



Overview of Nevada's Judiciary

JOHN MCCORMICK

ADMINISTRATIVE OFFICE OF THE COURTS

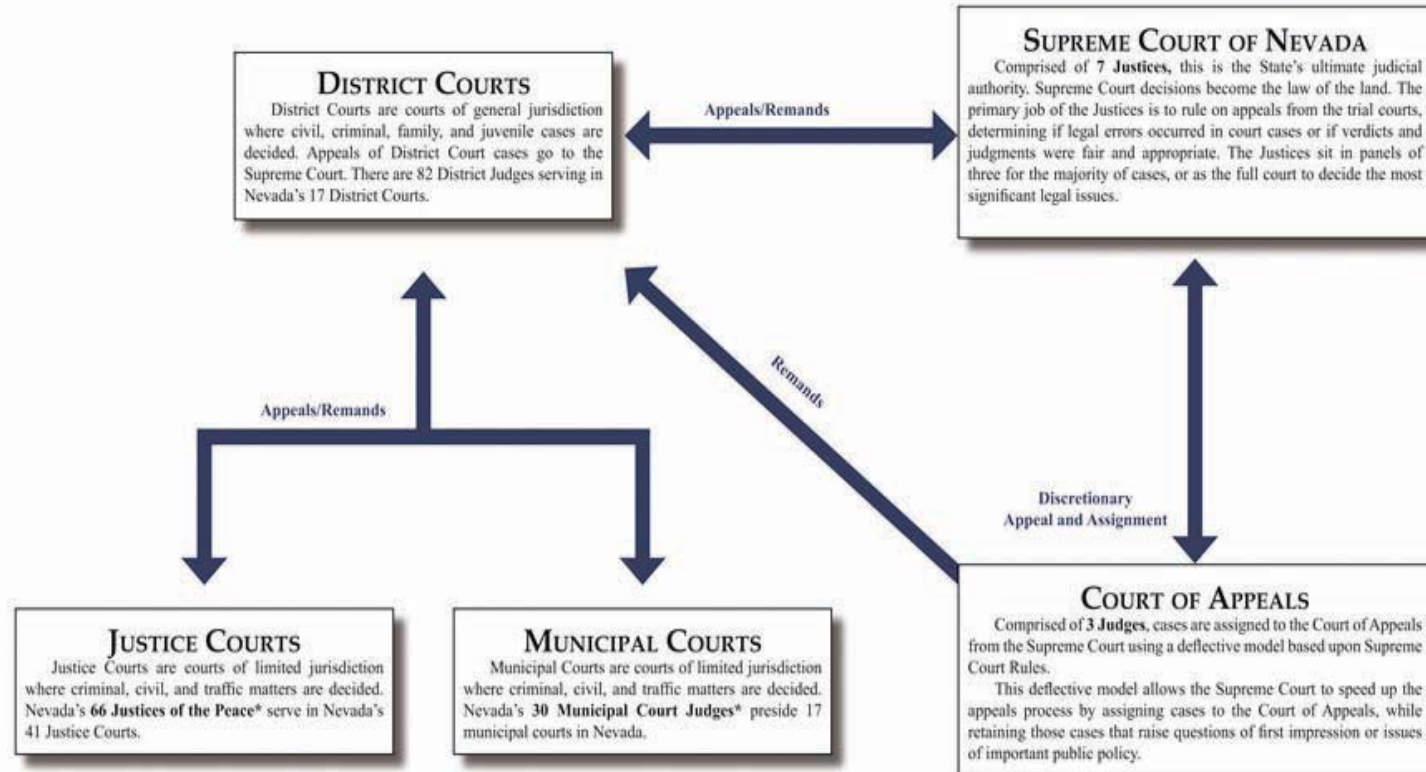
Nevada Counties/Judicial Districts



NEVADA'S COURT MODEL AND STRUCTURE

TRIAL COURTS

APPELLATE COURTS



* Nine limited jurisdiction judges serve their communities as both Justice of the Peace and Municipal Judge.

The Nevada Judicial System

- ❖ The Nevada Judiciary is the Third Branch of Government – as equal and independent as the Executive and Legislative branches.
- ❖ The responsibility of the judiciary is to resolve legal disputes brought before it fairly and impartially, and in a timely manner.
- ❖ In Nevada, the judiciary consists of the Supreme Court, Court of Appeals, and three levels of trial courts – state District Courts, county Justice Courts, and city Municipal Courts.

