes were approved as submitted.

**3. \*Discussion and possible action regarding input by Judge Hardesty and Michael Bell concerning additions and adjustments to existing judicial training curricula.**

Michael Bell stated that he suspected that most persons on the Judicial Training committee are familiar with the National Judicial Education Program which is a project of a group called Legal Momentum out of New York. The National Judicial Education Program has a 12-module series of case studies online of intimate partner sexual abuse and adjudicating this hidden dimension of domestic violence. Mr. Bell said that he has been talking to the projects person and the director of Legal Momentum, and he believes that he could get CLE credit for judges who would complete this online program. The program is pretty extensive, and it is a free program. The program is interactive—the judges have to respond as to what their perception is or what they think about the given modules. For instance, there are modules entitled “Defining Intimate Partner Sexual Abuse and the Nature of the Problem”, “Risk Assessment When Intimate Partner Sexual Abuse is a Factor”, “Statutory Constraints—Why Victims Don’t Report”, “Jury Selection”, “Evidentiary Issues”, “Marital Privilege and Confidentiality”, and so on. Michael Bell stated that he has gone through most of the modules now and has to determine which modules would qualify for how much CLE credit and make recommendations to the CLE Board. He plans to e-mail this information to the Judicial Training Committee members.

Mr. Bell continued that he believes the 12-module series is quite comprehensive and would be a way for general jurisdiction judges (“...who are pretty much tied to the bench...they don’t have a lot of time”) to obtain or refresh their knowledge. The series would also be very useful for limited jurisdiction judges.

Valerie Cooney stated that she has done a couple of those modules and she agrees that it is a great training tool. Her concern is that these modules are limited to sexual abuse as opposed to the broader issue of domestic violence. Ms. Cooney added that she hasn’t seen anything similar to that 12-module series approach except for FLETC (Federal Law Enforcement Training Center) which has sort of a module approach although, at the time Ms. Cooney did this training, it was not online; but perhaps now there is an online version of the FLETC training. Ms. Cooney asked Mr. Bell how he sees judges, whether general jurisdiction judges or limited judges, being encouraged and taking the time to do this compartmentalized training?

Mr. Bell replied that although this is a legitimate question, there is even more to it from his perspective; i.e. how do you know that the judge has it

up on his computer—how do you know the judge is doing it? In response to Ms. Cooney's question, Mr. Bell said that the incentive for judges is the Supreme Court order that states judges must have training in domestic violence issues. The AOC has provided that training (see agenda for the entire course which is given with the National Council included in the Judicial Training Committee meeting materials) and the Domestic Violence & Decision-Making training we did back in November of '06. The AOC has also done a wide range of training for limited-jurisdiction judges over the last twelve years (about 14 or 15 training seminars). Another DV and Decision Making course is coming up in January for the limited jurisdiction judges. Mr. Bell said he was concerned that with the judges going online, how would anybody know that the judges took the training? He reported that Lynn Shafren said that a way had been worked out in which their server people at University of New Mexico could give us the names of persons from Nevada who have had interaction on certain modules. AOC could follow up and do a spot test of the judges on certain modules to see what their response is to certain questions in the modules. With respect to the question if these modules were limited to sexual violence, Mr. Bell stated that there was more than intimate partner sexual abuse to the modules and he wanted to keep pushing for DV training for judges in Nevada.

Ms. Cooney stated that she attended the training Michael Bell and Peter Jaffe conducted in 2006. Ms. Cooney asked if elected judges and new judges due to turnover would have an opportunity to participate in a similar training.

Mr. Bell remarked that in regard to the turnover of judges, he believes that it is particularly telling and startling that since 2003, over half of the district judges are new. In the rural areas, there has been change, but there has been more change in the urban areas. The training conducted in 2006 took a fair amount of staff time and cooperation. Mr. Bell said his question would be: what can be done with respect to those new judges, how many are there? Mr. Bell continued that there are probably 20-25 limited jurisdiction judges; and there are now 72 judges, and 35-37 (right around the halfway point) are new district judges, which include family judges. Framing a curriculum that would be appropriate for each of them at their separate jurisdictional levels is more the issue than anything else. For the limited jurisdiction judges, they get added by trying to do DV courses and at least one of the two seminars each year. For the general jurisdiction judges, it is still a struggle to get them to these training seminars.

