

Committee in session at 8:05 a.m. Senator Floyd R. Lamb was in the Chair.

PRESENT: Senator Floyd R. Lamb, Chairman
Senator James I. Gibson, Vice Chairman
Senator Norman D. Glaser
Senator Thomas R. C. Wilson
Senator Lawrence E. Jacobsen
Senator Clifford E. McCorkle

ABSENT: Senator Eugene V. Echols

OTHERS: Mr. Ronald W. Sparks, Chief Fiscal Analyst
PRESENT: Mr. Eugene Pieretti, Deputy Fiscal Analyst
Mr. Howard Barrett, Budget Director
Mr. Frank Daykin, Legislative Counsel
Chief Justice John Mowbray, Supreme Court
Mr. John DeGraff, Judicial Planning Unit
Mr. Mike Brown, Judicial Planning Unit
Mr. Bob Davenport, Supreme Court Clerk
Ms. Catherine Finnegan, Assistant Librarian, Supreme Court Law Library
Mr. John Capone, Employee Management Relations Board
Ms. Carol Vilaro, Employee Management Relations Board
Mr. John Rice, Associated Press
Mr. Cy Ryan, United Press International

SUPREME COURT

Those representing the Supreme Court were Chief Justice John Mowbray, Mr. John DeGraff, Mr. Mike Brown and Mr. Bob Davenport.

Mr. Frank Daykin, Legislative Counsel, explained the Court Order regarding the Legislature's authority to set salaries in the courts and placing their employees in the Unclassified Salary Bill.

Chief Justice Mowbray read his testimony to the Committee. (See Attachment A.)

Mr. DeGraff stated the salary changes were to bring them into line with those people that practice before the court. The \$32,677 salary for the legal advisor is the same as that being received by the Chief Deputy Attorney General. The Court Administrator's salary is currently more in line with salaries paid court administrators in other states. The Court felt that those are reasonable salaries.

Senator Lamb asked what was the point of the Legislature setting salaries, if the court is not going to adhere to it.

Senator Gibson asked how they funded the changes. Mr. DeGraff replied it was from a multitude of sources; salary savings on people who left, and some savings in operating and equipment. There was no one place it was funded from.

SUPREME COURT - New Positions - Page 146

Mr. Brown, from the Judicial Planning Unit, distributed Attachment B. He stated the new positions in the Supreme Court deal with the caseload that has doubled. These positions would provide a section in the court to engage in a very intensive screening process in cases brought to the court; because currently the volume of those cases is not manageable with the present staffing. The gap, between the filings and the dispositions, is growing; it has been building up at a tremendous rate for the last three years.

Senator Wilson asked Mr. DeGraff what was the extent of staff review of this budget after it is prepared. He said that he understood his (Mr. Brown's) position as being exempt from the budget act. Senator Wilson asked if this also meant that there is no

review of the budget itself in caseloads and positions with the Department of Administration. Mr. DeGraff said that was correct. The Supreme Court budget is exempt from review by the Executive Branch.

Senator Wilson asked if they felt they were exempt from review by the Legislature. Mr. DeGraff said no; regarding the three salaries that were changed by the Court, the Court felt they were reasonable. The Court has now adopted a personnel classification system which is identical to the Executive Branch classified system.

Senator Wilson reminded Mr. DeGraff that his question had to do with budget procedure. He wanted to know if it was a fact that their budget was not reviewed by the legislative staff. Mr. DeGraff said that was correct. Senator Wilson stated that time to meet with the legislative staff is before the Legislature convenes.

Senator McCorkle asked them to be more specific in their caseload. Mr. Brown stated that the caseload inventory has increased. New filings are not the only measures to workload. The Supreme Court has reached its saturation point in cases. Each time the filings go above 700 or 800, then those are the cases that can't be handled. They go into the inventory.

Senator McCorkle asked Mr. Brown to go into their inventory. He noted that they had an average in 1977 of about 500 in their inventory, and now they are looking at 800. That is a 40 percent increase. Again, that does not relate to the 72 percent increase in funding requested. Mr. Brown replied that the projection of caseload files will continue to grow. Mr. Brown stated they estimated a rate of less than 10 percent for the next biennium despite the 30-40 percent filing increase over the last five years. Mr. Brown said they are going to be building up the work in process, the inventory, and the total caseload in three or four years to where it is going to be over 2,000, as opposed to the 1,000 historically. The increase in the budget is to try to eliminate the 700 cases now, because two years from now, with additional filings, there will be over 1,000 cases in process.

Senator Wilson asked how the staff reduces the caseload. Mr. Brown said the dispositions by the court are basically in three areas: one is the written opinion, one is the per curiam, and the third is by order. The dispositions by order are approximately half of the dispositions of the court. There may be a number of things wrong with them that the staff can look at, point out and not take a justice's time. The time-consuming parts are the written opinions and the per curiams. The opinions are 10-15 percent of the caseload. The addition in staff would not affect the opinions. But the dispositions by order, which provide a review of everything coming in prior to the justice's having to write an opinion, are over half the caseload.

Mr. Brown said this new section would only be in effect for about two years, because they are looking at an existing workload that in a year and a half, or perhaps two years, would be assigned to the additional staff to dispose of.

Senator Gibson asked where they were going to put these people. Mr. Brown said that in Equipment they have requested money for partitions and paneling to divide up existing space in the Supreme Court. Aside from that they have no place to put them if they do not get the funding.

Mr. Brown explained that, based upon their projection, they are not totally confident that in two years they will get the caseload down to a manageable level. It is growing tremendously right now. If the files grow like they did in 1975-77, they have another problem.

Senator Jacobsen stated that last session, they authorized 37 positions and today it shows that they have 42. He said, realizing the

workload has increased, is it their intent to continue to increase staff without the blessing of the Legislature.

Chief Justice Mowbray replied that it was not; the staff increase was the result of the Legislature. He said the constitutional amendments made the Chief Justice administer the state court system. He said the Legislature put it all in motion; that they have set it up and now they have to live with it. The Chief Justice continued that the Legislature commanded them to do it; and if they want it done, the Court needs the tools to do the job. He said he was being frank about it. The Chief Justice went on to say that the Legislature had set up the administrative office of the courts on King Street where Mr. DeGraff and Mr. Brown are doing a great job. He said that if they want them to buy toilet paper in Winnemucca and pay the bill out there, that is fine.

The Chief Justice remarked further that if they look at the over all cost of the courts, for the people, if it was added up it would be a very small part. The courts serve such a vital need to the whole government and the people. He added that he certainly adheres to the philosophy that there is a duty to the people to keep these costs down. He said it isn't as if they (the Court) willfully run up a big personnel organization on their own in the Supreme Court. The big increases have come from the administrative office which is the result of the constitutional amendments. He said that the Legislature had set the thing in motion, now the question is what they are going to do with it.

Senator Lamb asked about the \$10,000-\$18,000 for equipment. Mr. Brown said the \$10,000 in the first year is to partition the existing space. The \$18,000 is for an electronic filing system and some other initial equipment. The Supreme Court Clerk's office is tremendously cramped for space. They have filing cabinets all over the place. With the high ceilings they have in that building, it is extremely well-suited to file vertically rather than horizontally.

Senator Wilson asked how effectively he utilizes his personnel. How can the Committee understand how they function in the Supreme Court, do they have timesheets, etc. Mr. Brown replied that just this year they have created personnel policies and rules which the Supreme Court is expected to adopt. Chief Justice Mowbray added that each Justice is responsible for his own staff. Then there is the other part of the Supreme Court. It is headed by Mr. William Richards. The big expansion is down on King Street where the administrative office is; there are 14 employees there.

Senator Wilson's question was how does the Committee make a judgment on the cost-effective utilization of staff. Justice Mowbray said they know their own personnel in their courts are carrying out their duties because of the supervision by the individual justices; that they can tell the kind of work Mr. Richard's staff is doing from seeing what they do. Justice Mowbray added that he has asked for a breakdown of the duties of everyone on his staff to study.

Senator Wilson's feeling was that the Committee's difficulty is that they are unable to judge the cost effectiveness of the use of their people (and maybe it is very cost-effective) but looking at sterile numbers on a piece of paper called a budget isn't very helpful. He went on to ask if there is some kind of time budgeting for a legal researcher or a law clerk where it can be demonstrated how that time is spent per caseload and how the time is assigned. He asked Mr. DeGraff, from an administrative viewpoint, how he handled it. Mr. DeGraff answered that he was not sure that he could judge the cost-effectiveness of each position.

Senator Wilson asked how they knew if they were effectively using the people. Mr. DeGraff said it was a subjective evaluation based on his evaluation of the staff. He added it is a subjective

evaluation based on his performance and the performance of his office with the Chief Justice and the rest of the court. He said that they do keep time records.

Senator Lamb asked them if they would put something in writing for the Committee. Senator Lamb said that if the Committee had any more questions regarding their answers, they would call them back in. He asked them to please justify the enormous increases in their budget.

Supreme Court Law Library

Ms. Catherine Finnegan, Assistant Librarian for the Supreme Court Law Library, read her testimony on behalf of the Law Library. (See Attachment C.)

Senator Lamb said that in all their budgets, their positions are unclassified. He wanted to know if it was their intent to have the court systems unclassified. Mr. Brown said that was not their intent. He said they had gone through the Executive Branch and placed their positions in grades and steps for every position, except five. The five remaining unclassified are the Supreme Court Clerk, the Legal Advisor, the Deputy Legal Advisor and the Deputy Director.

Supreme Court Administrative Offices - Page 150

Mr. Brown said this was the budget of the administrative offices which has been a portion of the Supreme Court budget for the last two years. He added that they have requested the Budget Office to set up a new budget.

Senator McCorkle wanted to know if this is an administrative arm of the court system, are the new positions solely because of the increase in the new positions in the Supreme Court. Mr. Brown replied they were not. Senator McCorkle then asked why they need the new administrative people which he would consider being separate from their legal caseload demands. Mr. Brown said the primary function of the office is to take over a tremendous burden from the Supreme Court such as accounting, personnel functions, purchasing, etc.

Senator Lamb stated that it is a problem for the Committee by not having all of these facts ahead of time. He said in the future if they could get the material to the Committee in advance, it would be much more helpful.

Mr. Brown said they are attempting to put in some kind of a personnel system in an environment which has never had one. Senator McCorkle asked why they couldn't work with the present Personnel Division. Mr. Brown replied that if the present Personnel Division could have a person assigned to the Judicial Branch, it would work.

Senator Lamb asked that everyone involved with the Supreme Court return to the Committee at 7:30 a.m. the next day (Feb. 7).

