

Senate Joint Resolution No. 14 of the 76th Session  
(File No. 47, *Statutes of Nevada 2013*)

EXHIBIT H - LC  
Document consists of 23 pages.  
Entire exhibit provided.  
Meeting Date: 06-23-14

**Legislative Counsel Bureau's Draft Ballot Question Language  
for Senate Joint Resolution No. 14 of the 76th Session  
(Court of Appeals) for Consideration by the  
Legislative Commission**

QUESTION NO. \_\_\_\_

Amendment to the *Nevada Constitution*

Senate Joint Resolution No. 14 of the 76th Session

**CONDENSATION (Ballot Question)**

Shall the *Nevada Constitution* be amended to create a Court of Appeals that would decide appeals of District Court decisions in certain civil and criminal cases?

Yes       No

**EXPLANATION & DIGEST**

**EXPLANATION**—This ballot measure proposes to amend the *Nevada Constitution* to create a Court of Appeals consisting of three judges. The Nevada Supreme Court would establish the types of District Court decisions to be heard by the Court of Appeals and also determine when a Court of Appeals decision may be reviewed by the Nevada Supreme Court.

**A “Yes” vote would create a Court of Appeals within the existing court system.**

**A “No” vote would retain the existing court system.**

**DIGEST**—Article 6 of the *Nevada Constitution* establishes the court system of the State of Nevada, which currently consists of the Nevada Supreme Court, District Courts, Justices of the Peace, and Municipal Courts. The Nevada Supreme Court is the only appellate court in Nevada that hears and decides all appeals from final judgments entered by Nevada’s District Courts. This ballot measure would create a Court of Appeals to decide some of the appeals currently decided by the Supreme Court. The Supreme Court would establish the types of District Court decisions to be heard by the Court of Appeals and also determine when a Court of Appeals decision may be reviewed by the Supreme Court. This ballot measure would create, generate, or increase public revenue because existing law would require candidates for judgeships on the Court of Appeals to pay fees to run for judicial office. It also would create, generate, or increase public revenue because, if a party appeals a decision of the Court of Appeals to the Nevada Supreme Court, the *Nevada Constitution* would require the party to pay a fee for filing the appeal.

The Court of Appeals would consist of three judges, but this ballot measure would authorize the Legislature to increase the number of judges. The Governor would appoint the initial three judges from nominees provided by the Commission on Judicial Selection. The initial three judges would be appointed to two-year terms. Thereafter, Court of Appeals judges would be elected to six-year terms at the general election. Additionally, the Supreme Court would assign,

as needed, one or more Court of Appeals judges to serve part-time as supplemental District Court judges.

If this ballot measure is approved by the voters, Senate Bill No. 463 of the 2013 Legislative Session would carry out the constitutional provisions creating the Court of Appeals.

### **ARGUMENTS FOR PASSAGE**

Nevada's Supreme Court has been overburdened for decades as it struggles to provide the public with speedy access to justice in the face of an ever-growing population. The increasing backlog of appeals is delaying justice in Nevada. Nevada is one of only ten states that do not have a Court of Appeals. Our Supreme Court is one of the busiest in the nation because it must hear and decide all appeals from final judgments entered by Nevada's 82 District Court judges. Although our Supreme Court has tried to manage and reduce its caseload through technological and procedural measures, more needs to be done to make our justice system work better for our citizens and businesses.

The American Bar Association (ABA) recommends that when the volume of appeals becomes so great that a state supreme court cannot decide cases in a timely fashion, a court of appeals should be created. Nevada has reached that point. The ABA's recommended annual caseload for an appellate judge is 100 cases. The Nevada Supreme Court's caseload for each justice was 333 cases in Fiscal Year (FY) 2013, more than three times the recommended caseload.

As a result of this heavy caseload, the Supreme Court must resolve most appeals through unpublished orders that bind only the parties in a single case, instead of published opinions that establish statewide precedent for all future cases. In recent years, because of the extensive time and effort involved in researching and writing published opinions, the Supreme Court has issued published opinions in only 3 to 4 percent of all cases. The lack of published opinions can lead to the same issues being litigated repeatedly. A Court of Appeals would decide the more routine cases, which would allow the Supreme Court to focus on precedent-setting published opinions.