Nevada Judicial Branch – Supreme Court

- ❖ State's ultimate judicial authority – Supreme Court's decisions become the law of the land.
- ❖ **The Nevada Supreme Court** is the State's final appellate court, and hears all appeals from the District Courts and has discretionary review of appeals from the Court of Appeals
- ❖ The court serves as both an ***error correction court*** and ***the court of last resort***.
- ❖ There are 7 Justices on the Supreme Court who oversee the courts and issue rules governing everything from the court procedures to ethical and professional conduct of judges and attorneys.
- ❖ Administers Nevada Judicial Branch

Nevada Judicial Branch – Court of Appeals

- ❖ There are 3 judges on the Court of Appeals. They review cases assigned by the Supreme Court. The Supreme Court establishes the types of matters to be reviewed by the Court of Appeals.
- ❖ The Supreme Court retains the sole discretion to accept petitions for review from the Court of Appeals to the Supreme Court, and such review will only be granted in extraordinary cases.

Nevada Judicial Branch – District Courts

- ❖ Nevada District Courts are trial courts of “*general jurisdiction*”.
- ❖ The District Courts hear ***all felony*** and ***gross misdemeanor criminal cases*** as well as all ***family, juvenile, and civil cases*** with a value of ***over \$15,000***.
- ❖ All appeals of District Court decisions go to the Supreme Court.
- ❖ There are ***11 Judicial Districts*** in Nevada with 17 District Courts and 82 District Court Judges.

Nevada Judicial Branch – Justice Courts

- ❖ Justice courts handle *misdemeanor criminal matters, traffic cases*, and *preliminary hearings for gross misdemeanors and felonies*.
- ❖ Justice Courts also hear *traffic cases, civil matters* (small claims up to \$10,000 & civil cases under \$15,000), *protection orders, and landlord/tenant cases*. Justice Courts are referred to as “*limited jurisdiction*” courts.
- ❖ There are 42 Justice Courts with 68 Justices of the Peace.
- ❖ District Court (general jurisdiction) has appellate jurisdiction over Justice Court.

Nevada Judicial Branch – Municipal Courts

- ❖ Municipal courts handle ***misdemeanors*** and ***traffic cases in cities***. Municipal Courts are also referred to as “*limited jurisdiction*” courts.
- ❖ There are 17 Municipal Courts with 30 Municipal Court Judges, and 9 Judges serve as both Municipal Court Judge and Justice of the Peace.
- ❖ District Court (general jurisdiction) has appellate jurisdiction over Municipal Court.

Impact of 2019 Legislation

- ❖ Bulk of initial impact has been at the limited jurisdiction court level, especially regarding traffic citations:
 - ❖ AB110 allows for the creation of an electronic system to accept pleas and mitigating statements in traffic misdemeanors.
 - ❖ AB416 clarifies that all fines and fees may be converted to community service.
 - ❖ AB434 makes numerous changes to collections, license suspensions, and incarceration of traffic misdemeanants.
- ❖ Judicial Council of the State of Nevada (JCSN) drafting rules for electronic system as contemplated in AB110.

Impact of 2019 Legislation

- ❖ Most significant impacts at the gross misdemeanor/felony level are from AB236 which goes into effect on July 1, 2020:
 - ❖ Makes significant changes to sentencing including removing the P&P sentencing recommendation from the PSI and requiring district judges who have a criminal calendar to get training on use of the information in the PSI.
 - ❖ Expands the district courts' ability to send defendants to specialty court programs and may necessitate the establishment of additional programs at the trial court level.
 - ❖ Adds requirements and additional judicial discretion on parole/probation revocation.
 - ❖ Modifies burglary definition to create 4 burglary categories at different felony levels.
 - ❖ Increases monetary thresholds for theft/money/fraud crimes to \$1,250 for a felony, could push cases from district to justice/muni court.
 - ❖ Creates crime of low-level drug trafficking, amends the possession thresholds for felony category eligibility, and reclassifies some felonies down in category levels.
 - ❖ AB236 section by section chart.

