

The meeting was called to order at 8:05. Senator Close was in the Chair.

PRESENT: Senator Close  
Senator Hernstadt  
Senator Don Ashworth  
Senator Dodge  
Senator Ford  
Senator Raggio  
Senator Sloan

ABSENT: None

Norm Harring, State Public Defender, stated he was here to testify in response to a request by the committee, as they felt there might be a need for additional deputies. In response to Judge Yount's concern for greater services in Winnemucca and the Lovelock areas, at this time there are 5 deputies, which includes one full time in Elko. He has requested one additional deputy to be assigned to Judge Young's area. The case load in Pershing and Humboldt counties has increased, and is approximately 20% of the total case load in the state. The present budget does not allow for any support staff, office equipment, etc., but he has assurances from other agencies that he will receive some support from them in that vein. There is room in the court house in Winnemucca which will be made available to the State Public Defender, at no cost to that agency. Other ways supporting that deputy would be by using contractual funds, to contract the services of a secretary one day a week. Also, there would be a telephone answering services so that the deputy can receive his messages. He feels he needs one additional full time deputy right now that would be an appellate deputy, because of the workload that we have on the appellate level. The deputy that is currently handling it is also handling the felony and misdemeanor case load in Carson City. He stated he has implemented a program with several law schools that have appellate brief writing classes. He presents the issues to the classes, they in turn would brief the issues, then he could take their work and use it in his office, he then would provide the class with an evaluation. This plan, again, would be at no cost to the agency.

Senator Raggio stated, that Washoe and Clark had their own Public Defenders, and asked if there were any other counties that should have their own.

Mr. Harring stated that Carson and Douglas had considered it because they contributed \$108,000 and have approximately 51% of all the case load for the state. In Carson he gave them two deputies and one in Douglas, plus office staff and appellate work. The two counties reviewed it and found that they could not duplicate the services for the cost at this time.

Senator Raggio asked who handles investigations.

Mr. Harring stated that he does not have an investigator. Mr. Goff, (his predecessor), saw fit to abolish the job of investigator, for what reason is unknown.

Senator Raggio asked how this was handled.

Mr. Harring stated, that if there is a case which we believe investigation is needed, we petition the court for assignment of an investigation. Right now that occurs very infrequently.

Senator Raggio asked if there were funds available for training courses for his deputies.

Mr. Harring stated that he has \$1,000 in the out-of-state travel funds. This means that one deputy can go to Houston on one trip, or several deputies can go to San Francisco on several trips. He stated that he is applying for some federal funds to send his people to the Northwestern presentation in Chicago in June. He stated that he found when he took over that there were certain basic procedures that should be followed in every law office that were not being followed in the Public Defender's Office. These are now being instituted and the attorneys are very grateful for the fact that there is now some regularity in the schedules. He stated that he believes with some innovative schemes on his part that they can make it without increasing the budget right now.

SB 424 Removes obligation of counties and cities to pay share of cost of judicial instruction.

Terry Reynolds from the office of the Administrator of the Court stated, that he had with him Roy Bosswell from Search Group Inc., located in Sacramento, California, and that they would testify on this bill.

Mr. Reynolds stated that in the last 10 years the Court Administrator has looked at the need for statistics in trying to figure out what is happening in the courts as to case load, and what types of cases the judges are facing. The Legislature has tried to make decisions during Legislative sessions on little or no information. There are tools that are needed for court administration and for the duties that the Court Administrator does in Nevada. He stated he would pass out to the Committee the presentation for a gathering of information system, which was a result of the study, and includes what was learned and what is proposed. (See attachment A.) He stated that there is a bill, SB 452, which requests the funding for the implementation for this type of system. It also removes the requirement of the Chief Justice reporting. Any information reporting requirements will pass through the Judicial Counsel. They will determine what needs to be reported and make those recommendations to the Supreme Court. He feels that is the best way to get some type of unanimity and support for this type of system.

Senator Dodge asked if there had been any type of discussion with the Finance Committee on this.



Mr. Reynolds stated that they had first wanted to bring it before the Judiciary Committee as they realize more than anyone the statistical problems, and also wanted to get any question or comments the Committee might have, before it is taken to Finance.

