



# Judicial Branch Overview

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# Judicial Branch

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## ■ 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...

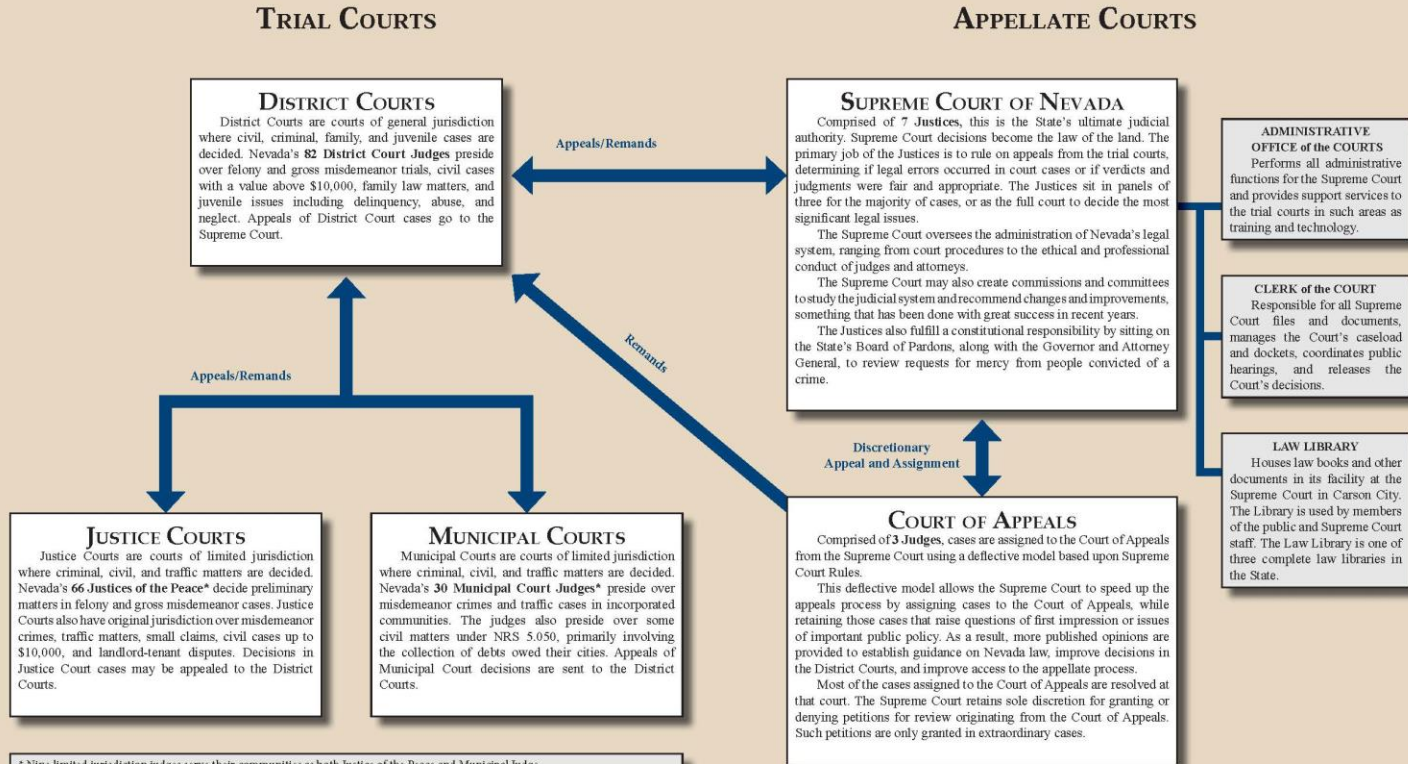
## ■ Article 6, Section 1, of the Nevada Constitution

- 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 Organization

## Judicial Branch Generally, NRS Chapter 1

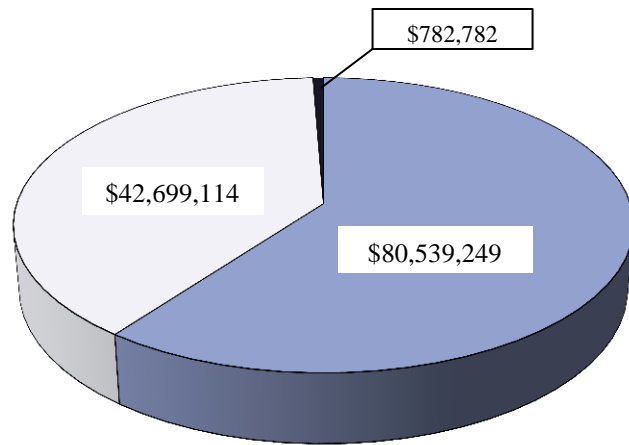
### NEVADA'S COURT MODEL AND STRUCTURE



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

# Judicial Branch Revenue

Total Funding: \$124,021,145



- General Fund (65%)
- Admin Assess & Other Fees (34%)
- Federal (<1%)

