



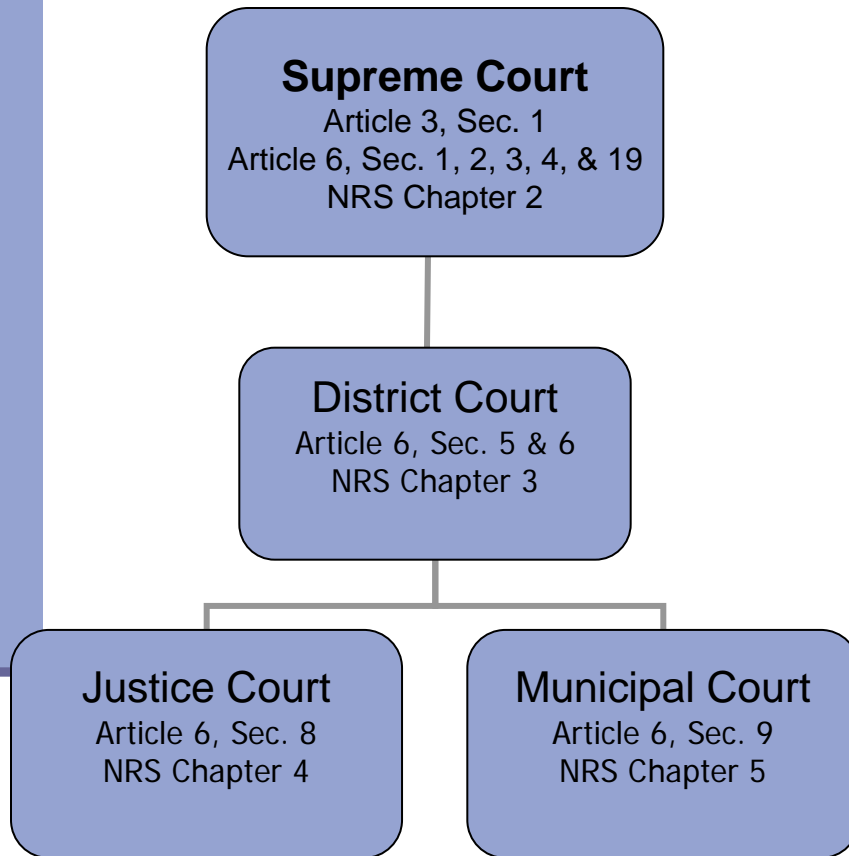
Judicial Branch Overview

Michael L. Douglas, Chief Justice

Senate Judiciary Committee
Tuesday, February 8, 2011
8:00 a.m.

Judicial Branch Organization

Judicial Branch Generally, NRS Chapter 1



The Constitution provides for the establishment of the Judicial Branch. The Judicial Branch resolves both public and private disputes by applying laws established through the legislative process and based upon prior state Supreme Court decisions.

Supreme Court

Article 6, Sec. 1, 2, 3, 4, & 19; NRS Chapter 2

- 7 Justices, staggered terms
- Sits in 3-judge panels and en banc
- Administers the Nevada Judicial Branch
- Appellate jurisdiction for all civil & criminal cases from District Court
- Power to issue *writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus*
- Licensure and discipline of lawyers
- Appellate review for judicial discipline
- Funding in the next biennium: 66.2% Administrative Assessment revenue (NRS 176.059); 33.2% General Fund appropriation; .6% other fees (automation fees, photo copy service charges)
- 77% of the Supreme Court's General Fund Appropriation funds the Justices' Salaries, District Court Judge Salaries, and the Judicial Retirement System.

Supreme Court

Article 6, Sec. 1, 2, 3, 4, & 19; NRS Chapter 2

Fiscal Year	Cases Filed	Cases Disposed	Published Opinions
2006	2,086	2,129	122
2007	2,132	2,193	98
2008	2,238	1,959	90
2009	2,152	2,167	98
2010	2,266	2,419	63

Nevada Supreme Court Caseload Compared with Selected Other States

Characteristics of Nevada and Other Selected Appellate Courts With and Without Courts of Appeals.

