

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

MINUTES OF THE MEETING

Monday, May 12, 2014 at 11 a.m.

Via Teleconference with Public Access Located at:
Office of the Attorney General
5420 Kietzke Lane, Suite 202, Reno, Nevada 89511

Committee Members Present

Committee Members Present Via Teleconference

Robin Sweet
Dr. Mike Freda
Mark Jackson
Rev. Victoria Warren

Committee Members Absent

Bob Zentz
Attorney General Catherine Cortez Masto

Public Present

Clarice Charlie-NCPDV Council Member
Katheryn Yetter Esq. -Presenter
Hon. Steve Aycock-Presenter

Attorney General's Office Staff Present

Kareen Prentice, Domestic Violence Ombudsman (AGO-Reno)
Henna Rasul, Senior Deputy Attorney General, and Legal Counsel to NCPDV (via
phone)
Anjanette Bitsie, Administrative Assistant to the Council

1. Call to order, roll call of members, establish quorum. (For possible action.)

The meeting was called to order at 11:00 a.m.

2. Public Comment.

There was no public comment.

3. Review and approval of minutes from February 10, 2014 meeting. (For possible action.)

Mark Jackson made a motion to accept the minutes. Dr. Mike Freda seconded the motion and asked for a change in the heading of the minutes "Notice of Public Meeting" to "Minutes of the Meeting". Robin Sweet mentioned it as well. Mark Jackson made the amendment to his motion with the edit "Public Notice of Meeting" to "Minutes of the Meetings". Dr. Freda seconded the motion, the vote was taken and the minutes were approved.

4. Discussion on the National Council of Juvenile and Family Court Judges (NCJFCJ) training pertaining to domestic violence issues by Hon. Steve Aycock, Ret. (For possible action.)

Robin Sweet introduced both Katheryn Yetter from the National Judicial College and the Hon. Steve Aycock Ret, NCJFCJ. The floor was given to Hon. Aycock. He discussed the NCJFCJ education program pertaining to domestic violence to include types of trainings and scenarios provided to judges nationwide. He also discussed the Continuing Judicial Skills Program they offer. It has a one-day component with special topics such as:

- Effective batterer accountability
- Visitation and exchange.
- Immigration and trafficking issues.

NCJFCJ also provides regional and local workshops. Their programs can accommodate conferences and presentations that are 1-1.5 hour presentations. As well as expand to full day and day and a half programs.

Topics they cover:

- Domestic Violence Dynamics
- Children Exposed to Violence
- Custody and Protection Orders
- Full Faith and Credit
- Fire Arms Issues
- Criminal and Civil Topics

Robin Sweet: stated that Nevada Family Court Judges are required to attend the Institute for new and family court judges. Ms. Sweet asked if he knew if there is a domestic violence component to that segment? Aycock said yes there is a one-hour topic. There is a day they talk about trauma and in that an hour to an hour and a half section on domestic violence. They tailor what they teach to the needs of their audience. They can develop curriculum.

Mark Jackson gave some background information to the Judge. The NCPDV was created 20 years ago. Listed on NCPDV AG website are priorities for the Council. A priority of the NCDPV is to create training plans and partnerships with statewide professional associations and licensing boards. NCPDV has been making recommendations to assist judges or identifying topics of training for judiciary. He then went through the questionnaire that the committee has sent out. He asked if it was beneficial for the subcommittee to put out questionnaires to the judges in Nevada.

Aycock stated that a questionnaire for judges depended on the goal. If it is where training is needed, then okay - do it every few years. If the questionnaire is too tedious judges will not reply. When it comes to a particular training a smaller sample is better not all judges are needed. You need a level of knowledge to draw from and there are several ways to do so and one is by asking local stakeholders.

Mark Jackson asked for suggestions to limited grouping of judges.

Aycock stated that it would be better to identify 3-5 judges who get it and understand issues and are interested in doing something about it. They can talk about what they see in courts and what they hear from their peers regarding what is going right and what is going wrong. The committee will need to include a small group of advocates and attorneys as well.