Valerie Cooney said that she sees the issue with the general jurisdiction judges being that in Clark and Washoe counties you have a designated family court, and those folks are very well trained; and this is not so with the general jurisdiction judges in the rural areas who hear a wide range of



cases from justice court appeals to death penalty cases. Ms. Cooney continued that these are the people she sees at the district court level—they really don't have a grasp of the issue.

Mr. Bell stated that he does not have a response for Ms. Cooney's comment, but that he will try to figure out the best way to reach the general jurisdiction judges in the rural areas with training in a range of domestic violence matters. Ms. Cooney asked how many hours of DV training the general jurisdiction judges get when they go to Judicial College just after being elected. Mr. Bell replied that DV training has actually gotten to be less than it has been previously. Originally, when Mr. Bell started, it was four weeks of DV training, then three weeks; it is now nine days ("They start on a Monday, go for the entire first week, then Monday through Wednesday the following week, ending mid-afternoon on Thursday."). For the general jurisdiction training, that is the statutorily-mandated course. With respect to the family jurisdiction judges (which includes rural district judges and then all the family judges in the 2<sup>nd</sup> and 8<sup>th</sup>) they have the one-week core college "The Role of the Judge" which touches on, but is not focused on, domestic violence. This course covers a wider range of family law issues and what the judge has to do in different situations from juvenile to dissolutions.

Dr. Freda asked Mr. Bell about the training discussed above (the training for the family jurisdiction judges "The Role of the Judge"): About how many hours is devoted to domestic violence issues? Mr. Bell answered that he didn't know, but that he would be surprised if more than 2-3 hours of domestic violence issues were covered for the training that is provided by the National Council of Juvenile and Family Court judges. For the general jurisdiction, Mr. Bell has reviewed the agenda, and he said that he thinks it is about a half-day of the nine days of the course at the Judicial College.

Mr. Zentz asked if the training at the Judicial College was general, or if it applied to Nevada. Mr. Bell replied that the training was general and not specific to Nevada. Mr. Bell continued that the course not being specific to Nevada is something that the AOC has had to grapple with. There is a statutory provision for doing this course at the National Judicial College (or elsewhere), and Mr. Bell's organization has focused on getting at least the general jurisdiction course as a good foundation course and an orientation course for general jurisdiction judges; but the AOC is now moving towards putting on a district judge institute in Nevada for Nevada judges based on Nevada case law and procedures, mechanics of conducting trials and so on. Topics for the institute are still being looked at, but Mr. Bell stated that the appetite for different topics among the justices is quite large, ranging from capital cases to medical malpractice to case management & judicial decorum—there are probably 20 different topics to winnow out and

determine how much time to devote to any given topic. The AOC would like to offer that Institute once in the Fall for a week and for three days in the Spring just before the annual District Judges Conference. Mr. Bell stated that he believes that the order is coming out in the next few days requiring district judges to take this education, and they would be required to attend at least one of these Institutes every two years. There would be some revolving of the curriculum for the Institutes ongoing. "Evidence" and related core pieces would be in every Institute. Other pieces would vary from time to time.

