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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 6, 2016

The Nebraska County Attorneys Standards Advisory Council of the Nebraska Commission on Law Enforcement and Criminal Justice met on Wednesday, April 6, 2016 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 Wednesday, March 23, 2016 in the Lincoln Journal Star.

### I. Call to Order

Chairperson Elizabeth Waterman called the meeting to order at 1:21 PM. **Members Present:** Robert Bowen, Bill Brueggemann, Patrick Condon, Shawn Eatherton, W. Bert Lampli, Steve Schmidt, and Elizabeth Waterman; **Members Excused:** Tad Eickman, Donald Kleine and Eric Scott. **Staff present:** Darrell Fisher, Dave Stolz, and Ann Bauers. **Others present:** Jackie McCullough, Nebraska County Attorney Association.

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 Bowen and seconded by Schmidt to approve the minutes from the October 8, 2015 meeting. Motion passed by acclamation.*

### IV. Old Business

There was no old business.

### V. New Business

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

##### 1. No Report Filed (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 list that no longer required attention as they had complied. The only attorneys on this list were Anthony Clowe from Douglas County and Thomas Gross from Scottsbluff County. There was a discussion on how to handle the attorneys who had failed to submit the require CLE Form at all.

Fisher stated that to bring any names before the Crime Commission Board to vote on, would require a member from this body to present the request. There was a discussion on how information was to be presented to the Crime Commission...either by a letter to be read into the minutes, or a member of the CASAC presenting the information. Fisher stated that this was an Advisory Council and would need to have someone from this body there to request action on any requests or an official signed request.

### *Motion*

*A motion was made by Bowen and seconded by Lampli to recommend to the Crime Commission that if Anthony Clowe from Douglas County and Thomas Gross from Scottsbluff County have not complied by April 15, 2016 that their names be forwarded onto the Attorney General's Office for non-compliance. Motion passed by acclamation*

## **2. Missing Information (Attachment #2)**

Douglas Amen, Jennifer Clark, Jennifer Meckna and Julie Medina all from Douglas County failed to submit agendas with their CLE forms, and were informed that an agenda must be submitted before granting any credit. There was a discussion on how to handle missing agendas in the future.

Bauers presented the letter that was sent out to those attorneys who were missing agendas that are needed before CLE credit can be granted. Lampli asked why the CLE form hadn't been changed to reflect the need for agendas as he requested last year. Bauers replied that she doesn't have the authority to change the form. Stolz stated that in order to change the CLE form, it must be recommended by this body and then presented to the Crime Commission Board for action. Waterman asked who decides what will count and what won't. Bauers replied that it is her job to read the agendas and determine the number of hours that will count. Waterman then asked if there was any appeal process. Bauers stated that if there were any disagreements on what was approved or not, then that would have to be brought before this body for a decision.

Bauers handed out a proposed CLE form with changes. There was a discussion on the proposed changes. Eatherton raised the question concerning what agendas should be automatically approved whether attached or not.

Discussion ensued over what changes should be made to the current CLE form and who should present it to the Crime Commission Board. Schmidt volunteered to present at the May 6, 2016 meeting.

Discussion returned to lack of agendas from attorneys.

***Motion***

***A motion was made by Bowen and seconded by Lammler to recommend to the Crime Commission that if Anthony Clowe from Douglas County and Thomas Gross from Scottsbluff County were still employed that their names be forwarded onto the Attorney General's Office for non-compliance. These names are to be added to the previous letter for not submitting. Motion passed by acclamation***

**3. Extension Requested  
(Attachment #3)**

It was decided to take each request separately and vote on them separately. Schmidt stated that since he was on the list should he excuse himself from voting. It was determined that he can abstain from voting on himself.

After a brief discussion the following votes were taken:

Brent Quadt from Adams County, lacking .5 Crimes Against Children hours.

***Motion***

***A motion was made by Schmidt and seconded by Brueggemann to recommend to the Crime Commission that an extension be granted to Brent Quadt from Adams County for .5 Crimes Against Children hours, contingent upon receiving confirmation of completion by June 1, 2016. Motion passed by acclamation.***

Joseph Abler from Antelope County lacking 1.25 CLE hours. There was a discussion regarding the hours that he teaches be allowed for CLE hours. Stolz stated that up to 5 hours can be used to count towards CLE hours. Bauers asked if she would need a syllabus on the class in order to grant the credit and it was agreed that would be the case.

***Motion***

***A motion was made by Bowen and seconded by Eatherton to recommend to the Crime Commission that an extension be granted to Joseph Abler from Antelope County for 1.25 CLE hours, contingent upon receiving confirmation of completion by June 1, 2016. Motion passed by acclamation.***

Malina Dobson from Douglas County lacking 15 CLE hours.

***Motion***

***A motion was made by Bowen and seconded by Lammler to recommend to the Crime Commission that an extension be granted to Malina Dobson from Douglas County for 15 CLE***

*hours, contingent upon receiving confirmation of completion by June 1, 2016. Motion passed by acclimation.*

Paulette Merrell from Douglas County lacking 4 CLE hours.

*Motion*

*A motion was made by Lammler and seconded by Eatherton to recommend to the Crime Commission that an extension be granted to Paulette Merrell from Douglas County for 4 CLE hours, contingent upon receiving confirmation of completion by June 1, 2016. Motion passed by acclimation.*

George Vinton from Hooker County lacking .5 CLE hours. Brueggemann stated that this is the same attorney who has been behind year after year.