Impact of 2019 Legislation

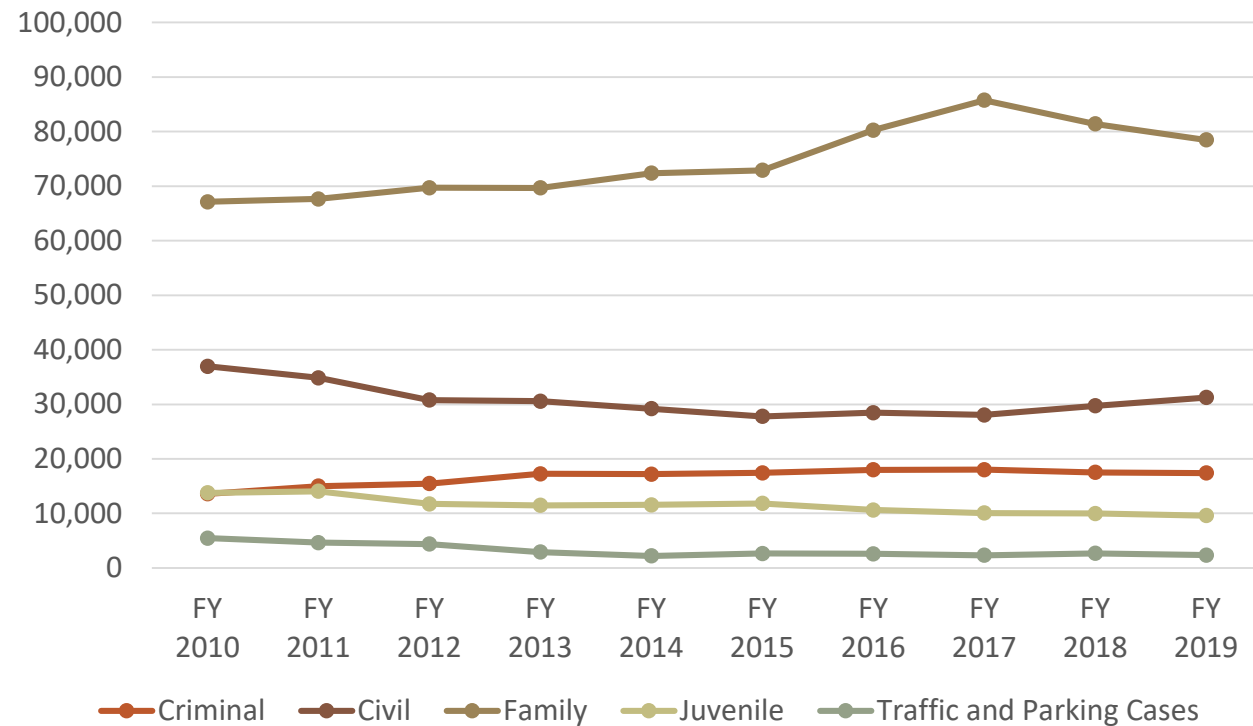
- ❖ AB439 eliminated the ability to charge parents a number of fees related to a juvenile in the juvenile justice system garnering Nevada praise from a number of organizations involved in criminal justice reform. Anecdotally, most juvenile court judges were already not charging such fees.
- ❖ High risk protection orders in AB291.
- ❖ Changes to DV cases in AB19, AB60, and SB218 and increase temporary order to 45 days (AB410).
- ❖ Further guardianship reforms in SB20.
- ❖ Changes to DUI interlock devices, further clarification needed (drug DUI), interim study on marijuana DUI.

Impact of 2019 Legislation

- ❖ Changes to landlord/tenant in SB151.
- ❖ Interim study of pre-trial release issues in SCR11
- ❖ Civil proceedings regarding animals belonging to persons in jail under SB342
- ❖ SB480 requires the justice of the peace(s) to consult with the county commission in reaching an opinion if a new justice of the peace is needed per the statutory population triggers (SB480).
- ❖ AB81 created the Department of Indigent Defense Services and the Indigent Defense Oversight Board.