Mr. Zentz asked if there would be breakout sessions where Family Court judges would be able to go to this session over here and learn more about things that they are adjudicating as opposed to the subjects that other district court judges are concerned with. Mr. Bell answered that it has been a challenge to plan those kinds of breakout sessions, but did tell the committee where the Institute stands now in its planning stage: The focus by the judges has been heavily on general jurisdiction cases that have presented some problems or issues in which the justices believe they need more training. The focus would be on general jurisdiction cases; however, on matters such as evidence and discovery, what the AOC is looking at is devoting a day or two of training during the Fall Institute wherein family judges would participate because those two days would offer core training pertinent to family court. Throughout both of the Institutes (Fall & Spring), there would be breakout sessions so that the judges could go out to discuss individual topics amongst themselves (what works and what doesn't). Mr. Bell said that he suspects that the better venue for the family jurisdiction judges is at the Family Jurisdiction Judges Conference that is done before the State Bar Family Law Conference in March in Ely every year. Mr. Bell continued that he wants to expand by a day or a half-day the training provided to family jurisdiction judges and to masters so that there is a focus on the needs of those judges; even if they are general jurisdiction judges in the rural areas, they have the family jurisdiction as noted by Valerie Cooney. If we draw those judges to the Family Jurisdiction Judges Conference (Mr. Bell stated that last year there were about 43 judges and hearing masters—it was a good turnout), specific family jurisdiction issues can be addressed. These changes to the curriculum will be in effect at the March 2010 Family Jurisdiction Judges Conference.

Ms. Cooney asked if there was an ADKT. Mr. Bell replied that it is his understanding that an Order is going to come out, but he does not know that there is an ADKT that is related to it. Mr. Bell stated that his understanding of the process is that the Order for this would be coming out this week ("the last I heard, anyway"). Ms. Cooney said that she thought that it was a great idea to have a rule requiring ongoing training over the course of a year regardless of subject matter; it certainly gives

more opportunity to obtain more training in more areas over the course of sitting judges' careers. Ms. Cooney asked about another course for the limited jurisdiction judges taking place in January. Mr. Bell said that the limited jurisdiction judges have two seminars each year that the AOC sponsors and puts together in conjunction with Education Committee of the Association and the limited jurisdiction judges. In the winter, the seminar is held in the South in January. In the summer, the seminar is held in the North at a rural area. Next June, it will be in Fallon. These seminars have been held for many years. Fourteen to sixteen CLE hours are provided, and a lot of ground is covered. Mr. Bell stated that a lot of the genesis of having two seminars was that 40%-50% of the judges are not law-trained, so the seminars provide more grounding in a variety of topics to them in 28-32 hours of training.

Ms. Cooney asked Mr. Bell "How often would you say that you offer training in domestic violence issues?" Mr. Bell answered "At least once every year and sometimes more." Mr. Bell referred to a compilation of courses list in the packets each committee member received. Mr. Bell read some of the courses offered from 2003 until the present: "Firearms, Domestic Violence and Protection Orders"; in summer 2003, Peter Jaffe talking about Children of Domestic Violence Victims; Crimes Against the Elderly which included domestic violence. Mr. Bell commented that it is an interesting interplay with all of the judges, but there has been more focus on the limited jurisdiction courts, and the judges say "Why do we have to have all of this training?" Mr. Bell said that his response has always been and will continue to be: "You are no worse off than you were if you didn't have the training, and you are going to be a lot better off after you have had the training. There is no downside to taking this training and knowing that it's available. This has been a hot-button issue for a variety of reasons, and the more you know, the better you are going to be; and the better chance you will have of handling these cases appropriately."

Dr. Freda asked if there was anything that the Judicial Training Committee could do to help Mr. Bell with the curricula or the training. Mr. Bell said that he appreciated the topics submitted to him by Dr. Freda, Valerie Cooney and Bob Zentz. The AOC could take these topics to the Education Committees of the AOC, especially for the limited jurisdiction judges but also to use in terms or framing hands-on training with the district judges. Input to the planning process is very helpful. Those topic areas and questions that were listed help to elevate the discussion about what type of training is needed. Mr. Bell stated that he would like to have as much input as the NCPDV Judicial Training Committee wants to give him. Mr. Bell stated that this input gives him ideas about new things to cover and subjects to perform repeat training on. So the input from the NCPDV Judicial Training has been very helpful.