Senator Raggio asked what authority the Chief Justice has at present.

Mr. Reynolds stated that the Chief Justice, in the words of the Constitution, is the administrative head of the Nevada Court system. What we tried to do was to take a peer or counsel approach, and that is why we adopted Judicial Counsel. He stated that they are trying to work with the judiciary to develop something, and have them agree upon it before it is implemented.

No action was taken on this bill at this time.

SJR 18 Proposes to amend Nevada constitution to permit legislature to authorize inferior courts to suspend sentences and grant probation.

Lloyd Zuck, Court Administrator the the Las Vegas Municipal Court, stated he is in support of this bill. He feels it would begin to pave the way for the lower courts to act upon sentencing matters, rather than simply react. Many times the judge does not have, at his disposal, the proper kinds of actions that will in fact rehabilitate. The power of suspended sentence and probation, gives the court the ability to properly act upon a crime that has been committed, rather than punishing only.

Senator Close stated that the crimes we are talking about are all misdemeanors.

Mr. Zuck stated that the judge now has the alternative of sending the person to jail, fining him, or dismissing the case, with nothing in between. Currently there are lower court counseling services that are provided to defendants who volunteer for such guidance. This bill would give an additional sentencing alternative, where the judge could maintain the person on probation, for say a years time. He feels that the law is being skirted slightly, in that sentencing is deterred, for a considerable period of time to allow the person to participate voluntarily in this program. It would make the judicial system stronger if we could simply order that probation and if the person violates it return him to court under a violation and then impose the sentencing.

Senator Sloan stated that he recalled that this same measure was overwhelmingly turned down by the people.

Judge Dollinger, Reno Municipal Court, stated that the voters

did vote on this and it was defeated. He felt that the people thought there was going to be an involved probation system set up, with probation officers and all, and that is not the intent of the lower court. He would urge the Committee to separate the suspended sentences from the probation portion of the statute. He stated that in Southern Nevada, they have a court referral system where sentencing is delayed for a period of time. If the person is successful in counseling, then the fine is reduced. However, decisions are coming down from other states, that judges who exceed their jurisdictional limits are being held personally liable for anything that happens. Therefore, in Northern Nevada we no longer do this. Here the person either pays the fine or goes to jail. There is a letter from the Attorney General holding that the delayed sentencing and deferred sentencing programs are more than likely illegal. Part of the problem is that there is no defined statewide court system, despite the fact that the Judicial Commission passed, lower courts really are not subject to anyone's power, possibly not even to the power of the Chief Justice. He also stated that if they went with the deferred sentencing that there should be a time limit placed on it.

Senator Sloan stated he would like to hold this bill until the Committee can get the letter from the Judge on the Attorney General's opinion. He stated he is not convinced that you can't have deferred sentencing now, without changing the constitution.

It was the consensus of the Committee to defer this bill until they could review the opinion and the letter.

SB 423 Provides for reimbursement of counties for certain fees and expenses of jurors and witnesses in criminal cases.

Mike Brown, Administrator for the Office of the Courts, stated that in the process of the State Funding Study, they had gone through all of the audit documents, budget submissions and other financial matters from all of the local governments. This was done primarily through the Nevada Tax Commission records. It was determined that there is approximately one million spent on jury and witness fees. This information is in very loose and general forms. It is lumped into categories and takes a tremendous amount of work to dig it out. This bill would move the payment of witness and jury fees, in criminal cases, to a state funded program. It would reimburse up to a certain level to cities and counties incurring large expenditures in this area with the amounts set by the Supreme Court. At the moment the present concept is to use the state per-diem rate, as set by the Legislature, for that reimbursement rate to the cities and counties. It would relieve the cities and counties of a financial burden, as in small cities or counties one hearing could destroy their budget. Another concern is that there is no data available for jury management in Nevada.



The key with having the state involved is that there will be proof necessary to substantiate the claim and that will provide the office of the courts to do something in the jury management area.