A Court of Appeals would provide more timely access to justice for Nevadans and a more stable business climate for existing and new businesses. It would promote a quicker resolution of all cases, including such personal and time-sensitive matters as family law, foreclosure mediation, and business disputes. A "yes" vote will enable Nevada's court system to meet the demands of the twenty-first century and provide our citizens and businesses with an improved level of appellate review already available in 40 other states.

### **ARGUMENTS AGAINST PASSAGE**

Nevada's court system has been functioning without a Court of Appeals for the past 150 years, and voters rejected the creation of a Court of Appeals in 1972, 1980, 1992, and 2010. The backlog of appeals has not sufficiently increased since 2010 to justify creating a Court of Appeals now.

There are other methods to manage caseloads without creating a new court for appellate review. When necessary in the past, the Legislature has added more District Court judges and Supreme Court justices to handle increased workloads. Even if it is necessary to spend additional State money on improving the judicial system, it would be better to spend the money on increasing judicial resources within the existing court structure instead of creating a Court of Appeals.

Although a Court of Appeals would initially consist of three judges, the Legislature could add more judges, staff, and facilities to operate a Court of Appeals in the future, with no guarantee of an improved judicial system. Adding a new court could further delay justice for some litigants.

A “no” vote will stop the creation of another layer in Nevada’s court system, prevent increased spending of our limited resources on the court system, and confirm, for the fifth time in four decades, that Nevada voters do not want a Court of Appeals.

## FISCAL NOTE

### **Financial Impact—Yes**

The Administrative Office of the Courts has indicated that this ballot measure creating a Court of Appeals would require operating expenses of approximately \$800,000 in FY 2015, relating to judicial selection, salaries, and other expenses for the administration of a Court of Appeals. However, the Legislature, in Assembly Bill No. 474 of the 2013 Legislative Session, approved funding to the Interim Finance Contingency Account for the initial implementation of a Court of Appeals in FY 2015, contingent upon the passage of this ballot measure. Therefore, no additional funding beyond that which has already been approved would be necessary for the operation of a Court of Appeals in FY 2015.

The Administrative Office of the Courts has indicated that ongoing costs for administration of a Court of Appeals, if approved by the voters, would be approximately \$1.5 million per year. It is not known at this time, however, whether the Legislature and the Governor would choose to provide this funding from the State General Fund or from other sources.

Representatives of the Nevada Supreme Court have indicated that a Court of Appeals initially would be housed in existing court facilities in northern and southern Nevada, which would avoid the need for capital expenditures to establish a Court of Appeals. Thus, no immediate financial impact upon State government for capital costs is anticipated.

After the initial two-year terms of the three judges appointed to a Court of Appeals, candidates for future judgeships will be required by existing law to pay filing fees to the Office of the Secretary of State in order to seek judicial office. This will result in an increase in revenue to the State General Fund beginning in FY 2016, but the amount of the increase cannot be determined with any reasonable degree of certainty because the number of candidates cannot be predicted.

**Legislative Counsel Bureau's Draft Ballot Question Language  
for Senate Joint Resolution No. 14 of the 76th Session  
(Court of Appeals) for Consideration by the  
Public During the Public Comment Period**

QUESTION NO. \_\_\_\_

Amendment to the *Nevada Constitution*

Senate Joint Resolution No. 14 of the 76th Session

**CONDENSATION (Ballot Question)**

Shall the *Nevada Constitution* be amended to create a Court of Appeals that would decide appeals of District Court decisions in certain civil and criminal cases?

Yes       No

**EXPLANATION & DIGEST**

**EXPLANATION**—This ballot measure proposes to amend the *Nevada Constitution* to create a Court of Appeals consisting of three judges. The Nevada Supreme Court would establish the types of District Court decisions to be heard by the Court of Appeals and also determine which Court of Appeals decisions require review by the Nevada Supreme Court.

