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NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

(Nebraska Crime Commission)

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## Nebraska County Attorneys Standards Advisory Council

April 9, 2015

The Nebraska County Attorneys Standards Advisory Council of the Nebraska Commission on Law Enforcement and Criminal Justice met on Thursday, April 9, 2015 at 1:15 PM (Central Time) in the Nebraska Crime Commission Conference Room, 5<sup>th</sup> floor of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.

Legal notice of the meeting was published Thursday, March 26, 2015 in the Lincoln Journal Star.

### I. Call to Order

Chairperson Elizabeth Waterman called the meeting to order at 1:21 PM. **Members Present:** Bill Brueggemann, Patrick Condon, Shawn Eatherton, W. Bert Lammler, Steve Schmidt, and Elizabeth Waterman. **Members Excused:** Robert Bowen, Tad Eickman, Donald Kleine, and Eric Scott. **Staff present:** Darrell Fisher and Ann Bauers.

As amended by LB 898, 2005 Legislature, a copy of the Nebraska Open Meetings Act was available for public review.

### II. Introductions

Each member identified themselves and Waterman recommended that we move forward with the meeting since there was a majority present.

### III. Approval of Minutes

#### *Motion*

*A motion was made by Schmidt and seconded by Brueggemann to approve the minutes from the April 9, 2015 meeting. Motion passed by acclamation.*

### IV. New Business

#### A. County Attorneys and Deputy County Attorneys' Compliance with 2011 Continuing Legal Education Requirements.

##### 1. Tally Sheet (Attachment #1)

Waterman asked if everyone had received the packet (attachment #1). She asked if the members wanted to go through them one-by-one and then vote on each one. Bauers noted that since the packets had been mailed there were several on the tally sheet that no longer required attention as they had complied.

**2. No report filed  
(Attachment #2)**

There was a discussion on how to handle the attorneys who had failed to submit the require CLE Form at all. The only attorneys on this list were Joseph Abler from Antelope County and Jonathan Frazer from Saunders County. Frances Barron was no longer a County Attorney.

*Motion*

*A motion was made by Brueggemann and seconded by Schmidt to recommend to the Crime Commission that if Joseph Abler, Antelope County and Jonathan Frazer, Saunders County were still employed that their names be forwarded onto the Attorney General's Office for non-compliance. Motion passed by acclamation*

**3. Missing Information  
(Attachments #3-#6)**

Attachments #3-#6 were now in compliance and so no longer needed to be addressed by the Council.

**4. Lacking hours  
(Attachment #7)**

Rob MacTaggart was missing 1.5 CLE hours from 2013. There was a brief discussion on how long to give him and it was decided that if the hours were not accounted for by the May 8, 2015 Crime Commission meeting that his name be forwarded on to the Attorney General's Office for non-compliance.

*Motion*

*A motion was made by Lammler and seconded by Condon to recommend to the Crime Commission that if Rob Mac Taggart had not submitted evidence of compliance by May 8, 2015 that his name would be forwarded onto the Attorney General's Office for non-compliance. Motion passed by acclamation*

**(Attachment #8)**

Randy Fair of Keith County is lacking 2.2 hours. A discussion was held concerning whether to grant a waiver and Fisher recommend that we no longer call them waivers as that denotes absolving the requirement, but instead call them extensions.

*Motion*

*A motion was made by Condon and seconded by Schmidt to recommend to the Crime Commission that Randy Fair, Keith County be granted an extension of 2.2 CLE hours with the condition it be completed and submitted to the Crime Commission by June 1, 2015. Motion passed by acclamation*

**5. Waivers requested  
(Attachment #10)**

Bauers announced that several of the attorneys on the list had submitted their CLE forms and were no longer needed to be considered for extensions. It was decided to address Attachment #10 (Katie Bensen, Douglas County) separately from the list since there was an issue with granting the credit for the pretrial hearings which had no agenda. It was decided that a letter of acceptance to the hearing would be sufficient.

*Motion*

*A motion was made by Lammler and seconded by Brueggemann to recommend that the letter of acceptance be sufficient and for a copy to be submitted to the Crime Commission by June 1, 2015 at which time Katie Bensen, Douglas County would be in compliance. Motion passed by acclamation.*

**(Attachments #9-#21)**

After a brief discussion it was decided to vote on the remaining extension requests as a group. Dylan Handley, Nemaha County lacking 4.5 CLE hours; Aaron Kunz, Merrick County, lacking 1 CAC hour; Louie M. Ligouri, Nemaha County, lacking 4.5 CLE hours; Bernard Monbouquette, Douglas County, lacking .45 CLE hours; George G. Vinton, Hooker County, lacking 1 CAC hour; Marcia Scott, Polk County, lacking 2 CLE hours; and David Bergin, Adams County, lacking .75 CAC hours.

*Motion*

*A motion was made by Lammler and seconded by Brueggemann to recommend that Dylan Handley, Nemaha County lacking 4.5 CLE hours; Aaron Kunz, Merrick County, lacking 1 CAC hour; Louie M. Ligouri, Nemaha County, lacking 4.5 CLE hours; Bernard Monbouquette, Douglas County, lacking .45 CLE hours; George G. Vinton, Hooker County, lacking 1 CAC hour; Marcia Scott, Polk County, lacking 2 CLE hours; and David Bergin, Adams County, lacking .75 CAC hours all be granted an extension as long as all CLE forms are submitted to the Crime Commission by June 1, 2015. Motion passed by acclamation.*

**(Attachment #19)**

There was a discussion regarding the request for the complete waiver requirement of the Crimes Against Children hours for Joe Stehlik, Pawnee County, since he's only part time and does not get paid, nor does he handle any cases that would need this training. He is lacking 4 CLE hours for 2014, one of which would be CAC.

*Motion*

*A motion was made by Condon and seconded by Schmidt to deny the waiver of the CAC requirement for Joe Stehlik, Pawnee County and to require him to complete the missing 4 CLE hours and submit the form to the Crime Commission y June 1, 2015 . Motion passed by acclamation.*

**6. Several years behind  
(Attachment #22)**

There was a discussion regarding John Skavadahl, Sioux County and the fact that he has been behind since 2008 in completing his required 20 hours per year. The council decided that he has to complete and submit all missing hours before the May 8, 2015 Crime Commission meeting or his name will be forwarded to the Attorney General's Office for non-compliance.

*Motion*

*A motion was made by Bruggemann and seconded by Lammler to recommend to the Crime Commission that that John Skavadahl, Sioux County, has to complete and submit all missing hours before the May 8, 2015 Crime Commission meeting or his name will be forwarded to the Attorney General's Office for non-compliance. Motion passed by acclamation.*

**B. Proposed changes to CLE reporting form  
(Attachment #23)**

After a brief discussion, it was tabled until the October 2015 meeting.

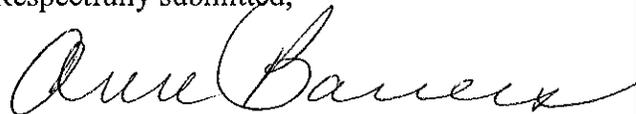
**V. Next Meeting**

The next meeting was planned for October 8, 2015 beginning at 12:00 PM at the Cornhusker Marriott.

**VI. Adjournment**

There being no further business, the meeting was adjourned by Chairperson Waterman at 2:20 PM.

Respectfully submitted,



Ann Bauers  
Administrative Assistant