All data from respective states' most recent annual report or web page (2008, 2009).

	Nevada	Montana ^a	Maine ^a	Arizona ^{a,b}	New Mexico ^a	Kansas ^a	Utah ^{a,b}
Population rank ^c	35	44	41	14	36	33	34
	Court of Appeals						
Justices				22	10	13	7
En banc or panels				Panels	Panels	Both	Panels
Cases filed & granted ^d				3,535 ^f	928 ^f	1,830 ^f	871 ^f
Cases per justice				161	93	141	124
	Supreme Court						
Justices	7	7	7	5	5	7	5
En banc or panels	Both	Both	En Banc	Both	En Banc	En Banc	En Banc
Cases filed & granted ^d	2,266	627 ^f	733 ^f	1,023 ^f	601 ^f	1,215 ^f	593 ^f
Cases per justice	324	90	105	205	120	174	119

^a Supreme Court has discretion in case review.

^b Court of Appeals has discretion in case review.

^c Source: U.S. Census Bureau, Population Estimates Program: September 2009 website <http://factfinder.census.gov>.

^d Includes mandatory cases and discretionary petitions filed and granted, unless otherwise noted.

^f Includes mandatory cases and total discretionary petitions filed. Number of filings granted for review not available.

District Courts

Article 6, Sec. 5 & 6; NRS Chapter 3

- 9 Judicial Districts, 17 county courts
- 82 Judges (as of January 1, 2011)
- Court of general jurisdiction
- Jurisdiction -
 - Preside over cases of felony and gross misdemeanor crimes; civil matters above \$10,000; and family law cases, including juvenile crimes (exclusive), abuse, and neglect. Conduct jury and non-jury trials. Rule on legal issues. Hear appeals of Justice and Municipal Court cases.
- Funding Source
 - District Judges' salaries – State General Fund Appropriation
 - Staff, facilities, & operations – County General Fund and Civil Filing Fees

Fiscal Year	Cases Filed	Cases Disposed
2008	126,370	103,258
2009	132,180	127,137
2010	131,641	120,732

Justice Courts

Article 6, Sec. 8; NRS Chapter 4

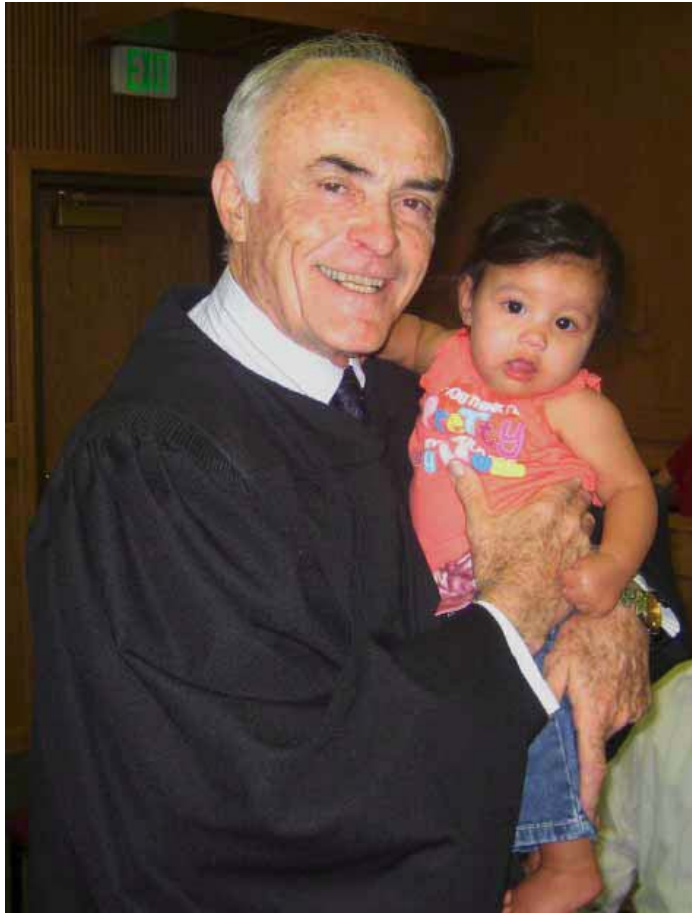
- 65 judgeships (as of January 1, 2011)
- Courts of limited jurisdiction
- Jurisdiction: Preside over preliminary matters of felony and gross misdemeanor cases, traffic and other misdemeanor cases, civil matters up to \$10,000, small claims (up to \$5,000), and landlord tenant disputes. Issue temporary protective orders and warrants.
- In fiscal year 2009, nontraffic cases filed – 231,739 and traffic charges filed – 543,745
In fiscal year 2010, nontraffic cases filed – 219,440 and traffic charges filed – 516,383 (373,352 cases)
- Funding source: County General Fund
- 9 judges serve as both Justice of the Peace and Municipal Court Judge