Sam Mamet, representing Clark County, stated that they are strongly in support of the whole package of bills dealing with the courts that are presented before the Committee and were submitted by the Administrative Office of the Courts. In terms of having the state take over the responsibility would enable the A.O.C. to get a better handle on the number of jurors available, the work load of the courts, and so forth. He stated that there are at least 4 bills floating around on this subject, and if it is the desire of the Legislature to move along these lines, then it shouldn't be moved along on, on a piece-meal basis. He feels that the whole package of bills should be looked at together.

Senator Dodge stated that he is in favor of a state take-over of the judicial system, but pointed out that what the counties need to do is take a look at financial trade-offs. The income of the court systems should be put into the state general fund in order to offset the costs. For anyone to come in anymore, at the local level, and say they want the state to take over without the objectivity of offering whatever revenues they can to support that system, is not realistic.

Mr. Mamet stated that for the record, as far as Clark County is concerned, they are most willing that as the state picks up more and more responsibility of their local judicial system, the more and more amenable they are to giving up fees to the state in support of those functions.

Senator Close stated he has one question. Clark County has only budgeted \$500,000 for their witness fees and jurors, and they have two thirds of all the trials, and yet in this bill there is a request for 1.6 million for one year. Where is all this money going?

Mr. Brown stated that he didn't have the slightest idea. He stated his office requested that \$1.5 million be put into interim finance, in the contingency fund, based on figures that the legal fees, witness costs, and jury costs in 79-80 would be \$870,000. If the bill were drafted on the basis of 9 to 15, that would be an increase of several hundred thousand dollars.

Senator Raggio stated that this bill only pertains to jury and witness fees, where does the legal part come in?

Mr. Brown stated that in the breakdown of the cities and counties, there is a category of approximately \$90,000 that is lumped in with witness fees and jury costs, however, that is not addressed in this bill.

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Senator Close stated he felt the Committee should find out where the figures in this bill came from before it was processed.

Senator Sloan stated he thought there is a policy decision to be made here, as to whether the state should get involved in this unless some of the revenues go into the general fund.

Senator Hernstadt moved that SB 423 be "indefinitely postponed."

Seconded by Senator Sloan.

Motion carried unanimously. Senator Ashworth was absent for the vote.

AB 483 Revises method of selecting grand juries in larger counties.

Steve Parsons, Clark County District Attorney's Office, stated they are in support of this bill. All it really does is more clearly define the procedures to be used in the replacement of jurors and raises some limits as far as population. The reason for the selection of 1,000 names rather than the 100, now in affect, is to insure the random selection. There has been considerable challenge of the grand jury system in the state. While the Supreme Court has upheld the present system, it is certainly anticipatory to look toward other states and their methods of selecting grand jurors. The problem is that there must be a randomness assured and the selection of 18 out of 100 may not insure that, especially in the larger counties.

Senator Close asked why only one judge selects the 17, rather than letting the judges, in rotation, select, as presently allowed.

Mr. Parsons stated that it was his understanding that they felt rather than have all the judges sit there and each draw out of a hat, it is just as easy for the presiding judge to draw out of a hat to enpanel the grand jury.

No action was taken on this bill at this time.

Senator Raggio stated that he felt there should be a study made by the individual counties on this whole court system thing.

Senator Hernstadt stated that the only way is to have a state take-over of all the aspects of financing the courts, from the traffic courts, which are profitable, to the district courts that are the unprofitable ones.

Senator Raggio stated that there has been no financial interaction from all the courts. He felt there should be a study of that nature between now and the next session, so the courts can come in with exactly what it is going to cost and what the local entities can contribute.

Terry Reynolds stated that the problem is that no one has defined a statewide court system. You have to tell the A.O.C. what projects you want done and where you want them to start working. He stated that his office is getting so much research, where every 5 minutes they are doing a different study for a different program, in the hopes that the Legislature will buy this piece, or this piece, or this piece.

Senator Close stated that in retrospect, two years ago it was an error on the part of the Legislature to authorize the court to conduct its own study.

Senator Raggio moved that the Committee request a resolution calling for an interim study on the complete aspects of a state funded court system. This would include, as well, the revenue projections of monies forthcoming to local jurisdictions as part of that bottom line review.

Seconded by Senator Hernstadt.

Motion carried unanimously.

Meeting adjourned at 10:50 a.m.