Mark Jackson states he appreciates the point Hon. Aycock made. He is not so concerned with the majority but the minority that does not get it. How do they get these people who have not bought in and do not understand to be on board to and to help judges make good decisions? And to make good changes to get better and accept training regarding issues with domestic violence?

Hon. Aycock acknowledged that this is a conundrum. Which is how do you get them to be interested in A) what they are not interested in or B) what they often times think they know. Part of it is mandatory training. It gets people there though some may be unhappy. There is a piece in his training called comings and goings. It asks the judges to step into the role of a domestic violence victim. Hon. Aycock described the training.

Robin asked Kareen if they did that exercise at a recent judicial training. Kareen stated yes, they did this exercise at the judge conference with the Nevada Network against Domestic Violence. They had 60 participants. She validated that the results were parallel with what Judge Aycock was saying. The reaction varied. They did it in 2012 for a Judge Summit in Las Vegas.

Judge Aycock replied that the training was an empathy builder. If it is done only by itself then there is no immediate result. In reality it has a short term outcome. It really needs to be embedded in a longer program to sustain change. The

emotion produced can be used in other activities and scenarios to get judges to see how they can put that empathy into action.

Robin asked if there were any other questions. There were none. She thanked Hon Aycocock.

5. Discussion on the National Judicial College (NJC) training required for Nevada Judges pertaining to domestic violence issues by Katheryn Yetter, Esq., Academic Director, The National Judicial College. (For possible action.)

Robin introduced Katheryn Yetter. And acknowledged the courses offered at the Judicial College, that she provided to the committee.

Katheryn Yetter noted there are five different courses at NJC, two of which are centered around the topic of Domestic Violence. The first is titled Domestic Violence which has been offered for several decades. The course is interactive and works through behaviors and dynamics. She went in depth of issues that are looked into. They have a course named Safety Based Custody Orders, in which they key important issues. They provide customized programs. In development, they start with a learner's assessment with the organizer and their faculty. They include a few key judges.

Robin called for questions for Ms. Yetter

Mark Jackson thanked Ms. Yetter for her presentation and discussion. He asked her if she has received feedback through the National Judicial Colleges as to whether they are supportive of the some recommendations that the NCPDV or the judicial training committee?

Katheryn Yetter stated she has not heard from them. Nevada Judges are mandated to attend some of their courses. Generally participants are appreciative at the opportunity to receive some education. Are there particular recommendations for judges that she can address?

Mark Jackson replied that there are things that have been discussed. Concerns some judges at times may give reciprocal orders. There is some reciprocal language in orders for applicants about not being able to contact or do certain types of things. Last week he had a domestic violence case where a person tried apply for a protective order. Because there was an ongoing proceeding in the district court for child support issues, the judge had a clerk from the Justice Court hand carry the application to District Court. That District Court judge was not in. The person bailed out an hour and a half later and battered the victim again. There was no protective order in place. The judge passed the issue for another judge to handle. Mark tried to tell the JC Judge that this falls under the jurisdiction of the JC under 4.370 regarding jurisdiction; an absent order from the district court. We need to protect the victim. Judges are afraid to step on other judge's toes. It's not about stepping on another's toes. It's about protecting the

victim. He met with the judge and the judge admitted it was a mistake. The judge was very knowledgeable. He is an attorney.

Katheryn Yetter agrees with Mark. She has been in the domestic violence field since 2000, she has 14 years of experience. The topic of domestic violence or any other topic on which Judges can receive education, as more education is available to judges, there is a gap, where we have judges who are sophisticated on the topic and those who really need the very basic safety information, It sounds like what you have identified in your community is the basis for a very tailored program reach those judges who need the elemental pieces, but still appeal to those judges who have the sophisticated understanding. It's something to consider. She had heard something interesting during another program offered here that has nothing to do with Domestic Violence. The judge made a comment how refreshing it was to hear a topic without people who had a particular agenda, for example when you receive domestic violence education from advocates. That is why they use judges in their program exclusively. Judges like to hear from other judges. Their judges can convey the exact same information their professionals give, the difference is it's received and accepted better if the information comes from another Judge.

