



Judicial Branch Budget Overview

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Legislative Commission's Budget Subcommittee

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Judicial Branch

- **Article 3, Section 1, of the Nevada Constitution**
 - The powers of the Government of the State of Nevada shall be divided into three separate departments,—the Legislative,—the Executive and the Judicial...
- **Article 6, Section 1, of the Nevada Constitution**
 - The judicial power of this State shall be vested in a court system, comprising a Supreme Court, a court of appeals, district courts, and justices of the peace.

Judicial Branch

- **Supreme Court Duties**

- Administer the Nevada judicial system
- Decide, or assign to the Court of Appeals, civil and criminal cases appealed from District Courts
- Exercise extraordinary writ review - *writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus*
- Licensure and discipline of lawyers
- Appellate review for judicial discipline

- **Court of Appeals Duties**

- Decide civil and criminal cases appealed from District Court assigned to the court by the Supreme Court
- Exercise extraordinary writ review - *writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus*

Supreme Court and Court of Appeals

Cases Filed and Disposed

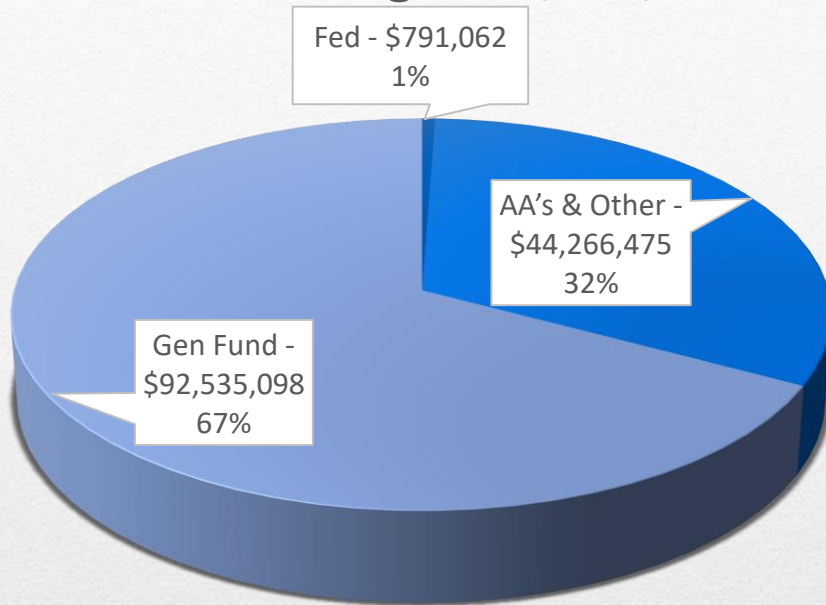
Projections for the 2019 – 2021 Biennium

SUPREME COURT	FY 17	FY 18	FY 19*	FY20*	FY21*
New Cases Filed	2,785	2,931	3,106	3,374	3,647
Cases Transferred to COA	971	1,322	977	1,090	1,130
Cases Resolved	1,578	1,591	1,669	1,613	1,624
Cases Pending	1,754	1,772	2,233	2,904	3,797
COURT OF APPEALS	FY 17	FY 18	FY 19*	FY20*	FY21*
Cases Transferred from Supreme Court	971	1,322	977	1,090	1,130
Cases Disposed	875	1,094	898	956	983
Cases Pending	207	425	515	650	797

*Case filings for Calendar Year 2018 surpassed 3,000 for the first time ever, reaching a total of 3,021.

Judicial Branch Revenue

Total Funding \$137,592,635



■ Federal ■ Admin Assess & Other Fees ■ General Fund

• General Fund Request

- 49% Judicial Elected Official Salaries (\$45,717,119)
- 21% Supreme Court (\$19,217,826)
- 9% Specialty Courts (\$8,432,175)
- 8% Court of Appeals (\$6,956,286)
- 4% Law Library (\$3,888,323)
- 4% Judicial Retirement System (\$3,318,756)
- 3% Judicial Programs and Services (\$2,887,010)
- 2% Senior Judge Program (\$2,086,845)
- <1% Judicial Selection (\$30,758)

General Fund Appropriation by Dec Unit Type

• Adjusted Base =	\$ 80,811,054	87.3%
• Other Maintenance =	\$ 894,484	1.0%
• Salary Survey Increases =	\$ 3,034,632	3.3%
• Redistribution of AA's =	\$ 3,143,178	3.4%
• Other Enhancements =	\$ 4,651,750	5.0%
• Total General Fund =	\$ 92,535,098	100%

