

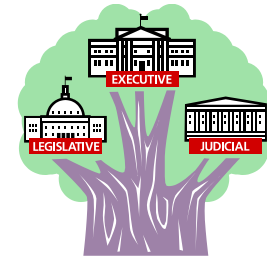
# JUDICIAL BRANCH OVERVIEW

---

Justice James W. Hardesty



# Nevada Judicial Branch

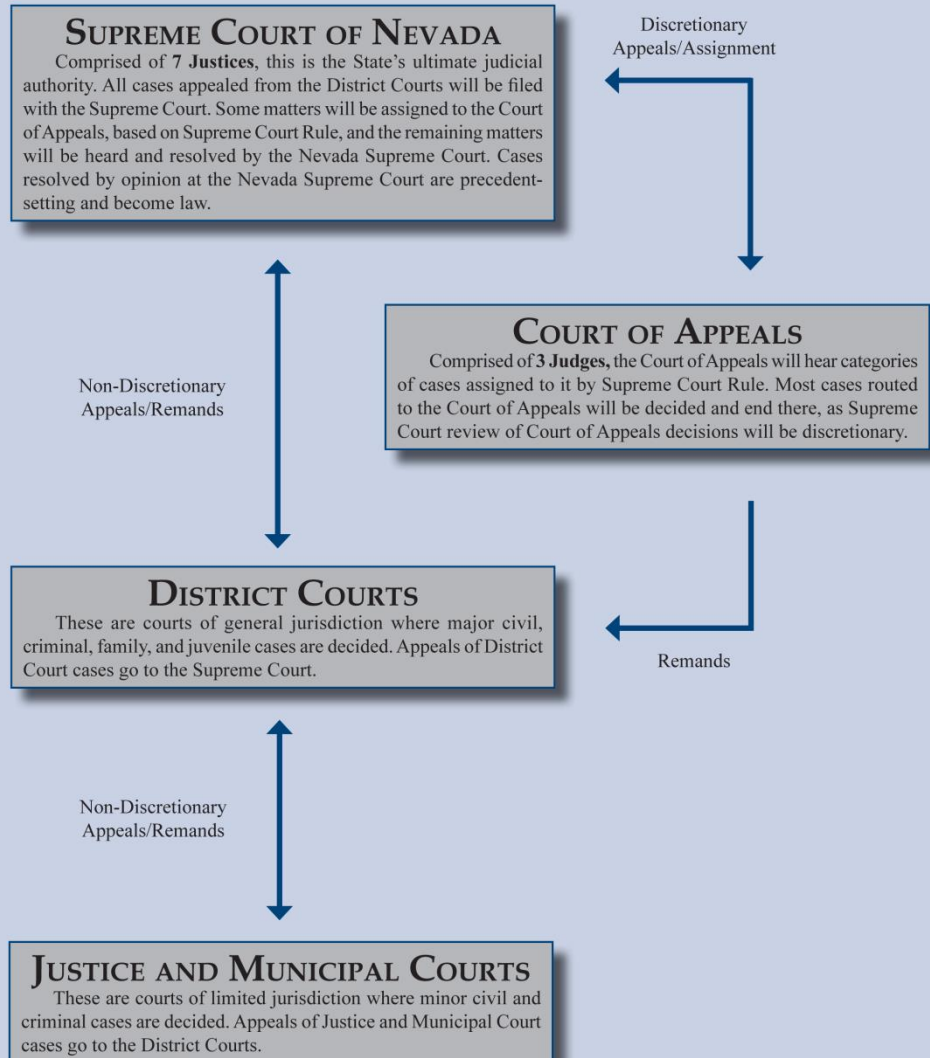


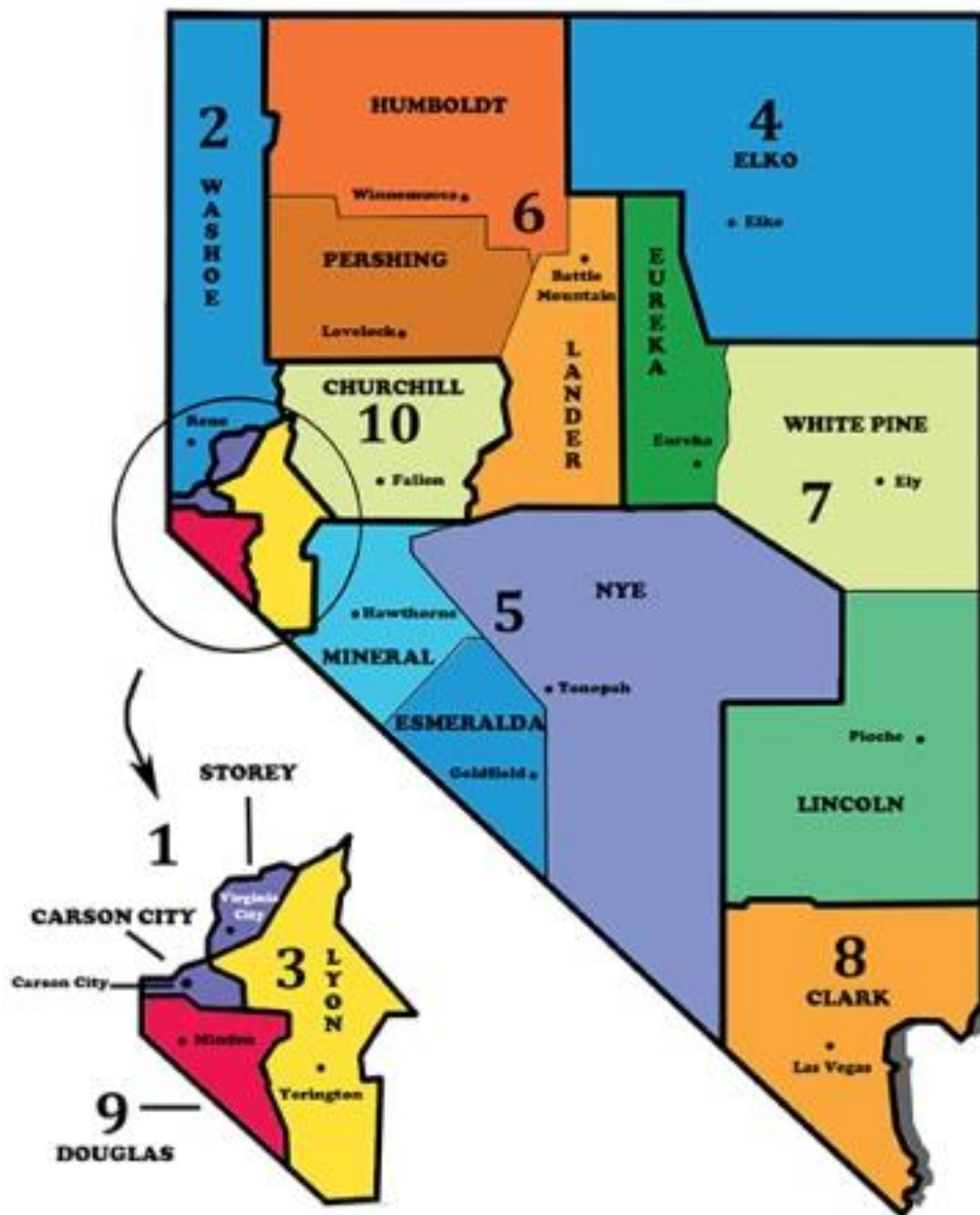
- The Nevada Constitution creates 3 separate branches of government (Art. 3, Sec. 1).

Executive (Article 5)	Legislative (Article 4)	Judicial* (Article 6)
Governor	Legislature	Supreme Court
DPS, DHHS, etc. (Agency)	County Commission	District Court
Law Enforcement (Police, Sheriff, etc.)	City Council	Justice Court
District Attorney, City Attorney, Attorney General		Municipal Court

\*Nevada has a non-unified court system meaning that funding for the trial courts is mostly provided by the counties and cities, and thus the local courts retain a large measure of administrative control and discretion.

## Nevada Court Structure with Court of Appeals





# Supreme Court

- **The Nevada Supreme Court** is the State's final appellate court, and hears appeals from the District Courts. The court serves as both an error correction court and the court of last resort in the development of Nevada's law.
- There are 7 Justices on the Supreme Court.



# Supreme Court Duties and Jurisdiction

- The Supreme Court administers the Nevada Judicial Branch (NV Constitution, Art. 6, Sec. 19).
- The Court has appellate jurisdiction over all civil and criminal cases from District Court.
- The Court has the power to issue *writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus* (AKA: Extraordinary Writs).
- The Court is in charge of licensure and discipline of lawyers.
- The Court has appellate review for judicial discipline cases.