EMPLOYEE MANAGEMENT RELATIONS BOARD - Page 129

Ms. Carol Vilaro and Mr. John Capone represented the board and presented testimony to the Committee.

Ms. Vilaro recommended the elimination of a position that was requested. With the elimination of that position, their budget will be reduced by \$3,275. There was another minor expenditure of \$350 which is for longevity and she said it was no longer necessary.

Ms. Vilaro said that in the legislative package which was due to go before the Government Affairs Committee, a recommendation was made within that package which would change the structure of the Advisory Committee. In so changing, it reduces from 10 members to 6, which should have an impact of approximately \$900 for the next biennium if it is approved.

Senator Lamb stated that In-State Travel for 1977-78 was \$1,863. He asked if she was thinking about cutting down on the Commission. Ms. Vilaro replied with very few exceptions. One of them being in communications. Ms. Vilaro said they have requested the In-State Travel to remain the same because they do not know where the board cases are going to take them. Of the three commissioners, there are two from the South and one from the North. They are figuring on two meetings a month. They are not always necessary, but are in the budget because of not knowing what cases will come up.

Senator Gibson remarked to Ms. Vilaro that their caseload has decreased and is this trend continuing. Ms. Vilaro said she sure hoped it was. She added that as people become more familiar with the law, their caseload decreases. She said their training seminar in 1977 did a tremendous amount of good. They received letters from agencies who, because of the seminar, now knew what the Dodge Act means; and are able to proceed with the negotiations and get them resolved without having to come before the board. That really had an impact on reducing their caseload.

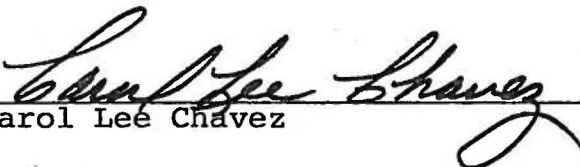
Senator Lamb asked what they would be going to seminars for. Ms. Vilaro replied that seminars are held every year for new board members.

Senator Gibson asked Ms. Vilaro how long she has been with the board. She replied since October 1977.

Senator McCorkle said she had eliminated a Clerical II position. How did that reflect in their positions here. Mr. Barrett stated that they shouldn't have put it in the budget in the first place.


Meeting adjourned at 10:00 a.m.

Respectfully submitted,



Carol Lee Chavez

APPROVED:



Floyd R. Lamb, Chairman

Senate Committee on Finance

Date Tuesday, February 6, 1979

Time 8:00 a.m. Room 231

Bills or Resolutions to be considered

Subject

Counsel Requested*

Budget Page 144 - 162

✓ Supreme Court

Page 795

Unified Court System

Page 511

Parole and Probation

Page 129

✓ Employee Management Relations Board

*Rescheduled
for 2/7/79
9:30
a.m.*

*Please do not ask for Counsel unless necessary.

Remarks By Chief Justice Mowbray

E X H I B I T A

Senate Finance Committee

February 6, 1979

Mr. Chairman, and members of the Senate Finance Committee. Before we get to a detailed analysis of the budget documents, I would like to take a few minutes this morning to speak with you about the 5 major areas in our budget presentation concerning the courts.

1. The Supreme Court caseload has more than doubled since 1974. Filings last year were nearly 1100. We are no longer able to keep pace with the filings, and the inventory of cases pending at the end of 1978 was 667 cases. Our current caseload is not manageable with current processing methods and staffing. We are changing our methods and requesting additional staff. This additional legal staff will be used in an aggressive program of case screening. The new staff will transfer over to create an experienced central legal staff for the intermediate appellate court, should it be created.
2. The Supreme Court Law Library is requesting the new position of cataloger in order to bring its methods of cataloging books into line with the modern Library of Congress method.
3. The last session of the Legislature, in Senate Concurrent Resolution 3, requested that the Supreme Court undertake a study of the feasibility of state funding of the court system. In

conducting that study, the Administrative Office of the Courts discovered that it would be ill-advised, if not impossible, to request full state funding of the courts at this session for two reasons: first, necessary information was either absolutely unavailable, or was available only through the expenditure of exorbitant amounts of time and effort; second, if we were to have received full state funding at this session, we would not have had the staff to implement a program of such magnitude. We, therefore, have come to this Legislature with a request for state funding of only certain portions of the court system. We expect to return to future legislative sessions with proposals to fund additional portions of the court system.

The portions we are requesting funding for are manageable, necessary to further improvements in the court system, and will provide some financial relief to cities and counties. We are requesting funding for an information system that will give us the information about the courts which we need in order to plan for the future and to make administrative decisions today. This information system, according to a cost benefits analysis, will slow the growth of court personnel costs which have increased dramatically during the past five years. We are requesting state funding of jury and witness fees in criminal cases, to be paid to the cities and counties on a cost reimbursement basis. This plan not only provides financial relief to the local entities, but gives us a method of obtaining information on jury management. We are requesting that the state fund the salaries of justices of the

peace and municipal court judges, based upon caseload and population. So that we may continue with the state funding of the courts in a coherent, well-considered, incremental basis, we have requested the formation of a select committee that will review staff studies on juvenile services, court facilities, court personnel, revenue dispositions, court operating costs, law libraries, and other state funding issues. The committee would assist in the preparation of recommendations for the 1981 Legislature. We are also requesting a small amount to support the travel requirements of the committee.

4. In order for the Administrative Office of the Courts to properly manage these programs, and to prepare for additional incremental state funding of the court system, as well as dealing with present budgets and statutory duties, we are requesting certain additional staff positions at the Administrative Office of the Courts.
5. We are requesting that the state fund judicial education for judges in all levels of the court system and for some judicial staff. As you know, education for justices of the peace and municipal court judges is presently paid for by the counties and cities through an assessment administered by the Administrative Office of the Courts. We feel that state funding would provide a two-fold benefit. First, it would provide some financial relief to the cities and counties, and second, it would maintain our high quality judicial education program which, in my opinion, is one of the finest in the nation.

SUPREME COURT
New Positions

Att. Gen. AB
2/6

E X H I B I T B

Deputy Legal Advisor

A second position is requested to provide a section head under the legal advisor responsible for selected staff research. This position is requested as equivalent to an unclassified position in the executive branch.

Legal Assistant II

This position is requested to provide a career pattern for existing staff (on one year appointment) in order to retain an experienced staff person. This person would be directly supervised by the Chief Justice. This position is requested at grade 41, step 1.

Legal Assistant I

We have requested five positions for the biennium. These positions are to provide legal research under the direction of a deputy legal advisor. The positions are requested at grade 39, step 1.

Management Assistant II

Two positions are requested to provide support to the deputy legal advisor, legal assistants, and to supervise other support staff. They are requested at grade 27, step 1.

Administrative Aide I

These positions are requested to provide support for the five requested legal assistants and three existing positions. These positions are requested at grade 19, step 1.

Finnegan

Finance Room 231
8:00 am

E XHIBIT C

e

Senator Lamb & members of the committee: I am Catherine Finnegan, Assistant Librarian for the Supreme Court Library. I would like to note that this proposed budget represents an increase of slightly more than 5% over our last ~~biennial~~ budget.

During the past year, we have started to convert our library catalog to the Library of Congress system. This entails sending copies of our existing catalog records--our cards--to a computer firm. They search their data base, and return to us cataloging records based on the Library of Congress system.

The advantages of this system over the one we have been using are:

XX

XX we will get a better return on our dollar investment in books with more efficient & ~~more~~ more convenient use of the collection, both for us, the staff of the library, & for our users, primarily because all the books on the same subject ~~will~~ will be ^{found} together on the shelf; we will have more immediate & convenient access to other law collections in the country, as this is a standardized system; and it will allow us to provide better service to other Nevada law libraries (we will actually be able to send, very little ^{at} cost, our entire catalog on microfiche to county law libraries; this will help them organize their collections, and let them know what is available from us.)

In line with this conversion, we are asking for one new position in the library, that of cataloger. We need a cataloger because when we get back information from the computer firm, it is raw datum; it has to be adapted to our library's needs. (That is, we need to make cross-references, notations as to currency, holdings, etc.) [Cataloging in this system requires both concentration & time; if either I or the Law Librarian were to have to do this, the administration & other services of the library would suffer.]

We are asking to hire at the lowest salary possible; this is a Librarian One ,
position at step 7 ~~in grade~~. The step in middle ^{of the} grade would allow us to
find someone with some experience in law library work.

Attachment A
2/16/79

REVISION

E XHIBIT A

Unified Court System - Page 795

Jury and Witness Fees - BDR 1120

The projected costs for fiscal year 1979-1980 and 1980-1981 are \$870,500 and \$974,400.

Because of the continuing growth in litigation, the request provides for contingency funds available through Interim Finance.

JURIS - BDR 1118

At the time of submission, funds were budgeted in each year of the biennium, with additional funding requested at the 1981 Legislature.

Staff met with the fiscal analysts at the suggestion of Mr. Mello subsequent to a meeting of the task force on full state funding. The fiscal analysts suggested that a one-shot appropriation for a specific time period be requested. Accordingly we made the request to the budget office, but the change is not reflected in the executive budget.

The \$3,550,000 in fiscal year 1979-1980 and the \$3,669,000 in fiscal year 1980-1981 should be changed as indicated on the attached budget sheet.

Judicial Education - BDR 1121

The narrative, while pertinent to state funding of the courts, should be deleted as the budget and narrative is provided for budget account 1487 (page 153).

Select Committee on State Funding of the Courts - BDR 1122

Funds have been requested to provide for a continuing study group on the issue of state funding of the courts. We have requested \$3,500.00 each year of the biennium for travel costs for this committee.

Salaries for Justices of the Peace and Municipal Court Judges - BDR 119

The funds are requested to support the state assumption of salary costs in accordance with the study done by our office. The salary total is \$1,380,520 each year, with estimate employer costs increasing this to \$1,634,696 in fiscal year 1979-1980 and \$1,639,196 in fiscal year 1980-1981.

ATTACH A

EXHIBIT A

REVISION

Budget Amount for Unified Court System - Page 795

	1979-1980	1980-1981
Jury and witness fees - BDR 1120	\$ 870,500	\$ 974,400 ¹
JURIS - BDR 1118	\$1,139,059	. 0 ²
Select Committee - BDR 1122	\$ 3,500	\$ 3,500
Salaries - BDR 1119	1,634,696	1,639,196
Judicial Education	<u>0³</u>	<u>0³</u>
	\$3,647,755	\$2,617,096

¹Additional reserve requested in BDR - Total \$1,500,000 set aside each year.

²Appropriation for fixed period through 1980-1981 fiscal year.

³See page 153 (B.A. 1487).