Mark Jackson said it is a very interesting point. He agrees that information they need to convey would be better received from their peers than advocates. It's unfortunate. The people on the committee dedicate their lives to the safety and wellbeing of others and try to end domestic violence in their communities. This in turn makes more healthy communities. He sees no downside or anything bad with advocacy. It's real difficult for him to comprehend how this could not be accepted openly by any member of the judiciary. The majority do accept it. He appreciates it that she brought that out and it will be something for the committee to think about. When they think of possible training issues they will now consider who they will hear it from.

Robin Sweet called for additional questions for Ms. Yetter. Hearing none Ms. Yetter offered additional follow up after the meeting.

Robin and Mark thanked Ms. Yetter.

6. Discussion and possible action regarding 2014 Committee Goals. (For possible action.)
 - a. Make recommendations to assist judges and to identify possible training for some of the issues being identified by judges.

Robin called for thoughts. The results of the survey will help. (She moved the conversation to section b.)

- b. Review and prepare questions to send out to the judges in preparation for the next biennial report

Robin: With what they learned from Hon. Aycock and Ms. Yetter they can take a better look at the questions.

Mark stated that the questionnaires may be too long. Being busy himself, he can see why they do not get responses from the Judges. He recommends they come up with a list of questions. They need to go through minutes and pull out issues they have already identified in the past. He recommends they have a check the box format for the survey.

Robin wants to ask the judges to ask for elements to expand a question versus asking the same question. Instead of a narrative they can have lists. They can expand lists or cap it for example of item 7 on the judges' survey where they ask about court staff meeting and list several of them. Then redo the questions with that list. If there is stuff the judges would like additional information on versus training, then staff could question them whether or not they would be comfortable conveying information to their peers. Some of the judges might be willing to be on a panel or group teach a topic.

Dr. Freda stated that he was on the Legislative Committee when the questions to the survey were written. The initial response was very low. He feels that the survey is too lengthy. Judges do not have enough time to fill it out in a narrative. He agreed with Mark's idea of putting together a list of training items that they can come up with and have judges check off the topic and go with that.

Robin asked Kareen Prentice what format they used the last time the survey went out. Was it electronically or on paper?

Kareen stated that it has always been on paper and email. In the 2011 biannual report, they did not send out a survey for the report year. The 2010 was a draft survey and was not utilized. The 2008 report has pretty comprehensive responses. The survey was used in the 2006 and 2008 reports. She does suggest that if the committee wished to do a survey then they can have the survey online and emailed. Our office has just conducted a survey for sex trafficking resources. The surveys had check boxes and fill in the blanks. They sent out 60 and had 35 people return it. It was a short survey. They could develop something similar in house to be sent out.

Rev. Victoria Warren asked how many questions were on it?

Kareen stated that there were about five questions, six with a written response.

Rev. Warren stated that that was a quick and easy way for them to indicate some interest in some area that they would like additional information.

Robin stated that maybe we do one question for the judges, if they would like some training. And one question to their staff and clerks. We can ask the judges if they would feel comfortable to share information on topics and be on a panel, and have an open ended question at the end for any comments.

Mark stated that it could possibly work.

Robin stated that once we develop the areas, one set would be for the judges, one set would be for the court staff, one would be for the judge if he thinks he is knowledgeable enough to be the presenter.

Kareen asked for clarification. Do you want a separate survey for court staff and one to the judges?

Robin replied no, I just thinking about asking the judges if their court staff needed training in certain areas. Her concept is that both the Judge and staff questions would almost be an identical list. The court staff might include additional information such as victim services that they may not include on the judges list. The judge should know about them, the staff would be the entity that provides the information to the victims.