Respectfully submitted,

  
Virginia C. Letts, Secretary

APPROVED:

Senator Melvin D. Close, Jr., Chairman



*Terry Reynolds  
Ray Boswell  
Leland G.*

JUDICIAL UNIFORM RECORDS INFORMATION SYSTEM

GENERALLY RECOGNIZED JUDICIAL PROBLEMS:

1. INCREASED CASE FILINGS
2. INCREASING PAPERWORK
3. RISING COSTS
4. COMPLEXITY
5. TIMELINESS OF THE JUDICIAL PROCESS
6. SOCIAL PRESSURES
  - A) LESS PLEA BARGAINING
  - B) PUBLIC AWARENESS
  - C) PUBLIC/LEGISLATIVE DEMAND FOR ACCOUNTABILITY
  - D) INCREASED POLICE EFFICIENCY

COURT MANAGEMENT OBJECTIVES

1. PROBLEM AREA ASSESSMENT
2. MONITORING AND SUPERVISION
3. PLANNING
4. RESEARCH AND DEVELOPMENT
5. RESEARCH ALLOCATION
6. BUDGETING
7. LEGISLATIVE PLANNING
8. STATE AND LOCAL GOVERNMENT LIAISON

36  
29  
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DUTIES OF NEVADA STATE COURT ADMINISTRATOR

NRS 1.360 UNDER THE DIRECTION OF THE SUPREME COURT, THE COURT ADMINISTRATOR SHALL:

1. EXAMINE THE ADMINISTRATIVE PROCEDURES EMPLOYED IN THE OFFICES OF THE JUDGES, CLERKS, COURT REPORTERS AND EMPLOYEES OF ALL COURTS OF THIS STATE AND MAKE RECOMMENDATIONS, THROUGH THE CHIEF JUSTICE, FOR THE IMPROVEMENT OF SUCH PROCEDURES;
2. EXAMINE THE CONDITION OF THE DOCKETS OF THE COURTS AND DETERMINE THE NEED FOR ASSISTANCE BY ANY COURT;
3. MAKE RECOMMENDATIONS TO AND CARRY OUT THE DIRECTIONS OF THE CHIEF JUSTICE RELATING TO THE ASSIGNMENT OF DISTRICT JUDGES WHERE DISTRICT COURTS ARE IN NEED OF ASSISTANCE;
4. DEVELOP A UNIFORM SYSTEM FOR COLLECTING AND COMPILING STATISTICS AND OTHER DATA REGARDING THE OPERATION OF THE STATE COURT SYSTEM AND TRANSMIT SUCH INFORMATION TO THE SUPREME COURT SO THAT PROPER ACTION MAY BE TAKEN IN RESPECT THERETO;
5. PREPARE AND SUBMIT A BUDGET OF STATE APPROPRIATIONS NECESSARY FOR THE MAINTENANCE AND OPERATION OF THE STATE COURT SYSTEM AND MAKE RECOMMENDATIONS IN RESPECT THERETO;
6. DEVELOP PROCEDURES FOR ACCOUNTING, INTERNAL AUDITING, PROCUREMENT AND DISBURSEMENT FOR THE STATE COURT SYSTEM;
7. COLLECT STATISTICAL AND OTHER DATA AND MAKE REPORTS RELATING TO THE EXPENDITURE OF ALL PUBLIC MONEYS FOR THE MAINTENANCE AND OPERATION OF THE STATE COURT SYSTEM AND THE OFFICES CONNECTED THEREWITH;

8. FORMULATE AND SUBMIT TO THE SUPREME COURT RECOMMENDATIONS OF POLICIES OR PROPOSED LEGISLATION FOR THE IMPROVEMENT OF THE STATE COURT SYSTEM; AND
9. ATTEND TO SUCH OTHER MATTERS AS MAY BE ASSIGNED BY THE SUPREME COURT OR PRESCRIBED BY LAW.

WHAT INFORMATION SYSTEMS ARE SUPPOSED TO DO

1. PROVIDE JUDICIAL STATISTICS
  - A) COLLECT, PROCESS, AND REPORT ACCURATE, TIMELY AND USEFUL STATISTICS;
  - B) PROVIDE DATA FOR STATISTICAL ANALYSIS OF TRENDS IN CASE PROCESSING AND DISPOSITION;
  - C) PROVIDE DATA FOR THE EVALUATION OF THE IMPACT OF JUDICIAL PROGRAMS, CHANGES IN COURT RULES AND PROCEDURES AND LEGISLATION.
  