JURY AND WITNESS FEES

Jury and witness fees shown on the attached pages reflect our analysis of local budgets. In many instances the lack of budget detail has prevented the recording of exact expenditures or budgeted figures. In these instances we have looked at a court of approximately the same size and estimated the figures.

Also attached is a breakdown of legal service costs. These costs often include a multitude of expenditures that may pertain to jury and witness costs. They also include in some instances the costs of public defenders or court appointed attorneys we have been told, but to what degree we cannot say.

It is recommended that the state appropriate from the general fund sufficient money to fund these court related expenditures on a state-wide basis. It is recommended that the appropriation be made into one budget account. The cities and counties as they encounter costs in these areas, would then seek reimbursement through a specified and substantiated process as would be set forth by the the Administrative Office of the Courts.

The adoption of this program, in addition to relieving the cities and counties of an estimated financial burden, will eliminate the unexpected burden of a long and expensive trial.

The reimbursement process would provide monetary limits for reimbursement as well as guidelines for auditing. By strict adherence to these guidelines we can control costs and accurately report them.

As a further control, we recommend that the funding be handled in the following manner:

- A. Release \$250,000 on July 1, 1979;
- B. Reserve the balance in the contingency fund of the Interim Finance Committee; and
- C. Release additional funds as requested by the Administrative of the Courts.

LEGAL COSTS

Fiscal Year	1976-1977	89,308
Fiscal Year	1977-1978	90,350
Fiscal Year	1978-1979	95,200

The budget request for the biennium is:

Fiscal Year	1979-1980	108,000	
Fiscal Year	1980-1981	112,500	
	TOTAL		220,500

JURY COSTS

Fiscal Year	1976-1977	455,653
Fiscal Year	1977-1978	543,300
Fiscal Year	1978-1979	607,905

The budget request for the biennium is:

Fiscal Year	1979-1980	715,800	
Fiscal Year	1980-1981	810,100	
	TOTAL		1,525,900

WITNESS FEES

Fiscal Year	1976-1977	29,174
Fiscal Year	1977-1978	37,900
Fiscal Year	1978-1979	42,400

The budget request for the biennium is:

Fiscal Year	1979-1980	46,700	
Fiscal Year	1980-1981	51,800	
	TOTAL		97,500

SUMMARY

	<u>FY 1979-1980</u>	<u>FY 1980-1981</u>
Legal Costs	108,000	112,500
Jury Costs	715,800	810,100
Witness Fees	<u>46,700</u>	<u>51,800</u>
TOTALS	870,500	974,400

STATE FUNDING OF THE COURTS

E X H I B I T

Judicial Uniform Records Information System

The prepared material is very lengthy and detailed in the form of a needs analysis, action plan, and a budgetary breakdown. This information is available and can be provided upon request. Due to the quantity of copying required, we did not copy in advance of knowing the committees needs..

The summary figures are:

Developmental Costs

Personnel	\$ 631,767
Out-of-State Travel	9,500
In-State Travel	126,792
Operating	171,000
Equipment	<u>200,000</u>
	\$1,139,059

The project will involve fourteen people, two of whom are existing Administrative Office of the Courts staff. Upon completion of the development phase, six people will leave the project. This will leave six new positions to run the program beginning July 1, 1982.

These six new positions are estimated to cost \$118,000 in fiscal year 1980-1981. This figure would be increased by cost of living increases and merit increases. Our projection is that by July 1, 1982, personnel costs to operate the program will run approximately \$150,000. Aside from operational personnel, the cost of operation is estimated at \$150,000-\$175,000 per year.

The total annual operating cost after development is estimated at approximately \$300,000, beginning July 1, 1982.

We have asked for bill drafting assistance and BDR 1118 should be available soon. In this bill we have asked for a single appropriation, effective upon passage, for \$1,139,059 to be set up in a budget account for this project. All moneys would revert June 30, 1982, if not expended.

The operating budget for fiscal year 1982-1983 would be submitted to the 1981 Legislature.

TASK FORCE

E XHIBIT

Because of the magnitude of full state funding and the numerous political and economic factors involved, staff recommends that the Legislature appropriate funds to continue a task force through the biennium. The appropriated funds would be solely used for the meetings of the task force.

The task force would meet three times a year in each year of the biennium. Staff recommends appropriations of \$2500 for each year of the biennium. Any additional expenses of the meetings would be funded from federal grants or other appropriations.

Staff recommends that the task force consist of two assemblymen, two senators, one representative of the county commissioners, one representative of the League of Cities, the president of the Nevada Judges Association, the president of the Nevada District Judges Association, the president of the Nevada Association of Court Clerks and Administration, the state court administrator, and the Chief Justice of the Nevada Supreme Court.

Members of the task force would serve without pay but would receive per diem and travel expenses.

Materials prepared by staff would be reviewed by this task force and presented to the Judicial Planning Council with recommendations.

The staff of the Administrative Office of the Courts recommends the following areas for study:

Juvenile Services

We recommend that an independent study be done of juvenile services in Nevada. The study should encompass juvenile court operations, probation and detention. In addition, jurisdictional responsibility and funding should be addressed by the study.

Court Facilities and Equipment

The Administrative Office of the courts has completed an initial study of lower court facilities. District court facilities have not been surveyed. No inventory of court equipment exists either. These areas can be completed by the Administrative Office of the Courts by the 1981 Legislative Session.

Personnel

The administrative Office of the Courts has developed a set of personnel rules for the court system. The rules are currently under review by the Supreme Court. We recommend that the impact of state funding on court personnel be analyzed by the Administrative Office of the Courts with regard to their employment contracts, to include fringe benefits and union affiliation.

Revenue Disposition

Uniform reporting of revenues in the court system is needed before a comprehensive analysis can be done. We recommend that standard accounting practices be implemented by the courts system and other governmental entities by 1981. In addition, we recommend that a standard bail schedule be implemented for all courts in the court system.

Operating Costs

We recommend that operating costs be analyzed by the Administrative Office of the Courts to include court reporting costs, rental costs for court rooms and offices, communication costs, and printing costs for forms and legal documents.

Law Libraries

Law libraries are currently funded by the counties. This has resulted in variations in legal material available to the legal community. We recommend that alternative means of funding these libraries be studied, as well as alternate methods of providing legal research to judges and public attorneys. Minimum standards for law libraries should be considered.

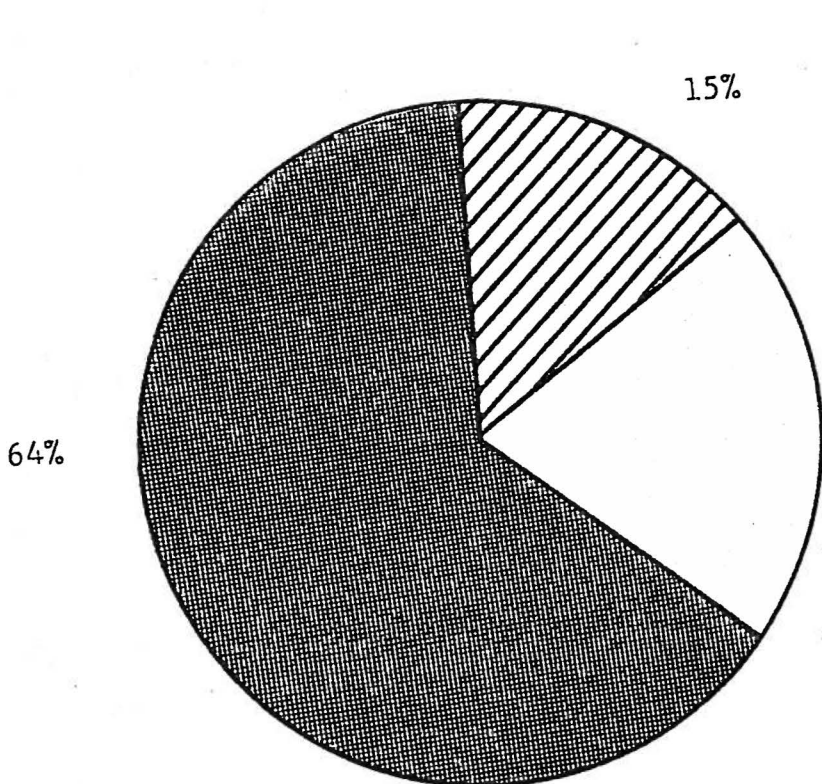
Jury and Witness Management

We recommend that the method of jury selection and the management of jurors be analyzed to provide the most equitable and economical means for selection and use of jurors.

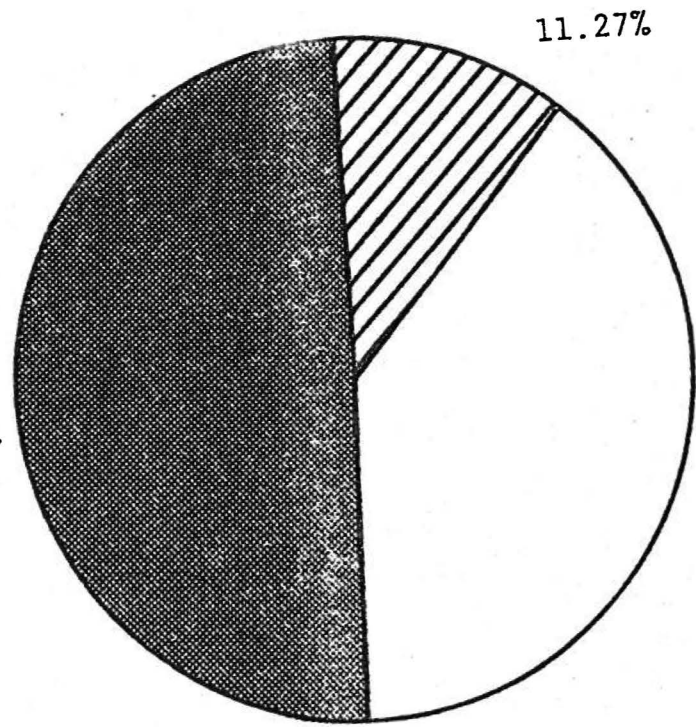
The management of witnesses should be studied with regard to methods for notification and coordination of witness for specific trials.