*Motion*

*A motion was made by Bowen and seconded by Lammler to recommend to the Crime Commission that an extension be granted to George Vinton from Hooker County for .5 CLE hours, contingent upon receiving confirmation of completion by June 1, 2016. Motion passed by acclimation with Brueggemann dissenting.*

Steve Vinton from Logan County lacking CLE hours.

*Motion*

*A motion was made by Eatherton and seconded by Lammler to recommend to the Crime Commission that an extension be granted to Steve Vinton from Logan County for missing CLE hours, contingent upon receiving confirmation of completion by June 1, 2016. Motion passed by acclimation.*

Louie Ligouri from Nemaha County, lacking 4.5 CLE hours.

*Motion*

*A motion was made by Schmidt and seconded by Bowen to recommend to the Crime Commission that an extension be granted to Louie Ligouri from Nemaha County for 4.5 CLE hours, contingent upon receiving confirmation of completion by June 1, 2016. Motion passed by acclimation.*

Amy Miller from Pierce County lacking 6 CLE hours.

*Motion*

*A motion was made by Lammler and seconded by Eatherton to recommend to the Crime Commission that an extension be granted to Amy Miller from Pierce County for 6 CLE hours,*

*contingent upon receiving confirmation of completion by June 1, 2016. Motion passed by acclimation.*

Lee Polikov from Sarpy County lacking 3.5 CLE hours.

*Motion*

*A motion was made by Schmidt and seconded by Bowen to recommend to the Crime Commission that an extension be granted to Lee Polikov from Sarpy County for 3.5 CLE hours, contingent upon receiving confirmation of completion by June 1, 2016. Motion passed by acclimation.*

Aaron Conn from Sheridan County lacking 1.5 Crimes Against Children hours.

*Motion*

*A motion was made by Schmidt and seconded by Lammler to recommend to the Crime Commission that an extension be granted Aaron Conn from Sheridan County for 1.5 Crimes Against Children hours, contingent upon receiving confirmation of completion by June 1, 2016. Motion passed by acclimation.*

Steve Schmidt from Lancaster County lacking 1 Crimes Against Children hour.

*Motion*

*A motion was made by Eatherton and seconded by Lammler to recommend to the Crime Commission that an extension be granted to Steve Schmidt from Lancaster County for 1 Crimes Against Children hour, contingent upon receiving confirmation of completion by June 1, 2016. Motion passed by acclimation. Schmidt abstaining.*

**B. Proposed changes**

There was a brief discussion to finalize the form.

*Motion*

*A motion was made by Bowen and seconded by Eatherton to recommend to the Crime Commission that the new form be approved for reporting all CLE hours with the recommended changes. Motion passed by acclimation.*

Lammler asked how an agenda is approved for inclusion on the website. Bauers replied that she follows the following process. Once received it is read and number of hours are determined by the length of a class. Breaks and lunches are not included in hours granted. Additionally, each class is checked to see if it meets the Crimes Against Children requirement. Then it is posted on the website. Lammler asked if there were any seminars that are automatically placed on the website and Bauers responded no. Each year starts fresh and new agendas must be submitted in order to be listed.

Bauers stated that the problem she runs into is that if a course is listed on the MCLE website, then people assume that the Crime Commission has also approved it and therefore don't submit an agenda.

Stolz stated that there are sustained courses that have automatic approval. There was a discussion over what is listed and what is not. Some of the courses listed are no longer being offered, but are still listed in statute. Stolz suggested that perhaps it's time to overhaul the rules and regulations which haven't been updated in years. Stolz further stated that the system needs to be streamlined and adapted to the changes in how courses are offered and by whom.

Stolz stated that right now County Attorneys have to report to two entities, the Supreme Court and the Crime Commission, and each has different requirements. Stolz further stated that perhaps if it's approved by MCLE then it's automatically approved by this body. A method would have to be established so that would be possible.

Discussion ensued regarding the fact that MCLE is better equipped to handle it and has the ability to do all the reporting online. There are problems that would have to be worked out, but Stolz felt that it would be worth looking into and then report back to this body.

Stolz stated that he would be willing to look into how to change the Rules and Regulations to be a better fit since they haven't been looked at in years. Stolz stated that option one would be for it to remain in the Crime Commission and update the requirements. However, he stated that would still be double reporting. Option three would be turn it all over to MCLE. Option two would keep everything in place, but streamline the process.

Stolz suggested that if all the hours could be reported to one place, but Crime Commission staff would be granted access to get a spreadsheet with attorney's listed hours. McCullough suggested that if she could send to the Crime Commission the same spreadsheet that is submitted to the MCLE, then those hours could be tallied directly and County Attorneys wouldn't have to report them.

Stolz summarized that the new form should be presented and approved. Then the next step would be present to the full Association that the County Attorney Association spreadsheet should be shared with the Crime Commission. And finally that there is a list of courses such as the MCLE that would be automatically approved without submitting an agenda.

Stolz suggested that deadline dates be included in the new Rules and Regulations. Brueggemann suggested that there something to address extensions, and Bauers suggested also being able to carryover hours from one year to the next.

## **V. Next Meeting**

The next meeting was tentatively planned for Wednesday, October 26, 2016 beginning at 12:00 PM in Omaha at the County Attorneys Convention at the Embassy Suites in the Old Market.

**VI. Adjournment**

There being no further business, the meeting was adjourned by Chairperson Waterman at 2:50 PM.

Respectfully submitted,



Ann Bauers  
Administrative Assistant