Judicial Branch

Constitutional Authority (Article 6)

- Judicial Elected Officials (1490)
 - 7 Justices
 - Sec. 1, 2, 3, 4, 7, 15, 19
 - NRS Chapter 2
 - 3 Court of Appeals Judges
 - Sec. 3A, 15
 - NRS Chapter 2A
 - 82 District Judges
 - Sec. 5, 6, 7, 15
 - NRS Chapter 3
 - \$45,717,119 General Fund Appropriation
 - 1.7% more than 2017-19 budget
 - Absorbs Judicial Selection (1498) in E900
- Supreme Court (1494)
 - Sec. 1,2,3,4,7,19
 - NRS Chapter 2
 - 84.53 Full-Time Positions
 - \$27,469,991
 - 70% General Fund Appropriation
 - 30% Admin Assess & Other Fees
 - 11.6% more than 2017-19 budget
- Court of Appeals (1489)
 - Sec. 3A
 - NRS Chapter 2A
 - 22 Full-Time Positions
 - \$6,956,286 General Fund Appropriation
 - 51.6% more than 2017-19 budget
- Senior Judge Program (1496)
 - Sec. 19, 1 (c)
 - 33 Senior Judges
 - \$3,089,790
 - 67.5% General Fund Appropriation
 - 32.5% Admin Assess & Other Fees
 - 3.5% more than 2017-19 budget
- Judicial Selection (1498)
 - Sec. 20
 - NRS 1.380 to 1.410
 - Funding for two selection processes
 - \$30,758 General Fund Appropriation
 - 0.2% more than 2017-19 budget
 - Transfers out to BA 1490 in E900

Judicial Branch

Statutory Authority

- Administrative Office of the Courts (1483)
 - NRS 1.320 to 1.370
 - 32 Full-Time Positions
 - \$10,525,814 Admin Assess & Other Fees
 - 12% more than 2017-19 budget
- Judicial Programs and Services (1484)
 - NRS 1.360
 - 10 Full-Time Employees
 - \$3,889,298
 - 74.2% General Fund Appropriation
 - 20.3% Federal
 - 5.5% Other Fees
 - 65.1% more than 2017-19 budget
- Uniform System of Judicial Records (1486)
 - NRS 1.360
 - 10 Full-Time Positions
 - \$6,105,981 Admin Assess & Other Fees
 - 48.0% more than 2017-19 budget
- Judicial Education (1487)
 - NRS 3.027, 4.035, 5.025, Supreme Court Rules
 - 4 Full-Time Positions
 - \$2,625,062 Admin Assess & Other Fees
 - 4.5% more than 2017-19 budget
- Judicial Retirement System (1491)
 - NRS 1A.180, Sec. 2, Payment to PERS
 - \$3,318,756 General Fund Appropriation
 - 5.4% less than 2017-19 budget
- Law Library (2889)
 - 2.410 to 2.490
 - 6 Full-Time Employees
 - \$3,892,823
 - 99.9% General Fund Appropriation
 - 0.1% Other Fees
 - 0.6% more than 2017-19 budget

Other Authority

- Judicial Support, Governance (1493)
 - Supreme Court Rule
 - \$1,668,390 Other Fees