Dr. Freda said that if Mr. Bell needed anyone to present on subjects such as Batterers' Intervention, Dr. Freda would be able to do that sort of presentation. Mr. Bell said that would be fantastic and that he would take Dr. Freda up on his offer. Mr. Bell added that a representative from Duluth did a similar presentation to the limited jurisdiction judges in Reno some years ago, and it was a real eye-opener; and this sort of training is definitely needed for the curriculum.

Valerie Cooney stated that she would be curious to hear Mr. Bell's views on this committee and what its efforts are in terms of 1) examining what trainings have been historically provided and what is currently being provided, 2) thus going about trying to address some of the issues that they see come up on a regular basis. Is this committee stepping out into where it should not be? Ms. Cooney stated that she gets frustrated sometimes. Mr. Bell asked if she was frustrated by the attitudes of the jurists. Ms. Cooney answered that she is frustrated by judges' attitudes but also that sometimes the level of understanding is not what it should be. Ms. Cooney stated that she is also frustrated with judges who have attended these trainings and have conducted these trainings, but nevertheless they seem to ignore legislative changes and do things their own way. Mr. Bell stated that it seems to him that when dealing with judges, it seems that a person has to keep pushing, pushing and pushing for this type or range of education so that the judges change the way they deal with things. The exposure, constant pressure and recognition of their peers seem to be factors in changing the perspectives of some judges. Mr. Bell gave an example of Judge Van Winkle in Reno: On occasion, this judge has challenged other judges and said words to this effect: "Wait a second! You need to understand that this is just not a 'topic of the day'—this will go on and on, and the repercussions are serious and you will need to grapple with it and deal with it; because, frankly, it is probably your biggest risk (as a career-buster) if you're just blasé about it." Mr. Bell said that there were a number of judges that were stunned into silence about recognizing that Judge Van Winkle was absolutely on the mark. Peer pressure among the judges certainly helps, but Mr. Bell pointed out that he believes there is no substitute for additional and ongoing training whether it is moved forward by the Judicial Training Committee of the NCPDV, by advocacy groups, or other community groups. That pressure is always going to be there, and the judges are going to have to deal with it. Mr. Bell said he doesn't expect that the education is going to discontinue or that the advocacy and pushing for more training is going to cease—"and it shouldn't". Mr. Bell stated that one may not be able to change all the perspectives of all the judges, but, from Mr. Bell's viewpoint, the input and the push for pertinent and additional education has made a difference; and the more that it's done, the bigger difference it makes. Mr. Bell said that he believes there has been a generational change, especially in the urban areas, since the average age of the judges is probably about 35-40 where,

in comparison to not too many years ago when the average age was 50-55. With the younger judges, there is a lot more openness. Mr. Bell says he's still learning as a judge, and that the younger average age of judges may be the biggest salvation of all (the generational change).

Ms. Cooney thanked Mr. Bell for taking the time to talk with the committee. Mr. Bell said he appreciated spending the time.

Bob Zentz asked if there is any mandated training for pro-tem judges, since the courts in Henderson seem to have a great deal of difficulty with those people who have been appointed by the judges and don't seem to really care—they want to do things their own way.

Mr. Bell answered that the AOC has looked at that problem for quite awhile--not just in mandated training but in training as a whole--what should be the responsibility of the Administrative Office of the Courts, the Supreme Court and the judicial education budget that we have for the pro-tem judges? Mr. Bell continued: "Frankly, we can't handle the demand that is out there among pro-tems. In Clark County alone there are probably several hundred pro-tems. Trying to figure out what should be our responsibility and what should be the county's or the city's responsibility, or those courts' responsibility as they add more pro-tems is bedazzling to us, as we don't want to wander into a commitment to provide training (and thus the funding to provide training) if we can't sustain it. As we go through the tough economic times, it's making it more of a premium that we focus on our court constituency." Mr. Bell stated that he is open to discussions about how we might deal with training pro-tems and that he understands clearly that it is a problem: "You get some pro-tems and put a black robe on them, and hubris has a whole new definition." Mr. Bell said he would be very interested in suggestions on how to deal with this. He stated that the AOC will need to bring it to the Judicial Education Committee and see what the ramifications are. It is a frightening situation since 1) the AOC does not have the funding for it, and 2) the AOC is not providing training to people who very much need it. The AOC is relying heavily on the counties and the municipalities to provide the training to the extent they can.