**A “Yes” vote would create a Court of Appeals within the existing court system.**

**A “No” vote would retain the existing court system.**

**DIGEST**—Article 6 of the *Nevada Constitution* provides for the court system of the State of Nevada, which currently consists of the Nevada Supreme Court, District Courts, Justices of the Peace, and Municipal Courts. The Nevada Supreme Court is the only court that decides appeals of District Court decisions in certain civil and criminal cases. This ballot measure would create a Court of Appeals to decide some of the cases currently decided by the Supreme Court. The Supreme Court would establish the types of District Court decisions to be heard by the Court of Appeals and also determine which Court of Appeals decisions require review by the Supreme Court. This ballot measure would create, generate, or increase public revenue because existing law would require candidates for judgeships on the Court of Appeals to pay fees to run for judicial office. It also would create, generate, or increase public revenue because, if a party appeals a decision of the Court of Appeals to the Nevada Supreme Court, the *Nevada Constitution* would require the party to pay a fee for filing the appeal.

The Court of Appeals would consist of three judges, but this ballot measure would authorize the Legislature to increase the number of judges. The Governor would appoint the initial three judges from nominees provided by the Commission on Judicial Selection. The initial three judges would be appointed to two-year terms. Thereafter, Court of Appeals judges would be elected to six-year terms at the general election. Additionally, the Supreme Court would assign, as needed, one or more Court of Appeals judges to serve part-time as supplemental District Court judges.

If this ballot measure is approved by the voters, Senate Bill No. 463 of the 2013 Legislative Session would carry out the constitutional provisions creating the Court of Appeals.

### **ARGUMENTS FOR PASSAGE**

Nevada's court system has been overburdened for decades as it struggles to provide the public with speedy access to justice in the face of an ever-growing population. Nevada is one of only ten states that do not have a Court of Appeals. Our Supreme Court is one of the busiest in the nation. Although our Supreme Court has tried to manage and reduce its caseload through technological and procedural measures, more needs to be done to make our justice system work better for our citizens and businesses.

The American Bar Association (ABA) recommends that when the volume of appeals becomes so great that a state supreme court cannot decide cases in a timely fashion, a court of appeals should be created. Nevada has reached that point. The ABA's recommended annual caseload for an appellate judge is 100 cases. The Nevada Supreme Court's annual caseload for each justice is 333 cases, more than three times the recommended caseload.

As a result of this heavy caseload, the Supreme Court must resolve most appeals through unpublished orders that bind only the parties in a single case, instead of published opinions that establish statewide precedent for all future cases. In recent years, because of the extensive time and effort involved in researching and writing published opinions, the Supreme Court has issued published opinions in only 3 to 4 percent of all cases. The lack of published opinions can lead to the same issues being litigated repeatedly. A Court of Appeals would allow the Supreme Court to focus on precedent-setting published opinions that help avoid such repetitious litigation.

A Court of Appeals would provide more timely access to justice for Nevadans and a more stable business climate that fosters the growth of existing and new businesses. It would promote a quicker resolution of all cases, including such personal and time-sensitive matters as family law, foreclosure mediation, and business disputes. A "yes" vote will enable Nevada's court system to meet the demands of the twenty-first century and provide our citizens and businesses with an improved level of appellate review already available in 40 other states.

### **ARGUMENTS AGAINST PASSAGE**

Nevada's court system has been functioning effectively without a Court of Appeals for the past 150 years, and voters have repeatedly rejected the creation of a Court of Appeals in 1972, 1980, 1992, and 2010. Nothing has changed to justify creating a Court of Appeals now.

There are other cost-effective methods to manage caseloads without creating an entirely new level of appellate review. When necessary in the past, the Legislature has added more District Court judges and Supreme Court justices to handle increased workloads. Even if it is necessary to spend additional State money on improving the judicial system, it would be better to

spend the money on increasing judicial resources within the existing court structure instead of creating a Court of Appeals.

Although a Court of Appeals would initially consist of three judges, history suggests that, over time, the Legislature will add more judges, staff, and facilities to operate a Court of Appeals at great public expense, with no guarantee of an improved judicial system. Adding another costly step to an already lengthy legal process would benefit lawyers, not their clients.

A “no” vote will stop the creation of another layer of government bureaucracy, prevent unnecessary spending of our limited resources, and confirm, for the fifth time in four decades, that Nevada voters do not want a Court of Appeals.