Pending Legislation

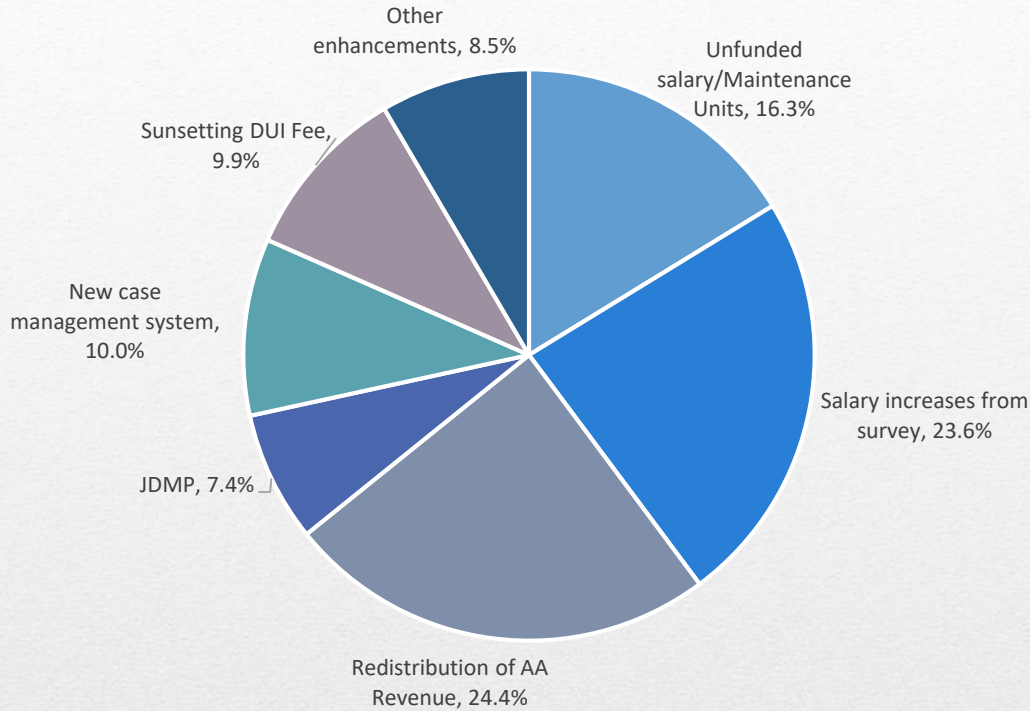
Not Included in Court's Budget

- AB 43
 - Increases the number of District Judges in the State by 17*
 - 15 Clark County
 - 1 Washoe County
 - 1 Elko County
 - \$2,446,248 General Fund
- AB 46
 - Provides for increases to the salaries for all Supreme Court Justices, Court of Appeals Judges, and District Court Judges beginning in January 2021
 - \$2,154,219 General Fund

*This will amended down to 10, which will bring the total General Fund down to \$1,438,961

If both bills pass as will be amended, General Fund increase would be \$3,841,900

General Fund Increase



General Fund Increase = \$12,883,974 Over FY 17-19 Level

Unfunded Salary/Maintenance Units = approx. \$2,094,484

Proposed Salary Increases = \$3,034,632

Redistribution of AA Revenue = \$3,143,178

All Other Enhancements = \$4,651,750

Enhancements

- Total General Fund Increase Over FY 17-19 = \$12,883,974 or 16.2%
 - Maintenance units
 - Unfunded salary in FY 17-19
 - Salary increases
 - AA revenue distribution
 - Juvenile Dependency Mediation Program
 - Replacement of case management system
 - Sunsetting DUI Fee
- Maintenance decision units (M100 & M300)
 - \$894,484 (6.9% of increase)
- Unfunded salary increases became part of the Base Budget (B000)
 - Approx. \$1.2 million (9.3% of increase)
- Salary increases as a result of a salary market survey (E815 & E849)
 - \$3,034,632 (23.6% of increase)
- Increase in General Fund support of the Supreme Court budget to spread out AA revenue to other accounts (E245)
 - \$3,143,178 (24.4% of increase)
- JDMP program support (E225 1484)
 - \$950,488 (7.4 % of increase)
- New case management system (E246)
 - \$1,290,292 (10.0% of increase)
- DUI Fee replacement (E275 1495)
 - \$1,281,432 (9.9% of increase)

Salary Market Survey

- Survey funded by General Fund appropriation from the 2017 Legislature
- Survey completed in January 2018
- Findings presented to Interim Subcommittee in June 2018
 - Salaries increased across the Court's budgets in E815 and E849
 - \$3,244,355 total cost
 - \$3,034,632 GF
- Major Survey Findings
 - Staff Attorneys 17.3% below market
 - Legal Counsel 23.4% below market
 - Court Administrator 19.7% below market
 - Admin Assistants 31.6% below market
- 109 FTE's out of 167.53 have salaries increased from 5% to 20%

Unclassified Pay Bill

- NRS 284.013 provides that Chapter 284, governing the state personnel system, does not apply to the Judicial Branch of the state government.
- NRS 284.139 and 284.140 on the composition of the unclassified service refers to the Executive department only
- The following Judicial department positions have been included in the unclassified pay bill for several sessions:
 - Chief Assistant Clerk
 - Chief Clerk
 - Chief Deputy Clerk
 - Court Administrator
 - Deputy Court Administrator (EA)
 - Supervisory Staff Attorney (EA)
 - Staff Attorney (EA)
 - Law Librarian
 - Senior Law Clerk (EA)