Municipal Courts

Article 6, Sec. 9; NRS Chapter 5

- 30 judgeships (as of Jan. 1, 2011)
- Court of limited jurisdiction
- Jurisdiction: Preside over misdemeanor and traffic cases in incorporated communities; limited civil.
- In fiscal year 20089, nontraffic cases filed – 57,497 and traffic charges filed – 368,440
In fiscal year 2010, nontraffic cases filed – 55,519 and traffic charges filed – 347,175
- Funding source: City General Fund
- 9 judges serve as both Justice of the Peace and Municipal Court Judge

Specialty Courts



(Photo Courtesy of the Second Judicial District)

**“THERE IS NO GREATER FEELING
THAN TO HOLD THE YOUNG CHILD
OF A GRADUATING MOTHER IN YOUR
ARMS.**

**A YOUNG CHILD OF A
GRADUATING MOTHER:
THE GREATEST SUCCESS OF
SPECIALTY COURTS.”**

Peter Breen
Senior District Court Judge
Washoe County Specialty Court Program

Specialty Courts

- The first specialty court in Nevada was started in 1991 in Clark County.
- The first rural drug court program was started in 2001 (Western Regional Drug Court).
- The first mental health court was established in 2001 in Washoe County.
- Funding for specialty courts was secured by the Nevada Legislature in 2003 with the passage of AB29.
- In 2005, specialty court programs became available in all 17 of Nevada's Counties.

Specialty Courts

- 42 Specialty Courts programs throughout Nevada in FY 2010
- In FY 2010, over 3,400 defendants received treatment via specialty court programs, and 1,300 of these defendants graduated from their specialty court program
- 57 drug-free babies born to participants
- Funding in the next biennium:
 - \$7 specialty court administrative assessment (NRS 176.0613)
 - Felony bond forfeitures (10% to Specialty Courts, NRS 178.518)
 - 12% of the Judicial Branch share of general administrative assessment revenue (NRS 176.059)
- Total Specialty Court Revenue in FY 2010: \$8,381,508

Specialty Courts by Region

■ Western Region

- Western Regional Adult Drug Court (5 programs)
- Carson City & Storey County Juvenile Drug Court
- Carson City Felony DUI Court
- Carson City Mental Health Court

■ Washoe Region

- Second Judicial District
 - Adult Drug Court
 - Family Drug Court
 - Felony DUI Court
 - Juvenile Drug Court
 - Mental Health Court
 - Prison Re-Entry Court
 - Veterans Court
- Reno Justice Court Alcohol and Drug Court
- Sparks Municipal Court Alcohol and Drug Court
- Reno Municipal Court Alcohol and Drug Court (2 programs)

■ Eastern Region

- Elko County Juvenile and Adult Drug Courts
- White Pine County Adult Drug Court (2 programs)