Ms. Cooney remarked that one thing that people seem to forget is that these pro-tems are bound by judicial canons, and "they all ought to have a copy of them" and at least four or five years of experience interpreting them. Ms. Cooney stated that, if she is not wrong, there is a new ADKT or a new Supreme Court rule coming out regarding pro-tems. Mr. Bell said that he was not aware of that. If such a rule is coming, it may help by forcing the issue.

Dr. Freda asked if the pro-tems ever attend the same training the judges attend.

Mr. Bell said that the irony is that some judges want their pro-tems to be there, and the AOC sort of left this decision to the associations. Mr. Bell added that other judges had said “Oh, heck no! I don’t want to educate people to be judges who will run against me!” There is a territoriality that comes into play. Thinking that discretion is the better part of valor, the AOC has opted not to get into that argument until there is a clear consensus that they have to bring the pro-tems into the training. There are one or two rural judges who will bring their court administrator or their chief clerk to the trainings because those people may end up sitting on cases (and they don’t have anyone else to turn to), and associations have been fine with that. But in the main, in both limited and district judges, these judges prefer not to have those folks invited to the education. Every four years, the AOC has a judicial leadership summit. For the first one, the judges determined that they didn’t want any masters invited. In 2004, Justice Schering, who was the chief at the time, said “You can just drop that one. They’re coming and that’s it.” That was a real source of relief for the AOC, to be able to train those masters who are critical judicial officers and make a difference in the courts (especially the 2<sup>nd</sup> and the 8<sup>th</sup>). Now masters are always invited to the Family Jurisdiction Judges Conference.

Ms. Cooney asked if there was a cost associated with training the hearing masters. Mr. Bell said that the AOC funds the masters to attend that conference. If the masters want to attend the State Bar conference immediately after the Family Jurisdiction Judges conference, the AOC does not fund them to attend that. The AOC does fund their travel up to Ely, and then the registration for the State Bar is “on their own dime” or on the county’s dime, but there is no registration or cost to the masters or judges, and the AOC pays all of the travel and per diem. Ms. Cooney asked that if a pro-tem was going to attend, would the county pick up that cost or would the pro-tem have to pay out of his/her own pocket? Mr. Bell answered that the arrangement would have to be between the county and the pro-tem, but it is not the funding responsibility of the AOC (at least not at this point).

Dr. Freda remarked that it would seem that a pro-tem would want to get as much training as possible in order to build up his/her credentials. Mr. Bell answered that, in his experience, this doesn’t seem to be the case. Valerie Cooney concurred with Mr. Bell’s statement and added that pro-tems were used in Washoe County for a number of years and then there was some disagreement, and the use of pro-tems has been discontinued. Ms. Cooney observed that there are some pro-tems in Carson—they’re just local lawyers that will come and sit and do limited jurisdiction things, but with not any particular background or training in any particular area.

Mr. Bell told the committee that if they as a group were asked to make recommendations about the problem, it certainly forces the issue. Mr. Bell said his concern was about funding the training for pro-tems.

**4 \*Discussion and possible action regarding developing a dialogue with limited jurisdiction and general jurisdiction judges.**

Dr. Freda stated that this item was partially covered under the previous item and asked for any other comments on this item.

Mr. Zentz said that he had noted in the minutes that there was uncertainty as to who the two presidents of the associations were. Mr. Bell stated that currently, the president of Nevada Judges of Limited Jurisdiction is Burt Brown from Las Vegas Municipal Court; and the president of the Nevada District Judges is Jerry Polaha from the 2<sup>nd</sup> Judicial District.

Dr. Freda asked Mr. Bell if the committee could sit down with Mr. Bell and discuss the list of issues/topics the committee would like to see addressed at trainings; and can the committee attend the meetings of the Nevada Judges of Limited Jurisdiction and the Nevada District Judges?