NEVADA COURT SYSTEM
 ADMINISTRATIVE OFFICE OF THE COURTS

JUDICIAL EXPENDITURES
 FY 78-79 - FY 79-80



FY 78-79
 CURRENT



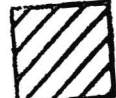
FY 79-80
 PROPOSED



STATE



COUNTY



CITY

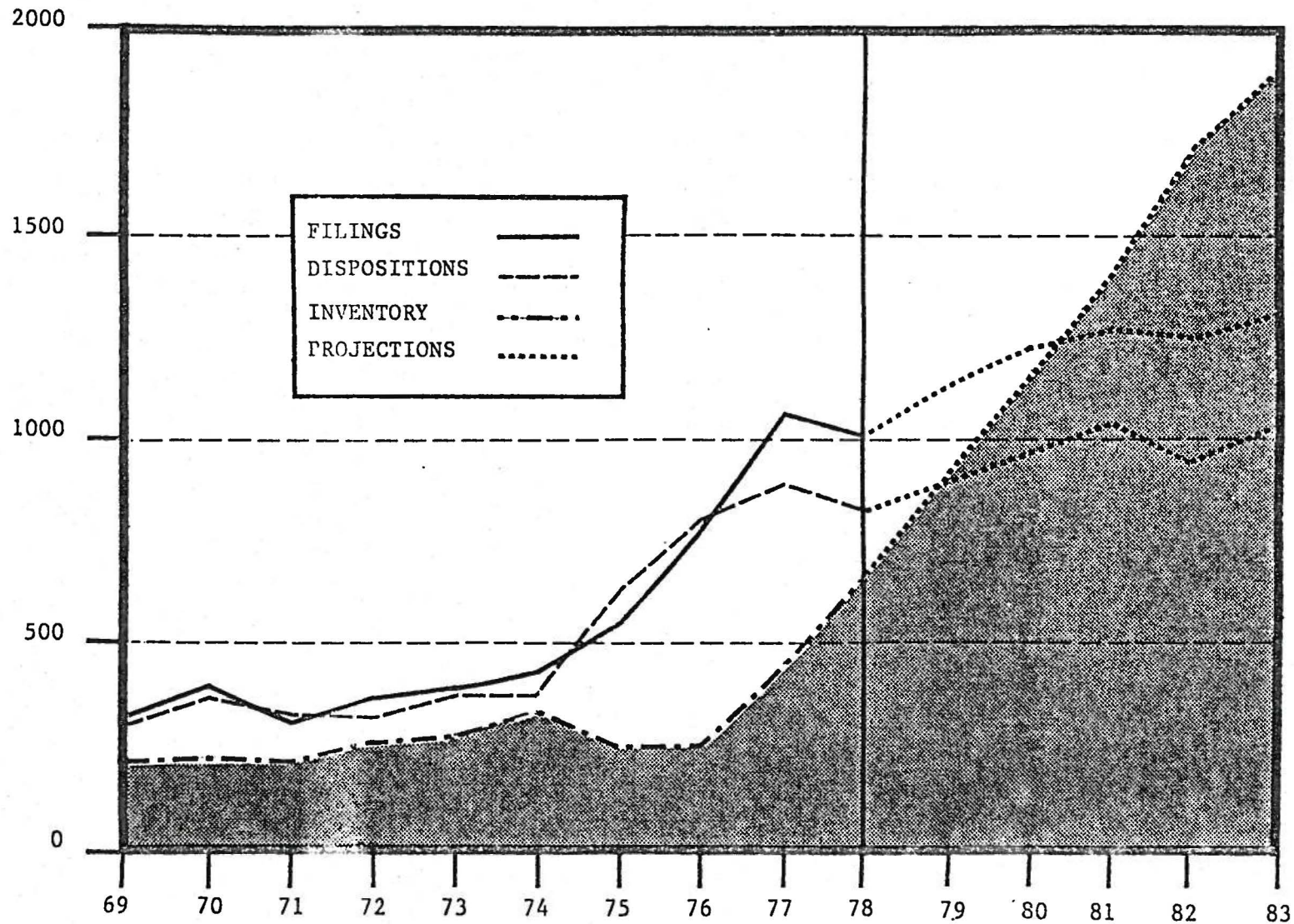
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EXHIBIT A

EXHIBIT B

NEVADA COURT SYSTEM
ADMINISTRATIVE OFFICE OF THE COURTS

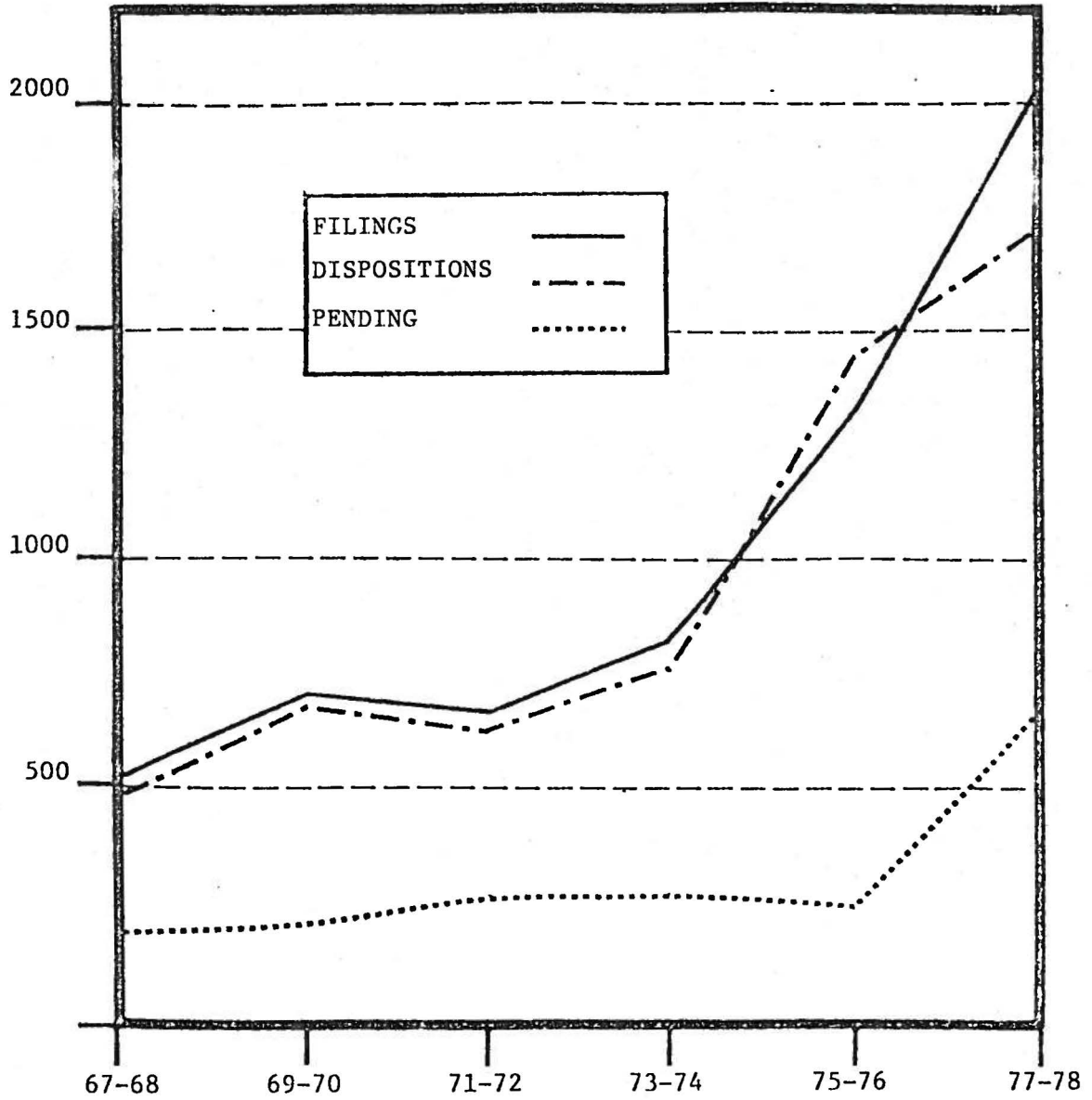
SUPREME COURT CASELOAD
1969 - 1978
PROJECTED TO 1983



Att. Inad C
2/6

NEVADA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS

Supreme Court Caseload
Biennial Totals
1967-1978



Attached D
2/6/79

ADMINISTRATIVE OFFICE OF THE COURTS

New Positions

Personnel Officer III

The position of personnel officer has been established to provide professional staff in the area of personnel. With the establishment of personnel rules, and the attendant administrative workload which encompasses the entire court system, the need for a trained personnel officer is paramount. The position has been established at grade forty-one with a budgetary request for grade forty-one, step nine to permit recruitment of an experienced person.

Internal Auditor

The increasing involvement of this office in a multitude of activities involving more than one dozen budgets and two dozen special projects has made the need for professional auditing on staff very critical. The need to further document accounting and purchasing procedures further testifies to this need. The position is established at grade thirty-one, but the budget request asks for funding at the grade thirty-one, step 13 level in order to attract experienced persons.

Account Clerk

The workload of the accounting section has grown commensurate with the budgets handled, projects run, and personnel dealt with. We have requested one position for the first fiscal year, and a second position beginning in the second year. Recruitment for our existing position has been unsuccessful at the entry level salary, grade twenty-one, step one, and we have requested a budget for grade twenty-one, step nine in order to attract competent personnel.

Administrative Assistant II

An Administrative Assistant II is requested to provide specific staff assistance with the Judicial Education program. The primary workload will be in the detail work of a technical nature in putting together seminars, training, and manuals. The expanded judicial education needs constant attention, and this position will enable the Programs Coordinator to develop and train. In addition, this position will be called upon for teaching duties in the various programs when material is presented that is of a managerial or administrative nature. The position is established at a grade thirty-three, step seven to allow for flexibility in recruitment.

Legal Assistant IV

This position is requested for legal support in several rapidly expanding areas of need. This position will develop and maintain expertise in the substantive and procedural law of judicial discipline, screen complaints to the Judicial Discipline Commission, advise the commission on legal issues, and assist the Commission with hearings. Additionally, this position is needed to assist in legal reference for rural judges, to provide legal research on court procedural problems, and to assist in the Judicial Education program as an instructor. The budget requests funding at the entry level of grade 45, step 1.

Management Assistant II

This position in Management Assistant series is requested to provide support for the Legal Assistants and the Administrative Assistant. The existing legal assistant has no clerical support and is supported as needed. The increasing workload in the legal areas has created a workflow problem throughout the office. This position has been requested at the entry level, grade twenty-seven, step one.

Administrative Aide II

This position in the Administrative Aide series is requested to provide support for the personnel officer, internal auditor, and accountant. The existing accountant has no support and must rely on others for assistance. The development of the personnel system, audit and accounting manuals, and budget policies will require support. This position has been requested at grade twenty-one, step five to allow recruitment for an employee with specific experience in the subject areas mentioned.

Committee in session at 8:05 a.m. Senator Floyd R. Lamb was in the Chair.