## **FISCAL NOTE**

### **Financial Impact—Yes**

The Administrative Office of the Courts has indicated that this ballot measure creating a Court of Appeals would require expenses of approximately \$800,000 in Fiscal Year (FY) 2015, relating to judicial selection, salaries, and other expenses for the administration of a Court of Appeals. However, the Legislature, in Assembly Bill No. 474 of the 2013 Legislative Session, approved funding to the Interim Finance Contingency Account for the initial implementation of a Court of Appeals in FY 2015, contingent upon the passage of this ballot measure. Therefore, no additional funding beyond that which has already been approved would be necessary for the operation of a Court of Appeals in FY 2015.

The Administrative Office of the Courts has indicated that ongoing costs for administration of a Court of Appeals, if approved by the voters, would be approximately \$1.5 million per year. It is not known at this time, however, whether the Legislature and the Governor would choose to provide this funding from the State General Fund or from other sources.

After the initial two-year terms of the three judges appointed to a Court of Appeals, candidates for future judgeships will be required by existing law to pay filing fees to the Office of the Secretary of State in order to seek judicial office. This will result in an increase in revenue to the State General Fund beginning in Fiscal Year 2016, but the amount of the increase cannot be determined with any reasonable degree of certainty because the number of candidates cannot be predicted.

**Public Comments Received on the LCB Draft of  
Senate Joint Resolution No. 14 of the 76th Session  
(Court of Appeals)  
May 14 - 28, 2014**

## Stewart, Michael

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**From:** Hardesty, Justice James <hardesty@nvcourts.nv.gov>  
**Sent:** Wednesday, May 28, 2014 9:35 AM  
**To:** Stewart, Michael  
**Cc:** Brower, Greg (gbrower@swlaw.com); Segerblom, Tick; Justices Only  
**Subject:** Draft explanatory language for Senate Joint Resolution No. 14 - Ballot Question 1  
**Attachments:** 2014 Question 1 - public comment edits.docx

Good morning Mr. Stewart;

I am responding to your letter of May 15, 2014, in which you invited comment or edits to the explanatory language for Question 1 on the November ballot. I have attached a redline version with suggested edits to the draft explanatory language you provided in your letter and would urge your consideration of these changes by your committee and the Legislative Commission. I believe the edits better reflect the testimony offered by the Court, the legislative records made before the 2011 and 2013 Legislatures and the arguments against the question on the 2010 ballot. If required, I am happy to augment the edits with specific explanations for each edit should you need further information. Thank you for the opportunity to submit proposed edits to the draft.

Justice Hardesty.

QUESTION NO. \_\_\_\_

Amendment to the *Nevada Constitution*

Senate Joint Resolution No. 14 of the 76th Session

**CONDENSATION (Ballot Question)**

Shall the *Nevada Constitution* be amended to create a Court of Appeals that would decide appeals of District Court decisions in certain civil and criminal cases?

Yes  No

**EXPLANATION & DIGEST**

**EXPLANATION**—This ballot measure proposes to amend the *Nevada Constitution* to create a Court of Appeals consisting of three judges. The Nevada Supreme Court would establish the types of District Court decisions to be heard by the Court of Appeals and also determine when ~~ie~~ a Court of Appeals decisions may be ~~require-reviewed~~ by the Nevada Supreme Court.

A “Yes” vote would create a Court of Appeals within the existing court system.

A “No” vote would retain the existing court system.

**DIGEST**—Article 6 of the *Nevada Constitution* ~~establishes~~ provides for the court system of the State of Nevada, which currently consists of the Nevada Supreme Court, District Courts, Justices of the Peace, and Municipal Courts. The Nevada Supreme Court is the only appeals court and must hear and decide all appeals from final judgments entered by Nevada’s 82 ~~that decides appeals of District Courts decisions in certain civil and criminal cases.~~ This ballot measure would create a Court of Appeals to decide some of the cases currently decided by the Supreme Court. The Supreme Court would establish the types of District Court decisions to be heard by the Court of Appeals and also determine when ~~ie~~ a Court of Appeals decisions may be ~~require~~ reviewed by the Supreme Court. This ballot measure would create, generate, or increase public revenue because existing law would require candidates for judgeships on the Court of Appeals to pay fees to run for judicial office. It also would create, generate, or increase public revenue because, if a party appeals a decision of the Court of Appeals to the Nevada Supreme Court, the *Nevada Constitution* would require the party to pay a fee for filing the appeal.

