



POLICY AND PROGRAM REPORT



Nevada’s Court System

April 2016

Nevada’s court system is the core of the Judicial Branch of State government. It encompasses the Nevada Supreme Court, district courts, justice courts, and municipal courts and their justices, judges, and staff. This section of the *Policy and Program Report* describes the court system and related topics, including attorneys, court reporters, district attorneys, juries, public defenders, the State Bar of Nevada, and other subjects. It also describes the role of the Office of the Attorney General.

ORGANIZATION OF NEVADA’S COURTS

Supreme Court

The Supreme Court is composed of a Chief Justice and six associate justices. The Chief Justice is the administrative head of the court system, with authority to divide the work of the Supreme Court among the justices, assign district judges to assist in other judicial districts or to special functions, and assign retired judges or justices to appropriate temporary duty.

The Supreme Court has appellate jurisdiction in all civil cases arising in district court and in questions of law in criminal cases within the original jurisdiction of the district courts.

In 1997, the Legislature authorized the Supreme Court to hear and decide cases in panels of three justices. The full Court must consider any case in which two members of a panel make such a request.

TABLE OF CONTENTS

- Organization of Nevada’s Courts 1
 - Supreme Court*..... 1
 - District Courts*..... 2
 - Specialty Courts* 2
 - Community Courts* 3
 - Justice Courts*..... 3
 - Municipal Courts*..... 4
 - Court of Appeals* 4
- Justices and Judges 4
- Juries 6
- State and County Legal Personnel 6
 - Attorney General* 6
 - District Attorneys* 7
 - Public Defenders* 7
 - Court Reporters* 8
- Attorneys and the State Bar 8
- Alternative Dispute Resolution 8
- Court Administration and Finances 9
- Advisory Bodies 9
- Sources of Additional Information 10
- State Contact Information 10
- Research Staff Contacts 11

District Courts

The district courts have original jurisdiction over all matters excluded from the jurisdiction of the justice and municipal courts, and appellate jurisdiction in cases arising from those courts. Nevada's district courts also have jurisdiction over juvenile justice.

In Clark and Washoe Counties, the Legislature has established family courts, which are divisions of the district courts. Those counties may levy an ad valorem tax on all taxable property in the county for the support of the family court.

The 2015 Legislature, through the passage of Assembly Bill 435 (Chapter 221, *Statutes of Nevada*), increased the number of judicial districts from 10 to 11. The new Eleventh Judicial District is comprised of the Counties of Lander, Mineral, and Pershing. The Legislature sets the number of judges serving each district. The Second Judicial District (Washoe County) and the Eighth Judicial District (Clark County) have the largest numbers of judges.

Specialty Courts

Specialty courts are problem-solving courts that help break the cycle of: (1) drug and/or alcohol addiction that can influence adult criminal activity; (2) problem gambling; (3) juvenile delinquent behavior; or (4) parental abuse and/or neglect of children. *Nevada Revised Statutes* (NRS) 176.0613 defines a specialty court program as:

[A] program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs.

Currently, Nevada has 42 specialty court programs (27 urban and 15 rural programs). These 42 programs include:

- 17 adult drug courts, including diversion and child support;
- 3 family drug courts;
- 3 mental health courts;
- 4 juvenile drug courts;
- 6 driving under the influence (DUI) courts;
- 5 hybrid DUI/drug courts;
- 1 prostitution prevention court;
- 1 veterans treatment court; and
- 2 habitual offender courts.

In 1993, Nevada became one of the first states to authorize drug courts. A court may establish a treatment program or assign a person to an appropriate, certified treatment facility. Such an assignment must establish the terms and conditions for successful completion and must provide for regular progress reports. Persons in the program who were charged with the use or possession of a controlled substance must be subject to frequent urinalysis to determine that they are not using a controlled substance. If the offender successfully completes the program, the court must dismiss the charges.

In 2001, the Legislature authorized a court to establish an appropriate program for the treatment of mental illness and to assign a defendant to the program. As in the drug courts, an assignment must establish the terms and conditions for successful completion and, if the offender successfully completes the program, the court must dismiss the charges.

In 2009, the Legislature authorized a court to establish a program for the treatment of problem gambling and to assign persons to the program, provided that they agree to pay restitution as a condition of electing treatment. If an offender completes the program successfully, the court must set aside the conviction, and the records may be sealed.