Mr. Bell answered that with respect to this, he would like to inquire among the Education committees and/or the Executive committees of the two associations. Mr. Bell said that what we would love to see is for these committees to make room on the agenda (they both have business meetings—the Limited Jurisdiction Judges have their business meeting in the Winter session and the District Judges have their business meeting when they have their conference, generally in April)— and have one or more of the NCPDV Judicial Training Committee come as presenters in order to provide their perspective as to why it is important that these topics are considered in designing judges' training and how it relates to what you see in the field. Mr. Bell stated that the Judicial Training Committee doesn't need him as a translator for that process. Mr. Bell said he would be glad to spearhead getting members of the Judicial Training Committee on to the agenda, but Mr. Bell cautioned that it is a business meeting and if they tell him to "go pound sand", that it what he will have to do. Mr. Bell said he was willing to bring it up and try to work out a time span for the presentation, maybe 15 minutes, to allow the representative from the NCPDV Judicial Training Committee to cover a lot of ground, talk about what the committee thinks is important and get some Q&A with the judges, comments, so that it elevates the issue.

General Masto thanked Mr. Bell for his input and asked if it would be helpful is she talked to Judge Brown and Judge Polaha and made that initial request. Mr. Bell asked how could he say no? General Masto added that from her perspective, and from working with Judge Brown, that

Judge Brown is attuned to domestic violence issues. Mr. Bell said that he would agree very much to that; but in regard to leadership, how far ahead of the group do you get? He continued that General Masto and Judge Brown may have a very good awareness but, “as a president, you may want to lead folks along under your leadership.” Mr. Bell stated he believed having General Masto involved would be terrific. General Masto stated that she would go ahead and contact Judge Polaha and Judge Brown. The AG also stated that those two presidents would know their constituency better than any of us (the AG and the NCPDV Judicial Training Committee) and would know what the appetite is for DV training and how long the committee would be able to talk about DV. Mr. Bell said that he believes the presidents would be very straightforward in their responses to the AG. Mr. Bell continued that this is not “new ground being covered—it’s ground that is sometimes contentious, but it’s certainly not new”, so it’s not a subject that will disappear on its own.

General Masto asked if it would be okay if she mentioned to the two judges that the committee is working with Mr. Bell. Mr. Bell stated that it would absolutely be fine. Mr. Bell continued that the presidents could “gripe” to him all they want, but he has said to them time and again: if, for no other reason, you need to see this (DV training) as “CYA” training because there will come a day when the situation will be happen when the training will need to be applied. The judges know where Mr. Bell stands in regard to DV training.

Mr. Bell reviewed that the meeting of the Limited Jurisdiction judges is scheduled for late January in Mesquite, NV. Mr. Bell will update the committee of the exact dates of that meeting. The meeting of the General Jurisdiction judges will be held in late April/early May in Mesquite, NV at the Casablanca. Mr. Bell will confirm the exact dates for this meeting also and inform the committee.

Dr. Freda surmised that the Judicial Training Committee would have to come up with suggestions and/or recommendations that can be presented at these meetings.

Valerie Cooney said that the committee has identified problems that occur in their fields of practice. She stated that the most valuable thing the committee can do is to keep the pressure on and let people know what problems are encountered. Ms. Cooney continued that she thought that the committee should not design or conduct training, since the AOC does this already. Ms. Cooney stated that she believes working with Mr. Bell is the solution to the problem of improved training of judges in DV issues. It would be a better approach for the Judicial Training committee to make up its list of issues and topics and present this list to the Education



Committee and/or the Executive Committee of the AOC rather than a presentation at a training seminar.

Mr. Zentz stated that Ms. Cooney made some good points and that he agrees that the committee shouldn't go in with a lesson plan. The representative from the Judicial Training Committee can just make a "these are the things we're seeing in the South in the limited jurisdiction courts and the general jurisdiction courts" presentation, and then leave it to the AOC committees to address. Mr. Zentz said that somehow or another, the information needs to be passed along whether that means someone from the Council appearing at their meetings. Mr. Zentz stated he doesn't know who the appropriate spokesperson from the Council should be.