PRESENT: Senator Floyd R. Lamb, Chairman
Senator James I. Gibson, Vice Chairman
Senator Norman D. Glaser
Senator Thomas R. C. Wilson
Senator Lawrence E. Jacobsen
Senator Clifford E. McCorkle

ABSENT: Senator Eugene V. Echols

OTHERS: Mr. Ronald W. Sparks, Chief Fiscal Analyst
PRESENT: Mr. Eugene Pieretti, Deputy Fiscal Analyst
Mr. Howard Barrett, Budget Director
Mr. Frank Daykin, Legislative Counsel
Chief Justice John Mowbray, Supreme Court
Mr. John DeGraff, Judicial Planning Unit
Mr. Mike Brown, Judicial Planning Unit
Mr. Bob Davenport, Supreme Court Clerk
Ms. Catherine Finnegan, Assistant Librarian, Supreme Court Law Library
Mr. John Capone, Employee Management Relations Board
Ms. Carol Vilardo, Employee Management Relations Board
Mr. John Rice, Associated Press
Mr. Cy Ryan, United Press International

SUPREME COURT p.144

Those representing the Supreme Court were Chief Justice John Mowbray, Mr. John DeGraff, Mr. Mike Brown and Mr. Bob Davenport.

Mr. Frank Daykin, Legislative Counsel, explained the Court Order regarding the Legislature's authority to set salaries in the courts and placing their employees in the Unclassified Salary Bill.

Chief Justice Mowbray read his testimony to the Committee. (See Attachment A.)

Mr. DeGraff stated the salary changes were to bring them into line with those people that practice before the court. The \$32,677 salary for the legal advisor is the same as that being received by the Chief Deputy Attorney General. The Court Administrator's salary is currently more in line with salaries paid court administrators in other states. The Court felt that those are reasonable salaries.

Senator Lamb asked what was the point of the Legislature setting salaries, if the court is not going to adhere to it.

Senator Gibson asked how they funded the changes. Mr. DeGraff replied it was from a multitude of sources; salary savings on people who left, and some savings in operating and equipment. There was no one place it was funded from.

SUPREME COURT - New Positions - Page 146

Mr. Brown, from the Judicial Planning Unit, distributed Attachment B. He stated the new positions in the Supreme Court deal with the caseload that has doubled. These positions would provide a section in the court to engage in a very intensive screening process in cases brought to the court; because currently the volume of those cases is not manageable with the present staffing. The gap, between the filings and the dispositions, is growing; it has been building up at a tremendous rate for the last three years.

Senator Wilson asked Mr. DeGraff what was the extent of staff review of this budget after it is prepared. He said that he understood his (Mr. Brown's) position as being exempt from the budget act. Senator Wilson asked if this also meant that there is no

367-1

review of the budget itself in caseloads and positions with the Department of Administration. Mr. DeGraff said that was correct. The Supreme Court budget is exempt from review by the Executive Branch.

Senator Wilson asked if they felt they were exempt from review by the Legislature. Mr. DeGraff said no; regarding the three salaries that were changed by the Court, the Court felt they were reasonable. The Court has now adopted a personnel classification system which is identical to the Executive Branch classified system.

Senator Wilson reminded Mr. DeGraff that his question had to do with budget procedure. He wanted to know if it was a fact that their budget was not reviewed by the legislative staff. Mr. DeGraff said that was correct. Senator Wilson stated that time to meet with the legislative staff is before the Legislature convenes.

Senator McCorkle asked them to be more specific in their caseload. Mr. Brown stated that the caseload inventory has increased. New filings are not the only measures to workload. The Supreme Court has reached its saturation point in cases. Each time the filings go above 700 or 800, then those are the cases that can't be handled. They go into the inventory.

Senator McCorkle asked Mr. Brown to go into their inventory. He noted that they had an average in 1977 of about 500 in their inventory, and now they are looking at 800. That is a 40 percent increase. Again, that does not relate to the 72 percent increase in funding requested. Mr. Brown replied that the projection of caseload files will continue to grow. Mr. Brown stated they estimated a rate of less than 10 percent for the next biennium despite the 30-40 percent filing increase over the last five years. Mr. Brown said they are going to be building up the work in process, the inventory, and the total caseload in three or four years to where it is going to be over 2,000, as opposed to the 1,000 historically. The increase in the budget is to try to eliminate the 700 cases now, because two years from now, with additional filings, there will be over 1,000 cases in process.

Senator Wilson asked how the staff reduces the caseload. Mr. Brown said the dispositions by the court are basically in three areas: one is the written opinion, one is the per curiam, and the third is by order. The dispositions by order are approximately half of the dispositions of the court. There may be a number of things wrong with them that the staff can look at, point out and not take a justice's time. The time-consuming parts are the written opinions and the per curiams. The opinions are 10-15 percent of the caseload. The addition in staff would not affect the opinions. But the dispositions by order, which provide a review of everything coming in prior to the justice's having to write an opinion, are over half the caseload.

Mr. Brown said this new section would only be in effect for about two years, because they are looking at an existing workload that in a year and a half, or perhaps two years, would be assigned to the additional staff to dispose of.

Senator Gibson asked where they were going to put these people. Mr. Brown said that in Equipment they have requested money for partitions and paneling to divide up existing space in the Supreme Court. Aside from that they have no place to put them if they do not get the funding.

Mr. Brown explained that, based upon their projection, they are not totally confident that in two years they will get the caseload down to a manageable level. It is growing tremendously right now. If the files grow like they did in 1975-77, they have another problem.

Senator Jacobsen stated that last session, they authorized 37 positions and today it shows that they have 42. He said, realizing the

workload has increased, is it their intent to continue to increase staff without the blessing of the Legislature.

Chief Justice Mowbray replied that it was not; the staff increase was the result of the Legislature. He said the constitutional amendments made the Chief Justice administer the state court system. He said the Legislature put it all in motion; that they have set it up and now they have to live with it. The Chief Justice continued that the Legislature commanded them to do it; and if they want it done, the Court needs the tools to do the job. He said he was being frank about it. The Chief Justice went on to say that the Legislature had set up the administrative office of the courts on King Street where Mr. DeGraff and Mr. Brown are doing a great job. He said that if they want them to buy toilet paper in Winnemucca and pay the bill out there, that is fine.

The Chief Justice remarked further that if they look at the over all cost of the courts, for the people, if it was added up it would be a very small part. The courts serve such a vital need to the whole government and the people. He added that he certainly adheres to the philosophy that there is a duty to the people to keep these costs down. He said it isn't as if they (the Court) willfully run up a big personnel organization on their own in the Supreme Court. The big increases have come from the administrative office which is the result of the constitutional amendments. He said that the Legislature had set the thing in motion, now the question is what they are going to do with it.

Senator Lamb asked about the \$10,000-\$18,000 for equipment. Mr. Brown said the \$10,000 in the first year is to partition the existing space. The \$18,000 is for an electronic filing system and some other initial equipment. The Supreme Court Clerk's office is tremendously cramped for space. They have filing cabinets all over the place. With the high ceilings they have in that building, it is extremely well-suited to file vertically rather than horizontally.

Senator Wilson asked how effectively he utilizes his personnel. How can the Committee understand how they function in the Supreme Court, do they have timesheets, etc. Mr. Brown replied that just this year they have created personnel policies and rules which the Supreme Court is expected to adopt. Chief Justice Mowbray added that each Justice is responsible for his own staff. Then there is the other part of the Supreme Court. It is headed by Mr. William Richards. The big expansion is down on King Street where the administrative office is; there are 14 employees there.

Senator Wilson's question was how does the Committee make a judgment on the cost-effective utilization of staff. Justice Mowbray said they know their own personnel in their courts are carrying out their duties because of the supervision by the individual justices; that they can tell the kind of work Mr. Richard's staff is doing from seeing what they do. Justice Mowbray added that he has asked for a breakdown of the duties of everyone on his staff to study.

Senator Wilson's feeling was that the Committee's difficulty is that they are unable to judge the cost effectiveness of the use of their people (and maybe it is very cost-effective) but looking at sterile numbers on a piece of paper called a budget isn't very helpful. He went on to ask if there is some kind of time budgeting for a legal researcher or a law clerk where it can be demonstrated how that time is spent per caseload and how the time is assigned. He asked Mr. DeGraff, from an administrative viewpoint, how he handled it. Mr. DeGraff answered that he was not sure that he could judge the cost-effectiveness of each position.

Senator Wilson asked how they knew if they were effectively using the people. Mr. DeGraff said it was a subjective evaluation based on his evaluation of the staff. He added it is a subjective

267-3

evaluation based on his performance and the performance of his office with the Chief Justice and the rest of the court. He said that they do keep time records.

Senator Lamb asked them if they would put something in writing for the Committee. Senator Lamb said that if the Committee had any more questions regarding their answers, they would call them back in. He asked them to please justify the enormous increases in their budget.

Supreme Court Law Library P.148

Ms. Catherine Finnegan, Assistant Librarian for the Supreme Court Law Library, read her testimony on behalf of the Law Library. (See Attachment C.)

Senator Lamb said that in all their budgets, their positions are unclassified. He wanted to know if it was their intent to have the court systems unclassified. Mr. Brown said that was not their intent. He said they had gone through the Executive Branch and placed their positions in grades and steps for every position, except five. The five remaining unclassified are the Supreme Court Clerk, the Legal Advisor, the Deputy Legal Advisor and the Deputy Director.

Supreme Court Administrative Offices - Page 150

Mr. Brown said this was the budget of the administrative offices which has been a portion of the Supreme Court budget for the last two years. He added that they have requested the Budget Office to set up a new budget.

Senator McCorkle wanted to know if this is an administrative arm of the court system, are the new positions solely because of the increase in the new positions in the Supreme Court. Mr. Brown replied they were not. Senator McCorkle then asked why they need the new administrative people which he would consider being separate from their legal caseload demands. Mr. Brown said the primary function of the office is to take over a tremendous burden from the Supreme Court such as accounting, personnel functions, purchasing, etc.

Senator Lamb stated that it is a problem for the Committee by not having all of these facts ahead of time. He said in the future if they could get the material to the Committee in advance, it would be much more helpful.

Mr. Brown said they are attempting to put in some kind of a personnel system in an environment which has never had one. Senator McCorkle asked why they couldn't work with the present Personnel Division. Mr. Brown replied that if the present Personnel Division could have a person assigned to the Judicial Branch, it would work.

Senator Lamb asked that everyone involved with the Supreme Court return to the Committee at 7:30 a.m. the next day (Feb. 7).

EMPLOYEE MANAGEMENT RELATIONS BOARD - Page 129

Ms. Carol Vilardo and Mr. John Capone represented the board and presented testimony to the Committee.