Administrative Assessments

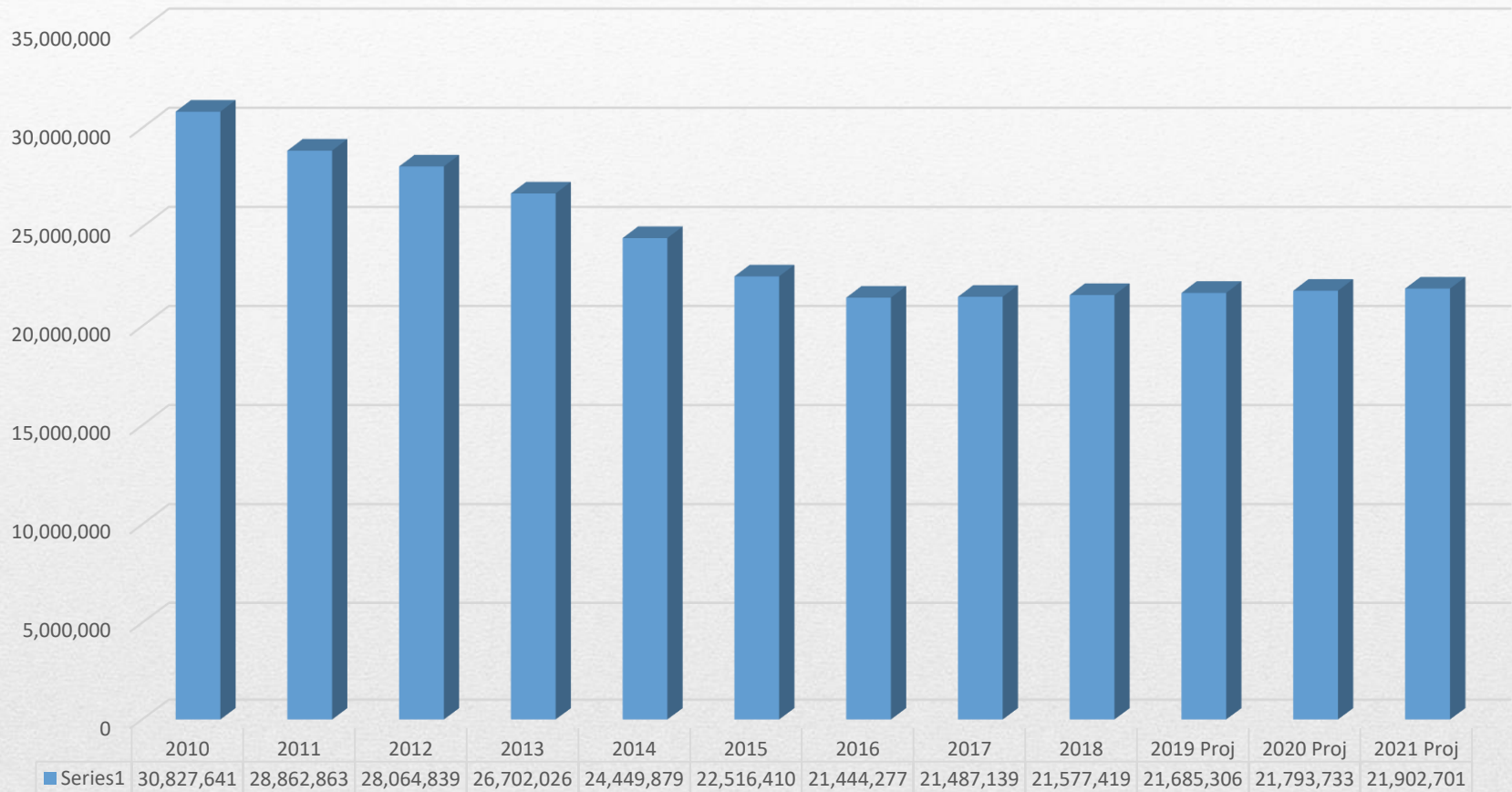
NRS 176.059

- The amount collected depends on the amount of misdemeanor fine
- Recent changes to the statute
 - 2010 Special Session, the range of assessments in the fine schedule increased by \$5. Now ranges from \$30 to \$120. The \$5 increase goes to the state general fund.
- Order of Collection
 - \$2 County Treasurer for Juvenile Court
 - \$7 Municipal/Justice Court
 - \$5 to the State General Fund
 - Not less than 51% of the remainder to the Judicial Branch
 - Not more than 49% of the remainder to the Executive Branch
- Marsy's Law (Question 1) – Constitutional change effective November 2018 that requires restitution to be collected first
 - Court does not yet know what impact this may have on AA revenues