2. PROVIDE DATA FOR CIVIL AND CRIMINAL CASE FLOW MANAGEMENT;
  - A) ENABLE STATE OR LOCAL TRIAL COURT ADMINISTRATOR TO MONITOR CIVIL AND CRIMINAL CASE FLOW AND CRIMINAL DEFENDANT FLOW IN THE COURT,
  - B) PROVIDE REPORTS OF VARIANCES IN COURT OPERATIONS THAT ARE NEEDED TO ADMINISTER THE COURT.
  - C) PROVIDE THE CAPABILITY FOR GENERATING SPECIAL PURPOSE REPORTS UPON REQUEST;
  - D) PROVIDE COURT-BY-COURT EXCEPTION REPORTS FROM WHICH CASELOAD AND COURT OPERATIONS DATA CAN BE



DERIVED. THIS INCLUDES LISTS OF THOSE CASES FOR WHICH THE PROCESSING HAS BEEN LATE OR OTHERWISE OFF SCHEDULE.

3. PROVIDE DATA FOR ESTIMATING JUDICIAL AND OTHER RESOURCE REQUIREMENTS

- A) PROVIDE REPORTS ON JUDICIAL PERSONNEL RESOURCES;
- B) PROVIDE REPORTS WHICH PROJECT FUTURE JUDICIAL PERSONNEL AND FINANCIAL RESOURCE REQUIREMENTS;
- C) PROVIDE REPORTS FOR JUDICIAL ASSIGNMENT PURPOSES.

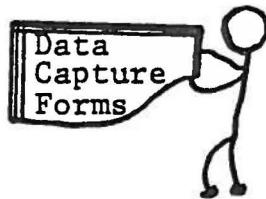
4. PROVIDE COST DATA

- A) PROVIDE REPORTS ON OPERATIONAL COSTS;
- B) PROVIDE REPORTS WHICH PROJECT FUTURE COSTS AND DOCUMENT CURRENT COSTS.

# TYPES OF DATA COLLECTION

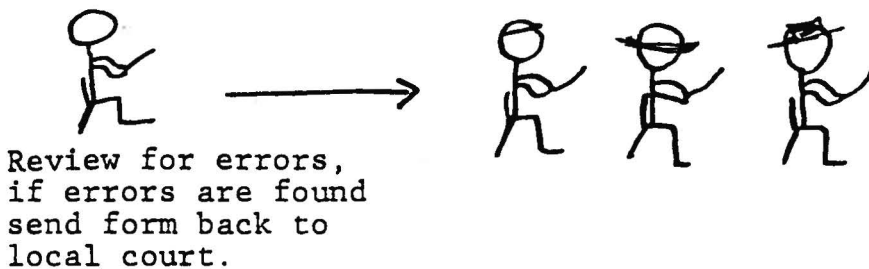
## MANUAL DATA COLLECTION

1. MANUAL DATA COLLECTION BY LOCAL COURT EMPLOYEES ON FORMS PROVIDED BY ADMINISTRATIVE OFFICE OF THE COURTS.
2. FORMS MAILED TO ADMINISTRATIVE OFFICE OF THE COURTS ON A DAILY, WEEKLY OR MONTHLY BASIS DEPENDING ON CASELOAD.
3. STATISTICS COMPILED BY HAND BY ADMINISTRATIVE OFFICE OF THE COURTS' STAFF.



Court Employee or Judge Fills Out Forms, in addition to regular court work

Mailed to A.O.C.