The Court of Appeals would consist of three judges, but this ballot measure would authorize the Legislature to increase the number of judges. The Governor would appoint the initial three judges from nominees provided by the Commission on Judicial Selection. The initial three judges would be appointed to two-year terms. Thereafter, Court of Appeals judges would be elected to six-year terms at the general election. Additionally, the Supreme Court would assign, as needed, one or more Court of Appeals judges to serve part-time as supplemental District Court judges.

If this ballot measure is approved by the voters, Senate Bill No. 463 of the 2013 Legislative Session would carry out the constitutional provisions creating the Court of Appeals.

### ARGUMENTS FOR PASSAGE

Nevada's ~~Supreme eCourt system~~ has been overburdened for decades as it struggles to provide the public with speedy access to justice in the face of an ever-growing population. The ever increasing backlog of cases is delaying justice in Nevada. Nevada is one of only ten states that do not have a Court of Appeals. Our Supreme Court is one of the busiest in the nation. Although our Supreme Court has tried to manage and reduce its caseload through technological and procedural measures, more needs to be done to make our justice system work better for our citizens and businesses.

The American Bar Association (ABA) recommends that when the volume of appeals becomes so great that a state supreme court cannot decide cases in a timely fashion, a court of appeals should be created. Nevada has reached that point. The ABA's recommended annual caseload for an appellate judge is 100 cases. The Nevada Supreme Court's annual caseload for each justice is ~~35733~~ cases, more than three times the recommended caseload.

As a result of this heavy caseload, the Supreme Court must resolve most appeals through unpublished orders that bind only the parties in a single case, instead of published opinions that establish statewide precedent for all future cases. In recent years, because of the extensive time and effort involved in researching and writing published opinions, the Supreme Court has issued published opinions in only 3 to 4 percent of all cases. The lack of published opinions can lead to the same issues being litigated repeatedly. A Court of Appeals would allow the Supreme Court to focus on precedent-setting published opinions that help avoid such repetitious litigation.

The Nevada Supreme Court currently must decide all appeals from the district courts including such cases as driver's license revocations and prisoner disputes regarding the quality of their food or clothing. If prisoner complaints and other cases like them could be heard by a Court of Appeals, it would significantly reduce the Supreme Court's backlog and shorten the time to produce precedent setting published opinions.

A Court of Appeals would provide more timely access to justice for Nevadans and a more stable business climate that fosters the growth of existing and new businesses. It would promote a quicker resolution of all cases, including such personal and time-sensitive matters as family law, foreclosure mediation, and business disputes. A "yes" vote will enable Nevada's court system to meet the demands of the twenty-first century and provide our citizens and businesses with an improved level of appellate review already available in 40 other states.

### ARGUMENTS AGAINST PASSAGE

Nevada's court system has been functioning ~~effectively~~ without a Court of Appeals for the past 150 years, and voters have ~~repeatedly rejected~~ the creation of a Court of Appeals in 1972, 1980, 1992, and 2010. ~~Nothing has changed to justify creating a Court of Appeals now.~~

~~There are other cost-effective methods to manage caseloads without creating an entirely new level of a Court of Appeals appellate review.~~ When necessary in the past, the Legislature has added more District Court judges and Supreme Court justices to handle increased workloads. Even if it is necessary to spend additional State

money on improving the judicial system, it would be better to

spend the money on increasing judicial resources within the existing court structure instead of creating a Court of Appeals.

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~~A “no” vote will stop the creation of a Court of Appeals, another layer of government bureaucracy, prevent unnecessary spending of our limited resources, and confirm, for the fifth time in four decades, that Nevada voters do not want a Court of Appeals.~~

## FISCAL NOTE

### Financial Impact—Yes

**A new Court of Appeals would be housed in existing courtrooms and offices in northern and southern Nevada. No additional courthouse construction is needed to establish a Court of Appeals resulting in no capital costs.**

The Administrative Office of the Courts has indicated that this ballot measure creating a Court of Appeals would require operating expenses of approximately \$800,000 in Fiscal Year (FY) 2015, relating to judicial selection, salaries, and other expenses for the administration of a Court of Appeals. However, the Legislature, in Assembly Bill No. 474 of the 2013 Legislative Session, approved funding to the Interim Finance Contingency Account for the initial implementation of a Court of Appeals in FY 2015, contingent upon the passage of this ballot measure. Therefore, no additional funding beyond that which has already been approved would be necessary for the operation of a Court of Appeals in FY 2015.