■ Fifth Judicial District

- Nye County Juvenile and Adult Drug Courts

■ Central Region

- Humboldt County Adult Drug Court
- Lander County Adult Drug Court
- Pershing County Adult Drug Court

■ Clark Region

- Eight Judicial District
 - Adult Drug Court
 - Child Support Drug Court
 - Family Drug Court
 - Felony DUI Court
 - Juvenile Drug Court
 - Mental Health Court
 - Prison Re-Entry Drug Court
- Las Vegas Justice Court Adult Drug and DUI (2 programs) Courts
- Las Vegas Municipal Adult Drug, DUI, Habitual Offender, and Female Prostitution Courts
- Henderson Municipal Habitual Offender Court

Business Courts

- WDCR 2.1; EDCR 1.61
- Business Court Jurisdiction
 - Corporate Disputes
 - Business to Business Disputes

Table 9. Summary of Business Court Caseloads, Fiscal Years 2009-2010.

Court	New Case Filings		Cases Transferred In		Case Dispositions		Pending Cases at Year End		Average Time to Disposition (Mo.)	
	FY	FY	FY	FY	FY	FY	FY	FY	FY	FY
	2010	2009	2010	2009	2010	2009	2010	2009	2010	2009
Second Judicial District										
Washoe County District Court	16	102	22	100	44	45	88	94	14	11
Eighth Judicial District										
Clark County District Court	247	614	NR	149	499	468	628	838	18	15

NR Not reported.

Administrative Assessments

■ History

- 1983, \$10 assessment
- 1985, \$10 assessment redistributed
- 1987, assessment schedule \$10 - \$100, Executive Branch agencies added
- 1989, same schedule, redistributed
- 1991, same schedule, distribution by percentages
- 1997, assessment schedule \$15 - \$105, more for cities/counties
- 2001, redistribution and revised receipts versus general fund appropriations
- 2003, assessment schedule \$25 - \$115, added \$7 specialty court assessment
- 2007, 48% of the Judicial Branch share to the Supreme Court (was 60%) and 12% to specialty court programs
- 2009, AOC share was changed to 36.5% to fund operations, judicial education, and USJR
- 2010 Special Session, AA scheduled increased by \$5 to go straight to the general fund

Administrative Assessments (AA)

Order of Payment for Misdemeanor AA

Fine	Assessment
■ \$5 to \$49	\$30
■ 50 to 59	45
■ 60 to 69	50
■ 70 to 79	55
■ 80 to 89	60
■ 90 to 99	65
■ 100 to 199	75
■ 200 to 299	85
■ 300 to 399	95
■ 400 to 499	105
■ 500 to 1,000	120

Distribution:	
1 st	\$30 to \$120 Assessment of that \$2 Juveniles \$7 Local Court fund \$5 General Fund remainder to State Controller for Judicial Branch 51%, Executive Branch 49%
2 nd	\$10 Court facilities (optional)
3 rd	\$7 Specialty Court
Last	Fine State (exclusively for Distributive School Account per Constitution, Article 11, Sec. 3), County, and City General Funds

Administrative Assessments

Where do the proceeds go?