Ms. Vilardo recommended the elimination of a position that was requested. With the elimination of that position, their budget will be reduced by \$8,275. There was another minor expenditure of \$350 which is for longevity and she said it was no longer necessary.

Ms. Vilardo said that in the legislative package which was due to go before the Government Affairs Committee, a recommendation was made within that package which would change the structure of the Advisory Committee. In so changing, it reduces from 10 members to 6, which should have an impact of approximately \$900 for the next biennium if it is approved.

367-4

Senator Lamb stated that In-State Travel for 1977-78 was \$1,863. He asked if she was thinking about cutting down on the Commission. Ms. Vilaro replied with very few exceptions. One of them being in communications. Ms. Vilaro said they have requested the In-State Travel to remain the same because they do not know where the board cases are going to take them. Of the three commissioners, there are two from the South and one from the North. They are figuring on two meetings a month. They are not always necessary, but are in the budget because of not knowing what cases will come up.

Senator Gibson remarked to Ms. Vilaro that their caseload has decreased and is this trend continuing. Ms. Vilaro said she sure hoped it was. She added that as people become more familiar with the law, their caseload decreases. She said their training seminar in 1977 did a tremendous amount of good. They received letters from agencies who, because of the seminar, now knew what the Dodge Act means; and are able to proceed with the negotiations and get them resolved without having to come before the board. That really had an impact on reducing their caseload.

Senator Lamb asked what they would be going to seminars for. Ms. Vilaro replied that seminars are held every year for new board members.

Senator Gibson asked Ms. Vilaro how long she has been with the board. She replied since October 1977.

Senator McCorkle said she had eliminated a Clerical II position. How did that reflect in their positions here. Mr. Barrett stated that they shouldn't have put it in the budget in the first place.

Meeting adjourned at 10:00 a.m.

Respectfully submitted,



Carol Lee Chavez

APPROVED:



Floyd R. Lamb, Chairman

267-5

Senate Committee on Finance

Date Tuesday, February 6, 1979

Time 8:00 a.m. Room 231

Bills or Resolutions
to be considered

Subject

Counsel
Requested*

Budget Page 144 - 162

✓ Supreme Court

Page 795

Unified Court System

Page 511

Parole and Probation

Page 129

✓ Employee Management Relations Board

*Rescheduled
for 2/7/79
9:30
a.m.*

Remarks By Chief Justice Mowbray
Senate Finance Committee,
February 6, 1979

Mr. Chairman, and members of the Senate Finance Committee. Before we get to a detailed analysis of the budget documents, I would like to take a few minutes this morning to speak with you about the 5 major areas in our budget presentation concerning the courts.

1. The Supreme Court caseload has more than doubled since 1974. Filings last year were nearly 1100. We are no longer able to keep pace with the filings, and the inventory of cases pending at the end of 1978 was 667 cases. Our current caseload is not manageable with current processing methods and staffing. We are changing our methods and requesting additional staff. This additional legal staff will be used in an aggressive program of case screening. The new staff will transfer over to create an experienced central legal staff for the intermediate appellate court, should it be created.
2. The Supreme Court Law Library is requesting the new position of cataloger in order to bring its methods of cataloging books into line with the modern Library of Congress method.
3. The last session of the Legislature, in Senate Concurrent Resolution 3, requested that the Supreme Court undertake a study of the feasibility of state funding of the court system. In

conducting that study, the Administrative Office of the Courts discovered that it would be ill-advised, if not impossible, to request full state funding of the courts at this session for two reasons: first, necessary information was either absolutely unavailable, or was available only through the expenditure of exorbitant amounts of time and effort; second, if we were to have received full state funding at this session, we would not have had the staff to implement a program of such magnitude. We, therefore, have come to this Legislature with a request for state funding of only certain portions of the court system. We expect to return to future legislative sessions with proposals to fund additional portions of the court system.

The portions we are requesting funding for are manageable, necessary to further improvements in the court system, and will provide some financial relief to cities and counties. We are requesting funding for an information system that will give us the information about the courts which we need in order to plan for the future and to make administrative decisions today. This information system, according to a cost benefits analysis, will slow the growth of court personnel costs which have increased dramatically during the past five years. We are requesting state funding of jury and witness fees in criminal cases, to be paid to the cities and counties on a cost reimbursement basis. This plan not only provides financial relief to the local entities, but gives us a method of obtaining information on jury management. We are requesting that the state fund the salaries of justices of the

peace and municipal court judges, based upon caseload and population. So that we may continue with the state funding of the courts in a coherent, well-considered, incremental basis, we have requested the formation of a select committee that will review staff studies on juvenile services, court facilities, court personnel, revenue dispositions, court operating costs, law libraries, and other state funding issues. The committee would assist in the preparation of recommendations for the 1981 Legislature. We are also requesting a small amount to support the travel requirements of the committee.

4. In order for the Administrative Office of the Courts to properly manage these programs, and to prepare for additional incremental state funding of the court system, as well as dealing with present budgets and statutory duties, we are requesting certain additional staff positions at the Administrative Office of the Courts.
5. We are requesting that the state fund judicial education for Judges in all levels of the court system and for some judicial staff. As you know, education for justices of the peace and municipal court judges is presently paid for by the counties and cities through an assessment administered by the Administrative Office of the Courts. We feel that state funding would provide a two-fold benefit. First, it would provide some financial relief to the cities and counties, and second, it would maintain our high quality judicial education program which, in my opinion, is one of the finest in the nation.

Att. General AB
2/6

SUPREME COURT
New Positions

EXHIBIT 9

Deputy Legal Advisor

A second position is requested to provide a section head under the legal advisor responsible for selected staff research. This position is requested as equivalent to an unclassified position in the executive branch.

Legal Assistant II

This position is requested to provide a career pattern for existing staff (on one year appointment) in order to retain an experienced staff person. This person would be directly supervised by the Chief Justice. This position is requested at grade 41, step 1.

Legal Assistant I

We have requested five positions for the biennium. These positions are to provide legal research under the direction of a deputy legal advisor. The positions are requested at grade 39, step 1.

Management Assistant II

Two positions are requested to provide support to the deputy legal advisor, legal assistants, and to supervise other support staff. They are requested at grade 27, step 1.

Administrative Aide I

These positions are requested to provide support for the five requested legal assistants and three existing positions. These positions are requested at grade 19, step 1.

Finnegan

File Room 231
8:00 am

EXHIBIT C

tc

Senator Lamb & members of the committee: I am Catherine Finnegan, Assistant Librarian for the Supreme Court Library. I would like to note that this proposed budget represents an increase of slightly more than 5% over our last ~~biennial~~ budget.

During the past year, we have started to convert our library catalog to the Library of Congress system. This entails sending copies of our existing catalog records--our cards--to a computer firm. They search their data base, and return to us cataloging records based on the Library of Congress system.

The advantages of this system over the one we have been using are:

XX



XX we will get a better return on our dollar investment in books with more efficient & ~~XXXXXX~~ more convenient use of the collection, both for us, the staff of the library, & for our users, primarily because all the books on the same subject ~~will~~ ^{found} be, together on the shelf; we will have more immediate & convenient access to other law collections in the country, as this is a standardized system; and it will allow us to provide better service to other Nevada law libraries (we will actually be able to send, ^{at} very little cost, our entire catalog on microfiche to county law libraries; this will help them organize their collections, and let them know what is available from us.)

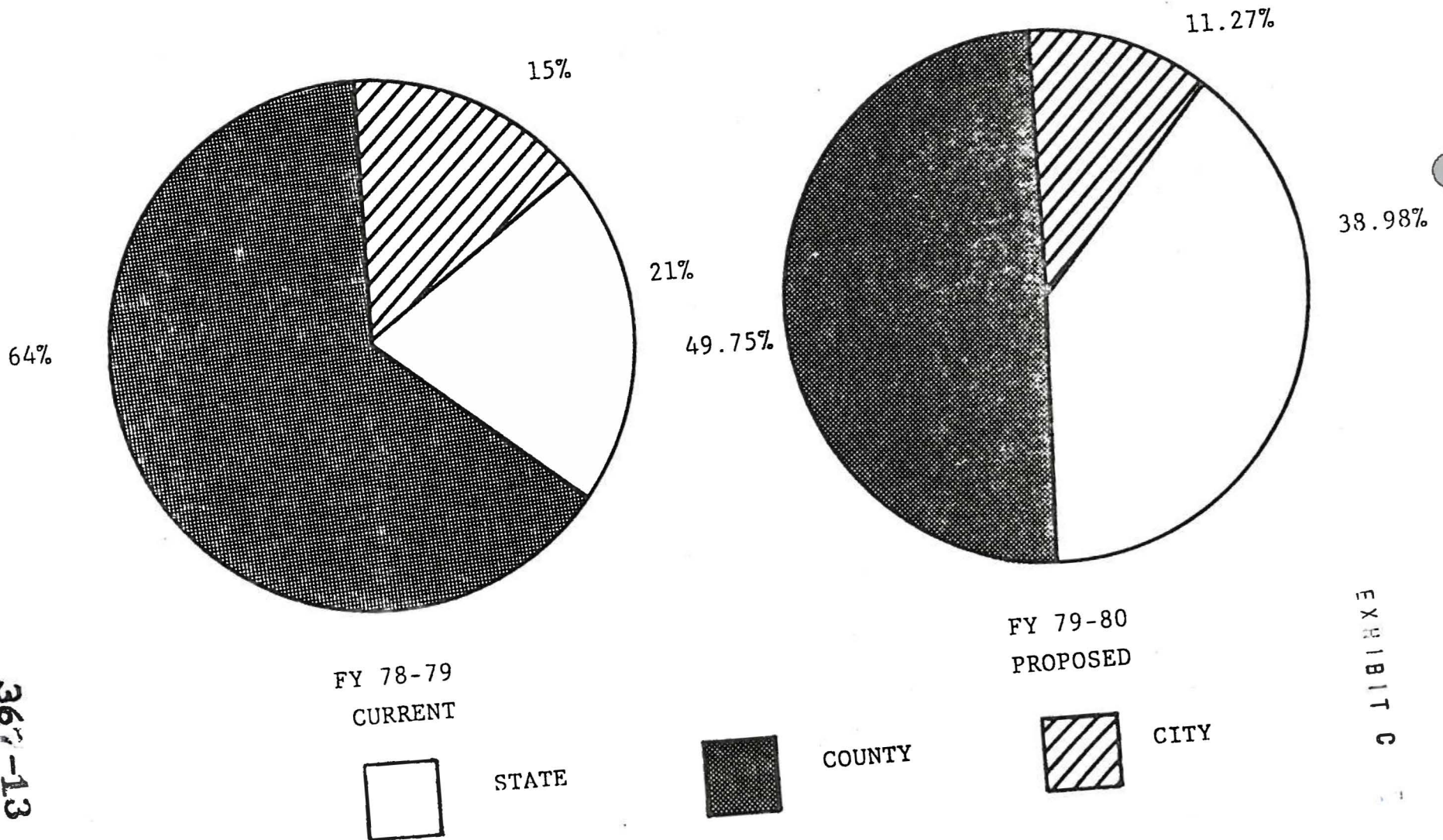
In line with this conversion, we are asking for one new position in the library, that of cataloger. We need a cataloger because when we get back information from the computer firm, it is raw datum; it has to be adapted to our library's needs. (That is, we need to make cross-references, notations as to currency, holdings, etc.) [Cataloging in this system requires both concentration & time; if either I or the Law Librarian were to have to do this, the administration & other services of the library would suffer.]