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After the initial two-year terms of the three judges appointed to a Court of Appeals, candidates for future judgeships will be required by existing law to pay filing fees to the Office of the Secretary of State in order to seek judicial office. This will result in an increase in revenue to the State General Fund beginning in Fiscal Year 2016, but the amount of the increase cannot be determined with any reasonable degree of certainty because the number of candidates cannot be predicted.

G141970.11E

**Stewart, Michael**

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**From:** Brower, Greg Senator  
**Sent:** Wednesday, May 28, 2014 1:44 PM  
**To:** Stewart, Michael  
**Cc:** Segerblom, Tick Senator  
**Subject:** Question 1  
**Attachments:** 2014 Question 1 - public comment edits.docx

Michael:

Attached hereto, please find comments to LCB's proposed language for Question 1 on the 2014 ballot. These comments are jointly submitted on behalf of both myself and Senator Segerblom. You will see that our comments are offered in the form of proposed changes to the language, presented in "redline" form.

Thank you in advance for your consideration. If you should have any questions, please do not hesitate to contact either me or Senator Segerblom.

Sincerely,

Greg

**Greg Brower**  
**Nevada Senator**  
**District 15**

QUESTION NO. \_\_\_\_

Amendment to the *Nevada Constitution*

Senate Joint Resolution No. 14 of the 76th Session

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Yes  No

**EXPLANATION & DIGEST**

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A "No" vote would retain the existing court system.

**DIGEST**—Article 6 of the *Nevada Constitution* establishes the court system of the State of Nevada, which currently consists of the Nevada Supreme Court, District Courts, Justices of the Peace, and Municipal Courts. The Nevada Supreme Court is the only appeals court and must hear and decide all appeals from final judgments entered by Nevada's 82 District Courts. This ballot measure would create a Court of Appeals to decide some of the cases currently decided by the Supreme Court. The Supreme Court would establish the types of District Court decisions to be heard by the Court of Appeals and also determine when a Court of Appeals decision may be reviewed by the Supreme Court. This ballot measure would create, generate, or increase public revenue because existing law would require candidates for judgeships on the Court of Appeals to pay fees to run for judicial office. It also would create, generate, or increase public revenue because, if a party appeals a decision of the Court of Appeals to the Nevada Supreme Court, the *Nevada Constitution* would require the party to pay a fee for filing the appeal.

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If this ballot measure is approved by the voters, Senate Bill No. 463 of the 2013 Legislative Session would carry out the constitutional provisions creating the Court of Appeals.

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spend the money on increasing judicial resources within the existing court structure instead of creating a Court of Appeals.

A "no" vote will stop the creation of a Court of Appeals for the fifth time in four decades.

**FISCAL NOTE**

**Financial Impact—Yes**

A new Court of Appeals would be housed in existing courtrooms and offices in northern and southern Nevada. No additional courthouse construction is needed to establish a Court of Appeals resulting in no capital costs.

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G141970.11E

## **Stewart, Michael**

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**From:** Frank Flaherty <FFlaherty@dyerlawrence.com>  
**Sent:** Wednesday, May 28, 2014 1:00 PM  
**To:** Stewart, Michael  
**Cc:** Sue Matuska  
**Subject:** Ballot Argument - Court of Appeals

Mr. Stewart:

Thank you for your e-mail dated May 14<sup>th</sup> and the opportunity to review the draft ballot argument. I shared it with my colleague Sue Matuska and attached are her suggested revisions.

Frank Flaherty

Francis C. Flaherty  
Dyer-Lawrence Law Firm  
2805 Mountain Street  
Carson City, Nevada 89703  
(775) 885-1896  
FAX: (775) 885-8728

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Nevada's court system has been overburdened for decades as it struggles to provide the public with speedy access to justice in the face of an ever-growing population. Nevada is one of only ten states that do not have a Court of Appeals. Our Supreme Court is one of the busiest in the nation. Although our Supreme Court has tried to manage and reduce its caseload through technological and procedural measures, more needs to be done to make our justice system work better for our citizens and businesses.