- **Local courts**

- \$2, Juvenile court
- \$7, Court collecting assessment

- **\$5 to State General Fund**

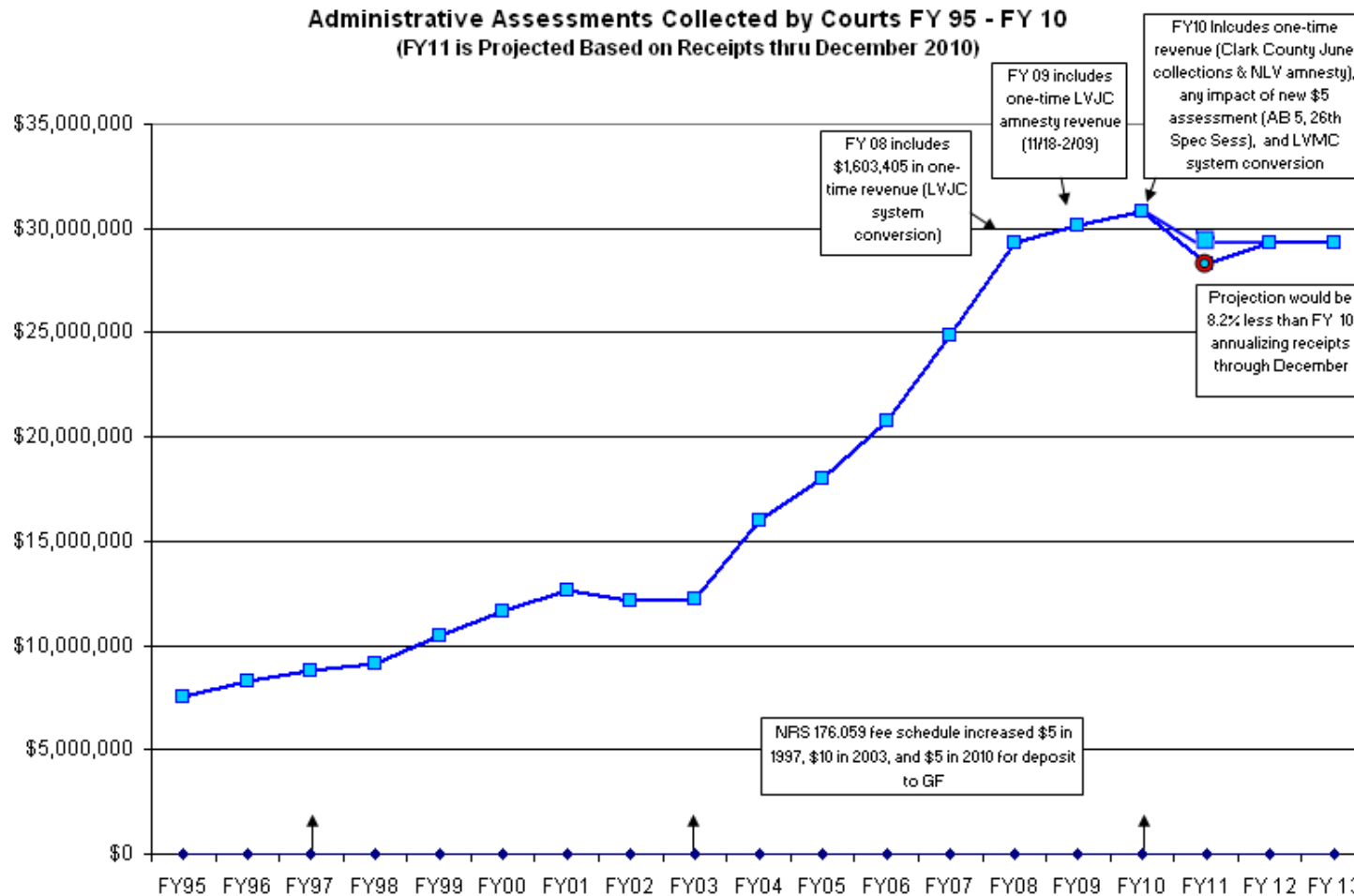
- **Judicial Branch**

- Not less than 51% of remainder
 - 48% to Supreme Court
 - 36.5% to AOC for
 - Judicial Education
 - AOC Operations
 - USJR
 - 12% to Specialty Courts
 - 3.5% to Senior Judge Program

- **Executive Branch**

- Not more than 49% of remainder to
 - Criminal History Repository
 - Fund for Compensation of Victims of Crime
 - POST
 - DPS Computer System
 - Council for Prosecuting Attorneys
 - AG's Office Domestic Violence Programs

Administrative Assessment Revenue Statewide by Fiscal Year Judicial Branch and Executive Branch Share



The court cannot project growth in the revenue without an increase to the fee schedule in NRS 176.059, or an increase in the number of officers that issue misdemeanor citations, or more strict requirements for judges in how they reduce or eliminate fines that are assessed.