EXHIBIT C

We are asking to hire at the lowest salary possible; this is a Librarian One position at step 7 in ~~grade~~. The step in middle ^{of the} grade would allow us to find someone with some experience in law library work.

NEVADA COURT SYSTEM
 ADMINISTRATIVE OFFICE OF THE COURTS

JUDICIAL EXPENDITURES
 FY 78-79 - FY 79-80



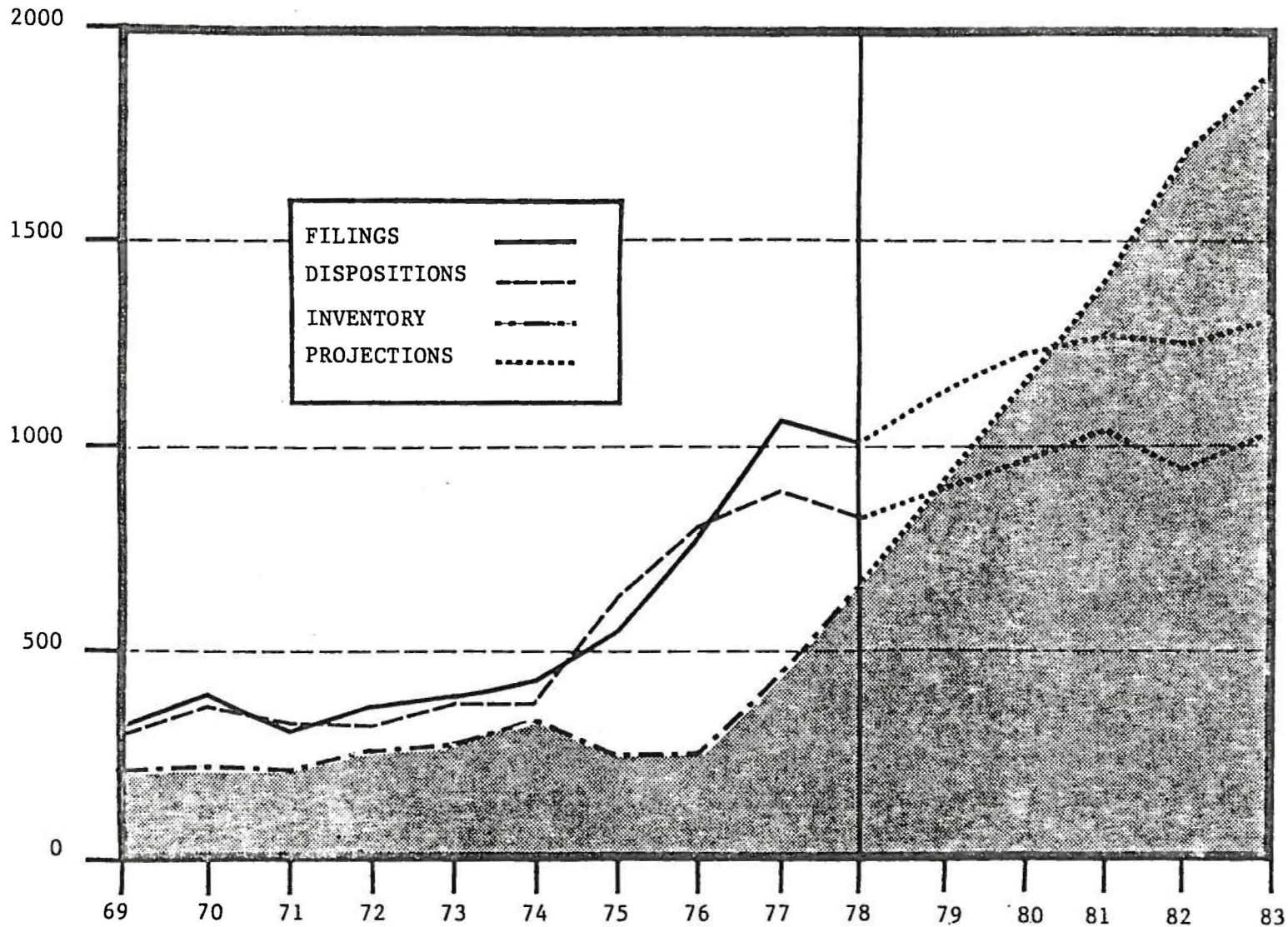
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EXHIBIT C

NEVADA COURT SYSTEM
ADMINISTRATIVE OFFICE OF THE COURTS

SUPREME COURT CASELOAD
1969 - 1978
PROJECTED TO 1983

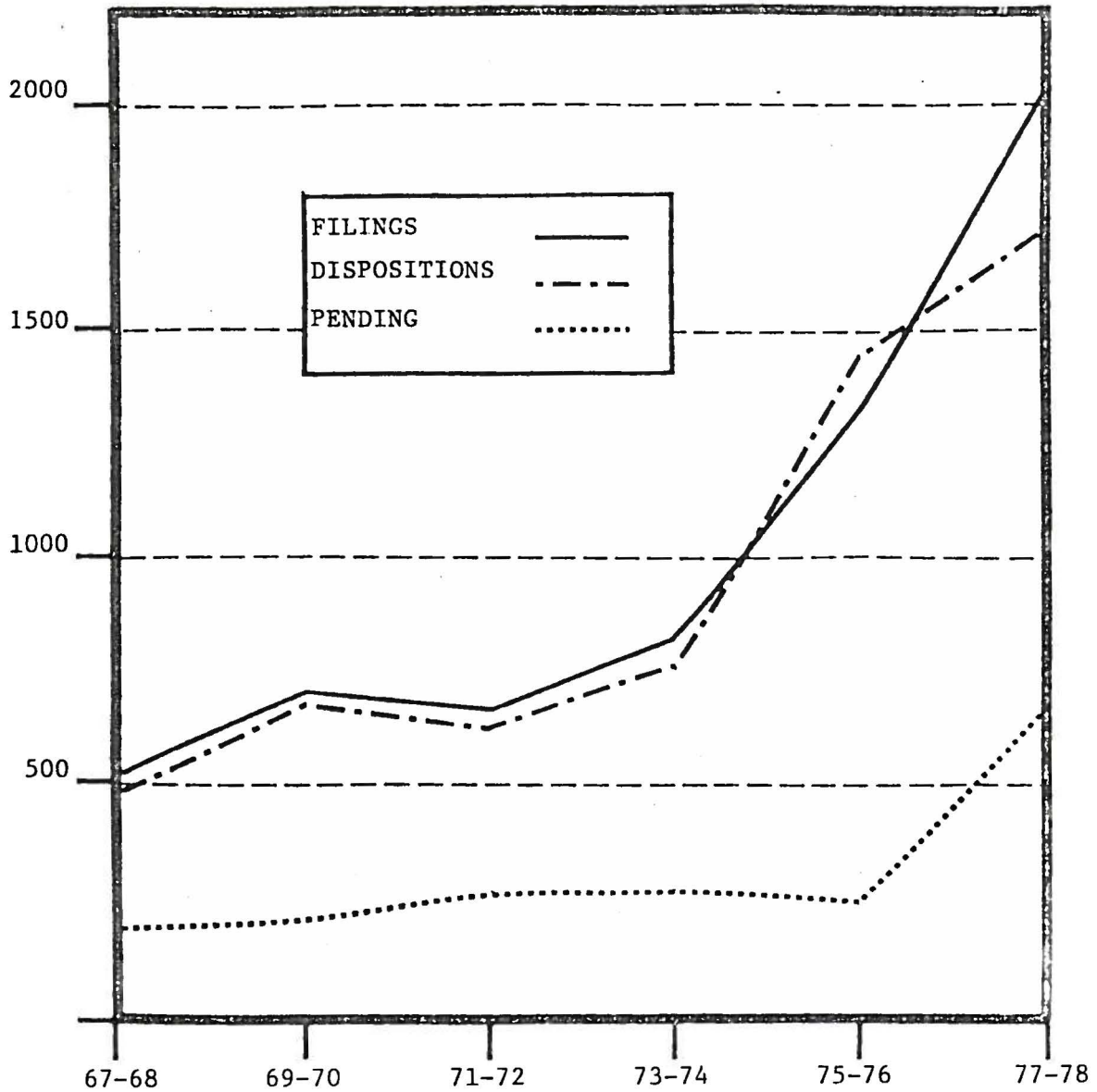
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NEVADA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS

EXHIBIT C

Supreme Court Caseload
Biennial Totals
1967-1978



ADMINISTRATIVE OFFICE OF THE COURTS

New Positions

EXHIBIT D

Personnel Officer III

The position of personnel officer has been established to provide professional staff in the area of personnel. With the establishment of personnel rules, and the attendant administrative workload which encompasses the entire court system, the need for a trained personnel officer is paramount. The position has been established at grade forty-one with a budgetary request for grade forty-one, step nine to permit recruitment of an experienced person.

Internal Auditor

The increasing involvement of this office in a multitude of activities involving more than one dozen budgets and two dozen special projects has made the need for professional auditing on staff very critical. The need to further document accounting and purchasing procedures further testifies to this need. The position is established at grade thirty-one, but the budget request asks for funding at the grade thirty-one, step 13 level in order to attract experienced persons.

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Attached A
2/6/79

REVISION

Unified Court System - Page 795

Jury and Witness Fees - BDR 1120

The projected costs for fiscal year 1979-1980 and 1980-1981 are \$870,500 and \$974,400.

Because of the continuing growth in litigation, the request provides for contingency funds available through Interim Finance.

JURIS - BDR 1118

At the time of submission, funds were budgeted in each year of the biennium, with additional funding requested at the 1981 Legislature.

Staff met with the fiscal analysts at the suggestion of Mr. Mello subsequent to a meeting of the task force on full state funding. The fiscal analysts suggested that a one-shot appropriation for a specific time period be requested. Accordingly we made the request to the budget office, but the change is not reflected in the executive budget.