Dr. Freda stated that the list of topics/questions that he, Valerie Cooney, Russell Smith and Bob Zentz contributed to should be reviewed and perhaps added to, then boiled down to a presentation of "This is What We Have Seen" from a prosecutor's perspective, from a defender's perspective, from a victim advocate perspective and from a counseling provider's perspective; and then leave it to those committees to develop their training in conjunction with Mr. Bell. Ms. Cooney and Mr. Zentz agreed to this approach. Mr. Zentz added that there seems to be some consistency in the "downfalls"—so perhaps the committee could take a look at the issues and come up with some good phrasing, i.e. here is the issue, this is what we're seeing, what can be done with it? Dr. Freda asked how the committee wanted to go about implementing the approach.

General Masto asked if the issues/topics list for judges' training generated by the Judicial Training Committee had been shared with the full Council in order to make sure nothing has been overlooked; the rationale being that all issues of concern by the Council should be considered before making a presentation to the AOC committees.

Ms. Cooney stated that the committee should take another look at the list, make sure there is no duplication, and work on the phrasing. Mr. Zentz stated that the committee should do this before the list is presented to the Council. Dr. Freda and the Judicial Training Committee will communicate through the assistant to the NCPDV the changes and/or fine-tuning of the issues/topics list for Judicial Training before the next Judicial Training Committee meeting. Dr. Freda asked that this process begin October 1 so that he will have the list compiled by October 7 and ready to discuss at the next committee meeting on October 13 at 9:30 a.m.

Dr. Freda offered to send the list out to the Council members and solicit their input. After the Council gives their ideas to Dr. Freda, the Judicial Training Committee can meet again to discuss the Council input, work on the phrasing, determine how to compile the information, and then

determine the format of the information to present to the Council. The Judicial Training Committee agreed to proceed in this manner.

**5 \*Discussion and possible action regarding sending out a survey.**

The committee agreed that input from the Council and the subsequent presentation to the Council obviates the need to send out a survey.

**6. \*Schedule future meetings & agenda items.**

The next Council meeting will be on October 28, 2009.

The date for the next Judicial Training meeting was set for Tuesday, October 13 at 9:30 a.m.

Agenda items:

#3 Update on discussion and possible action regarding developing a dialogue with limited jurisdiction and general jurisdiction judges.

-General Masto's communication with Judge Brown and Judge Polaha regarding DV training in conjunction with Michael Bell

#4 Discussion and possible action regarding review of list of issues/topics for judicial training, wording and format for presentation of list to Council for their input.

**7. \*Public comment.**

There was no public comment.

**6 \*Adjournment.**

Valerie Cooney moved to adjourn the meeting. Bob Zentz seconded the motion. The meeting was adjourned at 10:13 a.m.

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

**Minutes of Meeting**

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*October 13, 2009*

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

**Committee Members Present**

None

**Committee Members Present Via Teleconference**

Dr. Michael Freda  
Valerie Cooney  
Bob Zentz  
Russell Smith  
Ron Titus

**Committee Members Absent**

Susan Filon  
Catherine Cortez Masto, Attorney General

**Public Present**

Michael Bell, AOC

**Attorney General's Office Staff Present**

Kareen Prentice, Domestic Violence Ombudsman  
Henna Rasul, Deputy Attorney General  
Lorraine Webber, Assistant to the NCPDV

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

Chairman Dr. Michael Freda called the meeting to order at 9:33 a.m. A roll call was performed and a quorum was established.

**2. \*Review and approval of minutes from September 1, 2009 meeting.**

Bob Zentz stated that a comment attributed to him regarding the presidents of the Nevada Judges of Limited Jurisdiction was not made by him. The comment was made by Michael Bell and the correction was made. Dr. Freda had noted some typos and will send his corrections to Lorraine Webber.