## General Fund Request

- 56% Judicial Elected Official Salaries (\$44,977,040)
- 15% Supreme Court (\$11,777,578)
- 10% Specialty Courts (\$8,317,942)
- 6% Court of Appeals (\$4,719,037)
- 5% Law Library (\$3,891,447)
- 4% Judicial Retirement System (\$3,336,606)
- 2% Senior Judge Program (\$1,974,675)
- 2% Judicial Programs and Services (\$1,514,226)
- <1% Judicial Selection (\$30,698)

## General Fund Appropriation by Decision Unit

Adjusted Base (Ongoing Costs)	\$70,374,717	87.379%
M100 Inflationary Decreases	-21,855	-0.027%
E35# Enhancements: Specialty Court	8,317,942	10.328%
E### Enhancements: Other	<u>1,364,723</u>	<u>2.32%</u>
	<u>\$80,539,249</u>	100%

# Supreme Court Duties

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- Administer the Nevada judicial system
- Decide all civil and criminal cases appealed from District Court
- 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

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- 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 2017 – 2019 Biennium

<u>SUPREME COURT</u>	<u>FY 15</u>	<u>FY 16</u>	<u>FY 17*</u>	<u>FY18*</u>	<u>FY19*</u>
New Cases Filed	2,403	2,452	2,648	2,780	2,835
Cases Transferred to COA	500	639	848	890	907
Cases Resolved	2,344	1,840	1,632	1,713	1,747
Cases Pending	1,544	1,519	1,687	1,771	1,806
<u>COURT OF APPEALS</u>	<u>FY 15</u>	<u>FY 16</u>	<u>FY 17*</u>	<u>FY18*</u>	<u>FY19*</u>
Cases Transferred from Supreme Court	500	639	848	890	907
Cases Resolved	304	725	784	823	839
Cases Pending	196	110	174	182	185

\*New cases filed with the Supreme Court in the first half of fiscal year 2017 show an increase of 196 cases or an increase of 8% for the year, one of the largest increases in filings in the last five years. While the backlog was reduced from 2015 to 2016, it is projected to increase because of the increase in case filings. Based on an evaluation of the increase in case filings, projections for 2018 are based on a 5% increase and a 2% increase for fiscal year 2019.

# District Courts

Article 6, Sec. 5 & 6; NRS Chapter 3

- 11 judicial districts, 17 county courts
- 82 judges of general jurisdiction
- Jurisdiction
  - Preside over cases of felony and gross misdemeanor crimes; civil matters above \$15,000; and family law cases, including juvenile crimes (exclusive), abuse, and neglect.
  - Conduct jury and non-jury trials. Rule on legal issues.
  - Hear appeals of Justice and Municipal Court cases.
- Funding Source
  - District Judges' salaries – State General Fund Appropriation
  - Staff, facilities, & operations – County General Fund and Civil Filing Fees

District Court Case Filings, 2016			
Criminal	Civil	Family	Juvenile
17,990	28,711	80,257	10,618
Total Case Filings: 137,336			

District Court Case Dispositions, 2016			
Criminal	Civil	Family	Juvenile
16,832	24,877	75,753	9,599
Total Case Dispositions: 127,061			



# Senior Judge Program

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- Senior Judge Program places retired district judges (currently 33 active seniors) to hear cases in district court due to judicial absence, disqualification, vacancy, or another reason
- Senior judges provide services equivalent to several full time district judges, saving millions of dollars and expediting cases that could have languished in the backlog
- Senior judges also conduct special settlement hearings from time to time such as those that helped to clear-up the medical malpractice backlog in Clark County a few years ago.