District Court Criminal Caseloads

District Court Filings, by Case Type, Fiscal Years 2010-19



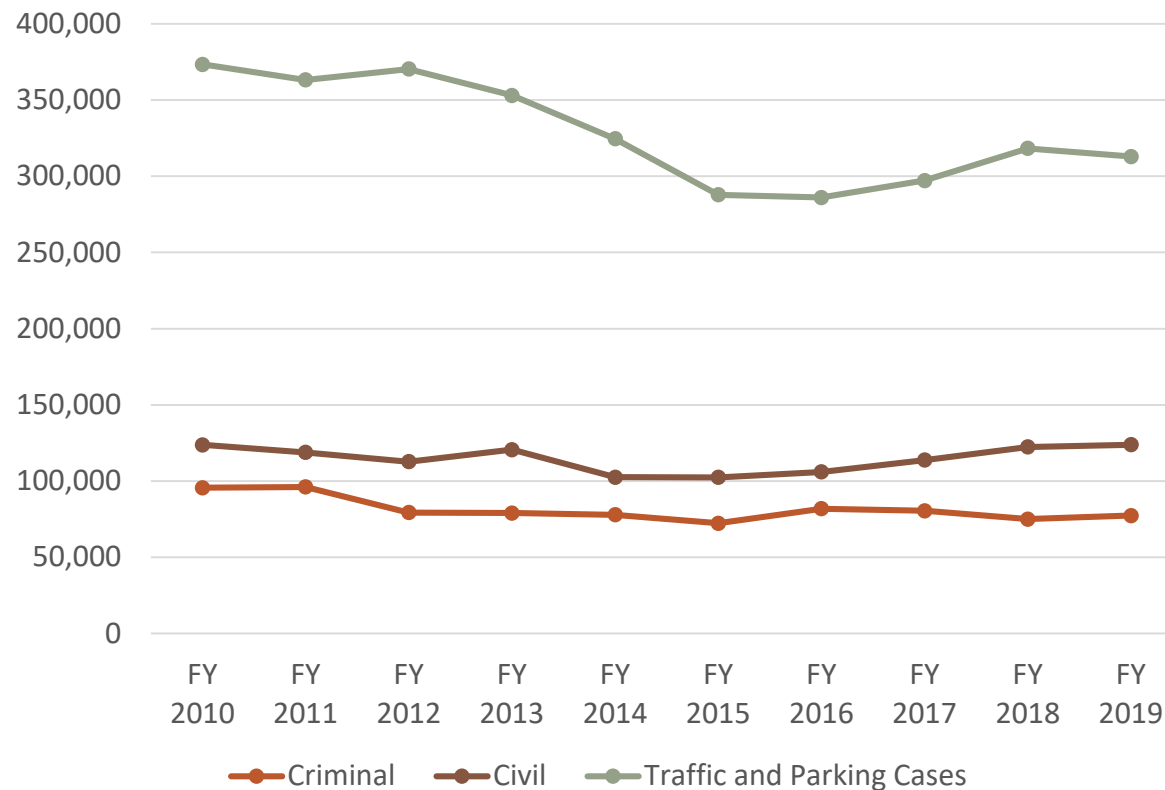
New Criminal Filings:

- FY17: 18,011
- FY18: 17,535
- FY19: 17,420

Criminal cases account for 13% of district court caseloads in FY19.

Justice Court Criminal Caseloads

Justice Court Filings, by Case Type, Fiscal Years 2010-19



New Criminal Filings:

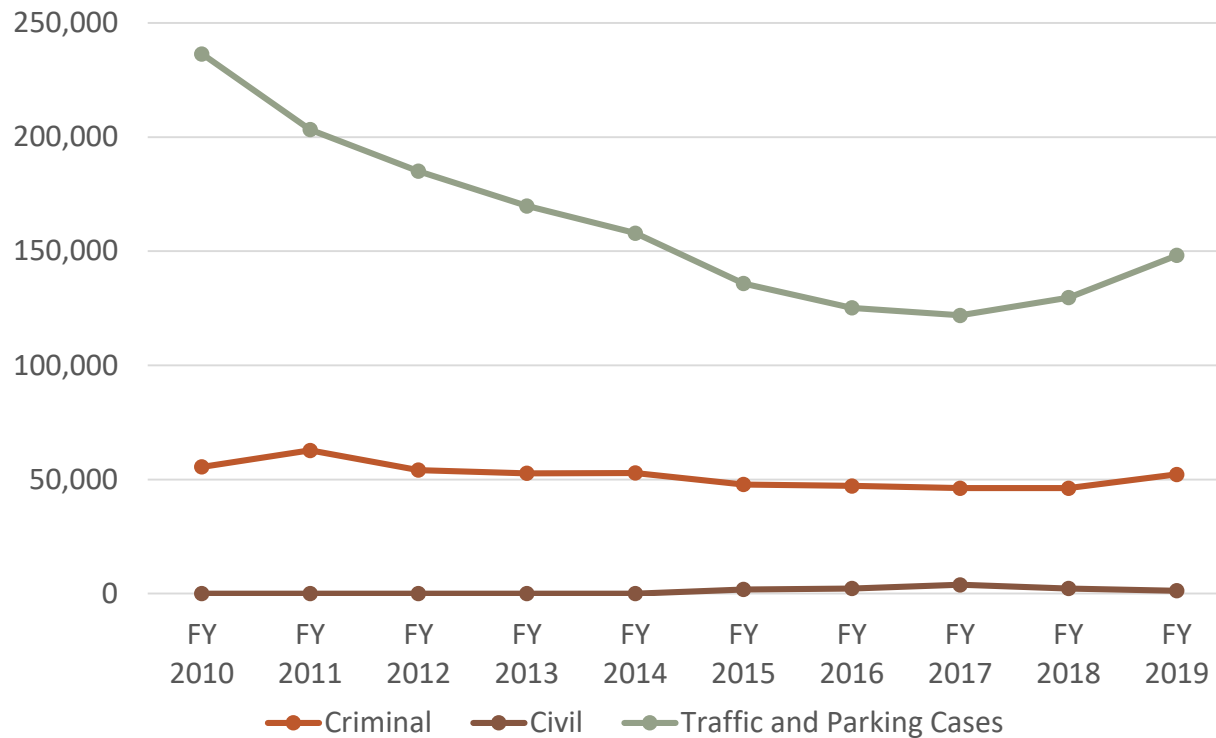
- FY17: 80,464
- FY18: 75,008
- FY19: 77,366

Criminal cases account for 15% of justice court caseloads in FY19.

312,289 traffic and parking cases were filed in justice court in FY19 for 61% of the caseload.

Municipal Court Criminal Caseloads

Municipal Court Filings, by Case Type, Fiscal Years 2010-19



New Criminal Filings:

- FY17: 46,249
- FY18: 46,223
- FY19: 52,222

Criminal cases account for 26% of municipal court caseloads in FY19.

148,175 traffic and parking cases were filed in municipal court in FY19 for 73% of the caseload.

Sentencing Trends

- ❖ Sentencing trends are difficult to evaluate based on USJR data (state level), as determination of any trend requires review of sentences handed down in individual cases.
- ❖ One clear trend is an continuous increased use of specialty court programs with 3,351 new clients being added to programs in FY2019.
- ❖ Specialty court client admissions spiked in FY16 after the receipt of additional general fund support, however, went down on the next two fiscal years due to program resources and capacity not keeping up with the need.
- ❖ There may be a correlation drawn between severity of sentencing and the continued increase in prison population of 6% over the last decade, while criminal filings remained relatively flat the district court level.

Budgets and Staffing

- ❖ State judicial officers (Supreme Court justices, Court of Appeals judges, and district judges) have not received a raise since 2009, and a bill to provide an increase was considered but not passed during the 2019 Session.
- ❖ The Supreme Court is having difficulty recruiting and retaining staff across its divisions including attorney positions and administrative positions. A number of these positions were identified in a salary study and subsequently the Court's budget proposal in 2019 as targeted for increases, but the increases were not included in the closed budget.
- ❖ AB236 may necessitate the need for additional specialty court funding for both services and infrastructure at the State and local levels.
- ❖ There remains a concern regarding the funding of the Judicial Branch with fees assessed on misdemeanor criminal convictions.

Budgets and Staffing

- ❖ Very few justice and municipal courts outside of the Washoe and Clark Counties have pre-trial release or alternative sentencing departments, and reforms to pre-trial release, both existing and potential, may necessitate the creation of additional departments at the county and city level.
- ❖ There remains a funding need to continue to improve the technology infrastructure in the State to continue to improve our handling and sharing of criminal justice related data.
- ❖ As they grow into their roles, additional resources may need to be considered for both the Office of Sentencing Policy and the Office of Indigent Defense Services.