The Legislature also declared in 2009 that combat service can exact a psychological toll on members of the military and that establishment of specialty treatment courts for veterans who are nonviolent offenders allows them to heal and reenter society. The Legislature established the veterans courts, under rules similar to those applicable to drug and mental health courts. After a defendant is discharged from probation under the program, the court must order the criminal records sealed.

In 2013, the Legislature gave the district courts some flexibility to determine whether a veteran or member of the military is disqualified from participating in a specialty court treatment program for committing an act of violence. It requires the court to consider the facts and circumstances surrounding the offense, including whether the defendant intended to place another person in fear of harm.

Community Courts

Community courts are similar to specialty courts since they allow local governments to impose alternative sentences on persons charged with misdemeanors. In 2013, the Legislature authorized each county to establish a community court pilot project for misdemeanor offenders, excluding person charged with domestic violence or driving under the influence.

Justice Courts

Nevada's justice courts are courts of limited jurisdiction. They handle civil matters not exceeding \$15,000 in damages, evictions, misdemeanors, small claims, traffic cases, and other matters. This monetary limit was increased to \$15,000 from \$10,000 in A.B. 66, (Chapter 200, *Statutes of Nevada 2015*). Justice courts also determine whether probable cause exists for felony and gross misdemeanor cases to be bound over to the district court.

There must be one justice court in each of the townships into which the board of county commissioners has divided the county, and at least one justice of the peace in each justice court. The Legislature establishes the number of justices in a township according to its population.

Municipal Courts

Municipal courts are also courts of limited jurisdiction. They handle violations of city ordinances, proceedings to abate a nuisance within a city, actions for collection of city taxes or assessments up to \$2,500, and similar matters.

Each of Nevada's cities must have a municipal court, except that the governing body of a city may provide that the justice of the peace is the ex officio municipal judge, with the consent of the county commission and the justice of the peace.

Court of Appeals

Senate Joint Resolution No. 14 of the 76th Session (File No. 47, *Statutes of Nevada 2013*) was approved for the second consecutive time by the 2013 Legislature and was submitted to the voters at the 2014 General Election. With voter approval, an intermediate Court of Appeals was established in Nevada. Article 6 of the *Nevada Constitution* was amended, creating a Court of Appeals consisting of three judges. The Nevada Supreme Court assigns the types of district court decisions to be heard by the Court of Appeals and also determines when a Court of Appeals decision may be reviewed by the Nevada Supreme Court.

Senate Bill 463 (Chapter 343, *Statutes of Nevada 2013*), a companion measure, covered implementation of the court of appeals and took effect upon ratification of the constitutional amendment by the voters.

JUSTICES AND JUDGES

Nevada's voters elect the State's justices and judges, who are nonpartisan. Supreme Court justices, district court judges, and justices of the peace serve six-year terms, except that some first-term district court judges serve four-year terms. The city charter or a city ordinance fixes the term of office of a municipal judge. In 1996, the voters disapproved a proposed constitutional amendment that would have established term limits for Nevada's justices and judges.

The Legislature has established the minimum qualifications for candidates running for judicial office, as set forth in the following table:

MINIMUM QUALIFICATIONS—CANDIDATES FOR JUDICIAL OFFICE IN NEVADA				
Category	Supreme Court	District Court	Justice Court	Municipal Court
Practice of law	Must be an attorney licensed and admitted to practice in Nevada at the time of the election or appointment.	Must be an attorney licensed and admitted to practice in Nevada at the time of the election or appointment.	In some townships, must be an attorney licensed and admitted to practice in Nevada at the time of election or appointment. ¹	
Experience/ Education	Must have been licensed and admitted to practice law in Nevada, another state, or the District of Columbia for not less than 15 years, at least 2 of which were in Nevada.	Must have been licensed and admitted to practice law in Nevada, another state, or the District of Columbia for not less than 10 years, at least 2 of which were in Nevada.	Must have high school diploma or equivalent. In some townships, must have been licensed and admitted to practice law in Nevada, another state, or the District of Columbia for not less than 5 years. ²	
Residency	Must be a qualified elector and have been a bona fide resident of Nevada for 2 years preceding the election or appointment.	Must be a qualified elector and have been a bona fide resident of Nevada for 2 years preceding the election or appointment.	Must be a qualified elector.	Must be a Nevada citizen and a qualified elector in the city, and must have been a bona fide resident of the city for not less than 1 year preceding the election or appointment, unless otherwise provided in city charter.
Other	Must not have been removed from any judicial office by the Legislature or the Commission on Judicial Discipline.	Must not have been removed from any judicial office by the Legislature or the Commission on Judicial Discipline.	Must not have been removed from any judicial office by the Commission on Judicial Discipline.	Must not have been removed from any judicial office by the Commission on Judicial Discipline.
¹ Applies in a township whose population is 100,000 or more in a county whose population is 700,000 or more (currently Clark County) and in a township whose population is 250,000 or more in other counties, but does not apply to a person who held the office of justice of the peace on June 30, 2001. ² See Note 1.				