**3. \*Discussion and possible action regarding General Masto's communication with Judge Brown and Judge Polaha regarding DV training in conjunction with Michael Bell.**

No information was available as General Masto was unable to attend the meeting.

**4. \*Discussion and possible action regarding developing a dialogue with limited jurisdiction and general jurisdiction judges.**

No information was available as General Masto was unable to attend the meeting.

Ron Titus asked if the proposal was to meet with the educational committees. Dr. Freda stated that no, it was just to find out how open Judge Brown and Judge Polaha are to one or two people speaking at one of their business meetings. Ron Titus offered to find out if one of the committee members could meet with the education committee. He will speak with Michael Bell to see about arranging it.

**5. \*Discussion and possible action regarding review of list of issues/topics for judicial training, wording and format for presentation of list to Council for their input.**

Valerie Cooney stated that she thought the issues raised were good and that the main issue was how to present it to the Council. Dr. Freda solicited suggestions regarding the format, e.g. question form or presentation form. Ms. Cooney stated that a summary of the areas that have been identified as problem areas by the various individuals involved in the issues would be best and would not easily lend itself to a question/answer form. Russell Smith commented that the two topics he contributed to the list were about training and open dialogue. He noted that some issues would be well suited for all professions in the court system because it is not just judges who are unsure how to apply [primary aggressor analysis], but prosecutors and defense counselors, too. Dr. Freda agreed that primary aggressor is a major issue. The use and misapplication of primary aggressor analysis was discussed by the committee members present. Ms. Cooney stated that it is important to train everybody in the process; not just judges, but

questioned whether it was in the purview of this committee to do so. Mr. Smith suggested making recommendations to other committees related to law enforcement and prosecutor training. Ron Titus stated there are two levels: judicial training and training of other parties. Training of other parties might be handed off to other committees or be done as part of a larger committee, but all of the issues should be addressed and reported.

Kareen Prentice commented that all new law enforcement officers are trained in primary aggressor analysis both at the academy and in P.O.S.T. She thought perhaps some updates might be needed, but that law enforcement training is probably not the work of the Judicial Training Committee. Valerie Cooney stated that it is some of the older law enforcement officers who need education on the subject.

As to the form of the presentation, Ms. Cooney said that she thought a two-page report outlining the various topics raised would be appropriate. Dr. Freda stated that he would put it together and send it to Lorraine Webber for distribution to the Committee. He asked committee members for feedback and said he would finalize it before the Council meeting on October 28, 2009.

Valerie Cooney asked Ron Titus about the website Legal Momentum which was mentioned at the last meeting. Ms. Prentice said that he could send it to her, Henna Rasul, or Lorraine Webber and they could forward it to Committee members.

## **6. \*Schedule future meetings & agenda items.**

It was suggested that the approval of the minutes of the September 1, 2009 meeting be tabled to the next meeting. Russell Smith made a motion to table approval of the minutes. Valerie Cooney seconded the motion. A vote was taken and the motion carried.

Russell Smith made a motion to table items #3 (*Discussion and possible action regarding General Masto's communication with Judge Brown and Judge Polaha regarding DV training in conjunction with Michael Bell*) and #4 (*Discussion and possible action regarding developing a dialogue with limited jurisdiction and general jurisdiction judges*). Valerie Cooney seconded the motion. A vote was taken and the motion carried.

Michael Bell asked that he be sent a copy of the list of topics for judicial training. There is an Education Committee meeting with the limited jurisdiction judges on October 21, 2009 and with the district judges on October 27, 2009. He will give them the list in preparation for a presentation at the meeting of the business meetings of those two associations.

The date for the next Judicial Training meeting was set for Tuesday, December 1, 2009 at 9:30 a.m.

**7. \*Public comment.**

There was no public comment.

**6. \*Adjournment.**

Valerie Cooney moved to adjourn the meeting. Russell Smith seconded the motion. The meeting was adjourned at 9:57 a.m.