# Justice Courts

Article 6, Sec. 8; NRS Chapter 4

- 65 justices of the peace
- Courts of limited jurisdiction
- Jurisdiction: Preside over preliminary matters of felony and gross misdemeanor cases, traffic and other misdemeanor cases, civil matters up to \$15,000, small claims (up to \$7,500), and landlord tenant disputes. Issue temporary protective orders and warrants.
- In fiscal year 2016, non-traffic (criminal and civil) cases filed – 187,776; and traffic cases filed – 286,067
- In fiscal year 2016, non-traffic cases disposed – 193,129; and traffic cases disposed – 274,856
- Funding source: County General Fund
- 9 judges serve as both Justice of the Peace and Municipal Court Judge

# Municipal Courts

Article 6, Sec. 9; NRS Chapter 5

- 30 municipal court judges
- Courts of limited jurisdiction
- Jurisdiction: Preside over misdemeanor and traffic cases in incorporated communities; limited civil jurisdiction
- In fiscal year 2016, non-traffic cases filed – 49,455; and traffic cases filed – 125,218
- In fiscal year 2016, non-traffic cases disposed – 46,577; and traffic charges disposed – 185,124,070
- Funding source: City General Fund
- 9 judges serve as both Justice of the Peace and Municipal Court Judge

# Specialty Courts

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- Specialty courts are therapeutic programs that seek to address the roots of criminal behavior by addressing substance abuse, mental health, and other issues by bringing together courts, law enforcement, defense attorneys, prosecutors, treatment providers and social services.
- Programs have intensive requirements, i.e., frequent drug tests, job skill training, etc.

# Specialty Courts

- 42 fee-funded specialty courts programs
- 39 general fund funded specialty court programs
- Specialty court programs are available in all 17 counties
- 1,389 participants successfully graduated from specialty court programs in FY16
- 48 drug-free babies born to participants
- Funding in the next biennium:
  - \$7 specialty court administrative assessment (NRS 176.0613)
  - Felony bond forfeitures (10% to Specialty Courts, NRS 178.518)
  - 12% of the Judicial Branch share of general administrative assessment revenue (NRS 176.059)
  - General fund appropriation

# Administrative Office of the Courts

## ■ Legislative mandated or requested reports

- Alternative dispute resolution (biennial)
- Specialty Court funding (biennial)
- Uniform system for judicial records (annual)

## ■ Roles to assist with Judicial Branch administration

- Administrative support such as budgets, personnel, benefits, policies, legislation, etc.
- Education of judges and court staff
- Trial court services such as court interpreter certification, specialty court funding, and coordination with justice partners
- Technology (e.g., state sponsored case management system, justice integration, assist w/ NV Offense Codes)

# AOC Work by Division

## ■ Administration

- Budget Preparation, Management, and Accounting
- Human Resources/Payroll
- Senior Judge Program
- Facilities Management
- Judicial Branch Audits

## ■ Judicial Programs and Services

- Court Interpreter Certifications
- Limited Jurisdiction Courts Bench Book
- Court Improvement Program for dependent children
- Specialty Court programs
- Interaction and coordination with federal, state, and local justice partners
- Assistance to the trial courts
- Commission support – JCSN; Preservation, Access and Sealing of Court Records; Indigent Defense Commission, etc.
- Judicial Education (including court staff)

# AOC Work by Division

## ■ Information Technology

### ■ Supreme Court support

- E-filing
- Document management system
- Appellate Court case management system

### ■ Trial Court support

- State-sponsored case management system
- Criminal Justice Integration
- Nevada Offense Codes

### ■ Judicial Branch support

- Manage and maintain all servers and databases for the above support projects
- Maintain hardware and software throughout Supreme Court

## ■ Supreme Court Marshals

- Security for justices, staff, and citizens in the Supreme Court Buildings and off-site



# Foreclosure Mediation Program (FMP)

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- Created during the 2009 session of the Nevada Legislature
  - Amended NRS Chapter 107
- Homeowners meet face-to-face with lender representatives who must have the authority to negotiate and modify the terms of a loan. Mediations can result in loan modification, a short sale agreement or other resolution.
  - Brings together key stakeholders, including property owners, lenders, and their respective representatives, in a neutral setting to discuss alternatives to foreclosure. By working together to explore various options, agreements can be reached that benefit both sides and avoid foreclosure.

# Judicial Council of the State of Nevada

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The Judicial Council of the State of Nevada (JCSN) is made up of representatives from all levels of courts, from all the regions of the State.