The Legislature sets the salaries of a Supreme Court justice and a district court judge; the board of county commissioners sets the minimum salary of a justice of the peace; and the governing body of a city or the city charter sets the compensation of a municipal court judge.

When a vacancy occurs before the expiration of the term of office of a Supreme Court justice or a district court judge, the Governor must appoint a person from a list of three names the Commission on

Judicial Selection submits. The membership of the Commission varies, depending on whether the vacancy occurs in the Supreme Court or in a district court.

The Commission on Judicial Discipline receives and reviews complaints and may discipline any Supreme Court justice, district court judge, justice of the peace, or municipal judge.

JURIES

The *Nevada Constitution* guarantees the right of every person to a trial by jury, unless the parties in a civil matter waive the requirement in a method prescribed by law. The Nevada Supreme Court has ruled that the guarantee does not apply to some proceedings, such as proceedings for petty offenses, small claims actions, and certain others.

All qualified electors, whether or not registered to vote, are qualified jurors in the county in which they reside, provided that they have a sufficient knowledge of English; have not been convicted of a felony, treason, or other infamous crime; and are not incapable by reason of infirmity. A convicted felon is not a qualified juror until his or her civil right to serve as a juror has been restored. Certain persons, including members of the Legislature (when in session), police officers, persons over the age of 70 who do not wish to serve, and others are exempt from jury duty. The court may also temporarily excuse a juror on account of hardship, illness, public necessity, or other factors.

The Legislature has established laws regarding the selection of jury pools, the formation of jury panels, and the summoning of grand juries. (Only Clark and Washoe Counties have grand juries at this time.) It is unlawful for an employer to terminate, or threaten to terminate, an employee who is a juror or who has been summoned for jury duty, and persons who are unlawfully discharged may commence a civil action against their employers for lost wages and benefits, reinstatement, damages, and attorney's fees. Furthermore, an employer may not require an employee to use sick leave or vacation time to serve as a juror or prospective juror.

STATE AND COUNTY LEGAL PERSONNEL

Attorney General

The Attorney General and the appointed deputies of the Attorney General are the legal advisers to the Executive Branch of State government, and no member of the Executive Branch may employ an attorney to represent the State or be compensated by State funds, directly or indirectly, unless the Attorney General is disqualified to act in the matter or the Legislature specifically authorizes employment of other attorneys.

In criminal cases, a district attorney may request assistance from the Attorney General with the consent of the board of county commissioners. The Attorney General also prosecutes or defends, in the Supreme Court, cases to which the State, a State officer, or a county is a party.

With the consent of the Governor, the Attorney General may commence an action or defend the State in proceedings necessary to determine and establish the rights of the State or its residents as they relate to interstate waters and the public lands.

The Office of the Attorney General includes special units for children endangered by exposure to drugs; consumer protection; domestic violence; insurance fraud; the investigation and prosecution of crimes against older persons; Medicaid fraud; telephone solicitation; and workers' compensation fraud.

The voters elect the Attorney General to terms of four years, and the Legislature sets the Attorney General's salary.

District Attorneys

The district attorney in each county is the public prosecutor for the county. The district attorney also prepares all indictments required by a grand jury; defends all suits against the county; prosecutes actions for the recovery of debts, fines, and forfeitures owed to the county; brings actions for the abatement of public nuisances; and issues legal opinions to county officers. In addition, the district attorney handles legal duties for the school district in the county, unless the board of trustees of the school district has employed private counsel.