Administrative Office of the Courts

■ Legislative mandated or requested reports

- Alternative dispute resolution (biennial)
- Specialty Court funding (biennial)
- Uniform system for judicial records (annual)

■ Roles to assist with Judicial Branch administration

- Administrative support such as budgets, personnel, benefits, policies, legislation, etc.
- Education of judges and court staff
- Trial court services such as court interpreter certification, specialty court funding, and coordination with other agencies
- Technology (e.g., state sponsored case management system, justice integration, assist w/ NV Offense Codes)

AOC Work by Division

- Administration
 - Budget Preparation, Management, and Accounting
 - Human Resources/Payroll
 - Facilities Management
 - Judicial Branch Audits
- Judicial Programs and Services
 - Court Interpreter Certifications
 - Court Improvement Program for dependent children
 - Specialty Court programs
 - Interaction and coordination with federal, state, and local agencies
 - Commission support – Article 6; JCSN Preservation, Access and Sealing of Court Records; Indigent Defense Commission
 - Judicial Education (including court staff)

AOC Work by Division

- Information Technology
 - Supreme Court support
 - E-filing
 - Document management system
 - Appellate Court case management system
 - Trial Court support
 - State-sponsored case management system
 - Criminal Justice Integration
 - Nevada Offense Codes
 - Judicial Branch support
 - Manage and maintain all servers and databases for the above support projects
 - Maintain hardware and software throughout Supreme Court
- Legal Division
 - Supreme Court and AOC Policies and Procedures
 - Senior Judge Program (SCR 10)
 - Contract Development
 - Limited Jurisdiction Courts Bench Book
 - Human Resources Compliance

Foreclosure Mediation Program (FMP)

- Created by AB149 (2009) to be administered by the Nevada Supreme Court and governed by Supreme Court Rule (SCR). FMP is part of AOC.
- Funded by increased fee for filing a notice of default and intent to sell.
- The State of Nevada Foreclosure Mediation Program (FMP) was created during the 2009 session of the Nevada Legislature. FMP was added to NRS Chapter 107. The purpose of FMP is to directly address the foreclosure crisis and to help keep families in their homes. FMP also provides an opportunity for homeowners and lenders to discuss alternatives to foreclosure.
- Mediating a foreclosure action is fast, inexpensive, and cost effective. Mediation is a give-and-take process that lets the homeowner and lender – with the assistance of a trained mediator – seek a mutually acceptable resolution to their mutual dilemma. By working together to explore the various options, agreements are often reached.

FMP Data FY 2010

- Notices of Default and Intent to Sell: 79,232
- Requested Mediations: 8,738
- Assigned Mediations: 6,614
- Mediations Completed: 4,212
- Percentage of Mediations not Ending in Foreclosure: 89%
- Percentage of Homes Retained by Owner after Mediation: 74%
- Number of Mediations Appointed and Trained: 270

Judicial Council of the State of Nevada

The Judicial Council of the State of Nevada (JCSN) is made up of representatives from all levels of courts, from all the regions of the State.

The Judicial Council of the State of Nevada shall...

- Develop and recommend... policies for the administration of the judiciary.
- Consider issues forwarded to it by the Supreme Court and/or Chief Justice.
- Review proposed legislation affecting the courts ...
- Recommend legislation and/or rules ... to the Supreme Court.
- Establish committees to develop minimum standards, to be recommended to the Supreme Court.
- Develop recommendations ... for the improvement of Nevada's courts and the statewide court system.

Special Supreme Court Commissions and Committees

- Commission on Preservation, Access, and Sealing of Court Records
- Indigent Defense Commission
- Specialty Court Funding
- Article 6 Commission
- Court Improvement Program
- Access to Justice Commission
- Bench/Bar Committee
- Committee to Revise Standardized Protection Order Forms