The \$3,550,000 in fiscal year 1979-1980 and the \$3,669,000 in fiscal year 1980-1981 should be changed as indicated on the attached budget sheet.

Judicial Education - BDR 1121

The narrative, while pertinent to state funding of the courts, should be deleted as the budget and narrative is provided for budget account 1487 (page 153).

Select Committee on State Funding of the Courts - BDR 1122

Funds have been requested to provide for a continuing study group on the issue of state funding of the courts. We have requested \$3,500.00 each year of the biennium for travel costs for this committee.

Salaries for Justices of the Peace and Municipal Court Judges - BDR 119

The funds are requested to support the state assumption of salary costs in accordance with the study done by our office. The salary total is \$1,380,520 each year, with estimate employer costs increasing this to \$1,634,696 in fiscal year 1979-1980 and \$1,639,196 in fiscal year 1980-1981.

Legal Assistant IV

This position is requested for legal support in several rapidly expanding areas of need. This position will develop and maintain expertise in the substantive and procedural law of judicial discipline, screen complaints to the Judicial Discipline Commission, advise the commission on legal issues, and assist the Commission with hearings. Additionally, this position is needed to assist in legal reference for rural judges, to provide legal research on court procedural problems, and to assist in the Judicial Education program as an instructor. The budget requests funding at the entry level of grade 45, step 1.

Management Assistant II

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Administrative Aide II

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REVISION

Budget Amount for Unified Court System - Page 795

	1979-1980	1980-1981
Jury and witness fees - BDR 1120	\$ 870,500	\$ 974,400 ¹
JURIS - BDR 1118	\$1,139,059	0 ²
Select Committee - BDR 1122	\$ 3,500	\$ 3,500
Salaries - BDR 1119	1,634,696	1,639,196
Judicial Education	<u>0³</u>	<u>0³</u>
	\$3,647,755	\$2,617,096

¹Additional reserve requested in BDR - Total \$1,500,000 set aside each year.

²Appropriation for fixed period through 1980-1981 fiscal year.

³See page 153 (B.A. 1487).

JURY AND WITNESS FEES

Jury and witness fees shown on the attached pages reflect our analysis of local budgets. In many instances the lack of budget detail has prevented the recording of exact expenditures or budgeted figures. In these instances we have looked at a court of approximately the same size and estimated the figures.

Also attached is a breakdown of legal service costs. These costs often include a multitude of expenditures that may pertain to jury and witness costs. They also include in some instances the costs of public defenders or court appointed attorneys we have been told, but to what degree we cannot say.

It is recommended that the state appropriate from the general fund sufficient money to fund these court related expenditures on a state-wide basis. It is recommended that the appropriation be made into one budget account. The cities and counties as they encounter costs in these areas, would then seek reimbursement through a specified and substantiated process as would be set forth by the the Administrative Office of the Courts.

The adoption of this program, in addition to relieving the cities and counties of an estimated financial burden, will eliminate the unexpected burden of a long and expensive trial.

The reimbursement process would provide monetary limits for reimbursement as well as guidelines for auditing. By strict adherence to these guidelines we can control costs and accurately report them.

As a further control, we recommend that the funding be handled in the following manner:

- A. Release \$250,000 on July 1, 1979;
- B. Reserve the balance in the contingency fund of the Interim Finance Committee; and
- C. Release additional funds as requested by the Administrative of the Courts.

LEGAL COSTS

Fiscal Year	1976-1977	89,308
Fiscal Year	1977-1978	90,350
Fiscal Year	1978-1979	95,200

The budget request for the biennium is:

Fiscal Year	1979-1980	108,000	
Fiscal Year	1980-1981	112,500	
	TOTAL		220,500

JURY COSTS

Fiscal Year	1976-1977	455,653
Fiscal Year	1977-1978	543,300
Fiscal Year	1978-1979	607,905

The budget request for the biennium is:

Fiscal Year	1979-1980	715,800	
Fiscal Year	1980-1981	810,100	
	TOTAL		1,525,900

WITNESS FEES

Fiscal Year	1976-1977	29,174
Fiscal Year	1977-1978	37,900
Fiscal Year	1978-1979	42,400

The budget request for the biennium is:

Fiscal Year	1979-1980	46,700	
Fiscal Year	1980-1981	51,800	
	TOTAL		97,500

SUMMARY

	<u>FY 1979-1980</u>	<u>FY 1980-1981</u>
Legal Costs	108,000	112,500
Jury Costs	715,800	810,100
Witness Fees	<u>46,700</u>	<u>51,800</u>
TOTALS	870,500	974,400

STATE FUNDING OF THE COURTS

Judicial Uniform Records Information System

The prepared material is very lengthy and detailed in the form of a needs analysis, action plan, and a budgetary breakdown. This information is available and can be provided upon request. Due to the quantity of copying required, we did not copy in advance of knowing the committees needs.

The summary figures are:

Developmental Costs

Personnel	\$ 631,767
Out-of-State Travel	9,500
In-State Travel	126,792
Operating	171,000
Equipment	<u>200,000</u>
	\$1,139,059

The project will involve fourteen people, two of whom are existing Administrative Office of the Courts staff. Upon completion of the development phase, six people will leave the project. This will leave six new positions to run the program beginning July 1, 1982.

These six new positions are estimated to cost \$118,000 in fiscal year 1980-1981. This figure would be increased by cost of living increases and merit increases. Our projection is that by July 1, 1982, personnel costs to operate the program will run approximately \$150,000. Aside from operational personnel, the cost of operation is estimated at \$150,000-\$175,000 per year.

The total annual operating cost after development is estimated at approximately \$300,000, beginning July 1, 1982.

We have asked for bill drafting assistance and BDR 1118 should be available soon. In this bill we have asked for a single appropriation, effective upon passage, for \$1,139,059 to be set up in a budget account for this project. All moneys would revert June 30, 1982, if not expended.

The operating budget for fiscal year 1982-1983 would be submitted to the 1981 Legislature.

TASK FORCE

Because of the magnitude of full state funding and the numerous political and economic factors involved, staff recommends that the Legislature appropriate funds to continue a task force through the biennium. The appropriated funds would be solely used for the meetings of the task force.

The task force would meet three times a year in each year of the biennium. Staff recommends appropriations of \$2500 for each year of the biennium. Any additional expenses of the meetings would be funded from federal grants or other appropriations.

Staff recommends that the task force consist of two assemblymen, two senators, one representative of the county commissioners, one representative of the League of Cities, the president of the Nevada Judges Association, the president of the Nevada District Judges Association, the president of the Nevada Association of Court Clerks and Administration, the state court administrator, and the Chief Justice of the Nevada Supreme Court.

Members of the task force would serve without pay but would receive per diem and travel expenses.

Materials prepared by staff would be reviewed by this task force and presented to the Judicial Planning Council with recommendations.

The staff of the Administrative Office of the Courts recommends the following areas for study:

Juvenile Services

We recommend that an independent study be done of juvenile services in Nevada. The study should encompass juvenile court operations, probation and detention. In addition, jurisdictional responsibility and funding should be addressed by the study.

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The administrative Office of the Courts has developed a set of personnel rules for the court system. The rules are currently under review by the Supreme Court. We recommend that the impact of state funding on court personnel be analyzed by the Administrative Office of the Courts with regard to their employment contracts, to include fringe benefits and union affiliation.

Revenue Disposition

Uniform reporting of revenues in the court system is needed before a comprehensive analysis can be done. We recommend that standard accounting practices be implemented by the courts system and other governmental entities by 1981. In addition, we recommend that a standard bail schedule be implemented for all courts in the court system.

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We recommend that operating costs be analyzed by the Administrative Office of the Courts to include court reporting costs, rental costs for court rooms and offices, communication costs, and printing costs for forms and legal documents.

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Law libraries are currently funded by the counties. This has resulted in variations in legal material available to the legal community. We recommend that alternative means of funding these libraries be studied, as well as alternate methods of providing legal research to judges and public attorneys. Minimum standards for law libraries should be considered.

Jury and Witness Management

We recommend that the method of jury selection and the management of jurors be analyzed to provide the most equitable and economical means for selection and use of jurors.

The management of witnesses should be studied with regard to methods for notification and coordination of witness for specific trials.

Attached A
2/6/79

REVISION

Unified Court System - Page 795

Jury and Witness Fees - BDR 1120

The projected costs for fiscal year 1979-1980 and 1980-1981 are \$870,500 and \$974,400.

Because of the continuing growth in litigation, the request provides for contingency funds available through Interim Finance.

JURIS - BDR 1118

At the time of submission, funds were budgeted in each year of the biennium, with additional funding requested at the 1981 Legislature.

Staff met with the fiscal analysts at the suggestion of Mr. Mello subsequent to a meeting of the task force on full state funding. The fiscal analysts suggested that a one-shot appropriation for a specific time period be requested. Accordingly we made the request to the budget office, but the change is not reflected in the executive budget.

The \$3,550,000 in fiscal year 1979-1980 and the \$3,669,000 in fiscal year 1980-1981 should be changed as indicated on the attached budget sheet.

Judicial Education - BDR 1121

The narrative, while pertinent to state funding of the courts, should be deleted as the budget and narrative is provided for budget account 1487 (page 153).

Select Committee on State Funding of the Courts - BDR 1122

Funds have been requested to provide for a continuing study group on the issue of state funding of the courts. We have requested \$3,500.00 each year of the biennium for travel costs for this committee.

Salaries for Justices of the Peace and Municipal Court Judges - BDR 119

The funds are requested to support the state assumption of salary costs in accordance with the study done by our office. The salary total is \$1,380,520 each year, with estimate employer costs increasing this to \$1,634,696 in fiscal year 1979-1980 and \$1,639,196 in fiscal year 1980-1981.

Attachment A

REVISION

Budget Amount for Unified Court System - Page 795

	1979-1980	1980-1981
Jury and witness fees - BDR 1120	\$ 870,500	\$ 974,400 ¹
JURIS - BDR 1118	\$1,139,059	0 ²
Select Committee - BDR 1122	\$ 3,500	\$ 3,500
Salaries - BDR 1119	1,634,696	1,639,196
Judicial Education	<u>0³</u>	<u>0³</u>
	\$3,647,755	\$2,617,096

¹Additional reserve requested in BDR - Total \$1,500,000 set aside each year.

²Appropriation for fixed period through 1980-1981 fiscal year.

³See page 153 (B.A. 1487).

JURY AND WITNESS FEES

EXHIBIT

Jury and witness fees shown on the attached pages reflect our analysis of local budgets. In many instances the lack of budget detail has prevented the recording of exact expenditures or budgeted figures. In these instances we have looked at a court of approximately the same size and estimated the figures.

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