# Court of Appeals

- Created by the passage of Question 1 at the 2014 general election, the Court of Appeals is made up of three judges and handles appeals from the district courts.
- All appeals are filed with the Supreme Court Clerk's Office and the Clerk's Office screens and assigns cases pursuant to rules and operating procedures established by the Supreme Court.
- Death penalty cases and cases with an issue of first impression automatically stay with the Supreme Court.



# AOC

- The AOC exists to help the Court carry-out its administrative functions. Examples of AOC's duties include:
  - Administrative support to the Court, the Clerk's Office, and Central Staff including IT.
  - Administer specialty court funds.
  - Manage and support a trial court case management system.
  - Staff committees and commissions, e.g., Juvenile Justice Reform, Judicial Council, Court Administration, Indigent Defense.
  - Collect, analyze, and publish statistics for the entire judicial branch.
  - Provide support and leadership to the trial courts, e.g., publish bench book, provide assistance to individual courts.
  - Provide for the education of district judges, justices of the peace, municipal court judges, and court staff.
  - Provide HR functions for all Supreme Court staff and for NV district judges.
  - Provide minimum accounting standards for all Nevada's courts, ensure compliance, and perform audits.
  - Administer the senior judge program.
  - Provide governmental relations services for the Judicial Branch.
  - Work with stakeholders to improve the courts' processes and capacity to handle child dependency matters.
  - Implement legislative/statutory changes and mandates.



# District Court

- **Nevada's District Courts** are trial courts of general jurisdiction. The District Courts hear all felony and gross misdemeanor criminal cases; and hear all family, juvenile, and civil cases with a value of over \$10,000. All appeals of District Court decisions go to the Supreme Court.
- There are 10 Judicial District Courts in Nevada with 82 District Judges.



# Family Courts in Urban NV

- District courts have jurisdiction over family case types.
- In the two urban districts (2<sup>nd</sup> & 8<sup>th</sup>, Washoe & Clark) a family court has been established with judgeships devoted specifically to hearing family cases.
- Urban family courts handle DV protection orders (handled by justice courts in 8 other districts).
- Family courts do not handle criminal matters.

# Justice Courts

- **Justice Courts** handle misdemeanor criminal matters, traffic cases, and preliminary hearings for gross misdemeanors and felonies. Justice Courts also hear civil matters (including small claims), protection orders, and landlord/tenant cases. Justice Courts are referred to as limited jurisdiction courts.
- There are 42 Justice Courts with 67 Justices of the Peace.
- District Court has appellate jurisdiction over Justice Court.



# Municipal Courts

- **Municipal Courts** handle misdemeanors and traffic cases in incorporated cities. Municipal courts have some very limited civil jurisdiction dealing primarily with review of city administrative decisions and collections for municipal service. and Municipal Courts are referred to as limited jurisdiction courts.
- There are 17 Municipal Courts with 30 Judges and nine of these Judges serve as both Municipal Court Judge and Justice of the Peace.
- District Court has appellate jurisdiction over Municipal Court.



# NRS Title 1

- Ch. 1 – General Provisions, AOC, & Judicial Discipline
- Ch. 2 – Supreme Court
- Ch. 3 – District Courts
- Ch. 4 – Justice Courts
- Ch. 5 – Municipal Courts



# ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE OVERVIEW

---

Justice James W. Hardesty



# 2013-14 Commission Members

- Senator Tick Segerblom, Chair
- Justice James W. Hardesty, Nevada Supreme Court, Vice Chair
- Senator Greg Brower
- Assemblyman Wesley Duncan
- Assemblyman Jason Frierson
- Judge David Barker, Eighth Judicial District Court
- Connie Bisbee, Chairman, Board of Parole Commissioners
- Chuck Callaway, Police Director, Office of Intergovernmental Services, LV Metro
- Catherine Cortez Masto, Attorney General
- James "Greg" Cox, Director, Department of Corrections
- Larry Digesti, Representative, State Bar of Nevada
- Mark Jackson, Douglas County District Attorney
- Phil Kohn, Clark County Public Defender
- Lisa Morris Hibbler, Victims Rights Advocate
- Jorge Pierrott, Sergeant, Parole and Probation
- Richard Siegel, Legislative Chairperson, ACLU of Nevada, Inmate Advocate
- D. Eric Spratley, Lieutenant, Washoe County Sheriff's Office