The voters in each county elect the district attorney to terms of four years.

Public Defenders

Indigent defendants charged with a crime may ask a district court judge, justice of the peace, or municipal judge to appoint an attorney to represent them. If the request is granted, the judge must designate the State or county public defender, as appropriate, to represent the defendant or, for good cause, appoint another attorney. A city must reimburse the public defender or other attorney for appearing in municipal court, and a county must reimburse the State public defender or other attorney for appearing in justice court.

In Clark and Washoe Counties, the board of county commissioners must create, by ordinance, the office of public defender and, in all other counties, the board may create such an office. Two or more counties may join together to establish an office. Once the county commission creates an office, it also appoints the public defender, who serves at the pleasure of the commission. Any county that has created an office of public defender may contract for the services of the State Public Defender when the county public defender is disqualified or otherwise unable to represent a defendant.

The Office of State Public Defender is located within the Department of Health and Human Services. The Governor appoints the State Public Defender to a four-year term. Except when operating under a contract with a county and in post-conviction proceedings presented to the Nevada Supreme Court, the State Public Defender serves only those counties in which there is no office of the county public defender.

Court Reporters

To promote efficiency and establish a standard of competency for court reporters, the Legislature has declared that the practice of court reporting is subject to regulation. The Certified Court Reporters' Board of Nevada, consisting of five Governor's appointees, administers the regulations. It examines applicants for competency, handles disciplinary matters, issues registration certificates, and licenses court reporting firms. It is unlawful to practice court reporting without a certificate or to conduct business as a court reporting firm without a license.

A district court judge may appoint a certified court reporter as the official reporter for the court or a court department. In a civil action, the court reporter must make a record of all testimony and rulings when requested by either party or the court. In a criminal case, the court reporter must make a record of all arraignments, pleas, sentences, and testimony at the request of the district attorney or the attorney for the defendant.

In justice court, the proceedings are recorded using sound recording equipment, except where the board of county commissioners authorizes and the justice of the peace appoints a certified court reporter to record the proceedings as in district court.

ATTORNEYS AND THE STATE BAR

The State Bar of Nevada, a public corporation created by statute, is under the exclusive control and jurisdiction of the Nevada Supreme Court. It is unlawful for a person to practice law in Nevada without active membership in the State Bar or other authorization under the Supreme Court rules, or if suspended or disbarred from membership.

Under the rules of the Supreme Court, the Board of Governors of the State Bar, elected by the members of the Bar, is responsible for administrative and enforcement functions. The Board of Governors appoints bar counsel, an executive director, a treasurer, disciplinary boards to serve the northern and southern districts of the State, and a standing committee on ethics and professional responsibility.

The Board of Bar Examiners, in consultation with the Board of Governors, determines the qualifications for admission to the State Bar and administers the bar examination.

ALTERNATIVE DISPUTE RESOLUTION

All civil actions filed for damages in district court must be submitted to nonbinding arbitration if the amount in issue does not exceed \$50,000 (excluding attorney's fees, interest, and court costs), unless the parties have agreed or are required to take part in a settlement conference, mediation, a short trial, or other alternative method of resolving disputes. A short trial is one that is conducted pursuant to procedures designed to limit its length, including restrictions on the amount of discovery, time limits for presenting each party's case, and the use of a jury of not more than eight persons.

All civil actions filed for damages in justice court may be submitted to binding arbitration, mediation, a settlement conference, or other alternative method of resolving disputes if the parties agree. In certain types of cases involving domestic issues, foreclosures, homeowners' associations, telemarketing, and other subjects, arbitration or mediation is required. The parties to an arbitration agreement may agree on the method for appointing an arbitrator. If they do not agree, if the method fails, or if the arbitrator is unable to act, the court must appoint the arbitrator.

In Clark and Washoe Counties, the board of county commissioners must establish a neighborhood justice center to provide, at no charge, a forum for the impartial mediation of minor disputes between businesses and their customers; family members; landlords and tenants; neighbors; and others. In other counties, the board of county commissioners may establish such a center. The centers are supported by the county's account for dispute resolution, funded by fees charged on the commencement of action and the appearance of parties in justice court.