Kathyern Yetter stated that they do surveys like that regularly. You can design your survey with a series of check boxes of possible topics. You let the judges choose what those topics are. They may be topics they (judges) have never thought of before. If you have 8-12 areas of education with check boxes then you have done a good job in educating them (judges) what they are. Then they can identify what areas their court does not have knowledge in.

Robin asked if the Committee would submit ideas for that list to Angie. That will be part of the next agenda . They can look at the wording of the questions. Angie will make the rough draft.

Mark and Rev Warren agreed.

Robin asked if it would be good to have it ready for the August Council meeting?

Kareen state that that would be great. They can send it out the survey in September and then have a meeting in September or October with

the results for the Council and Judicial Training Committee and have the final results issued in the report next January.

Robin said that we can do it electronically and it will be easier.

Kareen said yes much easier. We can ask them what court they are from.

Robin stated that there may be issues with courts. She will have to look at the statute, there may be something about noting which judge the comment is from.

Kareen stated that she is looking at the law and it says, "In preparing the report the council shall ask for comments and recommendations from district judges, municipal judges and justices of the peace in rural Nevada and include them in its report as a separate section."

Robin reported that then we will have to ask them their names at the comment place at least. We can add the NRS to the survey.

Mark Jackson replied that he was not sure if that is what it says. He did not think it necessarily identifies the judge. We just need to identify the type of judge (district, municipal or justice of the peace) they are. He will look it up.

Robin stated that the court could identify that.

Mark stated that the court should even identify who they are, if they do, it will identify the judge. It should fall under the three types of judges.

Mark asked how many judges do we have?

Robin stated that we have 82 districts, 67 JP's and 28-29 Municipal judges, there are 9 that are both. 170-175 roughly.

Robin stated that if we sent it out to all of them and we get a third back that will be great. We have 52 judges in Clark County and they are separated into Civil, Criminal and Family.

Mark stated that the wording of the questions would have to be done carefully.

c. Discuss training for new judges

Robin asked for discussion. At the New judge training after the elections, we are expecting 25-30 potential new judges. Every district

court judge is up for election. There will be 32 contested races; there are a handful of JPs who are up as well. There will be new judge training in December. We are planning for it. We just don't know when yet. We are mostly planning for district judges. We are working out the curriculum. If there are things that come out of this committee we can at least expose them with some of the domestic violence issues.

Rev. Warren stated that it would be a prime time when they are brand new. It will be a real open window of opportunity.

Robin reported that there is so much information we give them. We give them a lot of information. We need to pick the right topic. That will be important.

Mark asked if there has ever been any discussion w/ the council as to what Ms. Yetter talked about. Who are the most respected judges in the state that are supportive to the council and DV issues?

Robin stated that she knows who the leaders are but is not sure how much they engage the DV part of things. She is being careful as to not lose their support.

Mark stated that Justice Hardesty would be a good presenter. Someone from the Supreme Court or a larger jurisdiction would be better received.

Robin stated that Justice Hardesty will be Chief in January. He will be busy with legislature and budget and the Court of Appeals. If we can get someone like Judge Togliatti or Judge Hardy, that would be good.

Robin stated that they might be able to get him to talk on 2-3 topics. We need them to clear their calendars to get dates. She asked for other judge ideas. Rev. Warren said they should look for anyone who is strong in Domestic Violence.

Robin replied that they cannot be an advocate, they need knowledge. They cannot have an agenda. That will get through to the Judges more than anything else.

7. Schedule future meetings and agenda items. (For possible action.)

Robin Sweet asked that recommendations from the committee members be sent to Angie Bitsie by May 30, 2014. Kareen Prentice stated that an e-mail draft can be sent out to the committee members in order to get feedback prior to the meeting. Ms. Sweet stated the goal is to have the recommendations ready for the August meeting.

The next meeting is set for Monday June 16, 2014 at 11:00 a.m.

8. Public comment.

There was no public comment.

9. Adjournment. (For possible action.)

Rev. Warren made the motion to adjourn. Dr. Freda seconded the motion. The meeting adjourned at 12:00 p.m.