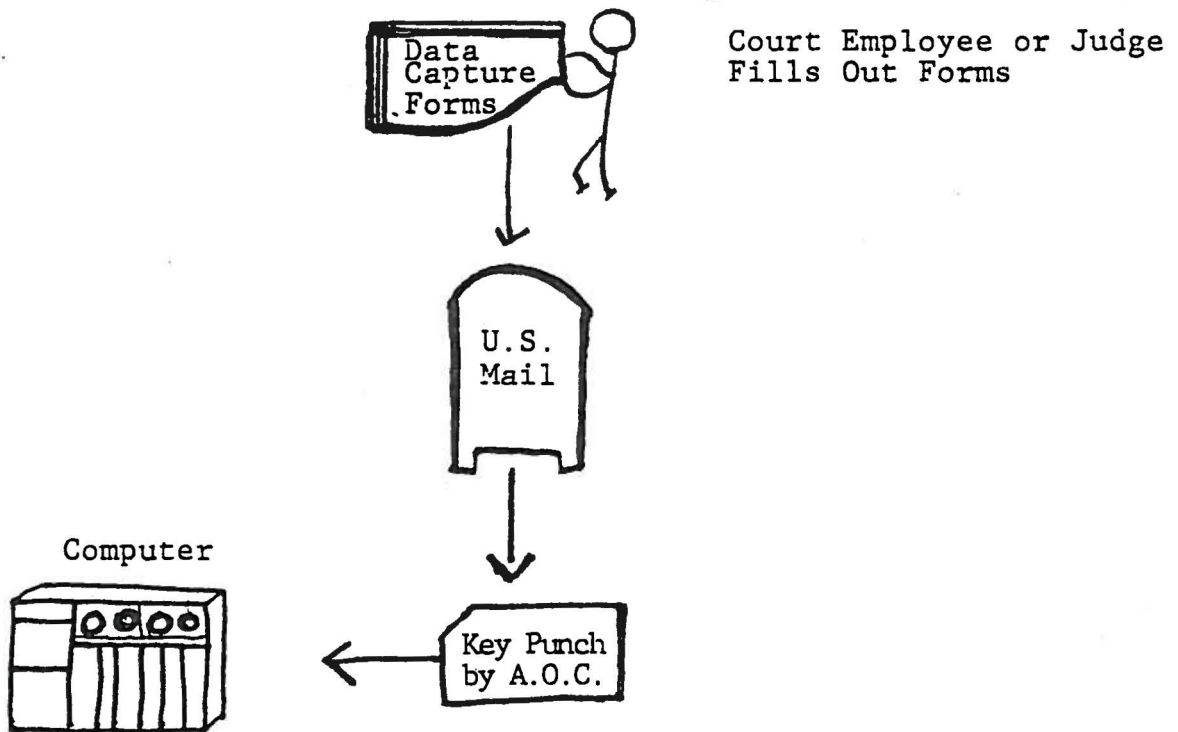
Review for errors, if errors are found send form back to local court.

Compiling Statistics by Hand at A.O.C.