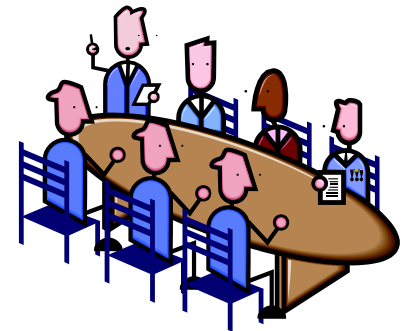
# Duties of Commission (NRS 176.0125)

- Identify and study the elements of this State's system of criminal justice.
- Evaluate the effectiveness and fiscal impact of sentencing and recommend changes in the structure of sentencing.
- Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners.
- Evaluate the effectiveness of specialty court programs.
- Evaluate the policies and practices concerning presentence investigations and reports.
- Evaluate, review and comment upon issues relating to juvenile justice.
- Compile and develop statistical information concerning sentencing.
- Identify and study issues relating to the application of NRS 241 to meetings held by the:
  - (a) State Board of Pardons Commissioners; and
  - (b) State Board of Parole Commissioners.
- Identify and study issues relating to the operation of the Department of Corrections.
- Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.
- Identify and study the impacts and effects of collateral consequences of convictions.
- Prepare a comprehensive report including the Commission's any recommendations of the Commission for proposed legislation.



# Subcommittees

- Subcommittee on Victims of Crime (NRS 176.01245)  
Attorney General Masto, Chair
- Subcommittee to Review Arrestee DNA (NRS 176.01246)  
Steve Yeager, Chair
- Subcommittee on Medical Use of Marijuana (NRS 176.01247)  
Senator Segerblom, Chair



# Recommendations for Legislation

- Draft legislation to require the Department of Motor Vehicles to issue a valid driver's license or identification card to an offender upon release from prison. (BDR 559)
- Draft legislation to require the use of a uniform pretrial risk assessment tool in criminal proceedings. (BDR 559)
- Draft legislation to require the Division of Parole and Probation: (1) to review and update any risk assessment tool; and (2) to report to the next Advisory Commission. (BDR 559)
- Draft legislation to require the centralized collection of fees, fines and restitution from convicted persons. (BDR 559)
- Draft legislation to provide that an order of restitution contained in a criminal judgment is enforceable as a civil judgment and that such an order does not expire until it is paid in full. (BDR 560)

# Recommendations for Legislation Cont.

- Draft legislation to require all interested criminal justice stakeholders (district attorneys, defense attorneys, judges, etc.) to adopt policies and procedures for a statewide criminal justice information sharing database. (BDR 559)
- Draft legislation to authorize the Director of the Department of Corrections to release personal information (address) which pertains to a victim, to the Office of the Attorney General. (BDR 559)
- Draft legislation authorizing the Fund for the Compensation of Victims of Crime to be used for the reimbursement of counties for the cost of sexual assault examinations. (BDR 559)
- Draft legislation to study the use of sentence credits to reduce the minimum term of imprisonment imposed for offenders convicted of certain category B offenses. The study should include a review of the use of judicial discretion at sentencing, to determine whether such credits should be allocated. (BDR 557)

# Recommendations for Letters

- The Commission urges the Governor and the Legislature to:
  - (1) Adequately fund the criminal justice system;
  - (2) Fund specialty courts; and
  - (3) Fund a statewide computer database.
- The Commission urges the State DNA Database and the Central Repository for Nevada Records of Criminal History, to:
  - (1) Research and review automatic expungement for arrestee DNA records; and
  - (2) Develop best practices should Nevada choose to proceed with automatic expungement in the future.

# Recommendations for Policy Statements

- Recognize and support the Nevada State Court Language Access Plan, which seeks to promote access to the courts by persons with limited English proficiency.
- Urge the Governor and the Chair and Vice-Chair of the Advisory Commission to continue working with the PEW Charitable Trusts and other technical assistance providers to further develop justice reinvestment type initiatives for Nevada.
- Support the: (1) establishment of a Naloxone access law; (2) amendment of NRS 41.500 (the “good samaritan” law) to allow for assistance to a victim of an overdose; (3) amendment of NRS 484C.400 to remove the provision that failure to complete treatment is another crime; and (4) amendment of NRS 453.336 to authorize, rather than require, a program of treatment and rehabilitation.