## **The Judicial Council of the State of Nevada shall...**

- Develop and recommend... policies for the administration of the judiciary.
- Consider issues forwarded to it by the Supreme Court and/or Chief Justice.
- Review proposed legislation affecting the courts ...
- Recommend legislation and/or rules ... to the Supreme Court.
- Establish committees to develop minimum standards, to be recommended to the Supreme Court.
- Develop recommendations ... for the improvement of Nevada's courts and the statewide court system.

# JCSN Committees

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- Court Administration
- Court Improvement Program (CIP) – works to improve outcomes for children in dependency proceedings
- Judicial Education
- Language Access
- Legislation and Rules
- Specialty Court Funding
- Technology

# Supreme Court Commissions and Committees

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## ■ **Indigent Defense Commission**

- Created in 2007
- Performance Standards
- Independent Counsel Offices in Washoe and Clark – increased independence from the judiciary
- 2017 legislation to create independent oversight commission and reform rural indigent defense system – Advisory Commission on the Administration of Justice

# Supreme Court Commissions and Committees

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- **Commission to Study the Administration of Guardianships**
- Meet during 2015 and 2016, took significant public comment
- Final report recommends 16 legislative and 14 Court Rule changes to improve guardianship administration and enhance safety of protected persons

# Supreme Court Commissions and Committees

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- **Commission on Statewide Juvenile Justice Reform**
- Created in 2011 and made up of stakeholders from across the state and systems involved with juvenile justice
- Recommended 8 bills (2013 and 2015) to reform juvenile justice – all have passed
- Recommendations for 2017 legislation adopted by the interim Legislative Committee of Child Welfare and Juvenile Justice
- Advocating for increased front-end services
- CSG Initiative

# Supreme Court Commissions and Committees

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- **Commission on Statewide Rules of Criminal Procedure**
  - Created in 2015
  - Four working groups developing recommendations for changes to criminal procedure

# Supreme Court Commissions and Committees

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- **Committee to Study Evidence-Based Pretrial Release**
  - Convened in September of 2015
  - Pilot project using NV specific pretrial risk assessment tool to assess each defendant and let judges make more informed and appropriate pre-trial release decisions
  - National concerns regarding bail system



# Supreme Court Commissions and Committees

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- **Judicial Selection Commission**
- Selects 3 candidates for Gubernatorial consideration for vacancies at the district, court of appeals, and Supreme Court level
- Implemented paperless process during 2016
- Filled Supreme Court vacancy was filled by the Honorable Lidia Stiglich

# Supreme Court Commissions and Committees

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- **Access to Justice Commission**
- Staffed by State Bar
- Pro Bono report - 4,413 lawyers donated 100,957 hours of free legal work in 2015
- ONE Promise Nevada Campaign – increase pro bono participation and funding
- IOLTA – Interest on Lawyer Trust Accounts, interest on money held in trust funds legal services

# Supreme Court Commissions and Committees

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- **Blue Ribbon for Kids Commission**
- Studied and made recommendations to improve the child welfare system in Clark County
- Final report “Moving Forward Together for Clark County’s Children”
- Children’s Commission

# Informational Links

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- Annual Report:  
[http://nvcourts.gov/Supreme/News/Nevada\\_Judiciary\\_Releases\\_FY\\_2016\\_Annual\\_Report/](http://nvcourts.gov/Supreme/News/Nevada_Judiciary_Releases_FY_2016_Annual_Report/)
- Committees and Commission:  
[http://nvcourts.gov/AOC/Committees\\_and\\_Commissions/Overview/](http://nvcourts.gov/AOC/Committees_and_Commissions/Overview/)
- Find a Court: [http://nvcourts.gov/Supreme/How\\_Do\\_I/Find\\_a\\_Court/](http://nvcourts.gov/Supreme/How_Do_I/Find_a_Court/)
- Judicial Directory:  
[http://nvcourts.gov/AOC/Administration/Documents/Judicial\\_Directory/](http://nvcourts.gov/AOC/Administration/Documents/Judicial_Directory/)
- Appellate Courts Case Lookup, Advance Opinions, and Web-Stream:  
<http://nvcourts.gov/supreme/>
- Court Forms: <http://www.nevadalegalforms.info/php/main.php>
- Supreme Court Rules:  
[http://nvcourts.gov/Supreme/Rules/Amendments/Supreme\\_Court\\_Rules/](http://nvcourts.gov/Supreme/Rules/Amendments/Supreme_Court_Rules/)