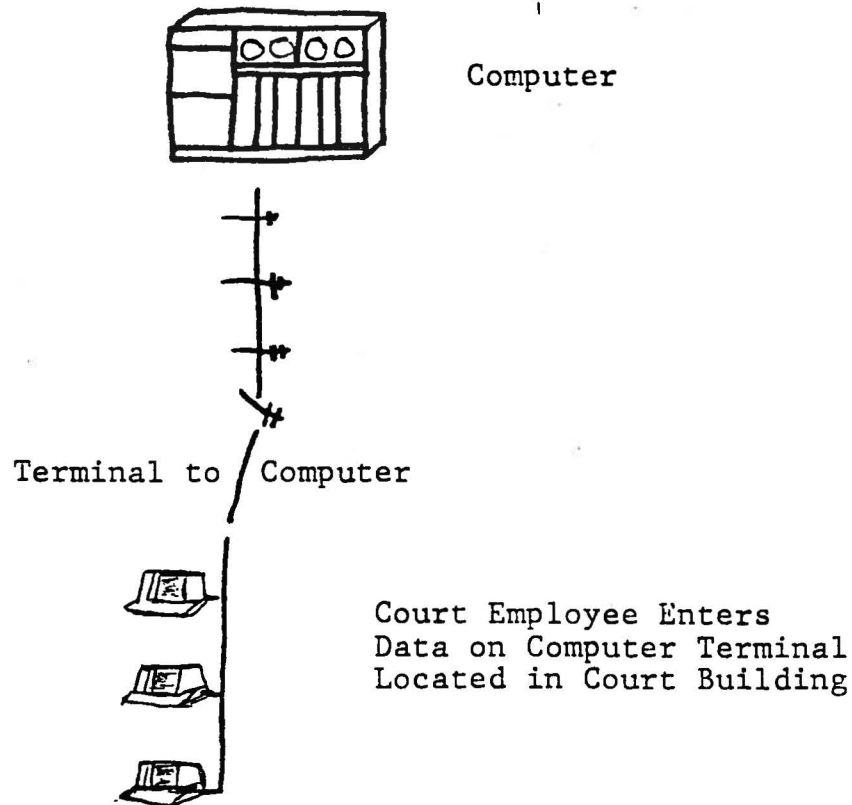
BATCH SYSTEM

1. MANUAL DATA COLLECTION BY LOCAL COURT EMPLOYEES.  
INFORMATION IS RECORDED ON FORMS PROVIDED BY ADMINISTRATIVE OFFICE OF THE COURTS.
2. FORMS MAILED TO CENTRAL KEY PUNCH OPERATION IN CARSON CITY TO BE PUT ON COMPUTER CARDS BY ADMINISTRATIVE OFFICE OF THE COURTS.
3. FORMS REVIEWED FOR ERRORS BY CLERK OR JUDGE, SENT BACK IF ERRORS ARE FOUND.
4. COMPUTER CARDS FEED INTO COMPUTER BY ADMINISTRATIVE OFFICE OF THE COURTS.
5. REVIEW COMPUTER INFORMATION FOR ERRORS.



ON-LINE SYSTEM

1. DATA INPUT BY COMPUTER TERMINAL LOCATED IN COURT.  
INFORMATION GOES TO COMPUTER INSTANTLY.
2. DATA INPUT TRANSMITTED CONTINUOUSLY AND CAN BE  
RETRIEVED AT ANY TIME THROUGH USE OF A COMPUTER  
TERMINAL.
3. ERRORS CAN BE CORRECTED AND VERIFIED INSTANTLY.
4. THE ADMINISTRATIVE OFFICE OF THE COURTS WOULD HAVE  
INSTANT ACCESS TO COMPUTER DATA ANY TIME OF THE DAY OR  
NIGHT.



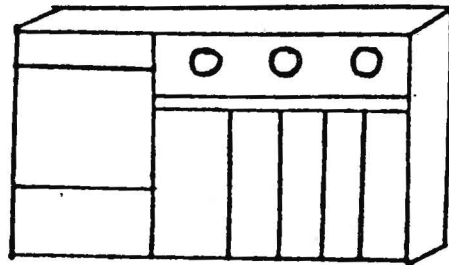


COMBINED SYSTEM

1. SMALL COMMUNITIES - DATA COLLECTED BY COURT EMPLOYEES MANUALLY. INFORMATION IS SENT TO OR TAKEN TO REGIONAL COMPUTER TERMINAL AT DISTRICT COURT OR MAJOR JP COURT, THEN TO COMPUTER IN CARSON CITY.
2. MIDDLE SIZE COMMUNITIES - COMPUTER TERMINAL LOCATED IN COURTHOUSE. THIS WOULD INCLUDE ALL DISTRICT AND MAJOR MUNICIPAL COURTS EXCEPT THOSE IN LARGER COMMUNITIES.
3. LARGE COMMUNITIES - COMPUTER TERMINAL LOCATED IN COURT. INFORMATION IS PUT INTO COMPUTER TERMINAL AND TRANSMITTED TO LOCAL COMPUTER. FROM LOCAL COMPUTER, INFORMATION IS TRANSFERRED TO ADMINISTRATIVE OFFICE OF THE COURTS IN CARSON CITY.

COMBINED SYSTEM

COMPUTER



6

Terminal to  
Computer



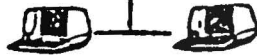
Forms Sent to  
Regional Terminal

Data  
Capture  
Forms

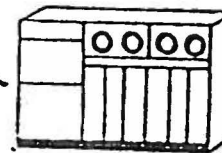


SMALL COMMUNITY

Court Terminal



MIDDLE-SIZE COMMUNITY



Court Terminal to  
Local Computer



LARGE COMMUNITY