COURT ADMINISTRATION AND FINANCES

The Nevada Supreme Court appoints a Court Administrator who serves at the pleasure of the Court. The Court Administrator and staff, known as the Administrative Office of the Courts (AOC), collect and compile statistics on court operations; determine whether courts are in need of assistance; develop accounting and procurement procedures; examine court dockets; prepare and submit biennial budgets for operation of the State court system; recommend administrative procedures, policies, and proposed legislation; and carry out other duties as assigned.

The State of Nevada is responsible for district court judges' salaries, but the counties are responsible for the costs of courtrooms, facilities, staff, and related items.

When a defendant pleads guilty or is found guilty of a crime, the sentence must include an administrative assessment, in addition to any fine imposed. The proceeds of the administrative assessments help support the AOC; the Central Repository for Nevada Records of Criminal History; the district, justice, juvenile, and municipal courts; the Fund for the Compensation of Victims of Crime; the Peace Officers' Standards and Training Commission; and other programs and uses the Legislature has identified.

The district courts and justice courts also charge fees for the commencement of civil actions, including the filing of appeals, objections, petitions, and related items. The fees are for services rendered and for support of the State General Fund, the special account for the benefit of the court, neighborhood justice centers, and programs for abused or neglected children, legal aid, victims of domestic violence, and other purposes.

ADVISORY BODIES

The Judicial Council of the State of Nevada, which the Chief Justice of the Supreme Court chairs, develops and recommends policies for court administration; develops minimum standards for court security, education of judges and staff, and other subjects; makes recommendations for the

improvement of courts; reviews proposed legislation; and carries out other duties. The AOC provides staff support to the Council.

In 1997, the Legislature established the seven-member Advisory Council for Prosecuting Attorneys to develop and carry out a program for training and assisting prosecutors in conducting civil and criminal cases and to coordinate the development of proposed legislation.

In 2007, the Legislature created the 17-member Advisory Commission on the Administration of Justice (ACAJ), which replaced the Advisory Commission on Sentencing. The appointed members serve two-year terms after the biennial legislative sessions. Among other duties, the ACAJ evaluates the corrections system, juvenile justice issues, parole, sentencing, specialty court programs, and other matters, and it submits a report to each regular session of the Legislature.

SOURCES OF ADDITIONAL INFORMATION

“The Nevada Judiciary” website of the Nevada Supreme Court: <http://nvcourts.gov>.

Annual Report of the Nevada Judiciary, Fiscal Year 2015: [http://nvcourts.gov/Supreme/Reports/Annual Reports/2015 Annual Report/](http://nvcourts.gov/Supreme/Reports/AnnualReports/2015%20Annual%20Report/).

Advisory Commission on the Administration of Justice: <https://www.leg.state.nv.us/Interim/78th2015/Committee/StatCom/AdminJustice/?ID=18>.

State Bar of Nevada: <http://www.nvbar.org>.

William S. Boyd School of Law, University of Nevada, Las Vegas: <http://law.unlv.edu/>.

STATE CONTACT INFORMATION

Nevada Supreme Court and the Administrative Office of the Courts
Tracie Lindeman, Clerk of the Supreme Court
Robin L. Sweet, Court Administrator and Director of the Administrative Office of the Courts
Supreme Court Building
201 South Carson Street
Carson City, Nevada 89701
Telephone: (775) 684-1600
Website: <http://nvcourts.gov>

Nevada Supreme Court Law Library
Christine Timko, Law Librarian
Supreme Court Building
201 South Carson Street, Suite 100
Carson City, Nevada 89701
Telephone: (775) 684-1640
Website: <http://nvcourts.gov/lawlibrary>

Research Division, Legislative Counsel Bureau
Policy and Program Report, April 2016

Nevada Legislative Counsel Bureau
Research Division
Research Library
Teresa Wilt, Legislative Librarian
401 South Carson Street
Carson City, Nevada 89701
Physical Address: Sedway Office Building, First Floor
Telephone: (775) 684-6827
Nevada Legislature's website: <http://www.leg.state.nv.us>

RESEARCH STAFF CONTACTS

Diane C. Thornton
Senior Research Analyst
E-mail: Diane.Thornton@lcb.state.nv.us

Patrick Guinan
Principal Research Analyst
E-mail: Patrick.Guinan@lcb.state.nv.us

Research Division
Legislative Counsel Bureau
Telephone: (775) 684-6825
Fax: (775) 684-6400