The American Bar Association (ABA) recommends that when the volume of appeals becomes so great that a state supreme court cannot decide cases in a timely fashion, a court of appeals should be created. Nevada has reached that point. The ABA's recommended annual caseload for an appellate judge is 100 cases. The Nevada Supreme Court's annual caseload for each justice is 333 cases, more than three times the recommended caseload.

As a result of this heavy caseload, the Supreme Court must resolve most appeals through unpublished orders that bind only the parties in a single case, instead of published opinions that establish statewide precedent for all future cases. In recent years, because of the extensive time and effort involved in researching and writing published opinions, the Supreme Court has issued published opinions in only 3 to 4 percent of all cases. The lack of published opinions can lead to the same issues being litigated repeatedly. A Court of Appeals would allow the Supreme Court to focus on precedent-setting published opinions that help avoid such repetitious litigation.

A Court of Appeals would provide <sup>speedier</sup> ~~more timely~~ access to justice for Nevadans and a more stable business climate ~~that fosters the growth of~~ existing and new businesses. It would promote a quicker resolution of all cases, including such personal and time-sensitive matters as family law, foreclosure mediation, and business disputes. A "yes" vote will enable Nevada's court system to meet the demands of the twenty-first century and provide our citizens and businesses with an improved level of appellate review already available in 40 other states.

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### ARGUMENTS AGAINST PASSAGE

Nevada's court system has been functioning effectively without a Court of Appeals for the past 150 years, and voters have repeatedly rejected the creation of a Court of Appeals in 1972, 1980, 1992, and 2010. Nothing has changed to justify creating a Court of Appeals now.

There are other cost-effective methods to manage caseloads without creating an entirely new level of appellate review. When necessary in the past, the Legislature has added more District Court judges and Supreme Court justices to handle increased workloads. Even if it is necessary to spend additional State money on improving the judicial system, it would be better to

## Stewart, Michael

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**From:** nvmemorialfund@aol.com  
**Sent:** Wednesday, May 28, 2014 7:02 PM  
**To:** Stewart, Michael  
**Subject:** Response to May 15, 2014 letter garding Senate Joint resolution NO. 14. Ballot question.

Dear Mr. Stewart:

Thank you for contacting me regarding this very important matter.

As you are aware that I attended the April 4, 2011 where I appeared and spoke before the Senate Judiciary Committee on this issue of creating a Court of Appeals. As I stated then I had concerns regarding inmates cases taking 3-5 years in proper person. Justice Michael Douglas was asked to come back up and discuss this issue that I brought before the Committee. You can refer to the CD of the hearing as to what was discussed. It is still unclear to this day if inmates cases on appeals have improved.

This language does not include whether or not the inmates cases would be a priority if this should pass. We do know by Nevada Supreme Court Justice Michael Douglas that this would basically affect businesses and the inmates appeals is really unknown. It is still unclear to this day if inmates cases on appeals will be improved in a timely matter.

My concerns are will the Court of Appeals address each and every Ground raised that is on appeal or will they continue to pick one to Grounds and dismiss the appeal without ever reaching the merits on the case like they have in the past? Based on past experiences that I have witnessed throughout the years I am still of the belief that that this will continue to be if this should pass.

As a taxpayer, this should be a priority because it is costing the taxpayers in excess of one hundred thousand of dollars to incarcerate just one inmate during the time their case is appealing in the Nevada Supreme Court. More if they should be come ill and need treatment.

I will vote no on this in November.

Respectfully,

Tonja Brown  
2907 Lukens Lane  
Carson City, NV 89706  
775-882-2744

## Watson, Mayscha

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**From:** BallotQFeedbackForm  
**Sent:** Sunday, May 25, 2014 5:35 PM  
**To:** Stewart, Michael; Watson, Mayscha  
**Subject:** Public Comment for 2014 Ballot Questions

Email from James Withey

**SJR 14 Comments:**

Graffiti needs to be a state crime as a special felony where the state owns their time for three to five years. They will clean up their work and that of others until such time as it disappears.

**SJR 15 Comments:**

Common Core education needs to leave Nevada and a more common sense approach needs to take its place. The parents of those cities in this state need to decide what curriculum is best with suggestions from the educators themselves. Education needs to be all about the "three R's", reading, writing and arithmetic.

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