Administrative Assessments

Projected to Increase by 0.5% Each Year (Marsy's Law Effect Unknown)

Judicial Branch AA Revenue



Redistribution of AA Revenues

Declining Reserves

- Budgets 1483 AOC and 1486 USJR have been experiencing declining reserves for the last few years. If nothing changes, those budgets would end the upcoming biennium with negative reserves. See below table for details.
- E245 in 1483, 1486, and 1494 Supreme Court propose a fix that would involve increasing the General Fund Appropriation in the Supreme Court's budget and decreasing its dependence on AA's by a commensurate amount, thus allowing 1483 and 1486 to receive more of that revenue and to maintain acceptable reserve levels.
 - According to NRS 176.059, the Supreme Court currently receives 48% of all AA's received by the Court. The proposal as currently constructed would reduce that share to 36%.
- This decision was made so as to not further increase the Court's share of AA's beyond the 60% it already receives, which would have resulted in a significant reduction to the Executive programs which depend on this fund source.

Projected Reserves Without Additional AA Funds				
	FY 20	# of days	FY 21	# of days
1483 AOC	\$ 4,117	0.3	\$ (1,014,085)	-83.0
1486 USJR	\$ 172,076	32.3	\$ (505,412)	-72.9

Enhancements

Positions

Net Increase of 1.0 FTE

- E229 1483 New Auditor Position
 - \$246,788 Reduction to Reserves
- E353 1494 New Marshal Position
 - \$187,566 General Fund Appropriation
- E848 2889 Eliminate Law Library Position
 - \$198,329 General Fund Reduction

Safety/Security

- E360 1494 MCIJIS Upgrade
 - DPS is Upgrading their Switch
 - Without the Court's Upgrade, No Electronic Sharing of Information
 - \$419,849 General Fund Appropriation
- E351 1494 Surveillance System Upgrade
 - Current CC System is 15 Years Old and Replacement Parts are Increasingly Expensive
 - \$200,517 General Fund Appropriation
- E354 1494 Lieutenant Marshal Upgrade
 - \$13,150 General Fund Appropriation

Training

- E235 1494 Guardianship IT Training
 - \$19,100 General Fund Appropriation
- E237 1494 Guardianship Staff Training
 - \$9,912 General Fund Appropriation
- E227 1483 OnBase Certification Training
 - \$20,836 Reduction to Reserves
- E228 1483 Training Database Subscription
 - \$13,930 Reduction to Reserves

Audit

- E226 1483 4-year MAS Audit
 - \$65,000 Reduction to Reserves
- E230 1483 Increased Travel
 - Audit Unit Needs to Increase Proactive Coverage of Courts Across State
 - \$16,866 Reduction to Reserves

Enhancements

IT Enhancements

- E710-E717 Hardware Replacements
 - Various Budgets
 - Data center hardware, desktop and laptop computers, printers, UPS, etc.
 - \$428,988 General Fund Appropriation
 - \$74,809 Reduction to Reserves
- E230 1494 Database Monitoring Software
 - \$11,142 General Fund Appropriation
- E236 Supreme Court Webcast Software Replacement
 - \$2,255 General Fund Appropriation
- E247 1486 Increased IT Travel for Case Management Support
 - To support local courts as they come on the Nevada Court System
 - \$49,264 Reduction to Reserves

Other Enhancements

- E225 Specialty Court Conference Shift
 - 1487 Jud. Ed. & 1495 Specialty Courts
 - Conference has changed focus from just judges to whole specialty court teams
 - Cost neutral
- E900 Transfer Judicial Selection
 - 1489 Jud. Selection & 1490 Judicial Elected Officials
 - Allows for salary savings from judicial vacancies to be used when more vacancies than anticipated need to be filled
 - Cost neutral
- E225 1493 Statewide E-Filing Study
 - To Explore Scope and Costs of Implementing Statewide Electronic Filing of Cases
 - \$95,000 Reduction to Peremptory Challenge Reserves

Judicial Branch



Total budget request for
2019-21 biennium:

\$137,592,635

General Fund: \$92,535,098

Other revenue: \$44,266,475

Federal funds: \$791,062

Percent of Statewide Budget: 0.53%